



**CITY OF OAKDALE
CITY COUNCIL
REGULAR MEETING MINUTES**



The City of Oakdale recognizes and supports the Choose Civility program, an initiative of the Stanislaus County Office of Education.

**City Council Chambers
277 North Second Avenue • Oakdale • CA 95361**

Monday, August 5, 2019

7:00 PM

City Council Chambers

1. CALL TO ORDER:

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

2. COUNCIL/AGENCY MEMBERS PRESENT/ABSENT:

Present: Mayor McCarty
Council Member Bairos
Council Member Chiara
Council Member Murdoch
Council Member Smith

Staff Present: City Manager Whitemyer
City Attorney Hallinan
Finance Director Avila
Public Services Director Gravel
Police Chief Heller
Public Works Superintendent Bridgewater
Senior Building Inspector Odom
Police Lieutenant Carrillo

Absent: NONE

3. PLEDGE OF ALLEGIANCE:

Prior to the pledge of allegiance, Mayor McCarty asked everyone to stand and take a moment of silence for the victims of Dayton, El Paso, and Gilroy. After the moment of silence, members of Boy Scout Troop 43 led the pledge of allegiance.

4. INVOCATION:

Pastor Korey Buchanek from River Oak Grace provided the invocation.

5. PRESENTATIONS/ACKNOWLEDGEMENTS

5.1 Presentation of Certificates of Recognition to Xander Toepfer, Charles Frame, Nathan Womack, Grayson Paulis, Daniel Tcharner, Conner DeJong, and Dekker White of Boy Scout Troop 43 for earning the rank of Eagle Scout.

Mayor McCarty recognized each member of Troop 43 who had earned the rank of Eagle Scout and presented each of them with a Certificate of Recognition. Each scout stated



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their name and the projected they completed and Mayor McCarty thanked them on behalf of the City of Oakdale.

6. ADDITIONS/DELETIONS

Mayor McCarty asked whether there were any additions or deletions to the City Council agenda. City Manager Whitemyer advised there were none.

7. PUBLIC COMMENTS

Public Comment Opened at 7:09 p.m.

Karina Mendoza, Branch Manager of the Oakdale Library, updated the City Council on current events and projects going on at the Oakdale Library. She also let everyone know that representatives of the library will be attending the National Night Out in Burchell Hill to hand out free books.

Janelle Vallejo, Holistic Institute of Oakdale, spoke about the proposed Massage Ordinance asking if she would have a chance to hear about the ordinance. In response to her question, City Manager Whitemyer stated that it would be discussed during the Public Hearing section of the meeting. Mayor McCarty added that she will have an opportunity to speak further during the Public Comment section of the Public Hearing.

Public Comment Closed at 7:11 p.m.

8. APPOINTMENT TO BOARDS AND COMMISSIONS

None Scheduled.

9. CITY COUNCIL CONSENT AGENDA

Mayor McCarty asked are there any questions or requests to remove items from the Consent Agenda. No questions or requests to remove items from the Consent Agenda were requested.

MOTION

To approve the City of Oakdale City Council Consent Agenda Items 9.1 through 9.7 for August 5, 2019 as follows:

9.1: Approve the City Council Regular Meeting Minutes of July 15, 2019.

9.2: Receive and File the Warrant List for the Period of July 6, 2019 through July 19, 2019.

9.3: By Motion, Waive all Readings of Ordinances and Resolutions, except by Title.

9.4: Appoint by Motion, Maria Wilson to City Treasurer to fulfill the vacancy created by the



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resignation of City Treasurer Sulhoff, to complete the term ending in 2020.

- 9.5: Rejection by Minute Order, Claim for Damages submitted by Mary Martin.
- 9.6: Consider a Resolution Declaring property surplus from the Police Department and Authorize the release of the surplus property to the California Auction Company for sale in an upcoming auction, or permanent disposal through Gilton Solid Waste Management or Covanta Energy.

Recommended Action: Adopt City of Oakdale City Council Resolution 2019-099, a Resolution of the City Council of the City of Oakdale Declaring property surplus from the Police Department and Authorize the release of the surplus property to the California Auction Company for sale in an upcoming auction, or permanent disposal through Gilton Solid Waste Management or Covanta Energy.

