

WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

Thursday, December 7, 2006

A regular meeting of the Waterford City Council was called to order by Mayor Broderick-Villa at 7:09 PM at the Waterford Community Center, 540 "C" Street, Waterford, CA 95386.

PLEDGE OF ALLEGIANCE – Conducted at prior Special-Regular City Council Meeting

INVOCATION: - Conducted at prior Special-Regular City Council Meeting

ROLL CALL PRESENT

7:09:03 PM

Present: William Broderick, Mayor
Charlie Goeken, Council Member
Ken Krause, Council Member
Jim Weaver, Council Member

Absent: None

Also Present:

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

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

7:09:16 PM

AYES: Broderick, Goeken, Krause and Weaver

NAYES: None

ABSENT: None

Motion passed by majority.

ADOPTION OF THE CONSENT AGENDA: n/a

1. CONSENT AGENDA:

None.

2. PRESENTATIONS: 7:09:16 PM

2a: **APPOINTMENT OF VICE-MAYOR:** Mayor Broderick-Villa to appoint a Vice-Mayor: Mayor Broderick-Villa stated that he would like to appoint the most senior member of the City Council, CM/Krause to be the Vice-Mayor.

Broderick-Villa moved, seconded by None, to appoint CM/Krause as Vice-Mayor.

7:10:21 PM

AYES: Broderick, Goeken and Weaver

NAYES: None

ABSENT: None

ABSTAIN: Krause

Motion passed by majority.

2b: MAYOR AND COUNCIL MEMBERS ASSIGNMENTS FOR 2007:[7:10:29 PM](#)

Appoint Council Representative and Alternate to the StanCOG Policy Board:
City Administrator Deschenes gave a brief explanation of the various boards and committees that are up for council appointments. Mayor Broderick made a request that he be appointed as the regular member of the StanCOG Policy Board with CM/Goeken as the alternate. Krause moved, seconded by Weaver, to appoint Mayor Broderick as the regular member and CM/Goeken as the alternate member of the StanCOG Policy Board.

[7:12:21 PM](#)

AYES: Broderick, Goeken, Krause and Weaver

NAYES: None

ABSENT:None

Motion passed by majority.

Appoint Council Representative and Alternate to the Stanislaus County Local Task Force on Solid Waste Management: [7:12:27 PM](#)

A nomination to be determined at a later date for this committee.

Appoint Council Representative to the Stanislaus County Travel & Tourism Committee[7:14:12 PM](#)
With consensus of council, Jim Weaver was nominated for this committee

Appoint Council Representative to the Stanislaus County Economic Development Action Committee[7:14:58 PM](#) With consensus of council, Charlie Goeken was nominated for this committee.

Appoint Council Representative to the Alliance Board[7:15:26 PM](#) With consensus of council, Jim Weaver was nominated to this committee.

Krause moved, seconded by Goeken, to appoint the nominees to the committees as noted above.

[7:19:15 PM](#)

AYES: Broderick-Villa, Goeken, Krause and Weaver

NAYES: None

ABSENT:None

Motion passed by majority.

2c: CHOOSE METHOD TO FILL COUNCIL VACANCY: Council to Consider One of the Following:

1. Appoint Someone without Taking Formal Applications

[7:19:23 PM](#) City Administrator Deschenes briefly explained the options of filling the vacancy. Mayor Broderick entertained a motion for any of the three options. Goeken moved, seconded by Krause, to make appointment without taking formal applications. Mayor Broderick opened the floor for discussion.

Resident, Ken Peters, 12401 Bonnie Brae, addressed the council and spoke in favor of going to a special election. Mr. Peters made a statement to give the taxpayers their right to choose who should fill the vacancy. Mr. Peters stated that if council chooses not to go to special election, then he would favor appointing the next highest vote getter in the election.

