



**AGENDA**  
**WATERFORD CITY COUNCIL - REGULAR MEETING**  
**WATERFORD COMMUNITY CENTER, CITY COUNCIL CHAMBERS**  
**540 "C" STREET, WATERFORD, CA**

**MARCH 4, 2010 - 6:30 PM**

**CALL TO ORDER:** Mayor Goeken

**FLAG SALUTE:** Mayor Goeken

**INVOCATION:** Waterford-Hickman Ministerial Association

**ROLL CALL:**

<b>Mayor:</b>	<b>Goeken</b>
<b>Vice Mayor:</b>	<b>Aldaco</b>
<b>Council Members:</b>	<b>Van Winkle, Krause, Day</b>

(City Staff and contract employees present at the meeting will be noted in the minutes)

**ADOPTION OF AGENDA:**

Motion waiving reading of all ordinances and resolutions on the agenda except by title, unless reading of an Ordinance or Resolution is requested by the Mayor or a Council Member.

**ADOPTION OF CONSENT CALENDAR:**

All Matters listed under the Consent Calendar are considered routine by the Council and will be adopted by one action of the Council unless any Council Member has any question or wished to make a statement or discuss an item or items separately. In that event, the Mayor will remove that item from the Consent Calendar and place it for separate consideration.

**1. CONSENT CALENDAR**

- 1a: RESOLUTION 2010-18: Warrant Register
- 1b: Minutes of the Regular City Council Meeting held on February 18, 2010
- 1c: Minutes of the Regular Planning Commission Meeting held on December 22, 2009

**2. PRESENTATIONS**

**3. COMMUNICATIONS FROM THE AUDIENCE**

At this time, members of the public may comment on any item not appearing on the agenda. It is recommended to hold your comments to 5 minutes. For items appearing on the agenda, the public will be invited to make comments at the time the item comes up for Council consideration. At all times please use the microphone.

**4. PUBLIC HEARING**

At this time, members of the public may comment when the item is opened for public hearing.

5.

**UNFINISHED BUSINESS**

5a: DISCUSSION: Relating to Update on the Government Center Project

**Recommendation:** Discussion / Motion / Action

5b: DISCUSSION: Relating to Cost Savings and Revenue Enhancement Ideas and Input:

**Recommendation:** Discussion / Motion / Action

6.

**NEW BUSINESS**

6a: DISCUSSION: Relating to "Make a Difference Day"

**Recommendation:** Discussion / Motion / Action

6b: DISCUSSION: City Administrator to Provide an Update on the Downtown Improvement Plan

**Recommendation:** Discussion / Motion / Action

7.

**COMMENTS**

Item 7a:	Law Enforcement Comments/Reports	(Information Only – No Action)
Item 7b:	City Attorney Comments/Reports	(Information Only – No Action)
Item 7c:	City Administrator Comments/Reports	(Information Only – No Action)
Item 7d:	City Council Comments/Reports	(Information Only – No Action)

8.

**ANNOUNCEMENTS**

9.

**CLOSED SESSION**

Item 9a: "CONFERENCE WITH LEGAL COUNSEL, PENDING LITIGATION"  
(PURSUANT TO GOVERNMENT CODE SECTION 54956.9)

Item 9b: "CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION" (PURSUANT TO  
GOVERNMENT CODE SECTION 54956.9)

**SO Fund Balance**  
**APN# 134 007 068, WMC 7.04.120, WMC 7.04.025**

Item 9c: "CONFERENCE WITH REAL PROPERTY NEGOTIATOR"  
(PURSUANT TO GOVERNMENT CODE 54956.8)  
**APN# 080-035-009; APN# 134-007-081**

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)

**ADJOURNMENT**

# WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

## Thursday, February 18, 2010

A regular meeting of the Waterford City Council was called to order by Council Member Goeken at 6:30PM at the Waterford Community Center, 540 "C" Street, Waterford, CA 95386.

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE:** [06:30:48 PM](#) Mayor Goeken

**INVOCATION:** [06:31:12 PM](#)

**ROLL CALL PRESENT:** [06:32:07 PM](#)

**Present:**  
Mayor Goeken  
Council Member Van Winkle  
Council Member Krause  
Council Member Day

**Absent:** Vice-Mayor Aldaco

**Also Present:**  
Charles E. Deschenes, City Administrator  
Lori Martin, City Clerk  
Corbett J. Browning, City Attorney  
Darin Gharat, Police Chief

**ADOPTION OF AGENDA:** Krause moved, seconded by Day, to adopt the agenda.

[06:32:16 PM](#)

**AYES:** Goeken, Van Winkle, Krause and Day

**NAYES:** None

**ABSENT:** Aldaco

Motion passed by majority.

