

WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

Thursday, December 21, 2006

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.

PLEDGE OF ALLEGIANCE: [6:30:32 PM](#) Mayor Broderick

INVOCATION: [6:31:06 PM](#) Pastor Pete Mar, Community Baptist Church

ROLL CALL PRESENT [6:31:25 PM](#)

Present: Broderick
Goeken
Krause
Weaver

Absent: None

Also Present: Browning
Deschenes
Erickson
Jackson
Martin

City Attorney Browning made a request to add an item to the agenda to consider for approval Resolution #2006-112 under emergency conditions provided for by Gov. Code Section 54954.2. Browning explained that his office received correspondence from Stanislaus County after the agenda was posted and that action is needed on this item before December 31st. Browning also explained that adding this item to the agenda will require a 2/3 vote of council.

ADOPTION OF THE AGENDA: [6:31:42 PM](#) Krause moved, seconded by Weaver, to adopt the agenda with the amendment of the addition of Resolution 2006-112 to the agenda.

[6:41:55 PM](#)

AYES: Broderick, Goeken, Krause and Weaver
NAYES: None
ABSENT: None

Motion passed by majority.

6h: RESOLUTION 2006-112: A Resolution Relating to Tax Defaulted Land to be Sold at Public Auction: **(Late Item added by majority vote of Council)**[6:34:52 PM](#)

City Attorney Browning explained that this is relating to certain foreclosures on property authorized by Stanislaus County. The County is required to notify public entities with interests in those properties of the foreclosure process. Public entities are afforded the opportunity to object or protest to the foreclosure. If public entities do not respond to the notification, any liens or interests the public entities may have in the properties are forfeited. Browning explained that our timeline to respond is December 31, 2006.

Krause moved, seconded by Goeken, to adopt Resolution 2006-112, as recommended.

[6:37:04 PM](#)

AYES: Broderick, Goeken, Krause and Weaver
NAYES: None
ABSENT:None

Motion passed by majority.

ADOPTION OF THE CONSENT CALENDAR: [6:37:12 PM](#) Goeken moved, seconded by Krause, to adopt the Consent Calendar

[6:37:25 PM](#)

AYES: Broderick, Goeken, Krause and Weaver

NAYES: None

ABSENT: None

Motion passed by majority.

1. CONSENT AGENDA:

- 1a: RESOLUTION 2006-104: Warrant Register
- 1b: Minutes of the Special-Regular Meeting held on December 7, 2006
- 1c: Minutes of the Regular Meeting held on December 7, 2006
- 1d: Building Report – November 2006
- 1e: Business License Report – November 2006
- 1f: Wastewater Daily Flow Summary – November 2006
- 1g: Police Services Report – October 2006
- 1h: Blue Ribbon Committee E-mail Correspondence and Power Point Presentation
- 1i: Waterford Unified School District Developer Fee Rates Approved by the Board of Education of Waterford U.S.D. on November 9, 2006

2. PRESENTATIONS:

- 2a: PROCLAMATION: Recognition and Appreciation to Mayor Charles Turner for his years of service: [6:38:13 PM](#)
Mayor Broderick read aloud the Proclamation of Recognition and Appreciation to Mayor Charles Turner for his years of service and presented the Proclamation to Mrs. Debra Turner who accepted it on Mayor Charles Turner's behalf.

3. COMMUNICATIONS FROM THE AUDIENCE: [6:40:57 PM](#)

None.

4. PUBLIC HEARING ITEMS:

None.

