



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

City Council Chambers  
277 North Second Avenue  
Oakdale, California

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**Monday, November 6, 2017**

**7:00 PM**

**City Council Chambers**

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**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

Excused: Council Member Murdoch

Staff Present: City Manager Whitemyer  
Attorney Madison  
City Attorney Hallinan (Arrived 8:00 p.m.)  
Finance Director Avila  
Public Workers Superintendent Bridgewater  
Lieutenant Carrillo  
Public Services Director Gravel  
Police Chief Heller  
Community Services Officer Hilgen  
Management Analyst Mondragon  
Senior Engineering Technician Renfrow  
City Clerk Teixeira  
Fire Battalion Chief Wise  
Fire Captain Cummins

**3. PLEDGE OF ALLEGIANCE:**

Mayor Paul led the assembly in the Pledge of Allegiance.

**4. INVOCATION:**

The invocation was provided by Pastor Phil Rohrer, River Oak Grace Community Church.

**5. PRESENTATIONS/ACKNOWLEDGEMENTS:**

No formal presentations or acknowledgements occurred.



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**6. ADDITIONS/DELETIONS:**

Mayor Paul asked whether there were any additions or deletions to the agenda. There were no requests to add or delete items from the agenda.

**7. PUBLIC COMMENTS:**

No public comments were received.

**8. APPOINTMENT TO BOARDS AND COMMISSIONS:**

None scheduled.

**9. CITY COUNCIL CONSENT AGENDA:**

Mayor Paul asked whether there were any questions or requests to remove items from the Consent Agenda.

There were no questions, comments or requests to remove items from the Consent Agenda.

**MOTION**

To approve the City of Oakdale City Council Consent Agenda Items 9.1 through 9.10 for November 6, 2017 as follows:

- 9.1 Approve the Regular City Council Meeting Minutes of October 16, 2017.
- 9.2 Receive and File the Warrant List for the period of October 11, 2017 to November 1, 2017.
- 9.3 Waive Readings of Ordinances/Resolutions except by Title.
- 9.4 Adopt Resolution 2017-120, a Resolution of the City of Oakdale City Council Accepting the \$91,084.80 Walnut Pump Station Project and Authorizing the Filing of a Notice of Completion.
- 9.5 Adopt Resolution 2017-121, a Resolution of the City of Oakdale City Council Accepting the \$534,258.79 C Street Phase 2 Water Main Replacement Project and Authorizing the Filing of a Notice of Completion.
- 9.6 Adopt Resolution 2017-122, a Resolution of the City of Oakdale City Council Accepting the \$1,003,456.42 2017 Street Overlay Project Improvements and Authorizing the Filing of a Notice of Completion.
- 9.7 Adopt Resolution 2017-123, a Resolution of the City of Oakdale City Council Providing Workers' Compensation Coverage for Certain City Volunteers.



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- 9.8 Adopt Resolution 2017-124, a Resolution of the City of Oakdale City Council Approving the Purchase of Entry Door Systems for the Airport Pilots Lounge from Don's Mobile Glass in the Amount of \$6,204.00, to be Funded from Airport Enterprise Fund, Buildings Account 627-4170-446-24-01.
- 9.9 Adopt Resolution 2017-125, a Resolution of the City of Oakdale City Council Authorizing the City Manager to Execute an Agreement with Mead & Hunt, Inc. for a Wildlife Hazard Management Plan in the Amount of \$14,932.00, to be funded from Federal Aviation Administration Grant Funds in the Amount of \$13,439.00, and Aviation Fund 628 in the Amount Of \$1,493.00.
- 9.10 Adopt Resolution 2017-126, a Resolution of the City of Oakdale City Council Authorizing the City Manager to Negotiate a Memorandum of Understanding (MOU) with California State University Stanislaus (CSUS) for Student Internships.

Moved by Council Member McCarty seconded by Mayor Pro Tem Dunlop and PASSED AND ADOPTED this 6th day of November 2017, by the following vote:

AYES:	COUNCIL MEMBERS: Bairos, Dunlop, McCarty and Paul	(4)
NOES:	COUNCIL MEMBERS: None	(0)
ABSENT:	COUNCIL MEMBERS: Murdoch	(1)
ABSTAINED:	COUNCIL MEMBERS: None	(0)

Motion carried 4/1 by City Council roll call vote with Council Member Murdoch excused.

**10. PUBLIC HEARINGS:**

- 10.1: Consider Introducing and Waiving the First Reading of Ordinance 1251, an Ordinance of the City Council of the City of Oakdale Repealing Article IV, Medical Marijuana Dispensary, Cultivation and Delivery Ban, of Chapter 14, Health and Sanitation, and Adding Chapter 37, Cannabis Regulations, to the Oakdale Municipal Code to Regulate Cannabis. Public Hearing Notice Published in the Oakdale Leader October 25, 2017.

Mayor Paul opened the public hearing at 7:02 p.m. requesting staff report.

A PowerPoint Presentation was provided and is attached hereto and incorporated as Exhibit A to the minutes.

City Manager Whitemyer presented a comprehensive staff report and in closing recommended the City Council introduce and waive the first reading of Ordinance 1251, an Ordinance of the City Council of the City of Oakdale repealing Article IV, Medical Marijuana Dispensary, Cultivation and Delivery Ban, of Chapter 14, Health and Sanitation, and adding Chapter 37, Cannabis Regulations, to the Oakdale Municipal Code to regulate Cannabis.



