



**CITY OF OAKDALE**  
**City Council Minutes**  
**Monday, September 8, 2009**  
**7:00 PM**  
**277 North Third Avenue**  
**Oakdale, California**

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**1-2. CALL TO ORDER/COUNCIL MEMBERS PRESENT/ABSENT:**

Mayor Jackson called the meeting to order at 6:30 p.m.

Present: Mayor Jackson, Mayor Pro Tem Brennan, and Council Members Dunlop, Hanson and Morgan (arrived at 6:53 p.m.)

Staff Present: City Attorney Hallinan, City Manager Hallam, Finance Director Avila, Parks and Recreation Director Bolin, Fire Chief Botto, City Clerk Lilly, Senior Human Resources Analyst McKinsey, Acting Public Works Director Myers, Community Development Director Stylos, Police Chief West

**3. CLOSED SESSION**

Mayor Jackson adjourned the meeting to Closed Session for Item 3a) *Conference with Legal Counsel* regarding potential litigation. Mayor Jackson reconvened the meeting at 7:00 p.m. and announced the Council had met in closed session and took no reportable action.

**4a./b. PLEDGE OF ALLEGIANCE AND INVOCATION:**

Mayor Jackson led the Pledge of Allegiance and Pastor Rohrer of River Oak Grace Church provided the invocation.

**5a. PRESENTATIONS/ACKNOWLEDGEMENTS:**

1) Proclamation Presentation to OID – Mayor Jackson presented a proclamation declaring September 21<sup>st</sup> OID Centennial Week to OID Board President Jack Alpers and General Manager Steve Knell following which President Alpers announced their September 26<sup>th</sup> community celebration and barbeque.

2) Certificate Presentations to Rotary Clubs – Mayor Jackson presented certificates of recognition to Oakdale Rotary Club President Jerry Jones and Oakdale Sunrise Rotary Club President Jon Mutoza and thanked the Clubs for their purchase and donation of a mobile movie screen to the City.

3) Certificate Presentation to Oakdale Senior Citizens Foundation – Mayor Jackson presented a certificate of recognition to Oakdale Senior Citizens Foundation President Pat Graham thanking them for the Foundation's gift of funds for the Gladys L. Lemmons Senior Community Center operational budget following which President Graham presented the Foundation's \$10,000 check to the City.

**5b. ADDITIONS/DELETIONS:**

City Manager Hallam continued Item 7h. *Considering Tree Removal Request: 185 Little Johns Creek* to the next Council meeting.

**6. PUBLIC COMMENTS:**

*George Hoover, 389 Oak Branch Street, Oakdale* requested the City Council reconsider the water and sewer rate increase adopted May 18, 2009 citing lack of public input and due consideration and stating his opinion that the NBS report had been tailored to the desired answer. He further stated the increase was a hardship on senior citizens who had received no social security increase this year. He stated if



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the Council didn't adjust the fees, they could petition for a recall. Mr. Hoover informed the Council he had sent an E-mail with a spreadsheet to them and asked that they respond to him following their review of the information provided.

Mayor Jackson informed Mr. Hoover the public hearing on the rate increase was noticed properly and legally and City Attorney Hallinan confirmed the City had met all legal requirements.

*Phil and Marilyn Rockey, 547 Del Rio Circle, Oakdale* referenced an ongoing problem concerning the river crossing area and pipeline that crosses the river to the sewer treatment plant located off of Oak and River Avenue. He referred to documentation from 2004 when the City tried to address the issue and 2006 when the former Public Works Director noted numerous issues with the pipe. He stated the problem was still ongoing citing damaged trees and dug out tunnels and noted someone had been badly injured in the Burchell Hill area as a result of jumping into the river. He noted their concern for public safety and requested the City revisit the issue. He further offered to help spearhead a community cleanup to pick up garbage that had been dumped in the area.

Mayor Jackson referred to the river area clean up scheduled for September 10 and asked staff if that area would be included in the clean up effort. Chief Botto explained staff would be concentrating on the area under the bridge and if time allowed, they would move to that area or reschedule its cleanup for a later date. Acting Director Myers noted staff could clear brush around the pipe and planned to remove a tree within the next week or two.

*Marilyn Rockey* noted their main emphasis was for the safety of the children who play on the pipe.

