



**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**

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**Monday, December 2, 2019**

**7:00 PM**

**City Council Chambers**

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**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 Chiara  
Council Member Smith  
Council Member Bairos  
Council Member Murdoch

Staff Present: City Manager Whitemyer  
City Attorney Hallinan  
Police Chief Heller  
Public Services Director Gravel  
Finance Director Avila  
Public Works Superintendent Bridgewater  
Council Services Manager Christel  
Sr. Building Inspector Odom  
Management Analyst Andersen

Absent: None

**3. PLEDGE OF ALLEGIANCE:**

The Oakdale Inferno Cheer Leading Team led the City Council, staff, and audience in the pledge of allegiance.

**4. INVOCATION:**

Pastor Steve Neubaum from LifePoint Church provided the invocation.

**5. PRESENTATIONS/ACKNOWLEDGEMENTS**

5.1: Certificate of Acknowledgment to the Oakdale Inferno Cheer Team for placing 1<sup>st</sup> at the Capital City Championship and winning the bid to compete at the National Competition in Las Vegas in 2020.



**CITY OF OAKDALE  
CITY COUNCIL  
REGULAR MEETING MINUTES  
Monday, December 2, 2019**

**Next City Council Resolution: 2019-138**

**Next Ordinance: 1270**

Mayor McCarty presented the Oakdale Inferno Cheer Team with a certificate of recognition for placing 1<sup>st</sup> at the Capital City Championship and winning the bid to compete at the National Competition in Las Vegas on January 26, 2020.

The Oakdale Inferno Cheer Team's Head Coach gave a brief history of the team, spoke about upcoming competitions and announced the team will be performing at an upcoming Stockton Heat's game. On behalf of the team, she thanked the City Council for the certificate.

**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**

Public Comment Opened at 7:06 p.m.

Daniel Hansen, worker for the Federal Government, Bureau of Commerce and Census Bureau, announced that the Census Bureau is looking to recruit and hire 9,000 people in this area to assist with the 2020 Census. Anyone wishing to apply must be a United States citizen and 18 years old. Mr. Hansen provided folders with information about the upcoming census and recruitment.

Deanna Brewster, an Oakdale resident, asked how and when she could sign up for the Oak Leaf Meadows low income housing. Mayor McCarty suggested she contact the Stanislaus Housing Authority as they are the ones handling that project. She also mentioned that she has seen several trees where the power lines were getting tangled in the branches and asked about the City's tree trimming procedures around electrical lines. Mayor McCarty asked for her name and number and that he would contact her directly.

Karina Mendoza, Branch Manager of the Oakdale Library, updated the City Council on current events and projects happening at the library for the month of December and January.

Tony Pellegrino, rents office space in town and owned a home in Oakdale for three years, he is officially an agent for E-CLAUSE.org, a loss prevention for the US Government. He discussed emoluments, provided definitions, briefly described emolument violations and reminded everyone to make sure they uphold the Constitution of the State of California and the Constitution of the United States that are in violation with any City Codes or any type of statutes or ordinances because if there's a conflict, the higher law always supersedes the lower law.

David Avila, a property owner in town and a part of We the People, stated that he is concerned about the over-reach of government and that the City is violating a lot of Constitutional law. He wanted to make the City aware that We the People are aware of these violations and are working on helping everyone to comply with the Constitution. He reminded City Council and staff about their oath of office, discussed their fiduciary responsibilities, talked about the color of law, and



**CITY OF OAKDALE  
CITY COUNCIL  
REGULAR MEETING MINUTES  
Monday, December 2, 2019**

**Next City Council Resolution: 2019-138**

**Next Ordinance: 1270**

mentioned several code violations and corresponding fines and penalties. He also talked about being put on notice, qualified immunity and deliberate indifference.

Public Comment Closed at 7:18 p.m.

**8. APPOINTMENT TO BOARDS AND COMMISSIONS**

None Scheduled.

