



MINUTES
WATERFORD CITY COUNCIL - REGULAR
MEETING WATERFORD CITY HALL, CITY
COUNCIL CHAMBERS 101 "E" STREET,
WATERFORD, CA

WATERFORD CITY COUNCIL REGULAR MEETING – October 20, 2022 - 6:30 PM

MEETING CALLED TO ORDER BY MAYOR ALDACO AT: 6:30 pm

FLAG SALUTE: Mayor Aldaco

ROLL CALL PRESENT:

Mayor Aldaco
Vice Mayor Ewing
Council Member Hilton
Council Member Kitchens
Council Member Talbott

ABSENT: None.

STAFF PRESENT:

Michael Pitcock, City Manager
Corbett Browning, City Attorney
Patricia Krause, City Clerk / Assistant to the City Manager
Michael Parker, Police Chief

ADOPTION OF AGENDA:

ACTION: By motion moved and seconded (CM Hilton/ CM Talbott / 5-0) to adopt the Agenda.

AYES: Aldaco, Ewing, Hilton, Kitchens, Talbott

NAYS: None

ABSENT: None

ABSTAIN: None

Motion passed 5-0.

CONFLICT OF INTEREST DECLARATION:

None.

1. **PRESENTATION**

2. **COMMUNICATIONS FROM THE AUDIENCE**

Michelle Finch of the Waterford Parks and Recreation Commission has the Council to consider providing funding for a sensory park.

Mr. Danny Reynolds requested help in securing a location to do a fundraiser for and honor the life of the young Waterford Cheerleader who passed away.

Dana Bright proposed that the Council consider an ordinance that would limit the number of alcohol licenses allowed within the City of Waterford.

3. **ADOPTION OF CONSENT CALENDAR**

3a: MOTION: Waiving all Readings of Ordinances and Resolutions, except by title.

3b: RESOLUTION: Adopting Resolution 2022-52, Approving the Warrant Register in the Amount of \$1,274,016.72 for the Period of September 7 to October 6, 2022.

3c: MOTION: Approving Minutes of the Regular City Council Meetings held September 15 and October 6, 2022.

ACTION: By motion moved and seconded (VM Ewing / CM Kitchens / 5-0) to removed item 3d for separate consideration and adopt the remaining items on the consent calendar.

AYES: Aldaco, Ewing, Hilton, Kitchens, Talbott

NAYS: None

ABSENT: None

ABSTAIN: None

Motion passed 5-0.

3d: MOTION: Approving the Appointment of Lynn Meshew to the Planning Commission as an Alternate Commissioner, for a Two-Year Term Ending July 2024 by majority vote of the City Council as provided in Waterford Municipal Code Section 2.24.010.

Councilmember Talbott asked for clarification of the ordinance that allowed non-Waterford residents to serve on the Planning Commission.

ACTION: By motion moved and seconded (VM Ewing / CM Kitchens / 4-1) to Approving the Appointment of Lynn Meshew to the Planning Commission as an Alternate Commissioner, for a Two-Year Term Ending July 2024 by majority vote of the City Council as provided in Waterford Municipal Code Section 2.24.010.

AYES: Aldaco, Ewing, Hilton, Kitchens

NAYS: Talbott

ABSENT: None

ABSTAIN: None

Motion passed 4-1.

4.

FINAL READINGS

5.

PUBLIC HEARINGS

5a: **RESOLUTION:** Resolution 2022-53, of the Waterford City Council Regarding Appeal No. 2022-0001, Reversing the Planning Commission's Decision and Approving Conditional Use Permit No. 2021-02 and Architectural Site Plan Review No. 2021-03 for the Proposed Arco AM/PM Project, located at 12725 Yosemite Boulevard, APN No. 134-006-013. (*Niskanen*)

Planning Manager Niskanen gave a presentation explaining the parameters of the project. Mr. Petralakis, representing the developer, explained the benefits of the project.