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

[06:32:25 PM](#)

**AYES:** Goeken, Van Winkle, Krause and Day

**NAYES:** None

**ABSENT:** Aldaco

Motion passed by majority.

**ADOPTION OF CONSENT CALENDAR:**

- 1a: RESOLUTION 2010-18: Warrant Register
- 1b: Minutes of the Regular City Council Meeting held on February 4, 2010
- 1c: Building Report – January 2010
- 1d: FOG Permit Report – January 2010
- 1e: Business License Report – January 2010
- 1f: Wastewater Daily Flow Summary – January 2010
- 1g: Email Correspondence from Chief Darin Gharat regarding 2008 & 2009 Back-Fill Hours

## 2. PRESENTATIONS:

- 2a: Stanislaus County CEO Rick Robinson, Under Sheriff Bill Heyne and Supervisor Bill O'Brien to discuss the Contract with the Sheriff Department: [06:32:32 PM](#)

City Attorney Browning welcomed and thanked the County Officials for coming to the meeting and advised the City Council that this item is on for presentation and this it is not agendized as a discussion or action item. Browning further stated that to the extent that this presentation relates to a fund balance issue, Browning advised Council and staff to not engage in discussion due to this issue being agendized as a closed session item under anticipated litigation. Browning stated that he wanted to go on the record with this advisory in the event that today's presentation deals with this particular issue.

County CEO Rick Robinson addressed Council stating that this is an important issue to the County and that they do understand that this is a matter that the Council will consider under anticipated litigation assured the Council that the County, CEO's office, and Board of Supervisors will respect the Council's wishes at the end of this discussion and the County will respond appropriately to the direction provided by the City relative to reimbursement of what has been characterized as unexpended fund balance in the contract cities trust fund in the Stanislaus County Treasury.

Mr. Robinson explained the history behind the relationship between the City and the County as it relates to the Law Enforcement services provided over the last several years. Mr. Robinson identified benefits to this service for both the city and the county and identified cost benefits of the service from the County's prospective. Mr. Robinson explained that the County has always viewed the contractual relationship that exists with the contract cities as entailing more than just the scope of the requirements of the agreement. Mr. Robinson stated that the County feels that they have gone far and above beyond what is required simply by the terms of the contract in addressing the needs of the residents of Waterford and trying to collaborate and cooperate with the City of Waterford to provide the best law enforcement services possible for the resources being provided. Mr. Robinson stated that the County has never considered the fund balance to be a matter of conflict through the course of our relationship with the city. Mr. Robinson stated that the County believes that because the city has placed a demand for payment of the unexpended fund balance of \$445,000, which technically under the four corners of the contract the city can assert and the county will respect those wishes however the County feels that this action reflects a failure on the part of the city to recognize that there are greater benefits that have occurred day in and day out to the benefit of the citizens of Waterford in this relationship. Mr. Robinson stated that Under Sheriff Bill Heyne is here to provide some insight into some of the types of services that do occur outside of the contract on a daily basis in the City of Waterford for the benefit of Waterford citizens. Mr. Robinson stated that at the conclusion of Mr. Heyne's comments, Supervisor O'Brien who represents this district has some thoughts and ideas that he would like to share. Mr. Robinson reinstated that he the County will respect the City's final determination and if it is to repay the \$445,000 fund balance then the county is prepared to move forward to accomplish that to your benefit.

Under Sheriff Bill Heyne addressed the Council and provided comments related to the fund balance and services that they provide to the City of Waterford. Mr. Heyne stated that he talked to some of the persons that were involved in negotiating the original contract stating that the understanding at that time was the intent of the fund balance when it was established was to cover those expenses that incur that are not covered by the contract. Mr. Heyne stated that those expenses can vary depending on what is going on at the time. Mr. Heyne stated that until recently the City of Waterford did not fund any portion of the Chief of Police salary. Mr. Heyne stated that only during recent negotiations did the city start picking up a portion of the Chief's salary. Mr. Heyne stated that he recently prepared a listing of services that the County provides to the City of Waterford and highlighted some of what was on his listing. Mr. Heyne stated that he feels it is important for the Council to understand that there are a lot of services provided financially to the city that is not covered by the contract. Mr. Heyne stated that all warrants are processed, filed and purged at the main office which frees up time administratively as well as keeps your deputies in the field. Mr. Heyne identified that extraditions are handled by the main office and is of no cost to the city. Mr. Heyne stated that in regards to major crime, e.g. homicides the city has access to all of the Sheriff's resources which includes their detectives and gang units. A homicide investigation can be very time consuming and very expensive. Mr. Heyne stated that all evidence is stored and booked at the main office. Mr. Heyne stated that the County utilized some of the fund balance to remodel the evidence room because they were running out of space and to better store Waterford's property evidence as well as the County's. Mr. Heyne stated that in regards to

