



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

City Council Chambers
277 North Second Avenue
Oakdale, California

Tuesday, January 19, 2016

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 Hallinan
Public Services Director Clark
Finance Director Avila
Management Analyst Lutz
Public Works Superintendent Gravel
Police Chief Jenkins
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. REPORT OUT—CLOSED SESSION:

Mayor Paul reported at 6:00 p.m. the City Council had adjourned to, and met in closed session to discuss:

- 3.1: CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
[Pursuant to Government Code Section 54956.9(a)] Ozbirn v. City of Oakdale, Stanislaus County Superior Court Case No. 2012177

Mayor Paul advised City Attorney Hallinan would report out the action taken by the City Council during closed session.

City Attorney Hallinan reported the City Council voted 5/0 to enter into a separation agreement and resolution to the pending lawsuit with Mark Ozbirn in the amount of \$120,000 payable from the City's Employment Practices Risk Management Pool.



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6. PRESENTATIONS/ACKNOWLEDGEMENTS:

- 6.1: Introduction of Oakdale Police Department Newly Designed Patch and Shield by Chief Jenkins

Chief Jenkins provided a PowerPoint of the newly designed Police Department badges and shields were presented. Special thanks were given to Lieutenant Keri Redd and Executive Secretary Julie Christel.

- 6.2: Introduction of Police Officer Dale Russell and Reserve Police Officer Richard Plath by Police Chief Jenkins
Oath of Office Administered by City Clerk Teixeira

Police Chief Jenkins introduced Police Officer Dale Russell and Reserve Police Officer Richard Plath.

City Clerk Teixeira administered the Oath of Office to Police Officer Dale Russell and Reserve Police Officer Richard Plath.

- 6.3: Presentation on Citrus Tree Pest "Asian Citrus Psyllid"
Presenter – Milton O'Haire, Stanislaus Agricultural Commissioner

Milton O'Haire, Agricultural Commissioner for Stanislaus County. Mr. O'Haire introduced Victoria Hornbaker of the California of Food and Agriculture noting Ms. Hornbaker will be providing the presentation on the eradication of the Asian Citrus Psyllid and Huanglongbing (HLB) (a bacterial plant disease).

Ms. Hornbaker provided a PowerPoint Presentation on the eradication of the Asian Citrus Psyllid and Huanglongbing (HLB).

7. ADDITIONS/DELETIONS:

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

8. PUBLIC COMMENTS:

Mayor Paul asked whether there was anyone who wished to address a matter not listed on the City Council agenda.

Mary Guardiola, CEO, Oakdale Chamber of Commerce thanked those who attended Friday evening's annual awards ceremony. Ms. Guardiola advised of upcoming events hosted by the Chamber including the Mayor's State of the City luncheon scheduled for January 27th at 11:30 a.m. and the Oakdale Home Show on March 11th and 12th.

Pamela Kelly spoke on behalf of Oakdale Rescue Mission. Ms. Kelly provided the City Council and public with information related to nationwide efforts to contact and obtain information from



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the homeless population on January 28. Two-hour training is required for those interested in volunteering. Ms. Kelly encouraged individuals who would like to volunteer to contact her by email at oakdalemission@outlook.com.

Tom Orvis spoke on behalf of the Stanislaus County Ag Advisory Board providing economic statistics for the Stanislaus County Agricultural Industry and thanked the City of Oakdale City Council for the continued support.

9. APPOINTMENT TO BOARDS AND COMMISSIONS:

None scheduled.

10. CITY COUNCIL CONSENT AGENDA:

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

Mayor Paul stated she has a question related to 10.4, the Second Reading of Marijuana Ordinance 1241 Amending the Oakdale Municipal Code to Prohibit All Cultivation and Deliveries of Medical Marijuana. Mayor Paul citing the City of Oakland as an example asked if the State ultimately permits dispensaries statewide could Oakdale look at imposing a tax on sales.

City Attorney Hallinan responded he had received an inquiry from an individual who wanted to bring up that very issue. He continued stating he believes Oakland, Palm Springs and another jurisdiction do tax marijuana dispensary sales. He stated he indicated to the gentleman who phoned that he was interested and, that with the Mayor's and City Council's concurrence he would research it further.

