



**City of Oakdale  
Regular  
City Council Meeting Minutes**

City Council Chambers  
277 North Second Avenue  
Oakdale, California

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**Monday, May 7, 2018**

**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. 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  
Management Analyst Andersen  
Finance Director Avila  
Public Works Superintendent Bridgewater  
Police Lieutenant Carrillo  
Public Services Director Gravel  
Police Chief Heller  
Contract Planner Mann  
City Clerk Teixeira

**3. PLEDGE OF ALLEGIANCE:**

Mayor Paul led the pledge of allegiance.

**4. INVOCATION:**

Pastor Phil Rohrer, River Oak Grace Community Church provided the Invocation.

**5. REPORT OUT OF CLOSED SESSION:**

Mayor Paul reported a special meeting was called to order at 6:00 p.m. The City Council met in closed session to discuss with legal counsel the following closed session agenda item:

- 4.1: CONFERENCE WITH LABOR NEGOTIATOR  
Employee Negotiations—All Employee Groups  
Personnel Agency Representative: City Manager Bryan Whitemyer  
(Pursuant to Government Code Section 54957.6)

Mayor Paul advised the City Council had nothing to report at this time.



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**6. PRESENTATIONS/ACKNOWLEDGEMENTS:**

6.1: Proclamation Declaring May "Older Americans Month".

Mickey C. Peabody accepted from Mayor Paul the Proclamation declaring May "Older Americans Month".

6.2: Proclamation Declaring May "National Bike Month".

R.J. Corwin accepted from Mayor Paul the Proclamation Declaring May "National Bike Month".

6.3: Proclamation Declaring Sunday, May 13 – Saturday, May 19, 2018 "National Police Week".

Police Chief Heller, accompanied by Lieutenant Carrillo and Sergeants Nixon, Sturges and Vanderheiden and Officers Anderson, Magaña, Ebbert and Stilwell, accepted from Mayor Paul the Proclamation Declaring Sunday, May 13 – Saturday, May 19, 2018 "National Police Week".

6.4: Proclamation Declaring May 20 – 26, 2018 "National Public Works Week".

Public Works Superintendent Bridgewater accepted from Mayor Paul the Proclamation Declaring May 20 – 26, 2018 "National Public Works Week".

**7. ADDITIONS/DELETIONS:**

Mayor Paul asked whether there were any additions or deletions to the City Council agenda. No additions or deletions were advised.

**8. PUBLIC COMMENTS:**

Robert Amaral addressed the City Council on SB (Senate Bill) 54; the California "Sanctuary State" Bill. Mr. Amaral advised he spoke during Public Comment at the City Council's April 16<sup>th</sup> meeting stating at that time, he advised the City Council that the City of Ripon City Council had just voted to oppose SB 54 and since that time the City of Waterford City Council has also voted to oppose that bill. He stated he had asked the Oakdale City Council whether they would consider joining in on the lawsuit and was told by the Mayor, that it would have to be discussed by the Council. SB 54 is in violation of Federal Law stating he would like to make a motion that SB 54 gets placed on the agenda for discussion and to be voted on by this City Council. Mr. Amaral concluded stating the citizens of Oakdale have a right to know how the City Council Members feel about this illegal legislation and reminded the City Council that all of them had taken an oath to uphold the laws of the United States Constitution.

At the request of Mayor Paul, City Manager Whitemyer responded stating it is an interesting topic, one which City staff has considered. He asked Chief of Police Heller to respond as to what impact SB 54 has had on Oakdale's Police Department on day-to-day operations.



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Police Chief Heller responded explaining SB 54, the topic of immigration enforcement, like all municipal police departments has not had an effect on, nor has it changed how Oakdale's Police Department operates. Local police agencies neither before or after SB 54 have ever enforced Federal Immigration Law. The Oakdale Police Department when dealing with criminal violations still work with their Federal partners. Insofar as the legality of SB 54, that is a matter for the courts to ultimately decide, and as a Police Department they will follow the court's ruling on the matter.

Mr. Amaral stated he did not see why the City Council could not say how they personally feel about the law. Mayor Paul advised it is not on the City Council's agenda and therefore the City Council cannot legally discuss or form an opinion.