5. UNFINISHED BUSINESS:

- 5a: DISCUSSION: Relating to the Waterford Government Center Project: [6:41:28 PM](#)
City Administrator Deschenes explained that the Architect Agreement is on the agenda tonight and is ready for acceptance by the City Council. Deschenes explained that once the agreement is executed the Architect firm will start a needs assessment. Deschenes stated that typically it will be approximately one year before we will have plans and specifications, however stated that we will do whatever we can to expedite this process.
- 5b: DISCUSSION: Relating to the Fiscal Year 2006-07 Budget: [6:42:44 PM](#)
City Administrator Deschenes distributed a summary update of the budget as to the progress made since the last meeting and update. Deschenes stated that he still needs to go through the funds to make sure that all the transfers made tie out. Deschenes stated that he has not completed all the transfers on all of the funds as of yet, therefore there will be more changes to come. Deschenes stated that the city is continuing to make progress. We have been fairly aggressive in our capital spending. Deschenes explained that in the last 3 years we have had some growth related and one-time revenues. Deschenes stated that these types of revenues are best spent on capital projects and improvements because they do not require future ongoing revenues on a year-by-year basis.

Deschenes stated that this has been the budget philosophy for quite some time and this is what the budget reflects. Deschenes estimated that Council will see these budget worksheets again in a more final format possibly by the second meeting in January.

- 5c: RESOLUTION 2006-99: Discussion and Consideration of a Professional Services Agreement for Architectural Services for the Waterford Government Center :[6:44:27 PM](#)
City Attorney Browning explained that RRM drafted the agreement and submitted to Browning for review. Browning stated that he made some changes and additions to the agreement and stated that he is now satisfied with the agreement that is before Council tonight and staff has recommended approval.

Weaver moved, seconded by Krause, to adopt Resolution 2006-99, as recommended.

[6:46:45 PM](#)

AYES: Broderick, Goeken, Krause and Weaver

NAYES: None

ABSENT:None

Motion passed by majority.

6. NEW BUSINESS:

- 6a: DISCUSSION: Consideration of Applications Received and Interview of Candidates for Vacancies on the City Council and Planning Commission. If Appointments to either City Council or Planning Commission Determined, Approval of Resolution #'s 2006-109 and 2006-110
Accordingly: [6:46:54 PM](#)

Mayor Broderick explained that the Council took action at the last meeting to accept applications from the public for the vacant council seat and that nine applications have been received. Mayor Broderick explained the process of the appointment and stated that if no objections by council, he would call up each applicant in alphabetical order to introduce themselves and allow for a question/answer period. The following applicants were interviewed by the Council in the following order:

[6:50:43 PM](#) – Peter Collins

[6:52:46 PM](#) – Greg Dugovic

[6:54:00 PM](#) - Chris Esther

[6:56:35 PM](#) - Denise Finch

[6:59:15 PM](#) - Monica Garcia

[7:02:36 PM](#) - Patricia Hulst

[7:06:16 PM](#) - Obdulia Mungia

[7:11:04 PM](#) - Daniel Padrnos

[7:14:36 PM](#) - Don Viss – was not present at the meeting.

Mayor Broderick stated that he would like to conduct a straw poll from the council members. Mayor Broderick distributed a straw poll sheet to each council member and explained that the council members could vote “yes” for as many candidates that they felt they could sit beside and work with and for who they felt was qualified for the position and explained that they could also vote “no” for as many candidates as they would like. Mayor Broderick stated that they could also write in any names if they wished to nominate someone who had not turned in an application. The council members filled out their straw poll vote cards and handed them to the Mayor. Mayor Broderick tallied the vote cards. Mayor Broderick stated that a candidate would need three votes to sustain the appointment. Mayor Broderick stated that before he makes a nomination he will remove those candidates from the list that failed to achieve three votes. Mayor Broderick stated the results of the straw vote as follows:

Peter Collins	2 yes / 2 no
Greg Dugovic	2 yes / 2 no
Chris Esther	2 yes / 2 no
Denise Finch	3 yes / 1 no
Monica Garcia	2 yes / 2 no
Patricia Hulst	3 yes / 1 no
Obdulia Mungia	3 yes / 1 no

Dan Padrnos 1 yes / 3 no
Don Viss 1 yes / 3 no

[7:18:14 PM](#) Mayor Broderick removed from consideration: Peter Collins, Greg Dugovic, Chris Esther, Monica Garcia, Dan Padrnos and Don Viss. Mayor Broderick stated that the candidates remaining for consideration are: Denise Finch, Patricia Hulst and Obdulia Mungia. Mayor Broderick opened the floor for Council discussion and community comments before making a nomination.