investigations in the recent past Waterford had an in-custody death where an individual died who was in the custody of the Police Officers. Mr. Heyne stated that the County conducted the investigation which is multiple binders thick stating that there is no liability exposure to the City and the City does not have to litigate this case stating that this type of thing can run into the hundreds of thousands of dollars. Mr. Heyne stated that major traffic investigations are conducted through a contract that the County has with the Modesto Police Department at no cost to the city. Mr. Heyne stated that the city has access to our SWAT team, bomb team, hostage negotiation team and any of our specialty teams including our canine. Mr. Heyne stated that these are services that the county provides outside of the contract. Mr. Heyne stated he would like to end by explaining the philosophy this administration has had since it took over almost 4 years ago. Mr. Heyne stated that the Sheriff Department wanted to have a relationship with the City of Waterford basically as friends and on a handshake and with a give and take. Mr. Heyne stated that as an example they have supplied 2 Community Service Officers at the Waterford substation to take low priority calls so that City Deputies could stay available for calls for service which allowed for better patrol time, better response time and better coverage. Mr. Heyne stated that the Sheriff Dept. covered the salaries for both CSO's because they felt that having this coverage available to the East County was a mutual benefit to the City and the County. Mr. Heyne ended by stating that he had a conversation with the City Manager in February 2008 about the fund balance stating that his response then and now is that he recognizes there is a large balance in the fund balance and what remains in that fund balance he is willing to use for the infrastructure of the Waterford Government Center. Mr. Heyne stated that was the last conversation he had with Mr. Deschenes and stated further that this was their intent along. Mr. Heyne stated that he is available to answer any questions.

Supervisor Bill O'Brien addressed the Council stating that he has sat in their shoes as a Council Member and Mayor for the City of Riverbank stating that Riverbank was the first contract city with Stanislaus County. Supervisor O'Brien stated that he expected a lot from the contract they had with the County. Supervisor O'Brien stated that the whole purpose for the contract is to provide a service at a better cost to the city and to spread some of the overhead. Supervisor O'Brien stated that this is his philosophy on why it is beneficial to contract with the County for law enforcement services. Supervisor O'Brien stated that when he looks at the old contract compared to the new contract the County subsidized a lot in the old contract including the Police Chief salary. Supervisor O'Brien stated that by getting a demand from the City of Waterford for \$445,000 it indicates to him that the City does not recognize the benefits outside the contract that were provided. Supervisor O'Brien stated that he feels the Sheriff's Department has done an outstanding job for the City of Waterford and its residents. Supervisor O'Brien stated that there is nothing worse than local government suing local government and that is what we are trying to convey tonight. Supervisor O'Brien stated that if the city wants the money they would rather refund that then spend it in attorney fees and stated that he is just worried about the bigger issue stating further that a partnership isn't subsidized. Supervisor O'Brien thanked the Council for listening and stated that they will honor whatever the city wants however feels the working partnership is more important.

[06:48:45 PM](#) City Attorney Browning commented for the record that the record in terms of correspondence back and forth would clearly reflect as most Council Members are aware an effort on the part of the City of Waterford that expands at least a 1-1/2 years to address the fund balance issue and what these revenues were used for or were not used for. Browning stated that he was part of the City Attorney staff at the time the initial contract was negotiated stating further that this was a negotiated agreement and that the city gave a lot of stuff to the Sheriff in terms of equipment and the city got some benefits in return for that. City Attorney Browning stated that the problem from the City of Waterford's prospective is that the government code provision 51350 in which Browning pointed out to the County is a mandate on the viable legislature of California that prohibits the County from charging the City for services for things that like general overhead, cost of operations or that type of cost. Browning stated further that the city has not seen anything that has indicated that any of the funds in the fund balance are attributable to those costs and stated that we have been engaged in an effort for over a year and a half to allow the county an opportunity to show us that these funds are related to the services provided. Browning stated that is the dilemma and that the Council and the City have a duty to our constituents and the coffers that we are in charge of to make sure that the service contract is consistent with the government code. Browning stated that the demand as it is characterized is really a compromised position that we have entered into based on information from the County.

