



**CITY OF OAKDALE
City Council
Regular Meeting Minutes**

City Council Chambers
277 North Second Avenue
Oakdale, California

Tuesday, September 5, 2017

7:00 PM

City Council Chambers

1. CALL TO ORDER:

Mayor Paul called the meeting to order at 7:00 p.m.

2. CITY COUNCIL MEMBERS PRESENT/ABSENT:

Present: Mayor Paul
Mayor Pro Tem Dunlop
Council Member Bairos
Council Member McCarty
Council Member Murdoch

Staff Present: City Manager Whitemyer
City Attorney Goldstein
Finance Director Avila
Public Workers Superintendent Bridgewater
Police Lieutenant Carrillo
Public Services Director Gravel
Police Chief Heller
City Clerk Teixeira

3. PLEDGE OF ALLEGIANCE:

Mayor Paul led the assembly in the Pledge of Allegiance.

4. INVOCATION:

The invocation was provided by Rick Burnam, Oakdale Community Church.

5. PRESENTATIONS/ACKNOWLEDGEMENTS:

5.1: Presentation on the Library Services and Measure S (Extension of 1/8 cent Sales Tax Support of the Stanislaus County Library System), Presented by Diane McDonnell, Library Director Stanislaus County Library.

A PowerPoint Presentation was provided.

Ms. McDonnell, Library Director for Stanislaus County Library provided the City Council with copies of the Stanislaus County Library 2015-2016 Annual Report as well as copies of the Stanislaus County Library Update for September 2017 during her PowerPoint Presentation requesting City Council endorsement of Measure S.



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Kathleen Westenberg requested additional information on the Stanislaus County Library System Budget.

Library Director McDonnell provided additional breakdown of library funding sources.

6. ADDITIONS/DELETIONS:

Mayor Paul asked whether there were any additions or deletions to the agenda. No items were added or deleted.

7. PUBLIC COMMENTS:

Brad DeBoer introduced himself as a Division 5 candidate for the Oakdale Irrigation District Board of Directors.

The following individuals, representing ConAgra introduced themselves to the City Council:

Phil Brewer, Plant Manager at Oakdale ConAgra
Jeff Shultz, ConAgra Plant Worker (Oakdale);
Matt Dunn, Director of Risk Control for ConAgra Foods; and,
Tracy Kayhanfar, Senior Director of Environmental Management for ConAgra Brands

Phil Brewer, Plant Manager at Oakdale ConAgra provided a PowerPoint Presentation to the City Council related to the North County Corridor Plan and their opposition to Alternative 1 and preference for Alternative 2.

8. APPOINTMENT TO BOARDS AND COMMISSIONS:

None scheduled.

9. CITY COUNCIL CONSENT AGENDA:

Mayor Paul asked whether there were any questions on any matter listed on the Consent Agenda.

Council Member McCarty advised he would like to pull agenda item 9.8 "A Resolution of the City Council of the City of Oakdale Encouraging Civility and Condemning Actions that Degrade, Harm and Act in Any Way to Suppress the Freedoms or Threaten the Safety of Others" for discussion.

Council Member McCarty stated he would be abstaining from voting on this resolution. Council Member McCarty then read a prepared statement on his reasons for abstaining.



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Council Member Bairos stated she will also be abstaining from voting on the resolution on this resolution as she believes the resolution to be redundant with how citizens live in Oakdale.

In response to the question raised by Council Member Bairos, Police Chief Heller reported there have been four reported hate crimes in the last 5 to 10 years; the most recent report was two years ago which was a report of tagging.

Mayor Paul stated she believes with the recent negative press surrounding someone who lives outside of the City, who is perpetrating hate crimes; adoption of a resolution reaffirming our values will allow the City Council to stand up and say this is Oakdale; a town of good people who appreciate our Ag groups and cheer on our Mustangs.

Public Comment in Support of the Resolution:

Jim Anderson
Kathy Peixteixo
Alejandro Carrillo
Farrell Jackson

Public Comment Neither in Support or Opposition

Kathleen Westenberg

On question to City Attorney Goldstein by Mayor Paul, the City Council was advised to take action on the "*Resolution of the City Council of the City of Oakdale Encouraging Civility and Condemning Actions that Degrade, Harm and Act in Any Way to Suppress the Freedoms or Threaten the Safety of Others*" separately from the consent agenda.