[7:19:40 PM](#) CM/Goeken stated that because Mayor Broderick asked them to vote yes for any candidate they could see themselves sitting beside and working with on Council and for any candidates they felt were qualified, therefore Goeken stated that he voted yes for all of the candidates because it is impossible to tell from a short interview who is the most qualified and stated that he felt all of them were qualified and all would do a good job, therefore he voted yes for all of them. However, Goeken stated further that this was not reality and that in reality they can only vote for one. CM/Krause stated that he feels that the system Mayor Broderick used for this voting is flawed and because of the number of yes votes one person could cast that all the candidates suffered for it. CM/Krause stated that he wished to register a formal complaint for the way in which the vote was conducted.
Mayor Broderick stated that CM/Krause's complaint would be noted.

[7:20:54 PM](#) Debra Turner, 433 Snowspring Ct., addressed the Council in opposition of the way the straw vote was conducted stating that it was very unbalanced and unfair and that she disagrees with how the appointment is being handled.

CM/Krause stated that he is opposed to the process in which the straw vote was conducted and made a motion to make the straw vote null and void. City Attorney Browning recommended he clarify the motion with a suggested method of how to handle the appointment. City Attorney Browning explained that the Council has the discretion to choose the methodology that they deem appropriate to fill the vacancy. CM/Krause clarified his motion to make the straw vote null and void and to allow nominations to be made by council on any candidate and to vote for each nomination one at a time. Mayor Broderick asked for a second on the motion. No second was made, motion failed due to lack of second.

Mayor Broderick moved the nomination of Patricia Hulst.

Broderick moved, seconded by Weaver, to appoint Patricia Hulst

Mayor Broderick asked the City Clerk to take a poll vote of the Council to appoint Patricia Hulst.

[7:26:42 PM](#)

AYES: Broderick and Weaver

NAYES: Goeken and Krause

ABSENT:None

Motion Failed by majority.

Mayor Broderick moved the nomination of Denise Finch.

[7:26:50 PM](#) **Broderick moved, seconded by Weaver, to appoint Denise Finch.**

[7:27:51 PM](#)

AYES: Broderick and Weaver

NAYES: Goeken and Krause

ABSENT:None

Motion Failed by majority.

Mayor Broderick moved the nomination of Obdulia Munguia

Broderick moved, seconded by Weaver, to appoint Obdulia Munguia.

AYES: Broderick and Weaver

NOES: Goeken and Krause

ABSENT: None

Motion Failed by majority.

Council Member Goeken moved the nomination of Chris Esther
[7:28:07 PM](#) **Goeken moved, seconded by Krause, to appoint Chris Esther**

[7:29:41 PM](#)

AYES: Goeken and Krause

NAYES: Broderick and Weaver

ABSENT:None

Motion Failed by majority.

Council Member Krause moved the nomination of Greg Dugovic
Krause moved, seconded by Goeken, to appoint Greg Dugovic.

[7:30:19 PM](#)

AYES: Goeken and Krause

NAYES: Broderick and Weaver

ABSENT:None

Motion Failed by majority.

Council Member Krause moved the nomination of Debra Turner
[7:30:39 PM](#) **Krause moved, seconded by Goeken to appoint Debra Turner.**

[7:31:31 PM](#)

AYES: Goeken and Krause

NAYES: Broderick and Weaver

ABSENT:None

Motion Failed by majority.

[7:31:50 PM](#) Cliff Acosta, 200 Kary Ct. addressed the Council and expressed dissatisfaction with the council meeting stating that the council appears to be very disorganized and not united on this appointment. Mr. Acosta stated that he would like to see the Council united and feels that tonight's meeting is a poor display of our city. Mr. Acosta commented that it would have been better if the Council as a whole would have agreed on the method of voting for the appointment. Council Member Goeken asked Mr. Acosta if he were in their position who he would vote for. Mr. Acosta agreed that it would be a tough decision because they all seem qualified and in a five minute interview it would be hard to determine who the best candidate would be, but with that said if he had to vote he would vote for Chris Esther because he has the experience and understands the issues.