Mr. Amaral stated he would like to see SB 54 placed on the City Council agenda as he would like to know the position of the City Council Members on this matter.

Alice Garcia approached the City Council stating her agreement with Mr. Amaral. Ms. Garcia stated if the Ripon and Waterford City Councils have come forward stating their views on SB 54 then Oakdale's City Council should also state their position. Ms. Garcia continued stating she knows there are a lot of illegals in Oakdale stating she sees them daily. The Oakdale Police Department should enforce the law. Immigration law has not been enforced throughout the United States and, when the Police Chief neglects to follow the law, he does not belong in that position. There are a lot of Police Chiefs who have decided not to enforce the law. There are many illegal immigrants in Modesto, Ceres and Turlock and it seems they are afraid to enforce the law because they want the vote and that is why democrats are shoving these people into California, because of the votes.

Ms. Garcia also addressed the City Council with a complaint about last week's clean up (referencing LOVE Oakdale). Three cars filled with students and adults arrived at the cemetery and she thought she would be receiving help but, the group walked away from her and left behind debris on Sierra Avenue. She stated she would like Public Works clean up all the debris left behind by the group on Sierra.

City Manager Whitemyer stated it was amazing to see residents of Oakdale trying to make our community look better, commending the many volunteers for their participation. He advised he was able to work together, shoulder to shoulder, with some wonderful people who donated their time to improve the appearance of the City.

Mary Guardiola, Chief Executive Officer for the Oakdale Chamber of Commerce advised the City Council on upcoming community events, particularly the Chocolate Festival scheduled for May 19 and May 20, 2018.

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

None scheduled.

**10. CONSENT AGENDA:**

Mayor Paul asked whether there were any questions or requests to remove items from the Consent Agenda. There were none.



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- 10.1 Approve the Regular City Council Meeting Minutes of April 19, 2018.
- 10.2: Receive and File the Warrant List for the period of April 12, 2018 to May 2, 2018.
- 10.3: By Motion, Waive all Readings of Ordinances and Resolutions, except by Title.
- 10.4: Adopt Resolution 2018-062, a Resolution of the City Council of the City of Oakdale Accepting the \$174,150.00, Wastewater Treatment Plant (WWTP) Southeast Drying Bed Rehabilitation Project and Authorizing the Filing of a Notice of Completion.
- 10.5: Adopt Resolution 2018-063, a Resolution of the City Council of the City of Oakdale Authorizing a Contract Services Agreement with Command Strategies Consulting to provide Consulting and Investigative Services to the Police Department as authorized by the Police Chief not to exceed \$15,000.00 during the contract term to be paid from Fund 110-2110-425003.

**MOTION**

To approve the City of Oakdale City Council Consent Agenda Items 10.1 through 10.5 for May 7, 2018 as follows:

- 10.1 Approve the Regular City Council Meeting Minutes of April 19, 2018.
- 10.2: Receive and File the Warrant List for the period of April 12, 2018 to May 2, 2018.
- 10.3: By Motion, Waive all Readings of Ordinances and Resolutions, except by Title.
- 10.4: Adopt Resolution 2018-062, a Resolution of the City Council of the City of Oakdale Accepting the \$174,150.00, Wastewater Treatment Plant (WWTP) Southeast Drying Bed Rehabilitation Project and Authorizing the Filing of a Notice of Completion.
- 10.5: Adopt Resolution 2018-063, a Resolution of the City Council of the City of Oakdale Authorizing a Contract Services Agreement with Command Strategies Consulting to provide Consulting and Investigative Services to the Police Department as authorized by the Police Chief not to exceed \$15,000.00 during the contract term to be paid from Fund 110-2110-425003.

