



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

City Council Chambers
277 North Second Avenue
Oakdale, California

Tuesday, January 22, 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 Works Superintendent Bridgewater
Police Lieutenant Carrillo
Manager Julie Christel
Public Services Director Gravel
Police Chief Heller
Management Analyst Mondragon
Brian Odom, Senior Building Inspector
City Clerk Teixeira

3. PLEDGE OF ALLEGIANCE:

Mayor McCarty advised those in attendance today, the City's Engineer, Mr. Tony Marshall died in an automobile accident. Mayor McCarty asked the City Council and audience to please stand and observe a moment of silence in memory of Mr. Marshall.

At the request of Mayor McCarty, Oakdale Stampede Varsity Squad led the pledge of allegiance.

4. INVOCATION:

Pastor Kent Roberts of The River Christian Community provided the invocation.

5. PRESENTATIONS/ACKNOWLEDGEMENTS:

5.1: Proclamation Presentation to the Oakdale Stampede Varsity Squad, repeat CenCal Youth Football League Super Bowl Champions.

Mayor McCarty presented Head Varsity Coach Rowe with a Proclamation Honoring Coach Oakdale Stampede Varsity Squad, repeat CenCal Youth Football League Super Bowl Champions.



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Next City Council Resolution: 2019-002

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- 5.2: Presentation to City of Oakdale of Grant Reimbursement in the amount of \$3,500.00 for the purchase of a new “Cat Condo” at the Animal Control Shelter. Presented by: Oakdale Shelter Pet Alliance (OSPA).

Mayor McCarty, Police Chief Heller, AC Officer Crowley and Shelter Attendant Latapie accepted a donation in the amount of \$3,500.00 towards the new cat condo for placement at the Oakdale Animal Shelter from Betsie Corwin and members of the Oakdale Shelter Alliance.

6. ADDITIONS/DELETIONS:

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

7. PUBLIC COMMENTS:

Karina Mendoza addressed the City Council advising of recent improvements and reorganization to the Oakdale Library and also upcoming events and programs at the Oakdale Library.

8. APPOINTMENT TO BOARDS AND COMMISSIONS:

None scheduled.

9. 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 9.6 for January 22, 2019, as follows:

- 9.1: Approve the City Council Regular Meeting Minutes of January 7, 2019.
- 9.2: Receive and File the Warrant List for the period of January 2, 2019 to January 16, 2019.
- 9.3: By Motion, Waive all Readings of Ordinances and Resolutions, except by Title.
- 9.4: Second Reading by Title Only and Adoption of Ordinance 1262, of the City of Oakdale, California, a City-Initiated Amendment to the Oakdale Municipal Code, Chapter 20 (also known as Code Text Amendment 2018-29) to consider amendments to the City of Oakdale's Municipal Code, Chapter 20 (Parks and Recreation) amending the hours of use for Valley View Park and Valley View Access Trail, which would close one-half hour after sunset until one-half hour before sunrise every day.



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- 9.5: Accept by Minute Order, the October 2018 Treasurer's Report.
- 9.6: Adopt Resolution 2019-002, a Resolution of the City of Oakdale City Council Accepting the \$104,945.25, West Avenue Water Replacement Project and authorizing the filing of a Notice of Completion.

Moved by Council Member Bairos and seconded by Council Member Smith and PASSED AND ADOPTED this 7th day of January 22, 2019 by the following vote:

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

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

10. PUBLIC HEARINGS:

None scheduled.

11. STAFF REPORTS:

- 11.1: Consider a Resolution of the City of Oakdale City Council Awarding a contract with Lawrence Backhoe Service, Inc. for the Water Meter Upgrade Project, Phase 1b in the amount of \$96,909.90; and authorizing funds in the amount of \$245,867.37 for purchasing the water meters and related materials; and authorizing an additional 10% contingency in the amount of \$34,000.00 for a project cost of \$376,777.27 from the Water Capital Replacement Fund 644 CP 1537.

A PowerPoint Presentation was provided.