- 9.7: Consider a Resolution Authorizing application for, and receipt of, SB2 Planning Grants Program Funds through the State Department of Housing and Community Development.

Recommended Action: Adopt City of Oakdale City Council Resolution 2019-100, a Resolution of the City Council of the City of Oakdale Authorizing application for, and receipt of, SB2 Planning Grants Program Funds through the State Department of Housing and Community Development.

MOTION

To approve the City of Oakdale City Council Consent Agenda Items 9.1 through 9.7 for August 5, 2019.

Moved by Council Member Bairos and seconded by Council Member Smith and PASSED AND ADOPTED this 5th day of August 2019, by the following vote:

AYES:	COUNCIL MEMBERS: Bairos, Smith, Murdoch, Chiara, and McCarty	(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

- 10.1: Continued Discussion from the July 15, 2019 City Council meeting regarding an Ordinance Amending Chapter 19, Article VIII of the Oakdale Municipal Code relating to Oakdale Massage Establishment Regulations.



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Recommended Action: City Council Introduce and Waive the First Reading of the Ordinance amending Oakdale Municipal Code, Chapter 19, Article VIII of the Oakdale Municipal Code relating to Oakdale Massage Establishment Regulations.

A PowerPoint Presentation was provided.

Lieutenant Carrillo provided the staff report with updated amended language to the proposed Ordinance. He explained that the added specific language explicitly exempts existing businesses in existence prior to October 1, 2019, from the CAMTC requirement. The added language will enable current massage therapists or massage practitioners in the City of Oakdale who are in compliance with the previous ordinance to continue to practice without interruption of their business and relieves current massage therapists or massage practitioners of additional certification. He also discussed other key changes.

Lt. Carrillo completed his report with the recommendation that the City Council introduce the Ordinance amending Article VIII of Chapter 19 of the Oakdale City Code relating to Oakdale massage establishment regulations and waive the first reading.

City Manager Whitemyer stated that the Ordinance references the Community Development Director and needed to be changed to the Public Services Director. Chief Heller acknowledged this change.

Council Member Bairos asked how often the CAMTC runs a background check. Lieutenant Carrillo stated that if a violation occurred, the Police Department would notify the CAMTC who would then possibly send out an investigator.

Council Member Smith asked about the licensing process and restrictions on massage therapy locations. Lieutenant Carrillo and Chief Heller responded to his questions.

Council Member Chiara questioned how Section 19-125 (b) would affect any massage therapy schools in Oakdale. City Manager responded stating that current schools in town that do not have CAMTC certification but have their original licensing prior to October 2019, will still be able to operate.

With no further questions, Mayor McCarty opened the Public Hearing to public comment at 7:30 p.m.

Michelle Peterson, a local massage therapist, talked to the City Council about the benefits of massage and stated her appreciation for the City Council looking into certification issues and adjusting language to the Ordinance.

Jennie Beatty, a local massage therapist, voiced her support for the Ordinance with the language that grandfathers existing businesses.

Nicole McCracken, a local massage therapist, stated she was against the CAMTC decision and explained issues she has had with the CAMTC process. She suggested the



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City Council think about adding a "and/or" to the ordinance and to include "National Certification" which would allow for another option other than just the CAMTC.

Michelle Scott, owner of Massage and Body Work Center of Oakdale, voiced her support of the ordinance and explained the process that her business went through to be CAMTC certified. She also provided a breakdown of the CAMTC program and its history. She offered to bring the City Council a copy of the CAMTC regulations on National Certification.

Kathy Nickerson, a therapist in Oakdale, expressed concern over the policing of the proposed Ordinance and was frustrated that there wasn't more effort from the City to contact the businesses impacted by this Ordinance. City Manager Whitemyer addressed her concerns. Council Member Murdoch also responded to her concerns.

Janelle Vallejo, a business owner in town, discussed past issues she had with Island Spa and how forgery committed by Island Spa on stolen certifications from her school, affected her ability to become CAMTC certified. City Manager Whitemyer addressed her concerns and offered to meet with her. She also requested a meeting with Chief Heller.