[7:32:56 PM](#) Mayor Broderick asked for discussion on the remaining candidates that were eliminated from the straw vote. Council Member Goeken stated that the point is not whether or not they would do well or whether they are qualified or not, because we have already eliminated other people who are just as qualified that would do just as good of job, however the people have already voted on who should be selected and does not feel that the council should change that and stated further that he can not support anyone who did not run and did not finish as the next highest vote getter in the election.

[7:37:07 PM](#) Gus Obethier, 11165 Yosemite Blvd. addressed the Council stating that just because the Council is divided on the appointment it is not a bad thing and that it is democracy in action.

[7:38:27 PM](#) Kim Rose, stated she does not live within the city limits, however is a very active and involved community member. Mrs. Rose expressed her opposition as to the way the straw vote was conducted and further stated that it appears that the Council does not approve of the way the Mayor held the vote.

CM/Weaver inquired about continuing the appointment to the next meeting and asked the question as to whether the Council would have the ability to nominate from the same list again. City Attorney Browning explained that Council would have the ability to consider anyone in this pool and possibly beyond this pool. Browning explained further that as Mayor Broderick has pointed out that technical parliamentary procedure may say that once a motion fails it can not be revisited again; however parliamentary procedures are only a guide because they are really designed for parliament and not necessarily 5 member bodies. Browning stated that cities have the ability to abolish or waive these procedures as they deem necessary because these rules are a guide for Council's to use within a framework that allow Council's to function and that means revisiting motions that may have failed before. CM/Krause stated that all candidates from this pool and any new candidates that apply between now and then would be eligible for consideration. CM/Krause recommended a cutoff date of Friday, December 29, 2006 for applications to be submitted for consideration.

[7:44:29 PM](#)

Krause moved, seconded by Goeken, to have a City Council application cut-off date of Friday, December 29, 2006; with the condition for those that have already applied need only to confirm with the City Clerk that they wish to keep their application active.

[7:45:06 PM](#)

AYES: Broderick, Goeken, Krause and Weaver

NAYES: None

ABSENT:None

Motion passed by majority.

[7:45:16 PM](#) Applicant Dan Padrnos addressed council requesting to withdraw his application. Mr. Padrnos stated that he agrees with CM/Goeken that the people have already spoken and feels that Chris Esther is the only right person for the job.

Mayor Broderick continued on to the second portion of Item 6a for consideration of the appointment to the Planning Commission. Mayor Broderick confirmed that there were two applications received for the vacant seat on the Planning Commission which were submitted by Bret Boetto and Denise Finch. CM/Goeken stated that Mr. Boetto was unaware that he needed to be here tonight to be interviewed.

[7:45:46 PM](#) Applicant Denise Finch addressed the council stating she applied for both positions because she cares about the community and wants to be involved.

[7:47:18 PM](#) Gus Oberthier, 11165 Yosemite Blvd. addressed the council stating that he lives outside of the city limits and asked if the Council would consider appointing someone from the surrounding area and stated that one vote on the Planning Commission would not be a majority vote, however believes that the input from someone from outside the area might improve the vision of the whole Planning Commission. City Administrator Deschenes informed Council that residency in the city limits is a requirement to be appointed as a Planning Commissioner. Deschenes explained that in order to appoint a member that was not a resident, Council would need to amend the ordinance beforehand.