County CEO, Rick Robinson responded to the City Attorney's comments by stating that in a perfect world we anticipate what will happen in a contractual relationship or personal relationship and we build into our understanding between the parties what we expect from each party. Mr. Robinson stated that we know that in the real world and the contractual world that the demands often times are always

different than our expectations. Mr. Robinson explained that relative to the delivery of services in the City of Waterford that expectation was reflected in the contract stating further that the contract was drafted a little bit loosely because at the time under his belief that the parties assumed that each member of that relationship would have certain needs and that a flexible relationship that recognized the duties and responsibilities of each party was the best relationship that we could have and the best relationship that we could expect. Mr. Robinson stated further that to the degree that we were each able to meet the expectations of the other party we had a successful relationship. If we find ten years later that in fact that wasn't the case and it appears to be the facts here, then obviously we have not had a good relationship and we need to take that into consideration going forward. Mr. Robinson stated that it is very troubling to hear some of the comments such as now we are going to build into the equation real property that the city gave us 12-13 years ago into this equation that was used principally and solely for the benefit of the City of Waterford, Mr. Robinson stated that may have held water 12 years ago but it certainly doesn't 13 years later. Mr. Robinson stated that with all due respect to the City Attorney he understands what your legal counsel is saying on what the duties and responsibilities are of a County Agency (Sheriff Department) to provide the same level of services that it offers free in any community to all communities however it is not duty bound to offer services beyond the scope of those which it offers to every other community and beyond the scope of the services which it offers to the City of Waterford at no charge stating that is in fact what happened over a number of years. Mr. Robinson stated that the County did not keep a log of those services so they can not quantify it. Mr. Robinson welcomed the city to conduct a full audit of the records if the city does not trust their numbers. Mr. Robinson stated that the County is confident that the number they have given the city is the highest possible number is the one that the county has given the city. Mr. Robinson stated that they have added back in any charges that over the years Mr. Deschenes didn't agree with and provided the example of the evidence room stating that Mr. Deschenes didn't agree with that expenditure even though the city directly benefited from that. Mr. Robinson stated that the \$445,000 number from the County's perspective is the maximum number and that he is confident in that number and invited the city to audit that if they choose to. Mr. Robinson stated that the County has spent a lot of time, energy, effort and cost not at the city's expense in both the CEO's office, the Controller's office at the Sheriff Department quantifying that information for the benefit of the County and the City. Mr. Robinson stated that the County does appreciate the relationship they have with the City of Waterford and they do recognize that Waterford residents are county residents. Mr. Robinson stated that they also recognize just as Waterford does not want to subsidize the services of residents in the unincorporated areas the County certainly can not afford to subsidize the services to a degree greater within the city than we do outside of the city with people that pay the majority of taxes to support our law enforcement activities. Mr. Robinson wrapped up by stating the position the County is going to take is to let the City Council make their final determination and decide the value of the relationship and the County will react fully respecting the City's position and will take any steps necessary to make you whole from your perspective.

### 3. COMMUNICATIONS FROM THE AUDIENCE: [06:57:08 PM](#)

Charles Turner, 433 Snowspring Ct. stated that he had the opportunity to speak with Mr. Ken Baxter from Caltrans who wished to pass along his condolences for the recent loss of a young Waterford citizen and as a bicyclist himself he plans on continuing an effort to try and address the situation that we have.

### 4. PUBLIC HEARING ITEMS:

- 4a: PUBLIC HEARING: Approval of the Draft Annual Action Plan that Includes the \$1,921,592 Housing and Urban Development Entitlement Grant Allocation and \$109,694 Emergency Shelter Grant (ESG) Award for FY 2010-2011 and open the 30 Day Public Comment Period and Approval to Set a Public Hearing for April 1, 2010 to Close the Public Comment Period:

[06:58:01 PM](#) City Administrator Deschenes explained that this is a joint CDBG plan with the Consortium and they are still drafting the documents therefore made a request that Council table this item to the March 18<sup>th</sup> meeting.

[06:58:40 PM](#) Mayor Goeken opened the public hearing at 6:58PM.

[06:58:52 PM](#) Mayor Goeken closed the public hearing at 6:58PM with no comments offered from the public.

Day moved, seconded by Van Winkle, to continue this item to the March 18<sup>th</sup> meeting, as recommended.

[06:59:39 PM](#)

**AYES:** Goeken, Van Winkle, Krause and Day

**NAYES:** None

**ABSENT:** Aldaco

Motion passed by majority.

## 5. UNFINISHED BUSINESS:

- 5a: DISCUSSION: Relating to Update on the Government Center Project: [06:59:46 PM](#) City Administrator Deschenes stated he did not have an update however he will continue to work on this.
- 5b: DISCUSSION: Relating to Cost Savings and Revenue Enhancement Ideas and Input: [07:00:24 PM](#) City Administrator Deschenes stated that our Finance Consultant, Barbara Dunning is in the process of doing the mid year budget projections. Deschenes stated that it is a little premature to draw any conclusions, however it looks like we will be fairly close on our revenue projections and we are just starting to dig into the expenditure side. Deschenes noted that it does appear that the entire city is conscious of our dilemma and trying to control costs and supplies. Deschenes stated that it will take about 30 days to have some budgetary numbers to share but we will put our efforts into this over the next month.

