



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

CITY COUNCIL REGULAR MEETING – DECEMBER 3, 2015 – 6:30 PM

MEETING CALLED TO ORDER BY MAYOR VAN WINKLE AT 6:29 PM

FLAG SALUTE: Led by Mayor Van Winkle

INVOCATION: Minister Susan Price, Empire Church of the Brethren

ROLL CALL:

Vice-Mayor - Aldaco: Present
Mayor - Van Winkle: Present
Council Member - Krause: Present
Council Member - Whitfield: Present
Council Member - Gothan: Present

STAFF PRESENT:

Tim Ogden, City Manager
Lori Martin, City Clerk
Corbett J. Browning, City Attorney
Matt Erickson, Public Works Director
Mike Radford, Chief of Police
Tina Envia, Finance Manager

ADOPTION OF AGENDA:

A member of the City Council motions to accept the items on the agenda for consideration as presented, or motions for any additions, including emergency items, or items pulled from consideration.

Motion by CM/Whitfield, seconded by CM/Krause to adopt the agenda.

Council Member - Whitfield: Motion
Council Member - Krause: 2nd
Vice-Mayor - Aldaco: Approve
Mayor - Van Winkle: Approve
Council Member - Krause: Approve
Council Member - Whitfield: Approve
Council Member - Gothan: Approve

Motion passed 5-0.

CONFLICT OF INTEREST DECLARATION:

Declaration by City Council members who may have a direct Conflict of Interest on any scheduled agenda item to be considered.
None.

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 desires to discuss any item or items separately. In that event, the Mayor will remove that item from the Consent Calendar and action will be considered separately.

Motion by CM/Krause, seconded by VM/Aldaco to adopt the consent calendar.

- Council Member - Krause: Motion
- Vice-Mayor - Aldaco: 2nd
- Vice-Mayor - Aldaco: Approve
- Mayor - Van Winkle: Approve
- Council Member - Krause: Approve
- Council Member - Whitfield: Approve
- Council Member - Gothan: Approve

Motion passed 5-0.

1. CONSENT CALENDAR

- 1a: Waive Readings - All readings of Ordinances and Resolutions, except by title, are waived
- 1b: RESOLUTION 2015-113: Warrant Register
- 1c: Minutes of the Regular City Council Meeting held on November 19, 2015
- 1d: Acceptance of the FY 2014-15 Audited Financial Statements for the Transportation Development Act (TDA) and the Abandoned Vehicle Abatement (AVA) Programs

2. PRESENTATIONS

- 2a: The Transportation Development Act and the Unmet Transit Needs Process, Presented by Regina Valentine, StanCOG Associate Planner:

Regina Valentine presented the Transportation Development Act and the unmet transit needs process.

3. COMMUNICATIONS FROM THE AUDIENCE

This is the portion of the meeting specifically set aside to invite public comments regarding any matters not appearing on the agenda and within the jurisdiction of the City Council or the Successor Agency. Individual audience participation is limited to a maximum of 5 minutes and you will be asked to state your name and city of residence. Please complete and submit a speaker card to the City Clerk.

Gabriel Alvarez, property owner of 220 E Street, addressed City Council in regards to a decision made at the Administrative Hearing Board regarding his tenant who was running an illegal business from his property. Mr. Alvarez made a request for the City Council to reconsider the penalty decision of the Administrative Hearing Board and presented some additional paperwork to support his case.

4. PUBLIC HEARING

Members of the public may comment when the item is opened for public hearing.

- 4a: Consider Appeal from Halferty Development Corporation, LLC Regarding Conditions of Approval for a Rite Aid Retail Store:

Mayor Van Winkle stated that the applicant is running late and made a request to come back to this public hearing item once the applicant arrives.

Motion by CM/Gothan, seconded by CM/Krause to come back to public hearing item 4a once the applicant arrives.

- Council Member - Gothan: Motion
- Council Member - Krause: 2nd
- Vice-Mayor - Aldaco: Approve
- Mayor - Van Winkle: Approve
- Council Member - Krause: Approve

Council Member - Whitfield: Approve
Council Member - Gothan: Approve

Motion passed 4-0.

At 7:06 PM City Council took action after the conclusion of Item 5a to come back to discuss Item 4a and conduct the public hearing.

City Attorney Browning presented the history and facts of the appeal hearing and process pursuant to various sections of the Waterford Municipal Code.

Mayor Van Winkle opened the public hearing at 7:10 p.m.

Mr. Chris Peto from Halferty Development Company introduced himself and gave a brief history of the reasons why Rite Aid chose Waterford as a place to develop a new store.

Mayor Van Winkle closed the public hearing at 7:19 p.m.

Motion by CM/Whitfield, seconded by CM/Gothan to grant the appeal

Council Member - Whitfield: Motion
Council Member - Gothan: 2nd
Vice-Mayor - Aldaco: Approve
Mayor - Van Winkle: Disapprove
Council Member - Krause: Approve
Council Member - Whitfield: Approve
Council Member - Gothan: Approve

Motion passed 4-1.

5. GENERAL BUSINESS

5a: Acceptance of the FY 2014-15 Audited Financial Statements for the City of Waterford:
Finance Manager Tina Envia gave an oral staff report.