Public Hearing opened: 6:56 pm

Barbara McCann, the manager of Sports Stop spoke out against the project, stating the town does not need another gas station.

Michael Mays, a tournament fisherman, spoke out against the project, stating the town does not need another gas station.

The spokesman for Chris Smith stated that he would be glad to have a gas station that offers higher grade gasoline and would like to see the lot developed.

Lacy Harris, stated there is no need for another gas station in town, a clothing store would be a better investment for the community.

Mr. Abatar had more petitions to give to the Council if needed and commented if a gas station gets closed down, it costs money to remove the tanks. He also commented that larger corporations are killing of the smaller Mom and Pop stores.

Mr. Rupinder stated that the bigger stores could kill off the smaller stores or there could be more competition and it could be better.

Mr. Singh stated that his family came to Waterford as immigrants and spent their lives building this business and asked that the City look out for the small business owners.

Mr. Petralakis addressed some of the concerns that the citizens were speaking about and acknowledged that it was not an easy decision, but that ultimately the decision for the Council to make was over the use of the land, and if it was within the scope of the zoning, it should be approved.

Dana Bright agreed that the corner needed to be developed, but how would the town look if a number of the smaller businesses had to close and were boarded up?

Mr. Abatar stated that the AM/PM would be bringing in more alcohol to the town, which was not needed.

Public Hearing Closed: 7:19 pm

ACTION: By motion moved and seconded (VM Ewing / CM Kitchens / 4-1) to Approve Resolution 2022-53, of the Waterford City Council Regarding Appeal No. 2022-0001, Reversing the Planning Commission's Decision and Approving Conditional Use Permit No. 2021-02 and Architectural Site Plan Review No. 2021-03 for the Proposed Arco AM/PM Project, located at 12725 Yosemite Boulevard, APN No. 134-006-013.

AYES: Aldaco, Ewing, Hilton, Kitchens

NAYS: Talbott

ABSENT: None

ABSTAIN: None

Motion passed 4-1.

Mayor Aldaco adjourned the meeting for a five minute recess at 7:21 pm

Mayor Aldaco resumed the meeting back to order at 7:26 pm.

- 5b: **ORDINANCE:** Introduction and First Reading of Ordinance 2022-03 Amending Waterford Municipal Code Title 15, Entitled "Building and Construction," Chapter 15.04 Entitled "California Building Codes," by Amending Sections 15.04.010 and 15.04.020. (*Pitcock*)

Public Hearing Opened: 7:28 pm

Public Hearing Closed: 7:28 pm

ACTION: By motion moved and seconded (CM Talbott / VM Ewing / 5-0) to Approve the Introduction and First Reading of Ordinance 2022-03 Amending Waterford Municipal Code Title 15, Entitled "Building and Construction," Chapter 15.04 Entitled "California Building Codes," by Amending Sections 15.04.010 and 15.04.020.

AYES: Aldaco, Ewing, Hilton, Kitchens, Talbott

NAYS: None

ABSENT: None

ABSTAIN: None

Motion passed 5-0.

6.

GENERAL BUSINESS

- 6a: **RESOLUTION:** Approving Resolution 2022-54, in Concurrence with the 2021-2022 Consolidation Annual Performance Report (CAPER) and Support of Submission to the U.S. Department of Housing and Urban Development (HUD). (*Statzer*).

ACTION: By motion moved and seconded (VM Ewing / CM Talbott / 5-0) to Approve Resolution 2022-54, in Concurrence with the 2021-2022 Consolidation Annual Performance Report (CAPER) and Support of Submission to the U.S. Department of Housing and Urban Development (HUD).

AYES: Aldaco, Ewing, Hilton, Kitchens, Talbott

NAYS: None

ABSENT: None

ABSTAIN: None

Motion passed 5-0.