CM/Goeken discussed with Council the qualifications that Bret Boetto would bring to the Planning Commission. CM/Goeken stated that he has a real estate license, a general contractor's license and he is a state certified school inspector and therefore he is very knowledgeable about building codes and stated that as a Planning Commissioner there were many times that technical questions of this nature occurred. CM/Goeken stated that he encouraged Mr. Boetto to apply because he felt he was very qualified for the position. Mayor Broderick asked Goeken if he thought he could work with Denise Finch. CM/Goeken stated he said he could work with her as a Council Member, therefore he could work with her as a Planning Commissioner just the same, however Goeken stated and explained again that the question is not whether they can choose both of them, the question is who they feel is the most qualified for the position. Mayor Broderick asked for comments from CM/Krause. CM/Krause stated he would be happy with either candidate.

Applicant, Denise Finch addressed the Council stating that she does want to get involved and she does want what is best for the city and stated that Mr. Boetto sounds pretty qualified and she would give her vote to him. Mayor Broderick stated that he likes her consensus team building attitude and that someone with that kind of attitude needs to be drafted.

Mayor Broderick moved the nomination of Denise Finch to the Planning Commission.

7:49:43 PM Broderick moved, seconded by Krause, to appoint Denise Finch to the Planning Commission.

7:52:45 PM

AYES: Broderick, Krause and Weaver

NAYES: Goeken

ABSENT:None

Motion passed by majority.

Mayor Broderick announced that City Clerk, Lori Martin will administer the oath of office to Denise Finch and that Council will take a short recess directly after the swearing in of Ms. Finch.

7:54:46 PM Mayor Broderick announced that the Council will take a 10-15 minute recess for some refreshments in honor of our new appointment.

City Council reconvened at 8:08PM.

- 6b: RESOLUTON 2006-105: A Resolution Accepting the River Walk Park Restroom Facility Bid:
8:08:03 PM Public Works Director, Matt Erickson reported that the bids for the River Walk Park Restroom Facility were opened and read aloud in the office of City Hall on November 30, 2006 at 2:00 p.m. with three bids received and the low bidder being JHK Construction with a bid amount of \$153,801.00. Erickson explained that the bid came in approximately \$33,000 over the amount budgeted for the project. Erickson explained further that the caveat to this is that we do have Prop 40 funding that we can use to make up the difference. Erickson stated that he has sent a letter to the State Dept. of Parks & Recreation requesting that the budgeted amount be increased to cover the overage. Erickson recommend acceptance of the bid from JHK Construction and to delay the award of contract until we get confirmation from the State Dept. of Parks & Recreation of an increase to our allocation.

Krause moved, seconded by Goeken, to adopt Resolution 2006-105, as recommended.

8:11:31 PM

AYES: Broderick, Goeken, Krause and Weaver

NAYES: None

ABSENT:None

Motion passed by majority.

- 6c: RESOLUTION 2006-106: A Resolution Accepting the Jim Allen Multi-Family Public Improvements:8:11:36 PM
City Administrator Deschenes explained that the public improvements have been inspected and approved by the City Engineer and recommended approval of the resolution.

Weaver moved, seconded by Goeken, to adopt Resolution 2006-106, as recommended.

8:12:36 PM

AYES: Broderick, Goeken, Krause and Weaver

NAYES: None

ABSENT:None

Motion passed by majority.

- 6d: RESOLUTION 2006-107: A Resolution Accepting the Acosta Subdivision Public Improvements:

[8:12:44 PM](#)

Public Works Director, Matt Erickson addressed the Council stating that this subdivision had some issues, however from these issues a punch list was generated and stated that the improvements were inspected and approved by the City Engineer and recommended adoption of the resolution.

Goeken moved, seconded by Krause, to adopt Resolution 2006-107, as recommended.

[8:13:46 PM](#)

AYES: Broderick, Goeken, Krause and Weaver

NAYES: None

ABSENT:None

Motion passed by majority.

- 6e: RESOLUTION 2006-108: A Resolution Accepting Public Improvements for the Safe Routes to School Project No. SR2SL-5406(015):

[8:13:53 PM](#)

Public Works Director, Matt Erickson explained that this was a public improvement project and stated that he accompanied the City Engineer in inspecting the public improvements which have been approved and recommended adoption of the resolution.