**9. CITY COUNCIL 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**

The consent agenda is comprised of Items 9.1 through 9.10. 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 18, 2019.
- 9.2: Receive and File the Warrant List for the Period of October 19, 2019 through November 8, 2019.
- 9.3: By Motion, Waive all Readings of Ordinances and Resolutions, except by Title.
- 9.4: Approve by Minute Order, City Co-Sponsored Event with Oakdale Lions Club for the 28<sup>th</sup> Annual Don Osborne Memorial Fun Run to be held February 1, 2020.
- 9.5: Approve by Minute Order, City Co-Sponsored Event Application from the ASTRO Foundation for the Downtown Old-Fashioned Christmas Event to be held December 7, 2019.
- 9.6: Accept by Minute Order, the October 2019 Treasurer's Report.
- 9.7: Second Reading by Title Only and Adoption of Ordinance No. 1267 of the City of Oakdale, California, Specific Plan Amendment No. 2019-10 – East F Street Corridor Specific Plan.
- 9.8: Second Reading by Title Only and Adoption of Ordinance No. 1268 of the City of Oakdale, California, Amended and Restated Development Agreement between the City of Oakdale and Tesoro Homes, Inc.
- 9.9: Second Reading by Title Only and Adoption of Ordinance 1269 of the City of Oakdale, California, Amending Chapter 7 of the Oakdale Municipal Code Adopting the 2019 Building Codes with Local Amendments.



**CITY OF OAKDALE  
CITY COUNCIL  
REGULAR MEETING MINUTES  
Monday, December 2, 2019**

**Next City Council Resolution: 2019-138**

**Next Ordinance: 1270**

- 9.10: Second Reading by Title Only and Adoption of Ordinance 1270 of the City of Oakdale, California, Amending Chapter 12 of the Oakdale Municipal Code Adopting the 2019 Fire Code with Local Amendments.

**MOTION**

To approve the City of Oakdale City Council Consent Agenda Items 9.1 through 9.10 for December 2, 2019.

Moved by Council Member Smith and seconded by Council Member Murdoch and PASSED AND ADOPTED this 2nd day of December 2019, by the following vote:

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

**10. ACCEPTING OFFICIAL CANVASSED MUNICIPAL ELECTION RESULTS**

- 10.1: Council Services and Legislative Records Manager Christel presented the official canvassed municipal Election results from the November 5, 2019 Consolidated District Election/Oakdale Municipal Election stating that Measure "H" successfully passed. Measure "I" did not pass. She concluded her report recommending City Council adopt City of Oakdale City Council Resolution 2019-136, Accepting the Official Canvassed results of November 5, 2019 Consolidated District Election/Oakdale Municipal Election, Declaring the results of the Consolidated District Election/Oakdale Municipal Election held on November 5, 2019, for the purpose of Declaring the results of Ballot Measure "H" and Ballot Measure "I".

**MOTION**

Adopt City of Oakdale City Council Resolution 2019-134, Accepting the Official Canvassed results of November 5, 2019 Consolidated District Election/Oakdale Municipal Election, Declaring the results of the Consolidated District Election/Oakdale Municipal Election held on November 5, 2019, for the purpose of Declaring the results of Ballot Measure "H" and Ballot Measure "I".

Moved by Council Member Chiara and seconded by Council Member Smith and PASSED AND ADOPTED this 2nd day of December 2019, by the following vote:

AYES:	COUNCIL MEMBERS: Chiara, Smith, Bairos, Murdoch and McCarty	(5)
NOES:	COUNCIL MEMBERS: None	(0)



**CITY OF OAKDALE  
CITY COUNCIL  
REGULAR MEETING MINUTES  
Monday, December 2, 2019**

**Next City Council Resolution: 2019-138**

**Next Ordinance: 1270**

ABSENT: COUNCIL MEMBERS: None (0)  
 ABSTAINED: COUNCIL MEMBERS: None (0)

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

**11. PUBLIC HEARING**

None.

**12. STAFF REPORTS**

12.1: Consider a Resolution Authorizing the Purchase and Installation of a Backup Generator for the Communication Tower from Energy Systems in the Amount of \$29,692.00, and Authorizing Funds in the Amount of \$5,000.00 for Preliminary Site Work funded by the Police Equipment Fund 545.