- 6b: **MOTION:** Awarding Bid and Approving an Agreement with Taylor Backhoe Services, Inc in the Amount of \$298,237.60 for Project No. 2022-09, "F Street Pedestrian Improvement Project" and Authorizing the City Manager to Execute the Agreement. (*Statzer*)

ACTION: By motion moved and seconded (VM Ewing / CM Talbott / 5-0) to Award the Bid and Approve an Agreement with Taylor Backhoe Services, Inc in the Amount of \$298,237.60 for Project No. 2022-09, "F Street Pedestrian Improvement Project" and Authorizing the City Manager to Execute the Agreement.

AYES: Aldaco, Ewing, Hilton, Kitchens, Talbott

NAYS: None

ABSENT: None

ABSTAIN: None

Motion passed 5-0.

- 6c: **RESOLUTION:** Approving Resolution 2022-55, Approving Change Order #1 and Accepting Improvements for Project No. 2022-08, "Pecan Avenue Sewer Repair" and Authorizing the City Engineer to File a Notice of Completion with the Stanislaus County Recorder's Office. (Statzer)

ACTION: By motion moved and seconded (CM Talbott / VM Ewing / 5-0) to Approve Resolution 2022-55, Approving Change Order #1 and Accepting Improvements for Project No. 2022-08, "Pecan Avenue Sewer Repair" and Authorizing the City Engineer to File a Notice of Completion with the Stanislaus County Recorder's Office.

AYES: Aldaco, Ewing, Hilton, Kitchens, Talbott

NAYS: None

ABSENT: None

ABSTAIN: None

Motion passed 5-0.

7.

SUCCESSOR AGENCY TO THE FORMER WATERFORD REDEVELOPMENT AGENCY

8.

INFORMATIONAL ITEMS

8a: City Project List

8b: Business License Report – September 2022

9.

STAFF/COUNCIL COMMENTS AND MEETING REPORTS

9a: City Staff

Chief Parker gave the September crime stats as well as the traffic activity and concerns within town. Chief Parker updated the Council on the most recent calls of interest.

City Clerk Krause reminded the Council and citizens of the upcoming Trunk or Treat on October 31st.

City Attorney Browning stated there was no closed session for the evening and gave more clarification to Councilmember Talbott regarding the Ordinance on the Planning Commission.

City Manager Pitcock updated the Council on the most recent housing meetings he had attending with Stanislaus County as well as a status update on the dog park.

9b: City Council

Vice Mayor Ewing had no comments.

Councilmember Hilton had no comments.

Councilmember Kitchens had no comments.

Councilmember Talbott commented that it would be a great thing if Waterford could provide a Sensory Park to its residents. Mrs. Talbott also stated that she was willing to give up her Trunk or Treat Spot to allow for Mr. Reynolds to do his fundraising. Councilmember Talbott stated she was frustrated over the lack of question and discussion from her fellow Councilmembers over the Appeal Project.

Mayor Aldaco spoke about property rights and how they affect development within the City. Mayor Aldaco also gave an update about the recent StanCOG meeting he had attended and gave his experience of his participation in the "Day in the Life of a Disabled Person" project.

10. **ADJOURNMENT / RECESS**

ACTION: By motion moved and seconded (VM Ewing / CM Talbott / 5-0) to adjourn meeting at 7:54 pm.

AYES: Aldaco, Ewing, Hilton, Kitchens, Talbott

NAYS: None

ABSENT: None

ABSTAIN: None

Motion passed 5-0.

11. **CLOSED SESSION**

11a: "CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION"
(Pursuant to Government Code Section 54956.9(b))

12. **REPORT OUT OF CLOSED SESSION**

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on November 3, 2022 by the following vote:

AYES: Aldaco, Hilton, Kitchens, Talbott

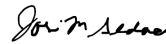
NOES: None

ABSTAIN: None

ABSENT: Ewing

CITY OF WATERFORD:

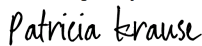
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Jose M. Aldaco, Mayor

ATTEST:
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Patricia Krause, CMC, City Clerk