MOTION

To Adopt Resolution 2017-105, a Resolution of the City Council of the City of Oakdale Encouraging Civility and Condemning Actions that Degrade, Harm and Act in Any Way to Suppress the Freedoms or Threaten the Safety of Others.

Moved by Mayor Pro Tem Dunlop, seconded by Council Member Murdoch and PASSED AND ADOPTED this 5th day of September 2017 by the following vote:

AYES:	COUNCIL MEMBERS: Dunlop, Murdoch and Paul	(3)
NOES:	COUNCIL MEMBERS: None	(0)
ABSENT:	COUNCIL MEMBERS: None	(0)
ABSTAINED:	COUNCIL MEMBERS: Bairos and McCarty	(2)

Motion carried 3/2 by City Council roll call vote (Council Members Bairos and McCarty abstaining).



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MOTION

To approve the City of Oakdale City Council Consent Agenda Items 9.1 through 9.7 for September 5, 2017 as follows:

- 9.1: Approve the Regular City Council Meeting Minutes of August 21, 2017, as corrected.
- 9.2: Receive and File the Warrant List for the period of August 15, 2017 to August 30, 2017.
- 9.3: Waive Readings of Ordinances/Resolutions except by Title.
- 9.4: Adopt Resolution 2017-106, a Resolution of the City Council of the City of Oakdale Supporting the Extension of a 1/8 Cent Sales Tax Which Would Fund the Stanislaus County Library.
- 9.5: Adopt City Council Resolution 2017-107, a Resolution of the City Council of the City of Oakdale Approving Concurrence and Support of the Community Development Block Grant Consolidated Annual Performance and Evaluation Report (CAPER) Fiscal Year 2017-2018.
- 9.6: Adopt City Council Resolution 2017-108, a Resolution of the City Council of the City of Oakdale Authorizing the Chief of Police to Purchase Five (5) Colt LE 6933 Patrol Rifles Equipped with Optical Accessories from Arms Unlimited in the amount of \$6,790.00.
- 9.7: Adopt Resolution 2017-109, a Resolution of the City Council of the City of Oakdale Authorizing PG&E On-Bill Financing for The Police Department/City Hall Complex and The Gladys Lemmons Senior Center, Authorizing Finance Director to Execute Agreement.

Moved by Council Member McCarty, seconded by Mayor Pro Tem Dunlop and PASSED AND ADOPTED this 5th day of September 2017 by the following vote:

AYES:	COUNCIL MEMBERS: Bairos, Dunlop, McCarty, Murdoch and Paul	(5)
NOES:	COUNCIL MEMBERS: None	(0)
ABSENT:	COUNCIL MEMBERS: None	(0)
ABSTAINED:	COUNCIL MEMBERS: None	(0)

Motion carried 5/0 by City Council roll call vote.

10. PUBLIC HEARINGS:

None scheduled.



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11. STAFF REPORTS:

- 11.1: Consider a Resolution of the City of Oakdale City Council Approving the Downtown Parking Improvement Project and Appropriating \$125,190.00 From Fund 245 – Economic Development Fund to Design, Construct and Inspect Phase 1 of the Project.

A PowerPoint Presentation was provided.

City Manager Whitemyer presented the staff report recommending that the City Council adopt the draft resolution approving the Downtown Parking Improvement Project and appropriation of \$125,190 from Fund 245 – Economic Development Fund for the design, construction and inspection of Phase 1 of the proposed project.

City Manager Whitemyer introduced Rory Moore, representing Chargepoint, Inc.

Rory Moore, Business Development for and representing Chargepoint, Inc. provided general highlights of the project and explained how the facilities will be maintained.

Public Comment
Farrell Jackson

MOTION

To adopt Resolution 2017-110, a Resolution of the City Council of the City of Oakdale approving the Downtown Parking Improvement Project and Appropriating \$125,190.00 from Fund 245 – Economic Development Fund to Design, Construct and Inspect Phase 1 of the Project.