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Public Testimony

Frank Edwards  
Cheryl Figueroa  
Michael Brennan  
Karen O'Bannon  
Joe Izzo  
Tara Minard (sp?)  
Linda (Last Name Not Provided)  
Brent Ferguson  
Cary (Last Name Not Provided)  
Heather Castillo  
Jennifer Harris  
Adam French representing Stanislaus Consolidated Fire Fighters IAFF Local 3399  
Mason Anderson

Attorney Embert Madison of Churchwell White explained to those present and at home the ordinance adoption process.

There being no further Public Testimony, Mayor Paul closed the public hearing at 8:16 p.m.

The City Council explained their reasons for supporting the proposed Ordinance.

Mayor Paul thanked those present for attending.

**MOTION**

To Introduce and Waiving the First Reading of Ordinance 1251, an Ordinance of the City Council of the City of Oakdale Repealing Article IV, Medical Marijuana Dispensary, Cultivation and Delivery Ban, of Chapter 14, Health and Sanitation, and Adding Chapter 37, Cannabis Regulations, to the Oakdale Municipal Code to Regulate Cannabis.

Moved by Mayor Pro Tem Dunlop seconded by Council Member Bairos and PASSED AND ADOPTED this 6th day of November 2017, by the following vote:

AYES:	COUNCIL MEMBERS: Bairos, Dunlop, McCarty and Paul	(4)
NOES:	COUNCIL MEMBERS: None	(0)
ABSENT:	COUNCIL MEMBERS: Murdoch	(1)
ABSTAINED:	COUNCIL MEMBERS: None	(0)

Motion carried 4/1 by City Council roll call vote with Council Member Murdoch excused.



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**11. STAFF REPORTS:**

- 11.1: Consider a Resolution of the City of Oakdale City Council Approving the Recreation Services Coordinator Job Description and Salary Range and Amending the City's Personnel Classification System to Add Said Position.

A PowerPoint Presentation was provided.

Management Analyst Mondragon presented the staff report recommending the City approve the Recreation Services Coordinator Job Description and Salary Range and amending the City's Personnel Classification System to add the position to the classification system.

**MOTION**

To adopt Resolution 2017-127, a Resolution of the City of Oakdale City Council Approving the Recreation Services Coordinator Job Description and Salary Range and Amending the City's Personnel Classification System to Add Said Position.

Moved by Council Member McCarty seconded by Council Member Bairos and PASSED AND ADOPTED this 6th day of November 2017, by the following vote:

AYES:	COUNCIL MEMBERS:	Bairos, Dunlop, McCarty and Paul	(4)
NOES:	COUNCIL MEMBERS:	None	(0)
ABSENT:	COUNCIL MEMBERS:	Murdoch	(1)
ABSTAINED:	COUNCIL MEMBERS:	None	(0)

Motion carried 4/1 by City Council roll call vote with Council Member Murdoch excused.

- 11.2: Consider a Resolution of the City of Oakdale City Council to Authorize Awarding a Contract for the Vineyard Streetlight Retrofit to Collins Electrical Company in the Amount of \$39,590.00 to be funded from Vineyard Landscape Lighting Maintenance District (LLMD) Fund 286 and Authorizing the City Manager to Sign the Contract.

Public Workers Superintendent Bridgewater presented the staff report recommending the City Council adopt the draft resolution contained in staff's report authorizing the award of a contact for the Vineyard Streetlight Retrofit to Collins Electrical Company in the amount of \$39,590.00 to be funded from Vineyard Landscape Lighting Maintenance District (LLMD) Fund 286 and authorize the City Manager to sign the contract.

**MOTION**

To adopt Resolution 2017-128, a Resolution of the City of Oakdale City Council Authorizing Awarding a Contract for the Vineyard Streetlight Retrofit to Collins Electrical Company in the Amount of \$39,590.00 to be funded from Vineyard Landscape Lighting



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Maintenance District (LLMD) Fund 286 and Authorizing the City Manager to Sign the Contract.

Moved by Mayor Pro Tem Dunlop seconded by Council Member McCarty and PASSED AND ADOPTED this 6th day of November 2017, by the following vote:

AYES:	COUNCIL MEMBERS:	Bairos, Dunlop, McCarty and Paul	(4)
NOES:	COUNCIL MEMBERS:	None	(0)
ABSENT:	COUNCIL MEMBERS:	Murdoch	(1)
ABSTAINED:	COUNCIL MEMBERS:	None	(0)

Motion carried 4/1 by City Council roll call vote with Council Member Murdoch excused.

- 11.3: Consider a Resolution of the City of Oakdale City Council to Authorize Awarding a Contract to Rolfe Construction for the First Avenue from E Street to F Street Sewer Replacement in the Amount of \$93,500.00 Which Includes a 10% Contingency to be funded from the Sewer Capital Replacement Fund 621 (CP 1805).

A PowerPoint showing the location of the street was provided.

Public Workers Superintendent Bridgewater presented the staff report recommending the City Council authorize awarding a contract to Rolfe Construction for the First Avenue from E Street to F Street Sewer Replacement in the amount of \$93,500.00 which includes a 10% contingency to be funded from the Sewer Capital Replacement Fund 621 (CP 1805).

