



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, December 7, 2020

7:00 PM

City Council Chambers

1. CALL TO ORDER:

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

Council Services Manager Christel conducted roll call with Council Member Bairos, Council Member Smith, Council Member Chiara, Council Member Murdoch and Mayor McCarty responding they were present.

2. COUNCIL/AGENCY MEMBERS PRESENT/ABSENT:

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

Staff Present: City Manager Whitemyer
City Attorney Hallinan
Police Chief Heller
Finance Director Avila
Public Services Director Gravel
Council Services Manager Christel
City Clerk Roberts
Assistant to the City Manager Mondragon
Maintenance Worker Supervisor Avila
Public Works Superintendent Bridgewater

Absent: None

3. PLEDGE OF ALLEGIANCE & INVOCATION

Mayor McCarty asked everyone to stand for the pledge of allegiance. Once done, Mayor McCarty asked everyone to continue standing for the invocation. Pastor Steve Neubaum of LifePoint Church provided the invocation.

4. REPORT OUT OF CLOSED SESSION

Mayor McCarty stated that City Council provided direction to staff regarding Special Agenda Item 4.1.

After the Mayor's report, City Manager Whitemyer read aloud the official notice of the meeting:

This meeting will be held in accordance with Executive Order N-29-20, issued by California Governor Gavin Newsom on March 17, 2020, the Ralph M. Brown Act (California Government Code Section 54950, et seq.), and the Federal Americans with Disabilities Act.



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Next City Council Resolution: 2020-144

Next Ordinance: 1275

This meeting will be held via teleconference and will not be physically open to the public. All members of the public may participate in the meeting via teleconferencing at the following address: <https://us02web.zoom.us/j/87912797897> and via teleconference by calling (888)788-0099, meeting ID: 879 1279 7897 and will be given the opportunity to provide public comment. This meeting will be televised on Comcast channel 7 and available for public viewing on Oakdale's Livestream channel, <https://livestream.com/cityofoakdale>. He also provided viewing and participation instructions during Public Comment.

5. PRESENTATION AND ACKNOWLEDGEMENTS

5.1: Certificate of Recognition Presented to Jacob Smith for Achieving the Prestigious Rank of Eagle Scout.

Mayor McCarty and members of the City Council congratulated Mr. Smith on achieving the prestigious rank of Eagle Scout. Mr. Smith discussed his Eagle Scout project and thanked his troop for their help and support.

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

City Manager Whitemyer provided instructions on how to participate in public comment via teleconferencing, calling in or via email.

Mayor McCarty opened public comment at 7:07 p.m.

With no public comment, Mayor McCarty closed public comment at 7:07 p.m.

8. APPOINTMENT TO BOARDS AND COMMISSIONS

8.1: Consider Appointment of Michael Eggener as a Committee Member to the Senior Citizen Advisory Committee.

Mayor McCarty asked if any Council Members had questions regarding the appointment of Mr. Eggener to the Senior Citizen Advisory Committee prior to asking for a motion to be made on this item. Council Member Bairos asked how many positions were open and how many applications were received. Council Services Manager Christel advised there was one opening on the committee and one application was received.

There were no further questions.

MOTION

By Roll Call Vote, Appoint Michael Eggener as a Committee Member to the Senior



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Citizen Advisory Committee.

Moved by Council Member Chiara and seconded by Council Member Murdoch and PASSED AND ADOPTED this 7th day of December, 2020, by the following vote:

AYES: COUNCIL MEMBERS: Chiara, Murdoch, Bairos, McCarty	(4)
NOES: COUNCIL MEMBERS: Smith	(1)
ABSENT: COUNCIL MEMBERS: None	(0)
ABSTAINED: COUNCIL MEMBERS: None	(0)

Motion carried 4/1 by City Council roll call vote.

9. CITY COUNCIL CONSENT AGENDA

Mayor McCarty asked are there any questions or requests to remove items from the Consent Agenda. City Manager Whitemyer advised there were none.

The consent agenda is comprised of Items 9.1 through 9.6. Unless there is discussion by a member of the audience/Council they may be approved in one motion.

- 9.1: Approve the Regular City Council Meeting Minutes of November 16, 2020.
- 9.2: Receive and File the Warrant List for the Period November 10, 2020 through November 27, 2020.
- 9.3: By Motion, Waive all Readings of Ordinances and Resolutions, except by Title.
- 9.4: Rejection by Minute Order, Claim for Damages Submitted by Rogelio Serrano, Esq. on behalf of Foothill Oaks Senior Living Homeowners Association.
- 9.5: Adopt City Council Resolution 2020-138, a Resolution of the City of Oakdale City Council of Concurrence and Support of the Community Development Block Grant Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2019-2020.
- 9.6: Adopt City Council Resolution 2020-139, a Resolution of the City of Oakdale City Council Accepting the Maag Avenue and E Street Pavement Rehabilitation and Resurfacing Project and Authorizing the Filing of a Notice of Completion.