Public Works Superintendent Bridgewater presented the staff report recommending the City Council award a contact contract with Lawrence Backhoe Service, Inc. for the Water Meter Upgrade Project, Phase 1b in the amount of \$96,909.90; and authorizing funds in the amount of \$245,867.37 for purchasing the water meters and related materials; and authorizing an additional 10% contingency in the amount of \$34,000.00 for a project cost of \$376,777.27 from the Water Capital Replacement Fund 644 CP 1537.

The City Council discussed with staff the project as proposed and asked questions of staff that were responded to by staff.

MOTION

To adopt City Council of the City of Oakdale Resolution 2019-003 Awarding a contract with Lawrence Backhoe Service, Inc. for the Water Meter Upgrade Project, Phase 1b in the amount of \$96,909.90; and authorizing funds in the amount of \$245,867.37 for purchasing the water meters and related materials; and authorizing an additional 10% contingency in the amount of \$34,000.00 for a project cost of \$376,777.27 from the



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Water Capital Replacement Fund 644 CP 1537.

Moved by Council Member Murdoch and seconded by Council Member Chiara and
PASSED AND ADOPTED this 22nd day of January 22, 2019 by the following vote:

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

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

- 11.2: Discuss filling the City Clerk vacancy to complete the current term ending in November 2020; whether to prepare an ordinance regarding City Clerk Duties; and whether to make the position appointed rather than elected.

City Attorney Hallinan presented the staff report advising the City Council has three decisions to make this evening related to the City Clerk resignation; further explaining the options available to the City Council as outlined in the staff report.

The City Council addressed questions and the City Manager and City Attorney responded related to the options available to the City Council.

Public Comment

Alice Garcia addressed the City Council stating the City Clerk position should remain an elected position stating she has observed a lot of nepotism when filling employee positions.

In response to Ms. Garcia's statement related to nepotism, City Manager Whitemyer advised the City of Oakdale has an anti-nepotism policy.

The City Council discussed the recommendations with staff and the City Council stating their preference for a City Clerk skilled in the position versus an individual who meets the minimum requirements of an elected position, i.e., being over the age of 18 and registered to vote.

MOTION

By Minute Order move to appoint a City Clerk to complete the current term which expires in 2020; direct staff to prepare an ordinance revision to make the City Clerk an appointed position; and, direct staff to prepare a ballot measure for the November 5, 2019 election to revise the Oakdale Municipal Code changing the City Clerk position from an elective to an appointive position.



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Moved by Council Member Smith and seconded by Council Member Chiara and PASSED this 22nd day of January 22, 2019 by the following vote:

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

- 11.3: Discuss Current Fire Services Agreement with Stanislaus Consolidated Fire Protection District and Options Available to the City of Oakdale.

A PowerPoint was presented and is attached herein as Exhibit A.

City Manager Whitemyer presented a comprehensive staff report requesting the City Council provide direction to staff related to the current Fire Services Agreement with Stanislaus Consolidated Fire Protection District and Options Available to the City of Oakdale.

The City Council and City Manager Whitemyer discussed in depth the options available to the City as well as disappointment with the lack of communication from the Stanislaus Consolidated Fire Protection District Board.

Public Comment

Vincent Victorine representing Oakdale Fire Protection District advised the City Council that the District is interested in all of the options presented by City Manager Whitemyer this evening; further advising Oakdale Fire Protection District has always approached this partnership as a team and they will continue to preserve the current relationship between all three parties, if it can be preserved. Oakdale Fire Protection District will continue to work with all parties to provide excellent fire service.

The City Council discussed in depth the options presented with City Manager Whitemyer.

MOTION

That the City Council of the City of Oakdale moves that the City of Oakdale City Council would like to continue with Stanislaus Consolidated Fire Protect District a contract for services for six additional months (December 31, 2019) subject to receiving an answer of acceptance or rejection by February 15, 2019 subject to the following conditions of extension:

- Stanislaus Consolidated Fire Protection District (SCFPD) holds monthly 2 + 2 + 2 meetings with the City of Oakdale (City) and Oakdale Fire Protection District (OFPD).