Moved by Mayor Pro Tem Dunlop seconded by Council Member Murdoch and PASSED AND ADOPTED this 5th day of September 2017 by the following vote:

AYES:	COUNCIL MEMBERS:	Bairos, Dunlop, McCarty, Murdoch and Paul	(5)
NOES:	COUNCIL MEMBERS:	None	(0)
ABSENT:	COUNCIL MEMBERS:	None	(0)
ABSTAINED:	COUNCIL MEMBERS:	None	(0)

Motion carried 5/0 by City Council roll call vote.

- 11.2: Consider by Minute Order Ratifying Response to Findings and Recommendations of the 2016-2017 Stanislaus County Civil Grand Jury Report – City of Oakdale Residents Property Tax.

City Manager Whitemyer presented the staff report recommending that the City Council ratify the City's response to the Findings and Recommendations of the 2016-2017 Stanislaus County Civil Grand Jury Report related to the City of Oakdale residents' property tax.



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Public Comment

Charles Shetron read a prepared statement which was distributed to the members of the City Council and is attached hereto and incorporated as Exhibit A to the Minutes.

MOTION

By Minute Order Ratify Response to Findings and Recommendations of the 2016-2017 Stanislaus County Civil Grand Jury Report – City of Oakdale Residents Property Tax.

Moved by Council Member McCarty seconded by Mayor Pro Tem Dunlop and PASSED this 5th day of September 2017 by the following vote:

AYES:	COUNCIL MEMBERS:	Bairos, Dunlop, McCarty, Murdoch and Paul	(5)
NOES:	COUNCIL MEMBERS:	None	(0)
ABSENT:	COUNCIL MEMBERS:	None	(0)
ABSTAINED:	COUNCIL MEMBERS:	None	(0)

Motion carried 5/0 by City Council roll call vote.

- 11.3: Consider a Resolution of the City of Oakdale City Council Accepting Grant Funding from the State of California Office of Traffic Safety (OTS) for the Selective Traffic Enforcement Program (Step) in the amount of \$70,000.00.

Police Chief Heller presented the staff report recommending the City Council adopt the draft resolution contained in staff's report accepting grant funding from the State of California Office of Traffic Safety (OTS) for the Selective Traffic Enforcement Program (Step) in the amount of \$70,000.00.

MOTION

To adopt Resolution 2017-111, a Resolution of the City Council of the City of Oakdale Accepting Grant Funding from The State of California Office of Traffic Safety (OTS) For the Selective Traffic Enforcement Program (Step) In The Amount Of \$70,000.00.

Moved by Council Member McCarty seconded by Mayor Pro Tem Dunlop and PASSED AND ADOPTED this 5th day of September 2017 by the following vote:

AYES:	COUNCIL MEMBERS:	Bairos, Dunlop, McCarty, Murdoch and Paul	(5)
NOES:	COUNCIL MEMBERS:	None	(0)
ABSENT:	COUNCIL MEMBERS:	None	(0)
ABSTAINED:	COUNCIL MEMBERS:	None	(0)

Motion carried 5/0 by City Council roll call vote.



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11.4: Consider Accepting by Minute Order the July 2017 Treasurer's Report.

Finance Director Avila presented the staff recommending the City Council accept by Minute Order the May 2017 Treasurer's Report.

MOTION

By Minute Order accept the May 2017 Treasurer's Report.

Moved by Council Member McCarty seconded by Mayor Pro Tem Dunlop and PASSED this 5th day of September 2017 by the following vote:

AYES:	COUNCIL MEMBERS:	Bairos, Dunlop, McCarty, Murdoch and Paul	(5)
NOES:	COUNCIL MEMBERS:	None	(0)
ABSENT:	COUNCIL MEMBERS:	None	(0)
ABSTAINED:	COUNCIL MEMBERS:	None	(0)

Motion carried 5/0 by City Council roll call vote.

12. CITY MANAGER'S REPORT:

12.1: Receive Update on Cannabis Business Pilot Program.

A PowerPoint Presentation was provided.

City Manager Whitemyer provided the City Council an update on the Cannabis Business Pilot Program advising on October 2, staff will present the framework of the proposed Cannabis Regulation Ordinance to the City Council for consideration with subsequent steps to be determined at that meeting.

At the request of Mayor Pro Tem Dunlop, City Manager Whitemyer advised staff would provide a copy of the staff report to the City Council on September 20.