**MOTION**

To adopt Resolution 2017-129, a Resolution of the City of Oakdale City Council to Authorize Awarding a Contract to Rolfe Construction for the First Avenue from E Street to F Street Sewer Replacement in the Amount of \$93,500.00 Which Includes a 10% Contingency to be funded from the Sewer Capital Replacement Fund 621 (CP 1805).

Moved by Council Member McCarty seconded by Mayor Pro Tem Dunlop and PASSED AND ADOPTED this 6th day of November 2017, by the following vote:

AYES:	COUNCIL MEMBERS:	Bairos, Dunlop, McCarty and Paul	(4)
NOES:	COUNCIL MEMBERS:	None	(0)
ABSENT:	COUNCIL MEMBERS:	Murdoch	(1)
ABSTAINED:	COUNCIL MEMBERS:	None	(0)

Motion carried 4/1 by City Council roll call vote with Council Member Murdoch excused.

- 11.4: Consider a Resolution of the City of Oakdale City Council Authorizing the Purchase of Two Utility Trucks from Haidlen Ford in the Amount of \$64,905.08 from the Sewer Capital Facility Fund 621 and Water Capital Replacement Fund 624.



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Public Workers Superintendent Bridgewater presented staff report requesting the City Council authorize the purchase of two utility trucks from Haidlen Ford in the amount of \$64,905.08 from the Sewer Capital Facility Fund 621 and Water Capital Replacement Fund 624.

**MOTION**

To adopt Resolution 2017-130, a Resolution of the City Council of the City of Oakdale Authorizing the Purchase of Two Utility Trucks from Haidlen Ford in the amount of \$64,905.08 from the Sewer Capital Facility Fund 621 and Water Capital Replacement Fund 624.

Moved by Mayor Pro Tem Dunlop seconded by Council Member McCarty and PASSED AND ADOPTED this 6th day of November 2017, by the following vote:

AYES:	COUNCIL MEMBERS:	Bairos, Dunlop, McCarty and Paul	(4)
NOES:	COUNCIL MEMBERS:	None	(0)
ABSENT:	COUNCIL MEMBERS:	Murdoch	(1)
ABSTAINED:	COUNCIL MEMBERS:	None	(0)

Motion carried 4/1 by City Council roll call vote with Council Member Murdoch excused.

**11.5: Consider Accepting by Minute Order the September 2017 Treasurer's Report.**

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

**MOTION**

To accept by Minute Order, the September 2017 Treasurer's Report.

Moved by Council Member McCarty seconded by Mayor Pro Tem Dunlop and PASSED this 6th day of November 2017, by the following vote:

AYES:	COUNCIL MEMBERS:	Bairos, Dunlop, McCarty and Paul	(4)
NOES:	COUNCIL MEMBERS:	None	(0)
ABSENT:	COUNCIL MEMBERS:	Murdoch	(1)
ABSTAINED:	COUNCIL MEMBERS:	None	(0)

Motion carried 4/1 by City Council roll call vote with Council Member Murdoch excused.

**11.6: Consider a Resolution of the City of Oakdale City Council Authorizing a Multi-Phase Capital Improvement Project of the Police Department Firearms Training Range; Furthermore, Authorizing Phase One Repairs and Improvements in the Amount of \$6,190.83 with a Donation of \$2,500.00 From the Oakdale Rotary Club Resulting in a Net Expenditure of \$3,690.83 from the Police Range Trust Fund 745.**



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A PowerPoint Presentation was provided.

Police Chief Heller presented the staff report recommending the City Council adopt the draft resolution to authorize a multi-phase capital improvement project of the Police Department Firearms Training Range as outlined in the draft resolution contained in the staff report.

**MOTION**

To adopt Resolution 2017-131, a Resolution of the City Council of the City of Oakdale a Resolution of the City Council of the City of Oakdale Authorizing a Multi-Phase Capital Improvement Project of the Police Department Firearms Training Range; Furthermore, Authorizing Phase One Repairs and Improvements in the Amount of \$6,190.83 with a Donation of \$2,500.00 From the Oakdale Rotary Club Resulting in a Net Expenditure of \$3,690.83 from the Police Range Trust Fund 745.

Moved by Mayor Pro Tem Dunlop seconded by Council Member Bairos and PASSED AND ADOPTED this 6th day of November 2017, by the following vote:

AYES:	COUNCIL MEMBERS: Bairos, Dunlop, McCarty and Paul	(4)
NOES:	COUNCIL MEMBERS: None	(0)
ABSENT:	COUNCIL MEMBERS: Murdoch	(1)
ABSTAINED:	COUNCIL MEMBERS: None	(0)

Motion carried 4/1 by City Council roll call vote with Council Member Murdoch excused.

**12. CITY MANAGER'S REPORT:**

City Manager Whitemyer announced a tile event to design your own tile at a cost of \$40 for placement on the tile wall in Dorada Park will be held on Saturday November 11. The unveiling of the file wall will be held on Monday, November 20 at 5:00 p.m. and will be followed at 7:00 p.m. by the City Council meeting.

**13. CITY COUNCIL ITEMS:**

Council Member McCarty asked that anyone who has received a large water bill due to excessive water use to please contact the City Manager.

Council Member Bairos offered her congratulations to the Oakdale Mustangs and the Oakdale Soccer Club. Council Member Bairos then encouraged everyone to get involved and vote tomorrow (November 7).

Mayor Paul invited those interested to attend the Veterans Memorial being held at Fish Park on Saturday, November 11 at 1:00 p.m.