## 6. NEW BUSINESS:

- 6a: RESOLUTION 2010-19: A Resolution Initiating an Enterprise Zone Expansion and Authorizing the Submittal of an Enterprise Zone Expansion Application: [07:01:42 PM](#) City Administrator Deschenes explained that this is a proposal by Stanislaus County to expand the Enterprise Zone which primarily effects the area of Duarte Nursery. Deschenes stated that this is similar to the amendment that we did for Waterford and it appears to be consistent with the County and the Enterprise Zone's goals. Deschenes recommended approval.

Krause moved, seconded by Van Winkle, to adopt Resolution 2010-19, as recommended.

[07:02:52 PM](#)

**AYES:** Goeken, Van Winkle, Krause and Day

**NAYES:** None

**ABSENT:** Aldaco

Motion passed by majority.

- 6b: RESOLUTION 2010-20: A Resolution Approving an Agreement with Amerine Systems for Installation of an Irrigation Well, Booster Pump Station & Electrical Service at the Brethren Park Parcel: [07:02:58 PM](#) City Administrator Deschenes explained that as a member of the CDBG consortium we submit projects for CDBG funding and stated that we did get funding for the Brethren Park project and part of that project is an irrigation well and associated equipment to do the landscaping. Deschenes stated that Amerine is a contractor that helps us develop specifications for irrigation wells. Deschenes stated that Amerine developed the specs for the Welch Street Park irrigation pump. Deschenes stated that Amerine is a provider that is working in concert with

us and educating our engineers and developing specs that we can use later we decided this was appropriate for a sole source provider and since this is a CDBG project we wanted to make sure we use the appropriate federal contract which Amerine has agreed to do. Deschenes stated that this action will authorize the contract also recognizing this is a sole source provider specifically for this purpose and recommended approval.

Van Winkle moved, seconded by Krause, to adopt Resolution 2010-20, as recommended.

[07:05:07 PM](#)

**AYES:** Goeken, Van Winkle, Krause and Day

**NAYES:** None

**ABSENT:** Aldaco

Motion passed by majority.

6c: DISCUSSION: City Administrator to Provide an Update on the Downtown Improvement Plan: [07:05:12 PM](#) City Administrator Deschenes explained that in his rush to get to the meeting tonight he forgot to bring the drawing that he wanted to share but stated that he will be circulating it around to the downtown merchants so that the merchants can see the conceptual drawings and diagrams of what our Engineer has picked up from other cities. Deschenes stated that he will have a copy available at City Hall for anyone that would like to take a look at it. Deschenes stated that this is a project that has been at the top of our capital improvements project list for quite some time and we are trying to secure funding for it. Deschenes stated that he is talking with StanCOG about possibility of stimulus money at this time. Deschenes stated that at the last meeting we did a budget amendment that would allow the Engineer finish the plans and specs for this particular project. Deschenes stated that this project would entail streetscape, storm drain improvements, repaving, pavers or stamped concrete, trees, lighting, and such type of improvements to enhance our downtown area. Deschenes stated that we don't know if we will get the funding or not, but we are certainly trying to do since this is a project that Council wants to charge forward on.

6d: DISCUSSION: Consider Proposal from Harry P. Ford, CAC for Asbestos Management Services for Structures Located at 324 Church Street and 528 D Street: [07:08:47 PM](#) City Administrator Deschenes explained that the city has recently purchased some property that have structures on them and as part of the demolition process we have them surveyed for asbestos and lead base paint and then based on what is found we will remove what is found prior to the demolition process. Deschenes stated that we have done business with Harry Ford during our hazardous removal process on the Government Center properties and he does good work for reasonable rates.

Van Winkle moved, seconded by Day, to approve the Proposal from Harry P. Ford for Asbestos Management Services, as recommended.

[07:12:34 PM](#)

**AYES:** Goeken, Van Winkle, Krause and Day

**NAYES:** None

**ABSENT:** Aldaco

Motion passed by majority.

## 7. COMMENTS:

- 7a: Law Enforcement Comments/Reports: [07:12:39 PM](#) Chief Gharat spoke of the recent tragic accident and sent condolences from the entire department to the family. Chief Gharat stated that once again the City of Waterford rises to the occasion stating the comments and feedback that he has received shows what a wonderful community Waterford is. Chief Gharat expressed again his condolences to the family and hopes the community can come together and move forward and learns from this tragedy.
- 7b: City Attorney Comments/Reports: [07:14:06 PM](#) City Attorney Browning reminded Council of the 4 closed session items that have been agendaized for tonight. Browning stated that 3 of the items are listed under anticipated litigation under the authority of G.C. 54956.9 and 1 item under real property negotiator under the authority of G.C. 54956.8.
- 7c: City Administrator Comments/Reports: [07:15:22 PM](#) City Administrator Deschenes mentioned that the County Impact Fee Study has drawn the attention of some other cities and the City Managers have been meeting on that particular issue. Deschenes stated he just wanted to make Council aware of this. Deschenes mentioned a recent article in the Modesto Bee that identified a county impact fee for a Burger King in Riverbank would be \$65,000. Deschenes stated that people are having trouble understanding how that relates to the impact of new traffic generation between cities within the County. Deschenes stated that Council has heard him talk about these issues before but this is the first time he has seen other City Planners and City Managers have some of the same concerns he has had.