13. CITY COUNCIL ITEMS:

Council Member McCarty advised on Friday, September 8, a Senior Luau Dinner will be held at the Gladys Lemmons Senior Citizen Community Center and on September 9, the Walk to End Alzheimer's will be held at Graceda Park in Modesto.

Mayor Paul reminded those in attendance and watching at home that Stanislaus County and Caltrans will be hosting an open house related to the future North County Corridor with a drop-in-and-chat format from 4:00 to 8:00 p.m. on Thursday, September 7 in the Gene Bianchi Community Center. Handouts and maps will be available for individuals to review. On Saturday, September 16 at 11:00 a.m., the City will be celebrating the Grand Opening of the Oakdale Community Park.



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Council Member Bairos advised opening ceremonies for Oakdale Soccer Club will be held Saturday, September 9 at 8:30 a.m. at TL Davis Sports Park.

14. ADJOURNMENT:

There being no further business, Mayor Paul adjourned the meeting at 8:55 p.m.
p.m.

ATTEST:

APPROVED:

/s/Kathy Teixeira
Kathy Teixeira, CMC
City Clerk

/s/Pat Paul
Pat Paul
Mayor

TO: Mayor and City Council of Oakdale, California

September 5, 2017

From: Charles R. Shetron, 2148 Palomino Way, Oakdale California

Subject: Disparity of Services to Taxes Paid to OID

CC: Mr. Bryan Whitemyer City Manager

Let me first state that I admire OID because I perceive them as a well run and efficient organization. But, I also admire the concept of obtaining value for money spent, most particularly tax money. It is in that spirit that the following presentation is made.

The City responded to Item F4 of the Civil Grand Juries question regarding how to improve the disparity between the annual taxes of \$1.07 million paid to OID by the citizens of Oakdale and the services they receive. I find the cities answer to the potential additional services to be received from OID to be misleading.

The City, in their response, highlights a Mutual Aid Agreement between the City and OID as a value to be received. However, if the actual agreement follows the current Draft Agreement, what would take place is a situation where if either OID or the City needed assistance, in certain defined areas, and if the provider of service felt like it, they could provide assistance. The provider of service would be paid, by the requesting party, for the labor, equipment, time and materials used in the response. If the City were the requesting party they would pay for the assistance given. I am unable to see any tax related value in this simple business arrangement.

Another item offered as a value is a Cooperative Action Plan. The first item in the Draft of that plan is the foregoing Mutual Aid Agreement. The second item in the Action Plan is the conversion of the city parks from city water to OID irrigation water with the net result of an annual savings of ground water of approx. 567 acre feet. This would have a positive effect on the supply of available potable water at a minimum cost.

Action item #3 is a commercial venture which could possibly provide a fiscal benefit to the City while it will have an equal or greater benefit to OID. This item provides for upgrading the city water treatment plant to improve the quality of water so that 2000 acre feet can be reused as irrigation water.

Two of the four responses to the Civil Grand Juries Item F4 question (Mutual Aide, and Action item # 1) are the same thing and do not, in my view, constitute a benefit to the city that would warrant tax support, one response is a commercial venture (Action Item: #3) and the fourth (Action Item: #2) is relatively inexpensive onetime cost that does not rise to the level of the amount of annual taxation being addressed.

However the Grand Juries involvement has exposed a potential benefit to the city based upon the annual reservation of 10,000 acre feet of water to the City of Oakdale by what is described as a "firm" Right. This water is from the 600,000 acre feet of water allocated to OID/SSJID from New Melones allotment. An estimate of this potential could not be made at this time because I have not received a response to my Records Request for the Terms under which this Right operates. However, some sense of this potential can be taken from the fact of the very public sale of water to San Francisco for \$300 an acre foot. Later sales have been substantially higher.

Mayor and the City Council of Oakdale, California

The tax charges and lack of equitable service levels have gone on for decades with no attempt to resolve the situation. It is my sincere hope that the Civil Grand Juries revelations will lead to the City Council creating circumstances for tax relief and/or sources of income which will abate or slow down local governments' incessant cry for increased taxes and fees; while at the same time being equitable for OID.

Respectfully Submitted,