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- SCFPD hires outside firm to conduct a fiscal health assessment with input from City and OFPD.
- SCFPD amends agreement with OFPD to allow them the ability to recover costs for services provided by SCFPD within the OFPD jurisdiction.
- SCFPD allows the City of Oakdale and OFPD to be involved with the ratification of new MOU with IAFF Local 3399.
- SCFPD allows the City of Oakdale and OFPD to be involved with the review and ratification of future SCFPD operating budgets.
- A flat rate administrative charge is developed that better reflects the actual costs of hiring a new firefighter. The current administrative charge for new positions is excessive.
- Fire Intern Program is more actively supported so that interns can augment staff at City and OFPD stations on a regular if not daily basis.
- Ensure that adequate administrative personnel are available to serve the City of Oakdale during the remainder of the contract.
- The parties agree to explore and analyze the possible use of a Joint Powers Authority Agreement for a long-term commitment to provide for fire services.

Moved by Council Member Murdoch and seconded by Council Member Smith and PASSED this 22nd day of January 22, 2019 by the following vote:

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

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

Mayor Pro Tem Bairos stated she would like to see a response from Stanislaus Consolidated Fire Protection District prior to January 31 and she would like the City Council to allow the one-year contract extension to give staff additional time to get everything in order for fire protection as well as allow Fire Chief Whorton an opportunity.



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12. CITY MANAGER'S REPORT:

12.1: January 2019 Department Reports.

City Manager Whitemyer advised staff has discussed with the City Council holding three workshops to allow briefings and updates. The first workshop would provide overviews and updates on the Administration (City Manager, Human Resources, City Clerk and Finance) side of City government; the second workshop on the Public Services (Public Works, Planning & Building and Engineering) Department; and the last workshop covering Public Safety.

13. CITY COUNCIL REPORT:

Mayor Pro Tem Bairos advised the VFW would be holding their monthly meeting at the Oakdale Armory on February 13 at 6:30 p.m.

Mayor McCarty thanked the Lions Club for flying the United States Flag, yesterday, January 21; in observance of the Martin Luther King holiday.

14. ADJOURNMENT:

There being no further business, Mayor McCarty adjourned the meeting at 8:56 p.m.

ATTEST:

APPROVED:

/s/ Kathy Teixeira
Kathy Teixeira, CMC
City Clerk

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

FIRE SERVICES AGREEMENT WITH STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT

CITY COUNCIL MEETING

JANUARY 22, 2019

BACKGROUND

- September 2014 City of Oakdale Enters into Fire Services Agreement with Stanislaus Consolidated Fire Protection District (SCFPD).
- SCFPD provides all fire protection services in the City of Oakdale.
- Fire Services Agreement expires on June 30, 2019

DISCUSSION

- The Contract Expires on June 30, 2019.
- What options are available?
- What option should be chosen?

POSSIBLE OPTIONS AVAILABLE TO THE CITY COUNCIL

- 1) Extend the current Fire Services Agreement with SCFPD for a defined period.
- 2) Renegotiate new Fire Services Agreement terms with SCFPD for a defined period.
- 3) Create Joint Powers Association agreement with agencies who desire to have a regionalized fire service.

SHOULD OAKDALE EXTEND ITS CONTRACT WITH SCFPD?

CITY OF OAKDALE CONCERNS WITH SCFPD

- 1. Fire Administration Staffing**
- 2. Budget Oversight and Financial Management**
- 3. Lack of Transparency during Fire Chief Employment Agreement Approval Process**
- 4. Late Financial Audit and Issues with Financial Controls**
- 5. Concerns with Employee Memorandums of Understanding**
- 6. Weed Abatement Services – Firefighter Internship Program – Administrative Overhead Charges**

FIRE ADMINISTRATION STAFFING

Inconsistency at the Fire Chief position

- Chief Mayotte fired June 2013
- Chief Bradley hired March 2014 – resigned November 2015
- Chief Daly hired September 2016 – resigned March 2017
- Chief Weigele hired June 2017 – fired October 2017

FIRE ADMINISTRATION STAFFING

Prior to new Fire Chief appointment SCFPD was without a permanent fire chief for the last 14 months and 34 of the last 66 months.