### 7d: City Council Comments/Reports:

Jose Aldaco: absent.

Ken Krause: [07:17:21 PM](#) CM/Krause sent out his condolences to the family for the recent tragic accident and the loss of their daughter. CM/Krause stated that he hopes the city can move forward and get some of the improvements done that we have been trying to get done for some time.

CM/Van Winkle: [07:17:44 PM](#) CM/Van Winkle also sent his condolences to the family.

Murray Day: [07:18:03 PM](#) CM/Day also sent his condolences to the family and to all of the people involved in this and all of Waterford impacted by this stating it is a tragic situation and hopefully we will be able to take some actions to prevent this kind of tragedy in our community again.

Mayor Goeken: [07:18:25 PM](#) Mayor Goeken stated that it is very sad what happened to Ashley. Mayor Goeken commented on the article in the Modesto Bee today was troubling to him as far as Caltrans response was that they do not have a formal application on file from the city requesting a stop light when in fact we have numerous things on file where we have requested improvements at that intersection.

## ANNOUNCEMENTS:

ADJOURNMENT/RECESS: [07:19:54 PM](#) Mayor Goeken recessed the City Council meeting at 7:19PM. To reconvene to closed session directly following the recess. To reconvene to the

City Council meeting to report any actions taken in closed session and to adjourn the City Council meeting directly following closed session.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on March 4, 2010, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

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Lori Martin, CMC, City Clerk

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Charlie Goeken, 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)

**Discussion regarding the Law Enforcement "Fund Balance". Direction given to legal counsel.**

**Hair-Conger Claim – Council unanimously moves to reject claim.**

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

**APN# 080-035-009; APN# 134-007-081: Direction given to real property negotiator.**

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.

# WATERFORD PLANNING COMMISSION MEETING MINUTES

## Tuesday, December 22, 2009

A regular meeting of the Waterford Planning Commission was called to order by Commissioner Esther at 6:30 PM at the Waterford Community Center, 540 "C" Street, Waterford, CA 95386.

06:30:40 PM

**ROLL CALL PRESENT**

Chris Esther, Chairman  
Neil Carnes, Vice Chairman  
Jill Kitchens, Commissioner  
Greg Dugovic, Commissioner  
Cody Frenette, Commissioner

**EXCUSED:**

**ABSENT:**

**CITY STAFF & CONTRACT EMPLOYEES PRESENT**

Robert Borchard, City Planner  
Patricia Krause, Deputy City Clerk

**PLEDGE OF ALLEGIANCE – Chairman Esther**

**ADOPTION OF THE AGENDA:** A motion was made by CM/Dugovic and seconded by CM/Carnes to adopt the agenda. P/C Vote: 4-1.

**ADOPTION OF THE CONSENT CALENDAR:** A motion was made by CM/Carnes and seconded by CM/Dugovic to adopt the Consent Calendar. P/C Vote: 4-0.

**CONFLICT OF INTEREST DECLARATION:** None

**1. CONSENT AGENDA:**

- 1a: September 22, 2009 Planning Commission Meeting Minutes
- 1b: Planning Project Logs - None
- 1c: Building Permit Report – September, October and November 2009
- 1d: Business License Report – New and Renewed September, October and November 2009
- 1e: FPPC Guidelines for Waiving Late Fess / Deadlines and Penalties for Late Filing.

**2. COMMUNICATIONS FROM THE AUDIENCE:**

None

**3. PRESENTATIONS / OATHS OF OFFICE:**

3a: Jill Kitchens, Planning Commissioner. Deputy City Clerk Krause administered the Oath of Office to CM/Kitchens.

06:33:46 PM

3b: CITY ATTORNEY CORBETT BROWNING: New Commissioner Information Presentation  
City Attorney Browning gave a presentation to the Commission on information that is pertinent to being a Commission Member. He referred to the Planning Commissioner Handbook as a good tool for reference.