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**14. ADJOURNMENT:**

There being no further business, Mayor Paul adjourned the meeting at 8:33 p.m.

ATTEST:

APPROVED:

/s/Kathy Teixeira  
Kathy Teixeira, CMC  
City Clerk

/s/Pat Paul  
Pat Paul  
Mayor

# CITY OF OAKDALE CANNABIS REGULATIONS

City Council Meeting – November 6, 2017

Public Hearing

## Proposition 64

- Voters of California approved Prop. 64 – “Control, Regulate and Tax Adult Use of Marijuana” (AUMA).
- Prop. 64 was approved by 57.1% of California voters
- Stanislaus County approved the measure with 50.2% voting “Yes” and 49.8% voting “No”
- 4,110 Oakdale voters said “Yes” and 4,204 Oakdale voters said “No” to the measure. A difference of 94 votes or 49.43% “Yes” and 50.57% “No”.

## Proposed Cannabis Ordinance

- Repeals Article IV. Medical Marijuana Dispensary, Cultivation and Delivery Ban, of Chapter 14, Health and Sanitation, and adds Chapter 37, Cannabis Regulations, to the Oakdale Municipal Code to regulate cannabis businesses.
- All cannabis businesses would be approved pursuant to a development agreement and a conditional use permit.
- All fees associated with these uses will be established as part of the development agreement process.

## Proposed Cannabis Ordinance (cont.)

- Establishes a permit program for adults that desire to cultivate cannabis within their private residence for personal use.
- Applicable fees for personal cultivation will be established by resolution by the City Council.
- By adopting the proposed ordinance, the City Council will ensure that the regulation of cannabis remains within local control of the City while adhering to the requirements of state law.



## Cannabis Cultivation for Personal Use

- An Administrative Cultivation Permit ("ACP") will be required to cultivate indoors a maximum of six (6) plants per parcel for personal use.
- "Indoors" includes both a personal residence and a secure shed or greenhouse located on the same property as the residence. Property owner permission is required.
- Inspections are required to obtain an ACP, which expires in one (1) year. An additional inspection is required to renew the permit.
- ACP fees will be established by resolution of the City Council.

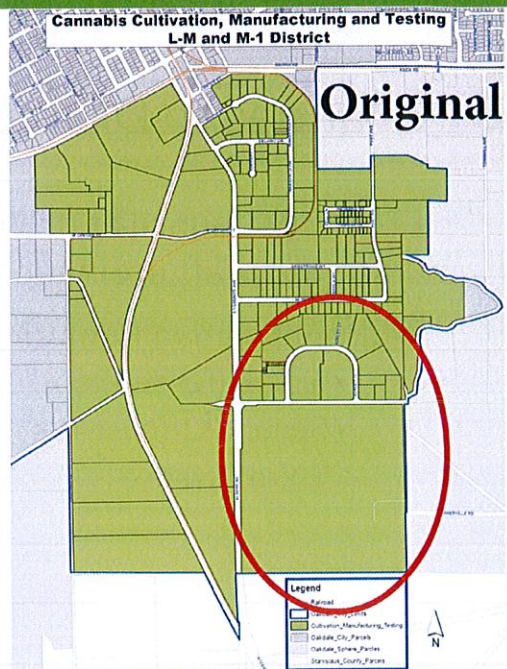
## Changes to Draft Ordinance

- The City Council at its October 2, 2017 meeting asked that the draft ordinance be modified.
- Administrative Penalties were increased:
  - First Offense \$500
  - Second Offense is \$750
  - Third Offense is \$1,000

## Changes to Draft Ordinance

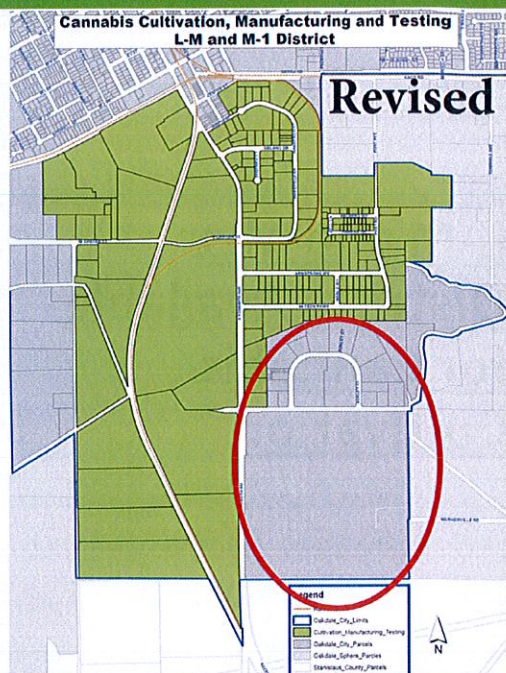
- Added Section 37-6 H: Enhancement For Egregious Violations
- Egregious Violations Include:
  - 1) the unpermitted use of volatile solvents in connection with indoor cultivation
  - 2) Allowing a minor to consume cannabis from a personal indoor cultivation
  - 3) Cannabis business receives four or more penalties for violating the cannabis ordinance within any 12-month period