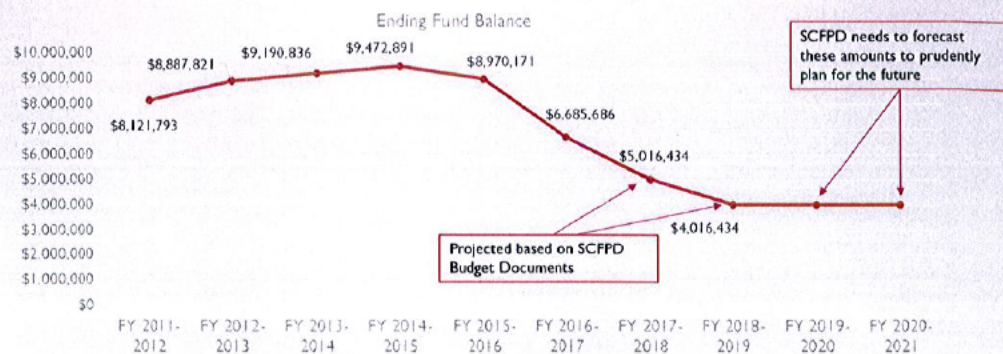
Several Vacancies in Fire Administration

- With the limited administrative staff, the City of Oakdale has several questions. Are the critical human resources and risk management functions being handled?
- Is there proper financial oversight?
- Who is developing the facility maintenance and equipment replacement plans and ensuring that funds are being set aside to implement those plans?

BUDGET OVERSIGHT AND FINANCIAL MANAGEMENT

- MOU Decision and \$500,000 deficit by FY 2019-2020
- December 2018 Budget report shows that SCFPD is on track to spend \$2,007,369 more than budgeted for FY 2018-2019

CHANGE IN FUND BALANCE (DISCRETIONARY CASH)



APPROVAL OF FIRE CHIEF EMPLOYMENT AGREEMENT LACKS TRANSPARENCY

- The City of Oakdale and the public were not given the opportunity to review the new Fire Chief employment agreement prior to the January 10, 2019 SCFPD Board meeting.
- City staff was forced to hurriedly review the agreement and discovered language that caused concern. This concern was shared with the SCFPD Board and a request was made to continue the item to a future meeting so that these concerns could be discussed and addressed.
- The Board did respect the request of its partner agency and approved the agreement despite their concerns
- This was an extremely important decision that appears to have been rushed by the SCFPD Board. This lack of transparency is very concerning and not appreciated.

LATE FINANCIAL AUDIT AND ISSUES WITH FINANCIAL CONTROLS

- SCFPD recently had an independent auditor review their FY 2016-2017 financial documents. This Audit is about a year overdue.
- A draft SCFPD 2016-2017 Annual Audit Management Letter indicates that the auditor found 12 findings where additional financial controls were needed. The auditor also made 17 other recommendations which should be cause for concern.
- The City of Oakdale is concerned because it appears that these normal best management practice financial reviews are not a priority for SCFPD.
- Has SCFPD started its FY 2017-2018 audit?

EMPLOYEE MOU CONCERNS

1) Concerns with Memorandums of Understanding with Employees

- a. The City of Oakdale has expressed concerns with the current employee MOUs prior to being adopted. The City still has concerns with those agreements.
 - i. Sick leave accruals – Sick leave at SCFPD are accrued at double the rate of other fire agencies in the area and fire personnel can accumulate an unlimited amount of sick leave. On several occasions City staff has shared that this is a concern and should be addressed.
 - ii. Vacation Cards – City management after reviewing the high volume of overtime hours suggested that the number of Vacation Cards (number of employees who can be out on vacation at the same time) be reduced. This would help reduce overtime costs. This concern has not been addressed.

EMPLOYEE MOU CONCERNS

1) Concerns with Memorandums of Understanding with Employees (cont.)