MOTION

To approve the City of Oakdale City Council Consent Agenda Items 9.1 through 9.6 for December 7, 2020.

Moved by Council Member Smith and seconded by Council Member Bairos and PASSED AND ADOPTED this 7th day of December, 2020, by the following vote:

AYES: COUNCIL MEMBERS: Smith, Bairos, Chiara, Murdoch, McCarty	(5)
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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

11. STAFF REPORTS

11.1: Consider a Resolution Authorizing Staff to enter into a Purchase Agreement with Dailey-Wells Communications Inc. in the Total Amount of \$26,164.14 for the Purchase, Installation, and Programming of Communications Equipment to achieve compliance with California Department of Justice (CA DOJ) and Federal Bureau of Investigation (FBI) Requirements to Encrypt Communications related to Criminal Justice Information Services (CJIS) and Personally Identifiable Information (PII) to be Funded from Police Equipment Fund 545.

Chief Heller provided a staff report regarding the purchase of programming communications equipment. He explained that the Oakdale Police Department was recently advised by the California Department of Justice of a directive requiring communications related to Criminal Justice Information Services and Personally Identifiable Information be encrypted pursuant to California Department of Justice and Federal Bureau of Investigation requirements and that the purchase of the requested equipment will bring the Police Department in compliance with these directives. Chief Heller concluded his presentation requesting the City Council to approve a Resolution authorizing staff to enter into a Purchase Agreement with Dailey-Wells Communications Inc. for the purchase, installation, and programming of communications equipment to achieve compliance with California Department of Justice (CA DOJ) and Federal Bureau of Investigation (FBI) requirements to encrypt communications related to Criminal Justice Information Services (CJIS) and Personally Identifiable Information (PII) to be funded from Police Equipment Fund 545.

Staff responded to questions from the City Council.

With no public comment received, Mayor McCarty asked for a motion to be made on this item.

MOTION

Adopt Resolution 2020-140, a Resolution of the City Council of the City of Oakdale Authorizing Staff to enter into a Purchase Agreement with Dailey-Wells Communications Inc. in the Total Amount of \$26,164.14 for the Purchase, Installation, and Programming of Communications Equipment to achieve compliance with California Department of Justice (CA DOJ) and Federal Bureau of Investigation (FBI) Requirements to Encrypt Communications related to Criminal Justice Information Services (CJIS) and Personally



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Identifiable Information (PII) to be Funded from Police Equipment Fund 545.

Moved by Council Member Smith and seconded by Council Member Chiara and PASSED AND ADOPTED this 7th day of December, 2020, by the following vote:

AYES: COUNCIL MEMBERS: Smith, Chiara, Bairos, Murdoch, 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.

Mayor McCarty allowed public comment from Mr. Noordewier who discussed the current lawsuit with the City of Oakdale and Council Member Murdoch.

- 11.2: Consider a Resolution Declaring Intention to Annex Additional Territory to the City of Oakdale Community Facilities District No. 2007-1 (Annexation No. 14), Set Public Hearing for February 1, 2021, Direct the Recording of the Annexation No. 14 Map within (15) Fifteen Days of the Date of Adoption of the Resolution, and Direct the Publication of the Notice of Public Hearing, once, at least (7) Seven Days prior to the Public Hearing.

Finance Director Avila provided a staff report regarding the annexation of additional territory in to the City of Oakdale Community Facilities District No. 2007-1 (Annexation No. 14). He explained the purpose of the annexation and asked the City Council to adopt a Resolution declaring intention to annex addition territory to the City of Oakdale Community Facilities District No. 2007-1 (Annexation No. 14), set the Public Hearing for February 1, 2021, direct the recording of the Annexation No. 14 Map within (15) fifteen days of the date of adoption of the Resolution, and direct the publication of the Notice of Public Hearing, once, at least (7) seven days prior to the Public Hearing.

Staff responded to questions from City Council.

Mayor McCarty opened this item to public comment.

With no public comment for this item, Mayor McCarty requested a motion be made for this item.

MOTION

Adopt Resolution 2020-141, 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. 14), Set Public Hearing for February 1, 2021, Direct the Recording of the Annexation No. 14 Map within (15) Fifteen Days of the Date of Adoption of the Resolution, and Direct the Publication of the Notice of Public Hearing, once, at least (7) Seven Days prior to the Public Hearing.

Moved by Council Member Smith and seconded by Council Member Bairos and PASSED AND ADOPTED this 7th day of December, 2020, by the following vote:



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AYES: COUNCIL MEMBERS: Smith, Bairos, Chiara, Murdoch, 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.

- 11.3: Consider a Resolution Authorizing the City Manager to Approve a Contract with Howk Systems for the Well 4 Inspection in the Amount of \$28,493.36 Funded by Water Capital Replacement Fund 644.