## Changes to Draft Ordinance





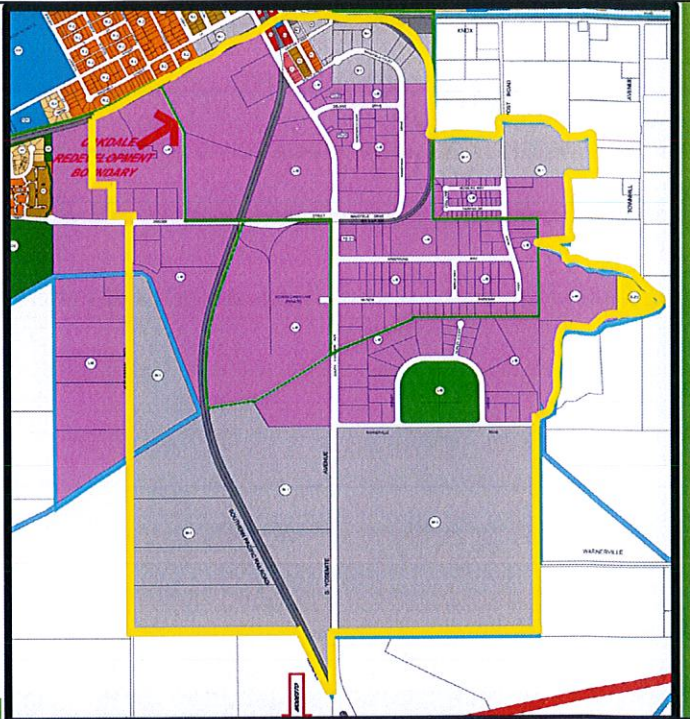
## Changes to Draft Ordinance



## Commercial Cannabis Cultivation

- Commercial cultivation is only permitted indoors within the Limited Industrial (L-M) or Light Industrial (M-1) districts as indicated in the following map.

L-M and M-1  
Districts Available  
for Cannabis  
Cultivation



L-M and M-1  
Districts Available  
for Cannabis  
Cultivation





## L-M and M-1 Districts Available for Cannabis Cultivation



## Commercial Cannabis Cultivation (cont.)

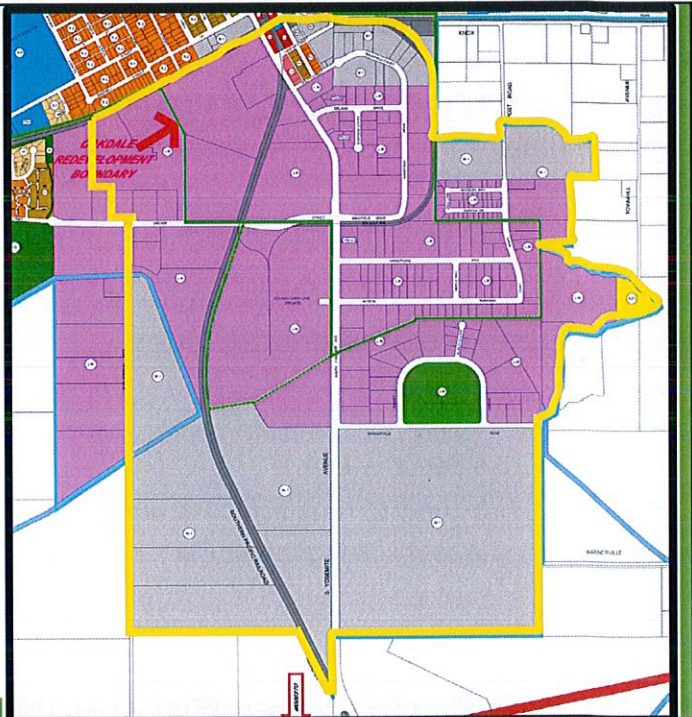
- Is only permitted with a Development Agreement and Conditional Use Permit.
- Other requirements include:
  - Employee Permits,
  - Secure Building protocols,
  - a Security Plan,
  - Insurance requirements, and a
  - Waste Management Plan.



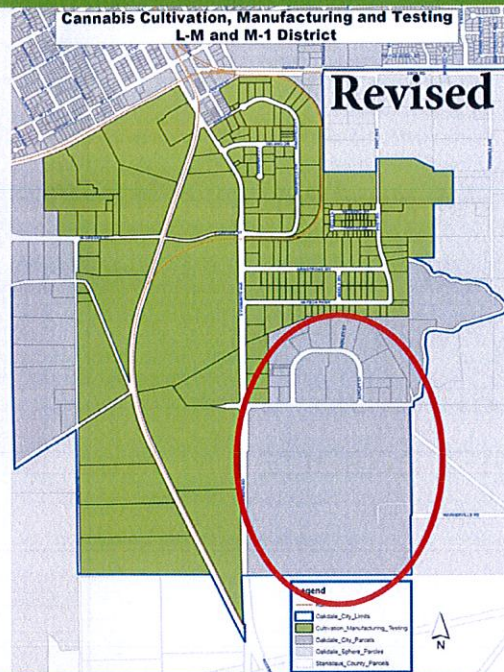
## Cannabis Testing Laboratory

- Permits independent laboratories which will be responsible for testing the commercial cannabis products to ensure that the THC, CBD and other details of the products are accurately represented to consumers
- These facilities will operate similarly to most laboratory testing facilities but independent from any cultivator or dispensary to ensure unbiased results.
- Testing laboratories are allowed within the Limited Industrial (L-M) or Light Industrial (M-1) districts as shown on the following map with a Development Agreement and Conditional Use Permit.