Public Works Superintendent Bridgewater presented a PowerPoint Presentation along with the staff report regarding the City's immediate need for an emergency back-up power generator and an Automatic Transfer Switch for the communication tower located at 640 Greger Street. He stated that currently the Tower communications include Stanislaus County 911 Services and Oakdale Police Communication services. Today, in the event of a major power outage, the operation of the tower will be interrupted.

Superintendent Bridgewater stated that staff received three bids with Energy Systems coming in as the lowest bidder. He concluded his report requesting City Council adopt the draft Resolution authorizing the purchase and installation of a backup generator for the communication tower from Energy Systems in the amount of \$29,692.00, and authorizing funds in the amount of \$5,000.00 for preliminary site work funded by the Police Equipment Fund 545.

Staff responded to questions presented by City Council.

Public Comment: None

**MOTION**

Adopt City of Oakdale City Council Resolution 2019-135, a Resolution of the City Council of the City of Oakdale Authorizing the Purchase and Installation of a Backup Generator for the Communication Tower from Energy Systems in the Amount of \$29,692.00, and Authorizing Funds in the Amount of \$5,000.00 for Preliminary Site Work funded by the Police Equipment Fund 545.

Moved by Council Member Chiara and seconded by Council Member Bairos and PASSED AND ADOPTED this 2nd day of December 2019, by the following vote:

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



**CITY OF OAKDALE  
CITY COUNCIL  
REGULAR MEETING MINUTES  
Monday, December 2, 2019**

**Next City Council Resolution: 2019-138**

**Next Ordinance: 1270**

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 a Resolution Authorizing the City Manager to Execute an Agreement with Alley Tree and Landscaping, Inc. in the Amount of \$30,995.00 for the Willowood Drive/Vineyard Slope Landscape Project, to be Funded by the Vineyard LLMD Fund 286.

Public Services Director Gravel presented a PowerPoint Presentation along with the staff report stating that the Bridle Ridge Specific Plan was approved by the City in the 1990's and in the early phases of the project, Willowood Drive was constructed and landscaped. Over the years some of the landscape planting has failed which contributed to unwanted erosion and an unsightly condition. He stated that City staff has worked with Sam Harned Landscape Architect to develop a landscape plan that takes advantage of the plants that have been successful and increased their numbers for the design of this project. The plan also includes installing aggressive and slope stabilizing plants such as Myoporum and Dietes and the contractor will be adding Cotoneaster for aggressive coverage. Large boulders will be placed at the base of the slope to help retain erosion as well.

Director Gravel continued saying that staff received proposals from Alley Tree and Landscape, Inc. and two other contractors and, although Alley Tree and Landscape, Inc. was not the low bid between the two bidders, their bid was the most complete and thorough and included a cost to install large boulders and coarse wood bark which would help retain the slope.

He completed his report with requesting City Council adopt the draft Resolution authorizing the City Manager to execute an Agreement with Alley Tree and Landscaping, Inc. in the amount of \$30,995.00 for the Willowood Drive/Vineyard Slope Landscape Project, to be funded by the Vineyard LLMD Fund 286.

Staff responded to questions presented by City Council.

Public Comment: None

**MOTION**

Adopt City of Oakdale City Council Resolution 2019-136, a Resolution of the City Council of the City of Oakdale authorizing the City Manager to execute an Agreement with Alley Tree and Landscaping, Inc. in the amount of \$30,995.00 for the Willowood Drive/Vineyard Slope Landscape Project, to be funded by the Vineyard LLMD Fund 286.

Moved by Council Member Smith and seconded by Council Member Bairos and PASSED



**CITY OF OAKDALE  
CITY COUNCIL  
REGULAR MEETING MINUTES  
Monday, December 2, 2019**

**Next City Council Resolution: 2019-138**

**Next Ordinance: 1270**

AND ADOPTED this 2nd day of December 2019, by the following vote:

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

- 12.3: Consider a Resolution Awarding a Contract for the L.B. Gilbert Park Tennis Court Rehabilitation Project to All Commercial Fence in the Amount of \$18,252.00 and to Sierra National Construction Inc. in the Amount of \$71,600.00 and include \$50,000.00 to install conduit, rewire the existing light poles, replace the old lights with new LED fixtures, paint the light poles, and install new signage for a Total Project cost of \$139,852.00 to be Funded from Parks Replacement Fund 549 (CP1810).