Mayor Broderick commented that this would be the third appointment to be made in the years that he has been on City Council and feels that the first option does break with past tradition. Mayor

Broderick stated that in the past the Council has allowed time for the community to turn in applications and interview potential candidates. Mayor Broderick strongly recommended defeat of passing the motion to appoint without taking formal applications and recommended adoption of option number two to accept applications and continue consideration of this appointment to the next City Council meeting. Mayor Broderick stated that over the next couple of weeks Council could still take the option of appointing the next highest vote getter, however Broderick stated that he did not want to seem to overly hasty and break the tradition of what has transpired in the past. CM/Goeken commented that the candidates that ran for office in the last election put their time and effort in and put themselves out there to serve the community and that anyone that was interested in running could have run and chose not to, and therefore stated that he felt the next highest vote getter should be appointed because the voters have already said that was the third most qualified person to be on the City Council. Mayor Broderick stated that his concern with taking the first option would be that there may be people in the community that may wish to speak in favor or opposition of this that taking this option tonight would not allow them the chance to do so. Mayor Broderick stated that the third highest vote getter can still apply for the vacancy the same as any other interested candidate.

CM/Krause commented that the third highest vote getter does have all of the qualifications to be on the City Council as he has served on both the Parks & Recreation Commission and currently serves as the Chair of the Planning Commission and strongly recommended consideration of the third highest vote getter.

CM/Weaver commented that it would not be prudent to waste the tax payers money and opt for a special election because there is not a need to do that and stated that option number two seems to be the most transparent. CM/Weaver stated further that this would allow the opportunity to listen to the voice of all citizens wishing to participate and would also allow the council to take a look at all interested candidates and review their qualifications.

Mayor Broderick closed the comment session and explained to the audience that it would take a vote of three members to pass the motion to appoint without taking formal applications.

[7:26:22 PM](#)

AYES: Goeken and Krause

NAYES: Broderick and Weaver

ABSENT:None

Motion Failed by majority.

2. Accept Applications and Continue Consideration of this Item to Sometime no Later than January 4, 2007: Mayor Broderick entertained a motion to accept applications and continue consideration of appointment.

Weaver moved, seconded by Goeken, to accept applications and continue consideration to sometime no later than January 4, 2007. CM/Goeken made a comment that he seconds this motion only because he considers option number three to be unacceptable. Mayor Broderick opened the floor for discussion. No additional comments or discussion was offered.

[7:26:57 PM](#)

AYES: Broderick-Villa, Goeken, Krause and Weaver

NAYES: None

ABSENT:None

Motion passed by majority.

3. Call for a Special Election to Fill the Unexpired Term Ending November 2008.

3. COMMUNICATIONS FROM THE AUDIENCE: [7:27:08 PM](#)

None.

4. PUBLIC HEARING ITEMS:

None.

5. UNFINISHED BUSINESS:

5a: DISCUSSION: Relating to the Waterford Government Center Project: [7:27:18 PM](#)

City Administrator Deschenes stated that there is no new news to report since there has not been a government center planning committee meeting since the last City Council meeting, however reported that an Architect firm was agreed upon at the last committee meeting and their recommendations will be coming before Council soon. Deschenes stated that the government center project itself is going fairly well. Deschenes stated that we have had two years in a row where we have had significant one time non-recurring types of revenue. This has allowed us to put more funds into the government center fund than anticipated. Deschenes stated that the reason this is good news is because initially we were talking about a debt issue. Deschenes explained that he is using the term "debt issue" loosely because usually what happens is we go with Certificates of Participation, which is actually a lease purchase rather than formal bonded debt. It would have required about a 3 million dollar debt issue and Deschenes explained that he thinks we are reaching the point now where we will probably be able to get by with about a ¼ million dollar debt issue. Deschenes stated that this is of course subject to review by our financial consultants when the time comes and the architect has to get on board and develop the conceptual guidelines and do the design and cost estimates. Deschenes stated that none the less it is moving along and is a big project for a city this size. Deschenes stated that we will be taking a lot more about this project, however wanted to introduce some of these concepts since we do have a new council some of which have not heard some of this before. Deschenes reminded all of the council members that if they have questions or comments even outside of the meeting to please stop by his office or email him and he would be happy to go over things with them individually.