Following brief discussion centering on should the State override cities, and force dispensary permits, the City Attorney was asked to look into obtaining additional information for City Council review.

MOTION

To approve the City of Oakdale City Council consent Agenda for January 19, 2016, as presented:

- 10.1: Approve the Regular City Council Meeting Minutes of December 7, 2015 and December 21, 2015 as submitted.
- 10.2: Receiving and Filing the Warrant List for the period of December 17, 2015 to January 13, 2016.
- 10.3: Waive Readings of Ordinances/Resolutions except by Title.
- 10.4: Second Reading of Marijuana Ordinance 1241 Amending the Oakdale Municipal Code to Prohibit All Cultivation and Deliveries of Medical Marijuana.



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- 10.5: Approve by Minute Order City Co-Sponsorship of Don Osborne Fun Run on Saturday, February 6, 2016.
- 10.6: Adopt City Council of the City of Oakdale Resolution 2016-01 accepting the Walnut Avenue Emergency Storm Drain Project Improvements in the amount of \$102,346.96 and authorizing the filing of a Notice of Completion.
- 10.7: Adopt City Council of the City of Oakdale Resolution 2016-002 approving the purchase of a used 6-inch trash pump in the amount of \$16,910.97 from the Sewer Capital Replacement Fund 621, CP1611.

Moved by Mayor Pro Tem Dunlop seconded by Council Member McCarty and PASSED AND ADOPTED this 19th day of January 2016, 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. PUBLIC HEARINGS:

- 11.1: Consider a Resolution of the City of Oakdale City Council adopting a Capital Facility Fee Nexus Study and updating the City’s Capital Facility Fees in accordance with Chapter 7, Article XIII of the Oakdale Municipal Code and Government Code 6600 et seq. ***Published twice in the Oakdale Leader on December 30, 2015 and January 6, 2016.***

A PowerPoint Presentation was provided.

Public Services Director Clark presented the staff report recommending the City Council adopt a Capital Facility Fee Nexus Study and update the City’s Capital Facility Fees in accordance with Chapter 7, Article XIII of the Oakdale Municipal Code and Government Code 6600 et seq.

The City Council and staff discussed the proposed Capital Facility Fee Nexus Study and updating City’s Capital Facility Fees.

At 7:49 p.m. Mayor Paul opened the public hearing to public comment. There being no one wishing to speak on the item, Mayor Paul closed the public hearing at 7:49 p.m.

MOTION

To adopt Resolution 2016-003, a resolution of the City of Oakdale City Council adopting a Capital Facility Fee Nexus Study and updating the City’s Capital Facility Fees in accordance with Chapter 7, Article XIII of the Oakdale Municipal Code and Government Code 6600 et seq.



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Moved by Council Member McCarty seconded by Mayor Pro Tem Dunlop and PASSED AND ADOPTED this 19th day of January 2016, 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. STAFF REPORTS:

12.1: Consider a Resolution of the City of Oakdale City Council adopting the job description the Wastewater Treatment Plant Operator-in-Training with a salary of \$33,749 (Salary Grade 015) and authorizing recruitment of one full-time position.

Management Analyst Lutzow presented the staff report recommending the City Council adopt the Wastewater Treatment Plant Operator-in-Training with a salary of \$33,749 (Salary Grade 015) job description and authorize the recruitment of one full-time position as recommended in staff's report.

The City Council discussed with staff the Wastewater Treatment Plant Operator-in-Training job description and required certifications.

Council Member McCarty stated as the position had not been provided for in the budget he could not vote in support of the job description and recruitment for the position.

MOTION

To adopt Resolution 2016-004, a resolution of the City of Oakdale City Council adopting the job description the Wastewater Treatment Plant Operator-in-Training with a salary of \$33,749 (Salary Grade 015) and authorizing recruitment of one full-time position.

Moved by Council Member Murdoch seconded by Mayor Pro Tem Dunlop and PASSED AND ADOPTED this 19th day of January 2016, by the following vote:

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

Motion carried 3/2 roll call vote with two noes (Noes: Bairos and McCarty)

12.2: Consider a Resolution terminating the bid from R&R Pacific Construction and awarding a contract for the Sierra Sidewalk Infill Project to Sinclair General Engineering Construction Inc., in the amount of \$60,666.00 to be funded from 215 Gas Tax, 349 Storm Drain, and 621 Sewer Capital Replacement Funds.