Management Analyst Andersen presented a PowerPoint Presentation along with the staff report regarding the L.B. Gilbert Park Tennis Court Rehabilitation Project. She stated that the L.B. Gilbert Park is home to the only park in Oakdale with two tennis courts as an amenity. These courts are City-owned and receive daily play. She further stated that the courts were last re-surfaced in 2005 and that it is recommended to re-surface the asphalt ever few years. The current asphalt is cracked in multiple area along the courts, the striping is faded, the electrical for the court lighting has been vandalized and is no longer working and fencing, gates and signage are also in need of replacement.

Management Analyst Andersen stated that this project will consist of complete removal and reconstruction of the tennis court asphalt, installation of 3 inches of new asphalt, seal and color coating, paint lines, net posts and demolition and installation of new black vinyl chain link fencing, gates, retrofit lighting to LED, new electrical conduit and lighting controls and new park signage. In addition, and to keep up with outdoor court evolution, pickleball paint play lines will also be provided to allow for a multi-use playing court. A multi-use court also provides another venue for the City or groups to host multiple activities of all ages and a place of recreation for all residents.

She concluded her report requesting that City Council approve a Resolution awarding a contract for the L.B. Gilbert Park Tennis Court Rehabilitation Project to All Commercial Fence in the amount of \$18,252.00 and to Sierra National Construction Inc. in the amount of \$71,600.00 and include \$50,000.00 to install conduit, rewire the existing light poles, replace the old lights with new LED fixtures, paint the light poles, and install new signage for a Total Project Cost of \$139,852.00 to be Funded from Parks Replacement Fund 549 (CP1810).

Staff responded to questions presented by City Council.

Public Comment: None



**CITY OF OAKDALE  
CITY COUNCIL  
REGULAR MEETING MINUTES  
Monday, December 2, 2019**

Next City Council Resolution: 2019-138

Next Ordinance: 1270

**MOTION**

Adopt City of Oakdale City Council Resolution 2019-137, a Resolution of the City Council of the City of Oakdale Awarding a Contract for L.B. Gilbert Park Tennis Court Rehabilitation Project to All Commercial Fence in the Amount of \$18,252.00 and to Sierra National Construction Inc. in the Amount of \$71,600.00 and include \$50,000.00 to install conduit, rewire the existing light poles, replace the old lights with new LED fixtures, paint the light poles, and install new signage for a Total Project Cost of \$139,852.00 to be Funded from Parks Replacement Fund 549 (CP1810).

Moved by Council Member Smith and seconded by Council Member Murdoch and PASSED AND ADOPTED this 2nd day of December 2019, by the following vote:

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

- 12.4: Consider a Resolution Approving the Purchase and Installation of a Downtown Electronic Sign at Wood Park at a Cost Not to Exceed \$49,740.00 from Fund 245 – Economic Development and Authorizing the City Manager to Develop and Execute an Agreement with Local Service Clubs to Contribute Funds to Help Purchase the Sign.

City Manager Whitemyer presented a PowerPoint Presentation along with the staff report regarding the purchase and installation of a Downtown Electronic Sign at Wood Park. He explained that over a year ago, a few local service clubs approached the City of Oakdale about placing an electronic reader board sign at the southeast corner of F Street and Yosemite Avenue in Wood Park. The sign would be used primarily to advertise community events and non-profit fundraisers. He stated that the service clubs have held several meetings since that initial meeting and have chosen a sign, developed rules for the use of that sign, and have identified the location where that sign should be placed. The total cost of the sign is anticipated not exceed \$49,740. Four service clubs have pledged a total of \$20,000 toward this project and the Oakdale Chamber of Commerce has offered to manage and coordinate the advertisement placements. The cost of the sign to the City is currently \$29,740 but it is possible that additional clubs/organizations might want to donate to this cause prior to the sign's installation. The four service clubs will contribute their \$5,000 contribution over three years with installments of \$1,666.67 in 2020, \$1,666.67 in 2021, and \$1,666.66 in 2022. The City of Oakdale will pay for the total cost of the sign and then will be reimbursed in part from the payments from the service clubs.