Krause moved, seconded by Weaver, to adopt Resolution 2006-108, as recommended.

[8:14:57 PM](#)

AYES: Broderick, Goeken, Krause and Weaver

NAYES: None

ABSENT:None

Motion passed by majority.

- 6f: DISCUSSION: Review of RFP and CDBG Funding Criteria:

[8:15:05 PM](#)

City Administrator Deschenes explained that he has provided a draft copy of an RFP in the Council packets and stated that the draft RFP will still need to be combined into the standard boiler plate document with the statutory language. Deschenes stated that the draft has been reviewed by the county CDBG coordinator and he has generated a list of questions which Deschenes stated he responded to and a copy of such is included in the Council packets. Deschenes explained that he is working on getting the RFP in the final form so that it can be sent out and we can get bids.

- 6g: RESOLUTION 2006-111: A Resolution Approving the Addition of a Police Officer Position and Authorizing Corresponding Changes to the 2006/2007 City Budget:

[8:20:47 PM](#)

City Administrator Deschenes stated that this has been a priority of this council and previous council and he is glad that the city is finally in a position to do this. Police Chief Jackson explained his plans to have this additional officer as a community resource officer and explained the benefits of this position.

Krause moved, seconded by Weaver, to adopt Resolution 2006-111, as recommended.

[8:25:15 PM](#)

AYES: Broderick, Goeken, Krause and Weaver

NAYES: None

ABSENT:None

Motion passed by majority.

7. COMMENTS:

7a: Law Enforcement Comments/Reports:[8:25:25 PM](#)

Chief Jackson reported an increase in auto burglaries during the holiday season and suggested that the public remove all valuables from their vehicles at night and to not leave their vehicles running unattended in the mornings.

7b: City Attorney Comments/Reports:[8:26:59 PM](#)

City Attorney Browning requested closed session under Government Code Section 54956.9 for Anticipated Litigation and Pending Litigation. City Attorney Browning cautioned Council Members that during this appointment process for the vacant council seat to please resist the temptation to try and solicit collective concurrence on who you might want to appoint. Browning stated that they could talk to the applicants and to the community, but not to each other.

7c: City Administrator Comments/Reports: [8:28:56 PM](#)

Deschenes stated that Waste Management is working on a cost proposal for providing enhanced services in Waterford. Deschenes stated that having the extra services would be nice, however Council will have to balance out whether the community wants the service enough to elevate the rates to the level they will suggest.

Deschenes stated that the audit reports were distributed to Council boxes this week and the acceptance of the audit reports will be on the next agenda. Deschenes explained a deficit in the water enterprise fund due to this being a new water system; however the deficit should be covered by our shortfall agreement with Grupe. Deschenes stated that our cash flow is positive in the wastewater fund, however we are not totally funding our depreciation which means that in a couple of years we will start running a deficit balance on cash in the wastewater fund, therefore as a part of our impact fee study we will be looking at sewer rates. Deschenes also pointed out that Council should take a look at the Redevelopment Agency which consists of two major funds, one of which is the Redevelopment Agency fund itself, and the other is the Redevelopment Agency low income housing portion. Deschenes explained that the low income housing portion is solvent, however does mask a deficit in the regular RDA; however the regular cash flow in the RDA is such that the operating deficit should be taken care of within the next two years. Deschenes stated that when he arrived in 1998 it was severely deficient and nothing could have masked it, therefore, we are making progress. Deschenes stated that he is available to answer questions should the Council have any questions after reviewing the audit reports.

Deschenes stated that he will bring this to the Council formally, however wanted Council to know that in the MOU with the employee organization there is a requirement that the city agreed to do a pay and classification study of city positions by July 2007. Deschenes stated that this is necessary because the pay and classification in effect now was done many years ago.

Deschenes stated that he will be looking to use some outside expertise to draft the RFP.

Deschenes stated that this should not be a difficult process, however would like to solicit the help of a staff member of our City Planner. Deschenes stated that while this is not a planning function, but rather a management function in putting together this RFP, he would like to see how he does with this because if he does well with this, there may be some other things he can help us out with.