Motion by CM/Gothan, seconded by CM/Krause to accept the FY 2014-15 Audited Financial Statements.

Council Member - Gothan: Motion
Council Member - Krause: 2nd
Vice-Mayor - Aldaco: Approve
Mayor - Van Winkle: Approve
Council Member - Krause: Approve
Council Member - Whitfield: Approve
Council Member - Gothan: Approve

Motion passed 5-0.

Motion by CM/Whitfield, seconded by CM/Gothan to go back to Item 4a.

Council Member - Whitfield: Motion
Council Member - Gothan: 2nd
Vice-Mayor - Aldaco: Approve
Mayor - Van Winkle: Approve
Council Member - Krause: Approve
Council Member - Whitfield: Approve
Council Member - Gothan: Approve

Motion passed 5-0.

- 5b: RESOLUTION 2015-114: Authorizing the Release of a Request for Proposals for a Water Rate and Fee Study for the Waterford, River Pointe and Hickman Water Systems:

Public Works Director Erickson gave an oral staff report.

Motion by CM/Gothan, seconded by CM/Whitfield to adopt Resolution 2015-114.

Council Member - Gothan: Motion
Council Member - Whitfield: 2nd
Vice-Mayor - Aldaco: Approve
Mayor - Van Winkle: Approve
Council Member - Krause: Approve
Council Member - Whitfield: Approve
Council Member - Gothan: Approve

Motion passed 5-0.

- 5c: Authorize Submittal of a Proposed Plan to Correct Deficiencies and to Amend Permit for the Waterford, River Pointe and Hickman Water Systems:
City Manager Ogden gave an oral staff report.

Motion by CM/Whitfield, seconded by VM/Aldaco to authorize the submittal of the proposed plan to correct deficiencies and to amend the permit for the Waterford, River Pointe and Hickman water systems.

Council Member - Whitfield: Motion
Vice-Mayor - Aldaco: 2nd
Vice-Mayor - Aldaco: Approve
Mayor - Van Winkle: Approve
Council Member - Krause: Approve
Council Member - Whitfield: Approve
Council Member - Gothan: Approve

Motion passed 5-0.

- 5d: Purchase of Fleet Vehicles for the Waterford, Hickman and River Pointe Water Systems:
Public Works Director Erickson gave an oral staff report.

Motion by CM/Gothan, seconded by CM/Krause to approve the purchase of 3 public works vehicles for the 3 water systems.

Council Member - Gothan: Motion
Council Member - Krause: 2nd
Vice-Mayor - Aldaco: Approve
Mayor - Van Winkle: Approve
Council Member - Krause: Approve
Council Member - Whitfield: Approve
Council Member - Gothan: Approve

Motion passed 5-0.

- 5e: Marijuana Legislative Update:

City Manager Ogden gave an update on the Medical Marijuana Regulation and Safety Act and explained the process that the city will need to go through in the coming weeks to keep local control and prohibit the cultivation, distribution and delivery of medical marijuana in the City of Waterford. City Council was in consensus to keep moving forward with the proposed process.

6. **ITEMS FOR CONSIDERATION BY THE CITY COUNCIL ACTING SOLELY AS SUCCESSOR AGENCY TO THE FORMER WATERFORD REDEVELOPMENT AGENCY**

None.

7. **INFORMATIONAL ITEMS**

8. **STAFF/COUNCIL COMMENTS AND MEETING REPORTS**

- 8a: City Staff Comments (Information Only – No Action)
- 8b: City Council Comments (Information Only – No Action)

9. **ADJOURNMENT / RECESS**

Meeting recessed at: 8:11 p.m.

Mayor Van Winkle recessed the City Council meeting at 8:11 p.m. After a short recess the WPFA meeting will convene and adjourn. After adjournment of the WPFA meeting, City Council will convene a closed session meeting. At the conclusion of the closed session meeting City Council will report on any actions taken and adjourn the City Council meeting.

10. **CITY ATTORNEY REPORT FROM CLOSED SESSION**

- 10a: "CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION"
(PURSUANT TO GOVERNMENT CODE SECTION 54956.9)
 - **Gabriel Alvarez Appeal Hearing Board Determination:** Update from City Attorney and City Manager. Settlement authority provided to staff.
 - **Department of Finance Determination:** Update from City Attorney and Council Members. Direction given to City Manager.

- 10b: "CONFERENCE WITH LEGAL COUNSEL, PENDING LITIGATION"
(PURSUANT TO GOVERNMENT CODE SECTION 54956.9)
 - **Blue Sage Lawsuit:** Direction given to City Attorney.
 - **Sipple vs. City of Waterford, et al. Consideration of Settlement Agreement:** Unanimous motion approving settlement terms provided by City Attorney.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on December 17, 2015, by the following vote:

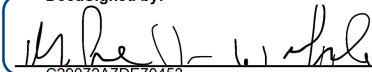
AYES: 3 Van Winkle, Krause, Whitfield

NOES: 0

ABSTAIN: 0

ABSENT: 2 Aldaco, Gothan

CITY OF WATERFORD

DocuSigned by:

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Michael Van Winkle, Mayor

ATTEST:

DocuSigned by:

Lori Martin, MMC, City Clerk