**4. PUBLIC HEARING ITEMS: 07:11:48 PM**

4a: PUBLIC HEARING: WATERFORD ADMINISTRATION RULES AND REGULATIONS FOR AGRICULTURAL AND OPEN SPACE PRESERVES LOCATED WITHIN THE CITY OF WATERFORD. RESOLUTION 2009-03. (Note: Audio quality was extremely poor and the clerk was unable to hear what was said)

The project is the implementation of the Williamson Act by the City of Waterford through the adoption of Administrative Rules as required under Government Code Section 51200 etc. seq. (The California Land Conservation Act). With the annexation of the Lake Pointe project property, the City of Waterford elected to “succeed” to several Land Conservation Act of 1965 contracts (Williamson Act). Government Code Section 51231 states that “the board or council, by resolution, shall adopt rules governing the administration of the agricultural preserves, including procedures for initiating, filing, and processing requests to establish agricultural preserves” An “agricultural preserve” is land designated by the city or county as eligible for entering into a “Williamson Act” contract. All of the Williamson Act Contracts that were “succeeded” to by the City of Waterford are located in “agricultural preserves” established by the County of Stanislaus.

Notices of Non-Renewal have been filed on all the Contract lands located in the City and these contracts will terminate in the near future. The City has some administrative responsibilities, under the law, to make sure that the properties adhere to the “terms” of their contracts and to respond to some property owner requests with respect to the contracts. There are also certain reporting requirements to the State and other agencies regarding these lands.

Adoption of Administrative Rules defines responsibilities for administration of these contracts and establishes fees to cover certain costs associated with these administrative actions. While the City does not anticipate establishing any new Agricultural Preserves or entering into any new Williamson Act Contracts, we do expect to administer the cancellation of some of the existing County Contracts or modify some existing contract that are divided by City/County boundaries or located within our Sphere of Influence. All actions taken on a Williamson Act Contract must be completed prior to the March 1<sup>st</sup> lean date for the action to have an impact on the property taxes of the subject property. While we do not have any current applications for change, typically these requests are made within the first two months of the year in an attempt to meet the Assessor’s Tax Role date.

The proposed “Administrative Rules” address the procedures required, under State law, for the establishment and termination of Agricultural Preserves and Williamson Act Contracts. It should be noted that under State law, Open Space Preserves are also subject to Williamson Act provisions and could include certain natural habitat area such as the Tuolumne River Corridor and certain sensitive habitat areas located in the northeast portion of the City’s Sphere of Influence and Secondary Sphere.

These “Rules” also set the standards for land use and define the types, and extent, of development that may be proposed on lands subject to a Williamson Act Contract. It should be noted that although the lands subject to Williamson Act provisions are zoned for development by the City, this development cannot be fully implemented until such time as the contract is termination either by “Cancellation” or expiration of the Contract Term as a result of the filing of a “Notice of Non-Renewal”. It should be noted that the Contract themselves should contain specific language with respect to the limitation of use and development.

The project is found to be exempt from the requirements of the California Environmental Quality Act (CEQA) due to the fact that the enactment of the Williamson Act Administrative Rules are required under California State Law and as “administrative rules” enacting the requirements of state law, their adoption will have no direct impact of the physical environment.

Public Hearing OPENED: 07:24:22 PM  
Public Hearing CLOSED: 07:24:39 PM

A motion to approve Resolution 2009-03 was made by CM/Dugovic and duly seconded by CM/Carnes.

AYES: Esther, Carnes, Dugovic, Frenette, Kitchens  
NAYES: None

ABSENT: None  
ABSTAIN: None

Motion passed: 5-0

**5. UNFINISHED BUSINESS:**  
NONE

**6. NEW BUSINESS**  
None

**7. ITEMS FROM STAFF:**

07:25:18 PM Mr. Borchard spoke about the Acosta Cabinet shop and that they are ready to open for business, He also spoke about the Well Church and an upcoming project.

**8. ITEMS FROM COMMISSIONERS:**

07:27:34 PM

CM/Frenette: Wish everyone Happy Holidays and welcomed Ms. Kitchens to the Planning Commission  
CM/Dugovic: Commented that the City Christmas party was a nice event and wished everyone a Happy Holiday.

CM/Kitchens: Commented that she is happy to be part of Commission, and that Acosta and sons is a great facility and that the family is very happy about the accomplishment.

CM/Carnes: Wished everyone a Merry Christmas and welcomed Ms. Kitchens aboard.

Chairman Esther: Welcome Ms. Kitchens and asked Mr. Borchard for a status update on the Zoning codes.

ADJOURNMENT/RECESS: A motion was made by CM/Dugovic and seconded by CM/Frenette to adjourn the December 22<sup>nd</sup>, 2009 Planning Commission Meeting at 07:32:22 PM .