Deschenes stated that we have received a request from a student film director to do a student film at our Riverfront Park on 12/26 and 12/27. Deschenes stated that because we need to look into this closely with the tight time frame he does not think we will be able to get him an answer by then. Deschenes explained that since they intend to use simulated weapons for this event, he has forwarded the request on to the Police Chief to review.

Deschenes stated that he will bring before Council a Resolution to increase vehicle release fees and stated that a cost study was done and our fees are too low.

Deschenes reminded Council that there is an item on the RDA Agenda.

7d: City Council Comments/Reports: [8:38:12 PM](#)

CM/Krause: [8:38:17 PM](#) Apologized for not being able to reach a consensus tonight. Krause stated that he was very unhappy with the straw vote ballot process and requested that the Mayor turn over the ballots to the City Clerk so that we have them as part of the record.

CM/Goeken: [8:38:58 PM](#) Echoed CM/Krause's comments and apologized to the community and stated that they do want to move forward and do what is right for the city. CM/Goeken congratulated Denise Finch for her appointment to the Planning Commission and thanked all of the nine candidates that applied for the vacant city council seat and feels that they are all well qualified, but unfortunately they can only select one candidate. CM/Goeken announced that the Lions Club will be having a crab feed on February 24th at the Community Center and tickets are on sale now and can be purchased from CM/Goeken, Chuck Deschenes or Dave Rose and posters will be going up around town soon. CM/Goeken wished all a Merry Christmas and Happy New Year.

CM/Weaver: [8:39:55 PM](#) CM/Weaver thanked all the applicants and stated that he wished there was an easier process to select one of the nine candidates. CM/Weaver recognized and acknowledged City Clerk, Lori Martin for her recent accomplishment of obtaining a Municipal Clerk Certification and also recognized and acknowledged the Public Works Dept for another year of no workers comp injuries, which shows what great attitude and spirit is going on in that department. CM/Weaver asked for Council consideration of giving a gift of Waterford Crystal to the past Mayor, Charles Turner. CM/Weaver stated he would like to add this to the proclamation and that this seems to be a meaningful time to present him with some Waterford crystal. CM/Weaver wished everyone happy holidays.

Mayor Broderick: [8:40:59 PM](#) Mayor Broderick stated that he liked the Waterford Crystal idea and felt that would be a nice touch. Mayor Broderick also apologized to the public for the voting process and stated that he felt going about the process in this way would make it easier since there were nine candidates. Broderick explained that in the previous two appointments there was only one candidate for one of the vacancies and five candidates for the other appointment and stated that in both instances the Council did go through and stated the Ayes and Nays on each candidate. Broderick explained that when he joined the Council there were two women on the Council and now there are no women on Council and feels that meeting go smoother and get less heated with women on the Council. City Attorney Browning reminded Council that they may not choose a candidate based on sex, religion, national origin, or any of these types of criteria to choose a candidate. Mayor Broderick reported on his attendance at the City Selection Committee and the StanCOG Policy Board meeting. Mayor Broderick wished everyone a Merry Christmas and Happy New Year.

8. ANNOUNCEMENTS:

ADJOURNMENT/RECESS: [8:43:43 PM](#) Krause moved, seconded by Weaver, to take a short recess. Council will reconvene to the Redevelopment Agency and will reconvene to Closed Session directly following the RDA meeting. Council will reconvene to the City Council meeting to adjourn directly following Closed Session.

[8:44:01 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 January 4, 2007, 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.

City of Waterford v. Waterford 2000 Partners, et al., Stanislaus County Superior Court Case No. 353383.
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)

Names not disclosed because such disclosure would jeopardize the City's position regarding acquisition, operation and ability to negotiate.

Item 9c: "CONFERENCE WITH REAL PROPERTY NEGOTIATOR"
(PURSUANT TO GOVERNMENT CODE 54956.8)

None.

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.