### L-M and M-1 Districts Available for Cannabis Laboratories



## L-M and M-1 Districts Available for Cannabis Cultivation

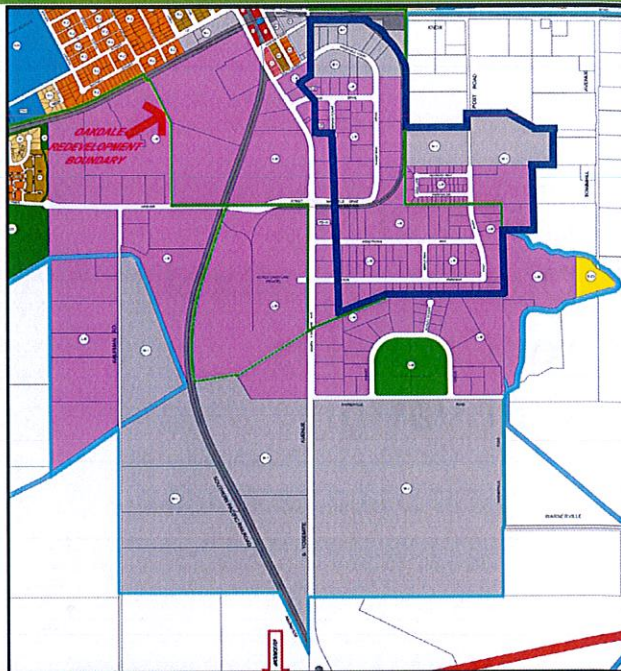


## Cannabis Dispensaries

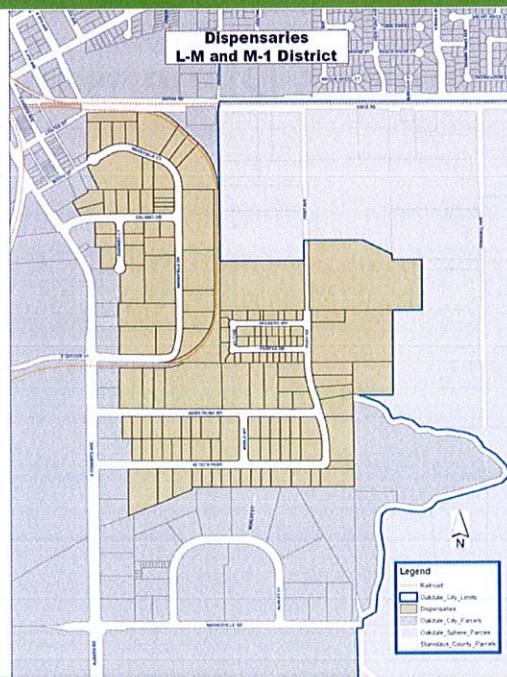
- The proposed ordinance permits up to two (2) cannabis dispensaries located within the Limited Industrial (L-M) or Light Industrial (M-1) districts as shown in the following map
- Dispensaries will only be permitted with a Development Agreement and Conditional Use Permit.



L-M and M-1  
Districts  
Available For  
Cannabis  
Dispensaries



L-M and M-1  
Districts  
Available For  
Cannabis  
Dispensaries

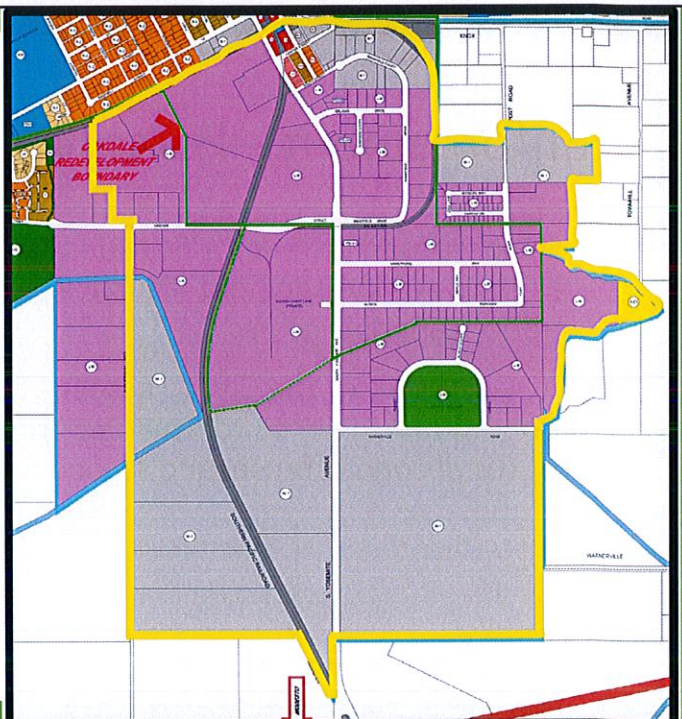




## Cannabis Manufacturing

- Under the proposed ordinance, cannabis manufacturing is only permitted indoors within the Limited Industrial (L-M) or Light Industrial (M-1) districts as shown in the following map
- Cannabis Manufacturing is only permitted with a Development Agreement and Conditional Use Permit.
- Other requirements include Employee Permits, Secure Building protocols, a Security Plan, Insurance requirements, and a Waste Management Plan.

### L-M and M-1 Districts Available for Cannabis Manufacturing



## L-M and M-1 Districts Available for Cannabis Cultivation



## Enforcement – Personal Indoor Grows

- The proposed ordinance provides language that gives the City authority to suspend or terminate permits issued for personal indoor cannabis grows.
- Provisions allow the City to assess administrative penalties in the amount of ~~\$250~~ \$500 for the first ordinance violation, ~~\$500~~ \$750 for the second offense, and \$1,000 for any subsequent offense.