Public Works Superintendent Bridgewater provided a staff report and PowerPoint Presentation on the Well 4 Inspection Project. He provided a brief history of the project, and the bid process stating that two bids were received with Howk Systems being the lower of the two. He concluded his presentation requesting the City Council adopt a Resolution authorizing the City Manager to approve a contract with Howk Systems for the Well 4 inspection in the amount of \$28,493.36.

Staff responded to questions from City Council.

Mayor McCarty opened this item to public comment.

With no public comment for this item, Mayor McCarty requested a motion be made for this item.

MOTION

Adopt Resolution 2020-142, a Resolution of the City Council of the City of Oakdale Authorizing the City Manager to Approve a Contract with Howk Systems for the Well 4 Inspection in the Amount of \$28,493.36 Funded by Water Capital Replacement Fund 644.

Moved by Council Member Chiara and seconded by Council Member Smith and PASSED AND ADOPTED this 7th day of December, 2020, by the following vote:

AYES: COUNCIL MEMBERS: Chiara, Smith, Bairos, Murdoch, 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.

- 11.4: Review of the Notice of Violation Report from the August 4, 2020 Inspection of the City of Oakdale Wastewater Treatment Facility by the State Water Resources Control Board.

Public Works Superintendent Bridgewater discussed the August 4, 2020 Inspection of the Wastewater Treatment Facility by the State Water Resources Control Board and



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provided the results of the inspection as stated in the Notice of Violation Report provided by the state.

Staff responded to questions from City Council.

Mayor McCarty opened this item to public comment.

With no public comment for this item, Mayor McCarty thanked Superintendent Bridgewater for his presentation.

12. CITY MANAGERS REPORT

12.1: Update on COVID-19 Response in Oakdale.

City Manager Whitemyer provided an update on the COVID-19 response in Oakdale and briefly discussed the Governor's current orders. He also provided an overview of the Small Business Relief Grants Program stating that all funds have been dispersed to recipients of the grant with exception of a few businesses that need to submit their final paperwork and discussed the RAD (Relief Across Downtown) Card Program.

Public comment was received from Mike Witcher regarding various local businesses who remain open despite current health orders.

13. CITY COUNCIL ITEMS

13.1: Options Regarding the Mayor's Announced Resignation Effective December 31, 2020 and Upcoming City Council Schedule.

City Manager Whitemyer provided a staff report and PowerPoint Presentation on the resignation of Mayor McCarty and provide options available to the City Council to fill the Mayor's seat. The options available are to:

- Option 1 – Special Election
- Option 2 – Select Current Council Member
- Option 3 – Seek Applicants from the Community

He provided the costs and steps necessary for each option and stated that should the City Council decide to, this item can be placed on the December 21, 2020 Council Agenda for additional discussion so that newly elected City Council members can also discuss and ask questions..

Staff responded to questions from the City Council.

13.2: Consider a Resolution of the City of Oakdale City Council Declaring the Official Canvassed Results of November 3, 2020 Presidential General Election/Oakdale Municipal Election.

Council Services and Legislative Records Manager/Deputy City Clerk Christel read aloud the results of the November 3, 2020 Presidential General Election/Oakdale



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Municipal Election stating that the City Council of the City of Oakdale does declare and determine that:

1. Ericka Chiara was elected Member of the City Council of said City for the full term of four years.
2. Fred Smith was elected Member of the City Council of said City for the full term of four years.
3. Maria Wilson was elected City Treasurer of said City for the full term of four years.
4. Rouzé Roberts was elected City Clerk of said City for the full term of four years.

Council Services Manager Christel concluded the report asking City Council to adopt a Resolution accepting the official canvassed results of the November 3, 2020 Presidential General Election/Oakdale Municipal Election.

Mayor McCarty asked for a motion to be made on this item.

MOTION

Adopt City of Oakdale City Council Resolution 2020-143, accepting the official canvassed results of the November 3, 2020 Presidential General Election/Oakdale Municipal Election and declaring the results of the Oakdale Municipal Election held on November 3, 2020 for the office of Council Member (2 seats), City Treasurer (1 seat), and City Clerk (1 seat); each to serve a four-year term that expires December 2024.

Moved by Council Member Bairos and seconded by Council Member Chiara and PASSED AND ADOPTED this 7th day of December, 2020, by the following vote:

AYES:	COUNCIL MEMBERS:	Bairos, Chiara, Smith, Murdoch, 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.

Mayor McCarty asked if any Council Members had anything they would like to share:

Council Member Smith thanked the City Council and staff for acknowledging his son's achievement.

14. ADJOURNMENT

There being no further business, Mayor McCarty adjourned the meeting at 7:59 p.m.

ATTEST:

/s/ Julie Christel
Julie Christel
Council Services and Legislative
Records Manager

APPROVED:

/s/ J.R. McCarty
J.R. McCarty
Mayor