5b: DISCUSSION: Relating to the Fiscal Year 2006-07 Budget: [7:30:51 PM](#)

City Administrator Deschenes distributed a copy of a preliminary draft of the first run-through of the budget worksheets. Deschenes stated that he does not expect the Council to digest this right now especially with new Council Members on board. Deschenes explained that as he stated in the last item, we have come off a couple of years of some significant one-time revenue and also had some heavy growth in our tax rolls, however the economy now is slowing down and while we don't know what the future holds, he feels it is a safe bet for this year and possibly next we will not see the types of growth and tax revenues that you saw for the last preceding two. Deschenes explained that because of this he is trying not to add a lot of ongoing cost to the city, while at the same time trying to address the needs of the citizens. Deschenes stated that one of the ongoing costs that we wanted to add this year is for the additional deputy. Deschenes explained further that he will be bringing a letter to the next meeting asking for approval and signature by Council for this to send to the County. Deschenes stated that this has been a Council priority for the past several years and after listening to the new Council Member speeches tonight it appears to continue to be a priority. Deschenes stated that he has a lot of work to do on the budget, mainly in the local transportation funds, the gas tax funds and its associated capital funds. Deschenes stated that in talking with our financial consultant she is in the process of re-classifying some incorrectly coded revenues and directly them to the correct funds. This is mainly do to the fact that we have some projects that have very similar project names. Deschenes explained some of the one-time revenues mentioned earlier. Deschenes stated that part of this was due to our own general plan. We budgeted initially \$180,000 for a very simple general plan and sphere of influence update. The development community came to us saying that it would be a lot easier for them if we developed a more full blown general plan that included a lot of the environmental work that we really should have and we would have to do anyway if we ever wanted to annex anyway so the development community made some contributions to our general plan which significantly expanded the scope of work, which Deschenes feels resulted in a better document. Therefore, Deschenes explained that these were one-time revenues received in a one-year period that will not be re-occurring revenues. In addition, when the State had its budget crisis, they did some loans to local entities that were repaid late last year. This resulted in approximately \$60,000 repaid to the City of Waterford. Deschenes stated that he is happy to answer any questions the Council may have and to help them understand this complicated process.

6. NEW BUSINESS:

6a:RESOLUTION 2006-99: Discussion and Consideration of a Professional Services Agreement for Architectural Services for the Waterford Government Center:[7:36:36 PM](#)
City Attorney Browning explained that he does not have a final agreement as of yet. Browning explained that he is working with the Architect Firm to finalize the agreement and is hopeful that it will be ready at the next City Council meeting. Item continued to the next city council meeting.

6b:DISCUSSION: Consideration to Approve Agreement with Randall G. Richert, MAI to Provide Appraisal Services on APN: 080-041-07:[7:38:45 PM](#)
City Administrator Deschenes stated that this is in regards to a parcel that is referred to as the Lucinda Rae parcel which is located adjacent to our waste water treatment plant to the west. Deschenes stated that we have a state grant to purchase this property, however it is slightly more complicated than that because we are also purchasing a small portion of the property that is fairly flat and adjacent to the WWTP to merge with the WWTP parcel. Deschenes stated that because of that part of the deal there will be some WWTP funds expended on this transaction. Deschenes explained that because of this he proposed a simple apportionment of cost because we have an appraisal for the entire parcel, based on the square footage. The State was not comfortable with that so they wanted the appraiser to assign separate values to the parcel that the State would be granting us funds for. Deschenes stated that we will most likely pay a portion of this expense; however it will not be significant. Deschenes stated that the portion of the parcel that will not be a part of the WWTP will be a part of the River Park frontage system and will be passive use parkland. Deschenes recommended approval of this agreement. City Attorney Browning explained that the agreement itself is not in the normal format that we use for professional services agreement, however we have hired and utilized this person in the past and we have established a good relationship with this individual. Mr. Browning stated that he has reviewed the agreement in the format provided by Mr. Richert and is comfortable with it as presented. Mayor Broderick entertained a motion to approve the agreement.

Goeken moved, seconded by Krause, to approve the agreement with Randall G. Richert, as recommended.

[7:41:54 PM](#)

AYES: Broderick-Villa, Goeken, Krause and Weaver

NAYES: None

ABSENT:None

Motion passed by majority.

6c:RESOLUTION 2006-102: A Resolution Approving Purchase Agreement for APN: 080-041-07:
[7:42:00 PM](#)

City Administrator Deschenes explained that this is related to the previous item. It is a 9 acre parcel and the owner is a willing seller which is a condition for the State to grant the funds. Deschenes explained that the transaction is a bit complicated because there are two separate owners in two separate states other than California. Deschenes explained that if Council approves the agreement he will send it to owner that has already consented to sign the agreement and then make arrangements for it to get to Utah to be signed by the other owner. Once it is signed by both owners and returned to us, then it will form the basis to open escrow on this property. City Attorney Browning stated that this is unusual in the sense that we typically have the other party sign the agreement first, however because of the logistics of the other parties it made sense to go about this in this manner. City Attorney Browning stated that the seller's attorney has also reviewed and approved the agreement as well.