## Enforcement – Commercial Activities

- Any approved commercial cannabis activity will also be governed by a development agreement and conditional use permit that will provide the City with significant enforcement authority if a permit holder does not comply with the conditions of approval for its business.

## Fiscal Impacts – Cannabis Ban

- An ordinance that bans commercial cannabis activities has an estimated cost of \$550,000 to fully enforce an ordinance prohibiting all cannabis activities
- There is no identified revenue source other than the General Fund to absorb those costs.

## Fiscal Impacts – Allowing Commercial Cannabis

- An ordinance allowing commercial cannabis activities is estimated to cost \$870,000
- These costs will be paid for by revenue derived from the approved cannabis activity development agreements.

## Staffing Impacts – Cannabis Ban

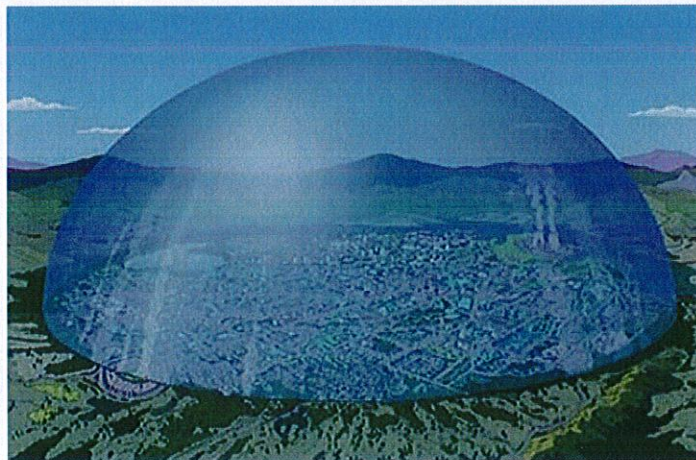
- Enforcing an ordinance that bans commercial cannabis will require at least Three (3) Full Time Equivalents (Employees) which will include at least one police officer and one code enforcement officer.
- No funding source for these costs have been identified



## Staffing Impacts – Allowing Cannabis

- Staffing resources to enforce an ordinance allowing commercial cannabis activities is estimated to require 5 full-time equivalent (FTE) positions.
- Staffing necessary to enforce cannabis activities impacts the following departments: Administration, Finance, Public Services (Building, Planning & Code Enforcement), Police Department, and Fire Department and would include at least two (2) police officers, one (1) firefighter and one (1) code enforcement officer.
- Staffing impacts will be funded by revenue collected from the approved cannabis activities, and will have no General Fund impact.

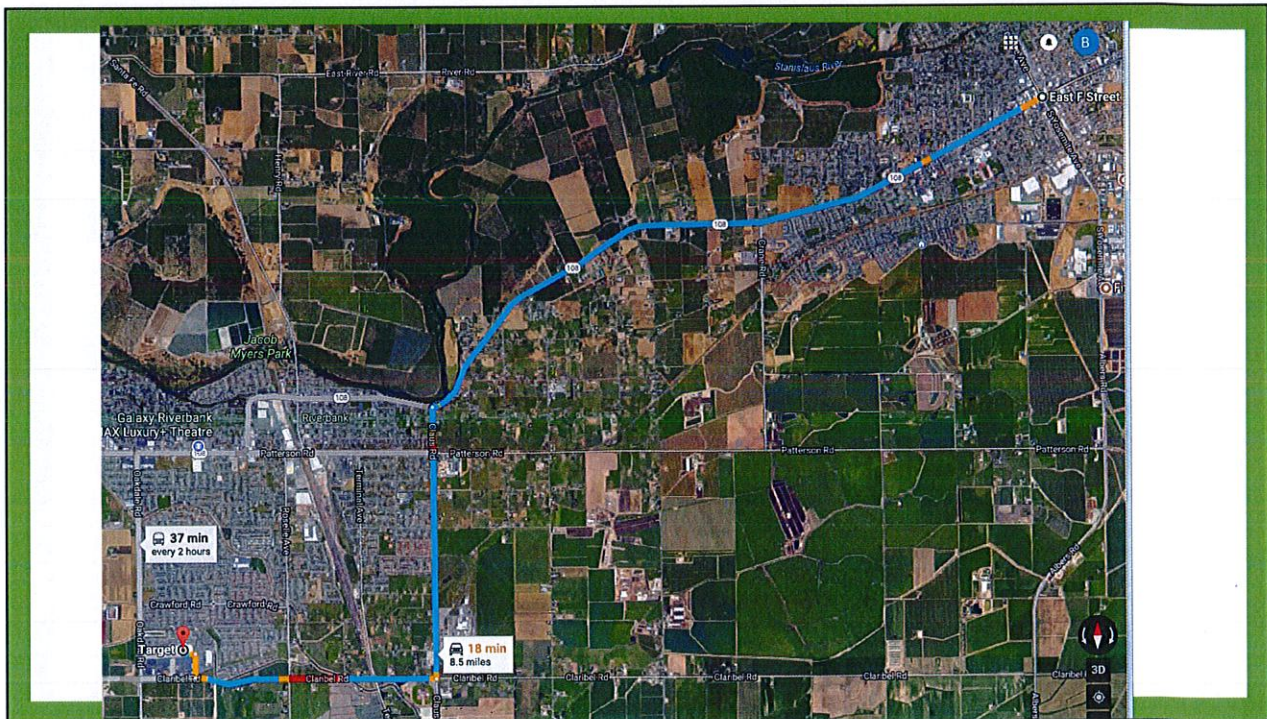
Will a commercial cannabis ban keep cannabis out of Oakdale?