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Public Services Director Clark presented the staff report recommending the City Council terminate the bid from the nonresponsive bidder, R&R Pacific Construction and award the contract for the Sierra Sidewalk Infill Project to Sinclair General Engineering Construction Inc., in the amount of \$60,666.00. The project is to be funded from 215 Gas Tax, 349 Storm Drain, and 621 Sewer Capital Replacement Funds.

Public Services Director Clark responded to questions raised by the City Council related to the unresponsive bidder.

MOTION

To adopt Resolution 2016-005, a resolution of the City of Oakdale City Council terminating the bid from R&R Pacific Construction and awarding a contract for the Sierra Sidewalk Infill Project to Sinclair General Engineering Construction Inc., in the amount of \$60,666.00 to be funded from 215 Gas Tax, 349 Storm Drain, and 621 Sewer Capital Replacement Funds.

Moved by Council Member McCarty seconded by Council Member Bairos and PASSED AND ADOPTED this 19th day of January 2016, 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.

- 12.3: Consider acceptance of the November 2015 Treasurer's Report by Minute Order.

Finance Director Avila presented the staff report recommending the City Council accept by Minute Order the November 2015 Treasurer's Report.

MOTION

To accept by Minute Order the November 2015 Treasurer's Report.

Moved by Council Member McCarty seconded by Mayor Pro Tem Dunlop and PASSED AND ACCEPTED this 19th day of January 2016, 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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- 12.4: Consider a Resolution of the City of Oakdale City Council approving a Police Service Agreement with the Oakdale Joint Unified School District for a School Resource Officer Program and authorizing the Mayor to execute Agreement.

City Manager Whitemyer introduced the item.

Police Chief Jenkins presented the staff report recommending the City Council approve a Police Service Agreement with the Oakdale Joint Unified School District for a School Resource Officer Program and authorize the Mayor to execute the Agreement, which will actually start at the beginning of the 2016-2017 School Year.

The City Council discussed the School Resource Officer position.

MOTION

To adopt Resolution 2016-006, a resolution of the City of Oakdale City Council approving a Police Service Agreement with the Oakdale Joint Unified School District for a School Resource Officer Program and authorizing the Mayor to execute the Agreement.

Moved by Council Member Dunlop seconded by Council Member McCarty and PASSED AND ADOPTED this 19th day of January 2016, 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.

13. CITY MANAGER’S REPORT:

- 13.1: Department Reports

City Manager Whitemyer reviewed the highlights of the department reports.

- 13.2: City Boards, Commissions and Committees Vacancy Update

City Manager Whitemyer updated the City Council on current City boards, commissions and committees’ vacancies. Vacancies exist on:

- Measure Y Residents Oversight Committee - three (3) vacant seats
- Parks and Recreation Commission - two (2) vacant seats
- Senior Citizens Advisory Commission - three (3) vacant seats
- Tourism Business Improvement District Advisory Board - one (1) vacant, community-at-large seat



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City Manager Whitemyer advised for an individual to apply for one of these positions, they need to complete and submit an Indication of Interest form. The form can be obtained at City Hall or by going online www.oakdale.ca.gov.com.

Mayor Pro Tem Dunlop stated serving on one of the City's boards, commissions and committees provides a great opportunity for individuals with aspirations to run for council.

City Manager Whitemyer announced on February 4th at 6:00 p.m. a goal setting, special meeting of the City Council is scheduled and will be held at the Community Center. Staff will be providing presentations on goals and ideas staff are working on to present to the City Council.

14. CITY COUNCIL ITEMS:

Council Member Bairos requested, in response to several phone calls she received today, that the City Manager provide an update related to the surface flooding along the Highway by the mortuary.

City Manager Whitemyer with input provided by Public Services Director Clark explained how the area is currently responding to heavy rains and that the City Engineer is monitoring the system for continued improvement. In conclusion, the City Council was advised that staff has reached out to Caltrans for solutions to the problem.

15. ADJOURNMENT:

There being no further business, Mayor Paul adjourned the meeting at 8:35 p.m.

ATTEST:

/s/Kathy Teixeira
Kathy Teixeira, CMC
City Clerk

APPROVED:

/s/Pat Paul
Pat Paul
Mayor