Krause moved, seconded by Weaver, to adopt Resolution 2006-102, as recommended.

[7:44:45 PM](#)

AYES: Broderick, Goeken, Krause and Weaver

NAYES: None

ABSENT:None

Motion passed by majority.

- 6d: DISCUSSION: Western Ave. Street Improvement Project:[7:44:49 PM](#)
 City Administrator Deschenes explained that the Western Ave. street improvement project has been a high priority project with Council for a number of years. The City Engineer and the Public Works Director came up with a plan on how to fund this particular improvement project. At the present time we are talking about curbs, gutters, street and storm drain improvements, although depending on financing and Council desires this could be expanded. StanCOG has verbally approved the agreement on funding and our StanCOG representative, Bruce Abernathy has agreed to formally amend things and put this in writing and we are hopeful he will do this fairly quickly because we want to go forward and authorize the engineer to prepare and issue the bid documents so that work can start during the next construction season. Deschenes stated that this is a short summary to bring Council up to date and also open this up for discussion because it is still a very popular project. Deschenes explained the transportation funding process that we plan to utilize and further explained some of the details of the project in relation to timing of the bid process. A short question/answer period continued between Council and the City Administrator.

7. COMMENTS:

- 7a: Law Enforcement Update. [7:54:52 PM](#) Police Chief, Rob Jackson welcomed the new Council Members and stated that he is looking forward to working with them and stated that his door is always open if they ever have any questions. Chief Jackson reported a sharp increase in vehicle burglaries and attributes this to being a crime of opportunity and reminded everyone especially during holiday season to not leave valuable items inside vehicles and also not to warm up their vehicles in the driveway and leave unattended. Chief Jackson also reported that tomorrow night will kick off our partnership with the office of traffic safety for the annual holiday DUI crackdown. Our officers will be working the driving under the influence unit for the next few nights and weekends at the high traffic areas for the holiday season. Chief Jackson explained the duties that are planned for the new deputy that will be added on.
- 7b: City Attorney Update: [7:58:14 PM](#) City Attorney Browning welcomed the new Council Members and thanked the outgoing Council Members for their work and accomplishments while in office. Browning stated that he left each new council member his business card and encouraged all of them to contact him with any legal issues or questions that may come up and asked them to not wait for a council meeting to bring it up. Browning asked them to contact him immediately and they will try and work through these types of issues in advance. Browning stated that he works better with advance notice so that he has time to research things and stated that he will be as responsive as he can as quickly as he can. Browning requested closed session under pending litigation under Government Code Section 54956.9.
- 7c: City Administrator Update: [7:59:36 PM](#) City Administrator echoed the City Attorney's comments by thanking the outgoing council members for their work and welcomed the new council members. Deschenes reported on an anonymous complaint he received in regards to the general plan update. The complaint was in regards to why the general plan has not gone to LAFCO yet being that it was approved by the City Council. Deschenes stated that he explained that the process is a bit more complicated than that and that LAFCO requires a municipal services review before they will approve the plan and in addition he explained that Council along with LAFCO would like to see the city's impact fee study completed first. Deschenes explained that this person felt that this part of the process was not disclosed properly, therefore Deschenes stated he felt it was worthwhile to clarify this tonight so that everyone understands that this is a process that does take time and that there is additional information that we have to develop for LAFCO and perhaps ourselves. Deschenes stated that he feels March 2007 would be the earliest date we could present our general plan to LAFCO and it will be interesting and challenging to meet that deadline. Deschenes stated that the impact fee study is a complicated process and it is important to get it right. Deschenes stated that he will be keeping in touch with the City Planner and the consultants that are working on this part of the project to keep it moving along.