Sara (last name withheld), discussed ongoing issues she has had with CAMTC in trying to complete her certification. She stated that although she has the required 500 hours, the business she received those hours from did not have their CAMTC certification therefore, the CAMTC organization will not grant her certification. She wanted the City Council to know that there are other certification programs out there other than the CAMTC and thinks the "and/or" would be a good addition to this ordinance.

Pamyla Madonna, owner of Pamyla's Day Spa, expressed her appreciation for the grandfathering in of established businesses and asked why there wasn't a budget for a Police Department vice squad to check supposed illegitimate businesses. City Manager Whitemyer stated that there simply is not a budget for that type of enforcement. Council Member Smith asked if she was CMATC certified to which she answered no.

Laurie Shiftlet, a therapist in Oakdale, stated her appreciation for being grandfathered in and suggested the City may want to add language in the Ordinance to include therapists that work in chiropractic and doctor's offices and in salons.

Miranda Godfrey asked how many massage businesses were in town and if there was a cap on how many are allowed. Lieutenant Carrillo answered her question regarding the number of businesses and City Manager Whitemyer stated city does not regulate the number of massage businesses allowed.

There being no further public testimony, Mayor McCarty closed the Public Hearing at 8:23 p.m.

Council Member Bairos thanked City Manager Whitemyer for calling those massage therapists back who had called him.



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Council Member Murdoch asked City Attorney Hallinan if he knew what other cities are doing regarding ordinances on the CAMTC. He responded that currently, Oakdale is the only city in Stanislaus that is trying to update our code.

Council Member Murdoch stated he feels that this ordinance would work for the majority, but if there was a way to add to add a section that included a variance process that would address unusual situation, such as an appeal process through the City Manager, it would be helpful.

Council Member Chiara stated that she didn't think it was fair for the City to require certification that is voluntary. Council Member Smith agreed.

Kathleen Westenberg, a resident of Oakdale, brought up how teachers who move from another state to California are required to be California state certified.

City Manager Whitemyer asked Nicole McCracken about how the City of Escalon changed their ordinance to include the "and/or". City of Turlock has language in their ordinance stating that the Chief of Police has final say.

Mayor McCarty voiced his support in adding language that included "and/or National Certificate".

City Manager Whitemyer reiterated the purpose and reasons why this Ordinance was being introduced. Chief Heller added that the CAMTC provides a clearinghouse which tracks "bad actors" and isn't aware if the national agency does the same which is part of the reason for municipalities upgrading to this standard. He recommended the City follow due diligence to see what exactly the national agency processes and procedures are.

City Attorney Hallinan stated that the City Council can introduce the Ordinance tonight with mention of the changed language. It can be reviewed and readdressed. Chief Heller explained the purpose and benefits of using CAMTC and how it provides the Police Department tools to regulatory checks on businesses that they are receiving complaints on.

Council Member Murdoch asked if it would be appropriate to motion that the City Council approve this item tonight with the provision that there be language add in regards to an appeals process with the City Manager. City Manager Whitemyer suggested there be an end date to the variance application process included as well.

Council Member Smith voiced his concerns about the CAMTC organization.

MOTION

Introduce and Waive the First Reading of the Ordinance amending Oakdale Municipal Code, Chapter 19, Article VIII of the Oakdale Municipal Code relating to Oakdale Massage



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Establishment Regulations that would include an appeal process to the City Manager if that occurs before October 1, 2019.

Moved by Council Member Murdoch and seconded by Mayor McCarty. FAILED this 5th day of August 2019, by the following vote:

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

Motion failed by 2/3 by City Council roll call vote.

11. STAFF REPORTS

11.1: Consider a Resolution Declaring Intention to Annex Additional Territory to the City of Oakdale Community Facilities District No. 2007-01 (Annexation No. 12)(Loma Lane), Set Public Hearing for September 16, 2019, Direct the Recording of the Annexation No. 12 Map within fifteen (15) days of the date of adoption of this Resolution, and Direct the Publication of the Notice of Public Hearing, one, at least seven (7) days prior to the Public Hearing.

A PowerPoint Presentation was provided.