City Manager Whitemyer concluded his report recommending the City Council of the City of Oakdale adopt a resolution approving the installation of the Downtown Electronic Sign at Wood Park for a cost not to exceed \$49,740 from Fund 245 – Economic Development



**CITY OF OAKDALE  
CITY COUNCIL  
REGULAR MEETING MINUTES  
Monday, December 2, 2019**

Next City Council Resolution: 2019-138

Next Ordinance: 1270

and authorizing the City Manager to Develop and Execute Agreements with local Service Clubs to contribute funds to help purchase the sign.

Council Member Smith stated he does not like electronic signs because he feels they are a distraction. He believes installing an electronic sign at the proposed location would be a major distraction to drivers at that intersection.

Public Comment:

Bob Amaral, an Oakdale resident, agreed with Council Member Smith that an electronic sign would be a distraction.

Alice Garcia, an Oakdale resident, agreed that an electronic sign would be a distraction and doesn't feel that City should use tax payer money for a private sign that only certain people can use.

With no further public comment, Mayor McCarty expressed concern about the proposed location of the sign and the use of public funds purchasing the sign.

City Manager Whitemyer stated they can certainly do more research on the location of the proposed site or table the item if they wish to do so. Police Chief Heller was asked if the intersection at the proposed location had the highest number of traffic accidents. Chief Heller responded stating that he did not have the exact data at that time, however, that the biggest contributor to distracted driving was cell phones.

Mayor McCarty would like to table the item for one month's time to look at some other proposed locations and other options.

**MOTION**

Motion to table Item 12:4: a Resolution of the City Council of the City of Oakdale Approving the Purchase and Installation of a Downtown Electronic Sign at Wood Park at a Cost Not to Exceed \$49,740.00 from Fund 245 – Economic Development and Authorizing the City Manager to Develop and Execute an Agreement with Local Service Clubs to Contribute Funds to Help Purchase the Sign, until a later date.

Moved by Council Member Chiara and seconded by Council Member Smith and PASSED AND ADOPTED this 2nd day of December 2019, by the following vote:

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



**CITY OF OAKDALE  
CITY COUNCIL  
REGULAR MEETING MINUTES  
Monday, December 2, 2019**

Next City Council Resolution: 2019-138

Next Ordinance: 1270

**13. CITY MANAGER'S REPORT**

City Manager Whitemyer informed the City Council of the Santa Express Mail Box in the front lobby of City Hall and that kids of all ages are welcome to come to City Hall to drop off their letters to Santa.

**14. CITY COUNCIL ITEMS**

Council Member Smith thanked everyone who participated in the Spirit of Oakdale event this past Thanksgiving with a special shout out to Mickey Peabody for her support.

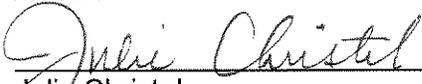
Council Member Bairos stated that this weekend is the Annual Downtown Old-Fashioned Christmas and Christmas Parade Saturday, December 7, 2019.

Mayor McCarty thanked the Oakdale Lions Club for taking over the Spirit of Oakdale and Council Member Smith and his son, Jacob, for working at the event. He also thanked everyone who came out to the Without Permissions presentation. It was well attended and there will be a follow up presentation by Debbie Johnson on January 23, 2020 and encourages everyone to attend.

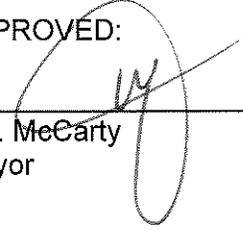
**15. ADJOURNMENT**

There being no further business, Mayor McCarty adjourned the meeting 8:22 p.m.

ATTEST:

  
\_\_\_\_\_  
Julie Christel  
Council Services and Legislative  
Records Manager

APPROVED:

  
\_\_\_\_\_  
J.R. McCarty  
Mayor