- iii. Health Care Contributions from Employees – SCFPD pays for 100% of employee health care premiums. The City has expressed this as a concern as early as 2016 prior to the approval of the current MOU. This has not been addressed.
- iv. Increase CalPERS retirement contributions from employees – it has been a common practice for agencies during MOU negotiations to require employees to pay an additional percentage towards their retirement when they receive a cost of living adjustment. The City of Oakdale recently did this where employees agreed to pay an additional 1% toward their retirement when they received a 3% cost of living adjustment. SCFPD has not required this.
- v. Overtime costs consistently exceed those amounts budgeted. The SCFPD December 2018 Budget report shows that overtime expenditures are over budget by \$631,061.34 or 1,012% even though we are only 50% through the year.

WEED ABATEMENT SERVICES – FIREFIGHTER INTERNSHIP PROGRAM – ADMINISTRATIVE OVERHEAD CHARGES

- SCFPD is not conducting all of the weed abatement services as described in the agreement.
- SCFPD is not providing Firefighter interns to City of Oakdale fire stations as discussed in the agreement.
- The current Administrative Overhead Charges are too high and are assessed disproportionately to new positions added to the organization. This makes adding new firefighter positions cost prohibitive.

COMMUNICATION WITH SCFPD

- Provided letter to SCFPD on December 4, 2018 – continue partnership under Joint Powers Authority Agreement
 - Have not received a formal response from SCFPD
- Letter from Chief Whorton dated January 17, 2019
 - Asked for a direct response regarding whether or not the City would like to continue with a contract for fire services with SCFPD.
 - Asked that the City submit a proposed contract with language modifications that you would like SCFPD to consider. Would like an answer by January 31, 2019.

COMMUNICATION WITH SCFPD

- Letter from Mayor McCarty to SCFPD dated January 18, 2019
 - Cited concerns with:
 - SCFPD finances
 - Procedures followed in approving the new Fire Chief Employment Agreement
 - Letter requested that SCFPD:
 - provide information to the City on how it plans to manage its finances to ensure that it can sustain its operations into the future
 - Provide proactive communications with the City and respond to concerns expressed by partner agencies

POSSIBLE OPTIONS

- Extend the current Fire Services Agreement with SCFPD for a defined period.
- Amend and Extend Fire Services Agreement with SCFPD for a defined period.
- Create JPA agreement with agencies who desire to have a regionalized fire service. All participating agencies would have representatives on the new fire agency board with voting authority.
- Reestablish City of Oakdale Fire Department
- Create new fire department with OFPD and the City of Oakdale

EXTENDING FIRE SERVICES CONTRACT

- Staff recommends that if a contract extension is desired that it include the following provisions:
 - 1-year term.
 - The City of Oakdale (City), Oakdale Fire Protection District (OFPD), and Stanislaus Consolidated Fire Protection (SCFPD) district hold monthly 2 + 2+ 2 meetings.
 - SCFPD hires outside firm to conduct a fiscal health assessment with input from City and OFPD.
 - SCFPD amends agreement with OFPD to allow for cost recovery services
 - SCFPD allows the City of Oakdale and OFPD to be involved with the ratification of new MOU with IA 3399.

EXTENDING FIRE SERVICES CONTRACT

- Staff recommends that if a contract extension is desired that it include the following provisions:
 - SCFPD allows the City of Oakdale and OFPD to be involved with the review and ratification of future SCFPD operating budgets.
 - A flat rate administrative charge is created that better reflects the actual costs of hiring a new firefighter. The current administrative charge for new positions is excessive.
 - Fire Intern Program is more actively supported so that interns can augment staff at our stations on a regular if not daily basis.
 - Ensure that adequate administrative personnel is available to serve the City of Oakdale.

COUNCIL DIRECTION TO STAFF

- What option does the City Council want to pursue?
 - Extend agreement as is?
 - Length of extension?
 - Extend the agreement with suggested amendments?
 - Length of extension?
 - Extend the agreement with goal of pursuing a JPA agreement relationship?
 - Length of extension?
 - Create new fire department with OFPD and City of Oakdale?
 - Create new City of Oakdale Fire Department?