Moved by Council Member McCarty and seconded by Council Member Bairos PASSED AND ADOPTED this 7th day of May 2018, 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. PUBLIC HEARINGS:**

11.1: Consider Planning Commission Recommendation Approving the First Reading by Title Only and Introduction of Proposed Ordinance 1259 of the City Council of the City of Oakdale, California; known as CODE TEXT AMENDMENT 2017-20. Proposed Ordinance 1259 would amend Oakdale Municipal Code Chapter 36, Section 26, the City's Sign Ordinance; providing a comprehensive update to the City's Sign Ordinance. Environmental Status: The proposed project is exempt pursuant to Section 15061 (b)(3). The Public Hearing notice was published in the Oakdale Leader April 25, 2018.

The time being 7:18 p.m., Mayor Paul opened the public hearing thanking staff for the time put into the proposed revisions and requesting the staff report.

Public Services Director Gravel introduced Josh Mann, the City's contract planner advising Planner Mann will be presenting the staff report.

A PowerPoint Presentation was provided.

Contract Planner Mann presented the staff report recommending the City Council introduce and waive the first reading of Ordinance No. 2018-1259, an Ordinance of the City of Oakdale amending the City of Oakdale's Zoning Ordinance, Chapter 36 of the Oakdale Municipal Code, a comprehensive update to the City's Sign Ordinance, Section 26 of the Oakdale City Code.

City staff responded to questions raised by the City Council.

Mayor Paul invited the audience to provide public comment.

There being no public testimony, Mayor Paul closed the public hearing at 7:49 p.m.

**MOTION**

To introduce and waive the first reading of Ordinance No. 2018-1259, an Ordinance of the City of Oakdale amending the City of Oakdale's Zoning Ordinance, Chapter 36 of the Oakdale Municipal Code amending the City's Sign Ordinance, Section 26 of the Oakdale City Code.

Moved by Mayor Pro Tem Dunlop, seconded by Council Member McCarty and PASSED AND ADOPTED this 7<sup>th</sup> day of May 2018, 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. STAFF REPORTS:**

- 12.1: Consider a Resolution of the City Council of the City of Oakdale Authorizing the City to Access State and Federal Level Summary Criminal History Information for Employment, Licensing and Certification Purposes for Cannabis Business Background Investigation Use.

Police Lieutenant Carrillo presented the staff report recommending that the City Council adopt the draft resolution contained in staff's report authorizing City staff to access State and Federal level summary criminal history information for employment, licensing and certification purposes for cannabis business background investigation use.

**MOTION**

To adopt Resolution 2018-063, a Resolution of the City Council of the City of Oakdale authorizing the City to access State and Federal Level summary criminal history information for employment, licensing and certification purposes for Cannabis Business Background Investigation Use.

Moved by Council Member McCarty, seconded by Council Member Murdoch and PASSED AND ADOPTED this 7<sup>th</sup> day of May 2018, 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.

- 12.2: Consider Selecting by Minute Order, Art Designs submitted for the Oakdale Community Park Art Project.

Management Analyst Andersen presented the staff report recommending that the City Council, approve by Minute Order the four art designs identified as Sunset Fade, Oakdale Mustang / Live and Ride, 1955 Chevy Bel Air and 1965 Ford Mustang be included in the Oakdale Community Park Art Project as recommended by the Planning Commission.

**MOTION**

To approve by Minute Order four art designs identified as Sunset Fade, Oakdale Mustang / Live and Ride, 1955 Chevy Bel Air and 1965 Ford Mustang to be included in the Oakdale Community Park Art Project.



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Moved by Council Member McCarty, seconded by Council Member Bairos and PASSED this 7th day of May 2018, 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:**

City Manager Whitemyer advised he had nothing further to add.

**14. CITY COUNCIL ITEMS:**

Council Member McCarty thanked everyone who volunteered at LOVE Oakdale; everyone did a fantastic job. Council Member McCarty also thanked City staff, Oakdale Police and event sponsors' Steves Chevrolet and Haidlen Ford for their participation. Council Member McCarty concluded his remarks advising all projects were completed thanks to the many volunteers who stepped up on Saturday.

**15. ADJOURNMENT:**

There being no further business, Mayor Paul adjourned the meeting at 7:47 p.m.

ATTEST:

APPROVED:

/s/Kathy Teixeira  
Kathy Teixeira, CMC  
City Clerk

/s/Pat Paul  
Pat Paul  
Mayor