Deschenes gave a brief update on the Community Development Block Grant program (CDBG). Deschenes stated that at the time we applied for this grant we had a federal census tract that met the federal criteria for low and moderate residents that would allow us to expend the funds fairly expeditiously. However, recently the feds updated that census tract district and now we no longer have a census tract district within the City of Waterford that demonstrates enough low and moderate income residents to expend the funds without additional study. Deschenes stated that he will be putting out an RFP as quickly as possible because there is a considerable amount of funds (over \$300,000 annually) that could help us with our goals. Therefore, Deschenes stated that he is going to try and get a consultant on board very quickly to do a low and moderate income housing survey for the community which will document through estimation and statistics how many low and moderate income households we have in Waterford. Deschenes stated that he is also going to have them look at target areas such as the downtown area, which Deschenes considers blighted and see if we can possibly get some of those funds to address issues there, also the old area of downtown in the vicinity of Skyline Park and Skyline Blvd. Deschenes stated that we did do a quick study on Western Ave which he thinks the feds are buying, so we should be able to use some of these funds on the Western Ave. project to relocate some utilities and also perhaps put in some sidewalks if this is something the residents along Western want to do. Deschenes re-emphasized the fact that this needs to be done very quickly, therefore he wanted Council to know that he will be putting out an RFP as soon as possible, however he will bring back any contract to Council for approval. Deschenes stated that the consultant will have to be certified and on the state list in order to qualify.

Deschenes stated that he will schedule a goal setting session in the near future so that Council can determine their goals and what direction we are going in. Deschenes stated that he does not set policy and that he follows Council's direction, therefore he is going to need that direction. However in the meantime, Deschenes stated he is proceeding under the old goals of the Waterford Government Center project, public protection and safety, and streets are the basic categories of goals he has been working on.

Deschenes stated that at the urging of some City Managers in San Joaquin and Stanislaus County is contemplating an elected official's workshop. Deschenes stated that they have come to the realization that the majority of elected officials in these counties are employed in the private sector full-time and it is very difficult for most of these elected officials to get away for a two day conference in Monterey, therefore they have asked the League of California Cities to do a one day workshop to make it more accessible and possible for our elected officials to attend. The League is working hard to try and accommodate our request and if we are successful in getting a class established in the local area he would encourage everyone to go and stated that it is very valuable training.

7d: City Council Update: [8:09:09 PM](#)

CM/Weaver: stated that he looks forward to working with everyone and thanked the City Clerk and her staff for being especially helpful to him and values all the folks he visited with along the way and stated he is excited about the task at hand and is looking forward to getting to work.

CM/Goeken: thanked the outgoing council members for their leadership and direction they provided and looks forward to working with the rest of the council to keep the city going in the right direction.

CM/Krause: thanked Mayor Turner for all of his years of service and leadership and stated that he did an excellent job and also thanked all of the many council members he has worked with all of whom have been great to work with. CM/Krause encouraged the new council members to stay in touch with the City Administrator to get familiar with all of the issues facing the city. Reminded everyone of the Christmas tree lighting ceremony at the Museum this Saturday. The decorating of the tree starts at 3:00 p.m. and the tree lighting will be at 6:00 p.m.

Mayor Broderick: stated that he is currently on jury duty and is juror number six. Although he can not talk about it right now, Broderick stated that he feels everyone should be a juror at least once for the experience. Mayor Broderick stated that he does plan to respect people's time and to keep the meetings as short as possible and feels this may encourage more people to attend the meetings and voice their opinions. Broderick stated that he plans to follow Roberts Rules of order as closely as possible and stated that we have a great council and he is looking forward to doing this. Mayor Broderick thanked the citizens for allowing him the honor of serving as their Mayor.

8. ANNOUNCEMENTS: [8:12:33 PM](#) Mayor Broderick encouraged any interested citizens to apply for either the vacant Planning Commission seat vacated by the election of Charlie Goeken to City Council and the vacant City Council seat which is vacant due to his election to Mayor of the City of Waterford. Mayor Broderick encouraged anyone interested to submit their applications by December 15, 2006. This would ensure that the applications are available for the next City Council agenda packets and can be reviewed by all members of the City Council so that they can act on these two vacancies.

ADJOURNMENT/RECESS: [8:13:22 PM](#)

Krause moved, seconded by Weaver, to recess the City Council meeting at 8:13 p.m. After a short recess Council will reconvene to Closed Session and will reconvene to adjourn the City Council meeting directly following closed session.

[8:13:32 PM](#)

AYES: Broderick, Goeken, Krause and Weaver

NAYES: None

ABSENT: None

Motion passed by majority.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on December 21, 2006, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Lori Martin, City Clerk

William Broderick, Mayor

CLOSED SESSION:

- Item 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
City Attorney provided the status of the case and the City Council gave direction to the City Attorney.

- 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)

- 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)