Finance Director Avila provided a staff report to City Council recommending the adoption of City of Oakdale City Council Resolution 2019-101, a Resolution of the City Council of the City of Oakdale Declaring Intention to Annex Additional Territory to the City of Oakdale Community Facilities District No. 2007-1 (Annexation No. 12), Set Public Hearing for September 16, 2019, Direct the Recording of the Annexation No. 12 Map within fifteen (15) days of the date of adoption of this Resolution, and Direct the Publication of the Notice of Public Hearing, one, at least seven (7) days prior to the Public Hearing.

Public Comment: None

MOTION

Adopt City of Oakdale City Council Resolution 2019-101, a Resolution of the City Council of the City of Oakdale Declaring Intention to Annex Additional Territory to the City of Oakdale Community Facilities District No. 2007-1 (Annexation No. 12), Set Public Hearing for September 16, 2019, Direct the Recording of the Annexation No. 12 Map within fifteen (15) days of the date of adoption of this Resolution, and Direct the Publication of the Notice of Public Hearing, one, at least seven (7) days prior to the Public Hearing.

Moved by Council Member Smith and seconded by Council Member Chiara and PASSED AND ADOPTED this 5th day of August, by the following vote:



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

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

- 11.2 Consider a Resolution Declaring Intention to Annex Additional Territory to the City of Oakdale Community Facilities District No. 2015-01 (Annexation No. 5)(Loma Lane), Set Public Hearing for September 16, 2019, Direct the Recording of the Annexation No. 5 Map within fifteen (15) days of the date of adoption of this Resolution, and Direct the Publication of the Notice of Public Hearing, one, at least seven (7) days prior to the Public Hearing.

A PowerPoint Presentation was provided.

Finance Director Avila provided a staff report to City Council recommending the adoption of a resolution declaring intention to annex additional territory to the City of Oakdale Community Facilities District No. 2015-01 (Annexation No. 5)(Loma Lane), set Public Hearing for September 16, 2019, direct the recording of the Annexation No. 5 Map within fifteen (15) days of the date of adoption of this Resolution, and direct the Publication of the Notice of Public Hearing, one, at least seven (7) days prior to the Public Hearing.

Staff responded to questions asked by the City Council.

Public Comment: none

MOTION

Adopt City of Oakdale City Council Resolution 2019-102, a Resolution of the City Council of the City of Oakdale Declaring Intention to Annex Additional Territory to the City of Oakdale Community Facilities District No. 2015-01 (Annexation No. 5)(Loma Lane), Set Public Hearing for September 16, 2019, Direct the Recording of the Annexation No. 5 Map within fifteen (15) days of the date of adoption of this Resolution, and Direct the Publication of the Notice of Public Hearing, one, at least seven (7) days prior to the Public Hearing.

Moved by Council Member Chiara and seconded by Council Member Smith and PASSED AND ADOPTED this 5th day of August, by the following vote:

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

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



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12. CITY MANAGER'S REPORT

None.

13. CITY COUNCIL ITEMS

Mayor McCarty thanked Chief Heller and Lieutenant Carrillo for attending the impromptu community meeting. He also thanked the City Council for their work at July 22, 2019 goal setting workshop.

Mayor McCarty announced that there will be a Oakdale Town Hall Meeting held on Thursday, August 15, 2019 at the Gene Bianchi Community Center. The meeting is being hosted by Stanislaus County Supervisor Kristin Olsen with guest speakers OID Board President Tom Orvis, California State Assemblyman Heath Flora, possibly California State Senator Andreas Borgeas and Mayor McCarty. The meeting is scheduled from 6:00 p.m. to 7:30 p.m.

Mayor McCarty also reminded everyone that National Night Out is scheduled for Tuesday, August 6, 2019 and encouraged everyone to attend.

14. ADJOURNMENT

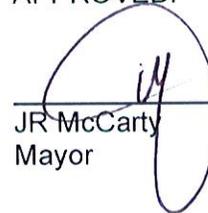
There being no further business, Mayor McCarty adjourned the meeting at 8:49 p.m.

ATTEST:



Julie Christel
Council Services and Legislative
Records Manager

APPROVED:



JR McCarty
Mayor