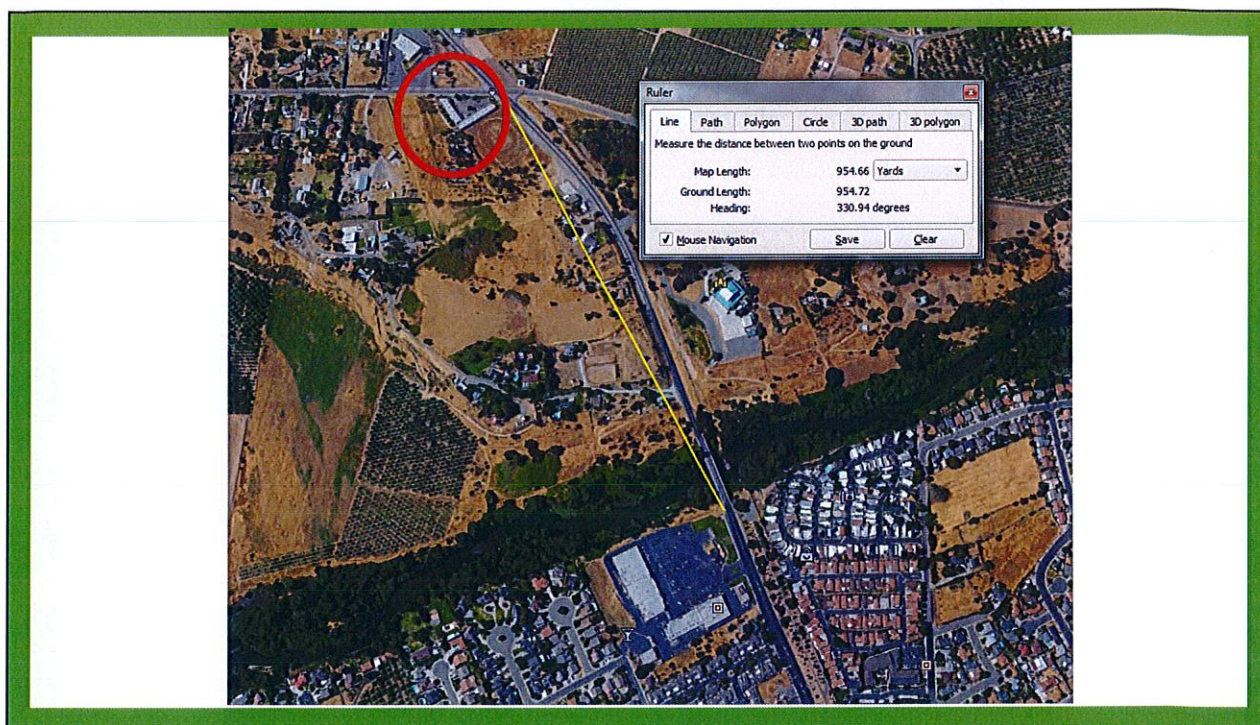


## Oakdale is not very far from other communities

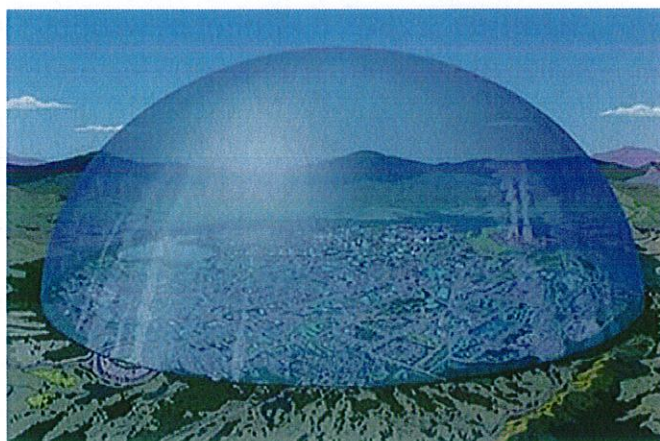
- Distance between Oakdale High School and Riverbank High School – 4.7 miles
- Distance between center of Oakdale and Target, Riverbank – 8.5 miles
- Distance between center of Oakdale and Vintage Faire Mall – 15.5 miles







We can't keep it out of Oakdale so we need to prudently regulate it.



## Who should pay for the costs of the legalization of cannabis?

- OAKDALE TAX PAYERS:
  - A ban on commercial cannabis activities in Oakdale places the burden on Oakdale taxpayers.
- CANNABIS INDUSTRY:
  - An ordinance regulating commercial cannabis activities in Oakdale will place the burden on the Cannabis Industry.

## Recommendation

- City Staff Recommends that the City Council introduce and waive the first reading of Ordinance 1251, an Ordinance of the City of Oakdale, Repealing Article IV. Medical Marijuana Dispensary, Cultivation and Delivery Ban, of Chapter 14, Health and Sanitation, and Adding Chapter 37, Cannabis Regulations, to the Oakdale Municipal Code to regulate cannabis businesses.