PASSED AND ADOPTED by the Waterford Planning Commission at a regular meeting held on February 23<sup>rd</sup>, 2010, by the following vote:

AYES: ESTHER, DUGOVIC, KITCHENS, FRENETTE

NOES: 0

ABSTAIN: 0

ABSENT: CARNES

ATTEST:   
Patricia Krause, Deputy City Clerk

  
Chris Esther, Chairman





















**AGENDA**  
**WATERFORD PUBLIC FINANCING AUTHORITY MEETING**  
**WATERFORD COMMUNITY CENTER, CITY COUNCIL CHAMBERS**  
**540 "C" STREET, WATERFORD, CA**

**MARCH 4, 2010 - 6:30 PM**

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE:**

**Chairman Goeken**

**ROLL CALL:**

**Chairman  
Board Members:**

**Goeken  
Aldaco, Van Winkle, Krause, Day**

(City Staff and contract employees present at the meeting will be noted in the minutes)

**ADOPTION OF AGENDA & CONSENT CALENDAR:**

Consent items are approved with one motion unless removed from the consent agenda prior to approval of the agenda. Items removed are placed for discussion at a set agenda time. Items may be removed by requesting the Executive Director or the Agency Secretary.

1. **CONSENT CALENDAR**

Item 1a: Minutes of the Regular WPFA Meeting held on September 17, 2009

2. **COMMUNICATIONS FROM THE AUDIENCE**

By Policy, the Agency Board will not act on any matters not shown on the printed agenda. Public comments are welcomed for information only. If a decision is required, the topic will be scheduled for a future meeting. Please hold all comments to five (5) minutes.

3. **REGULAR ITEMS**

4. **CLOSED SESSION**

Item 4a: "CONFERENCE WITH LEGAL COUNSEL, PENDING LITIGATION"  
(PURSUANT TO GOVERNMENT CODE SECTION 54956.9)

Item 4b: "CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION" (PURSUANT TO  
GOVERNMENT CODE SECTION 54956.9)

Item 4c: "CONFERENCE WITH REAL PROPERTY NEGOTIATOR"  
(PURSUANT TO GOVERNMENT CODE 54956.8)

**ADJOURNMENT**



**AGENDA**  
**WATERFORD REDEVELOPMENT AGENCY**  
**WATERFORD COMMUNITY CENTER, CITY COUNCIL CHAMBERS**  
**540 "C" STREET, WATERFORD, CA**

**MARCH 4, 2010 - 6:30 PM**

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE:**

**Chairman Goeken**

**ROLL CALL:**

**Chairman  
Board Members:**

**Goeken  
Aldaco, Van Winkle, Krause, Day**

(City Staff and contract employees present at the meeting will be noted in the minutes)

**ADOPTION OF AGENDA & CONSENT CALENDAR:**

Consent items are approved with one motion unless removed from the consent agenda prior to approval of the agenda. Items removed are placed for discussion at a set agenda time. Items may be removed by requesting the Executive Director or the Agency Secretary.

1. **CONSENT CALENDAR**

Item 1a: Minutes of the regular meeting of the RDA held on December 17, 2009

2. **COMMUNICATIONS FROM THE AUDIENCE**

By Policy, the Agency Board will not act on any matters not shown on the printed agenda. Public comments are welcomed for information only. If a decision is required, the topic will be scheduled for a future meeting. Please hold all comments to five (5) minutes

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**ADJOURNMENT**

## NOTICE

Copies of the staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the office of the City Clerk. Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the front counter at City Hall located at 312 E Street, Waterford, CA during normal business hours. Any person who has any questions concerning any agenda item may call the City Clerk to make inquiry regarding the nature of the item described on the agenda.

At their request, members of the audience may address the City Council on any item during Council's consideration of that item. The public also has the opportunity to speak on any matter of public interest within the City Council's jurisdiction, including items on the City Council's Agenda, except for those items specially scheduled as public hearings. The public has an opportunity to speak on such items during the public hearing.

It is the policy of the City Council that we will not act on any matter not appearing on the posted agenda. The item may be discussed. The purpose of the discussion is to permit a member of the public to raise an issue or problem with the City Council or to permit the City Council to ask questions for clarification of the issue or problem, provide information to the public, provide direction of the City Staff, or schedule the matter for a future meeting. Please hold all comments to five (5) minutes.

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**General Information:** The Waterford City Council meets on the 1<sup>st</sup> and 3<sup>rd</sup> Thursday's of each month at 6:30PM., unless otherwise noticed.

**Council Agenda's:** Copies of City Council Agenda and agenda related writings or documents will be made available for public inspection at the front counter at City Hall located at 312 "E" Street, Waterford, CA. 72 hours prior to the meeting, or at the time of the scheduled meeting.

<b>DATE &amp; TIME OF POSTING</b>	
Council Meeting Date:	_____
Post Date:	_____
Time:	_____
Verified by:	_____
Title:	City Clerk