Mayor Jackson noted he was on the City Council when the issue was discussed in 2004 and 2006 and summarized the steps the City had taken to help the situation such as installing barbed wire around the end of the pipe to discourage people from climbing onto the pipe. He offered to serve on an ad hoc committee to study the issue and Council Member Morgan noted her desire to serve on the committee. City Manager Hallam offered to schedule the appointment of an ad hoc committee on the next Council agenda and the Council concurred.

*Chamber CEO Mary Guardiola* announced the Chamber's Taste of Oakdale event on September 17 at the FES Hall featuring Oakdale restaurants, caterers, and beverage companies.

*Todd Lund, 751 Valley View Drive, Oakdale* stated he had heard from the elderly about water rates doubling and requested the City look them over.

*Mr. Hoover* again addressed the Council and commented on the Council's anticipated appointment of an ad hoc committee for the river issue and reiterated the City had not provided an opportunity for public consideration and comment on the water and sewer rate increase. City Manager Hallam informed Mr. Hoover the City had studied the issue for 18 months, held two public workshops, and a public hearing. Mr. Hallam explained the City planned to adjust the rates provided the project funding and bid amounts came in as expected. Upon questions of funding sources from Mr. Hoover, Director Avila explained funding was required to come from user fees and general obligation bonds were not allowable.

## **7. CONSENT AGENDA:**

Council Member Dunlop abstained from Item 7a) *Approving August 13 Special City Council Meeting Minutes* and *August 17 City Council Meeting Minutes* due to his absence from the meetings. Council Member Morgan abstained from Item 7a) *Approving August 13 Special City Council Meeting Minutes* due her absence from the meeting.



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Mayor Jackson questioned Item 7j. *Approving Recording of Final Map for Ledo Subdivision-Phase 1* and requested confirmation that staff's recommendation was to defer developer fees for the bike trail and questioned the total number of lots for the project. Acting Director Myers explained the recommendation was to defer payment for the first phase of the project that included eight lots. Mayor Jackson favored not deferring payment for the trail noting things could change in three to five years. He further noted deferring payment would shift things to the remainder of the lots and he preferred that the fees be collected up front.

Council Member Dunlop questioned if fees for a project were normally paid up front. Acting Director Myers confirmed they were, but explained because the cost of the trail was unknown at this time, he concurred with the applicant's request to defer the fees until the second phase of the project. Council Member Dunlop questioned the cost of the bike trail. Acting Director Myers answered the trail hadn't been engineered as yet, but the engineer provided a probable cost of \$104,000 for the path. The cost for Phase 1 would be \$18,847, or \$2,355 per lot. Council Member Dunlop noted his concern that current engineering costs were low at this time and citizens would have to pay the difference when the bike trail was built years from now. Acting Director Myers explained when the 36 lots came in, the developer would be required to do the engineering for the bike path. Council Member Dunlop questioned if the fees would be tied to the lots if the developer sold the lots. City Attorney Hallinan confirmed the fees run with the land.

Council Member Morgan questioned and Acting Director Myers confirmed the first eight houses would not have to pay fees for the trail if the fees were deferred. Council Member Morgan noted her opinion that there would be no point in starting a bike path during that phase of the project for eight lots as long as the remaining 36 lots would bear the cost of the path.

Mayor Jackson noted the property owner would get a good deal by not paying his fair share. He stated he didn't mind deferring the building of the bike path, but favored collecting the fees up front because they don't know what will happen a few years from now.

Mayor Pro Tem Brennan noted he didn't mind the developer not building the trail now as long as it was constructed at the start of the second phase. He referred to the effect current lower costs by contractors could have on the trail project and questioned if higher fees could be charged at a later date if costs were higher. Acting Director Myers confirmed higher fees could be charged.

**MOTION**

To adopt Resolution 2009-119 approving the recording of the Final Map for the Ledo Subdivision-Phase 1 and waiving the requirement to construct the pedestrian and bike trail for Phase 1 of the subdivision, but requiring the collection and deposit of fees upfront for cost of construction of the trail.

Moved by Mayor Jackson, seconded by Council Member Hanson, and **CARRIED.**

AYES: COUNCIL MEMBERS: Brennan, Hanson, Jackson  
 NOES: COUNCIL MEMBERS: Dunlop, Morgan  
 ABSENT: COUNCIL MEMBERS: None  
 ABSTAINED: COUNCIL MEMBERS: None

Mayor Pro Tem Brennan questioned Item 7k. *Contract with S.J. Company for Re-roof and Repairs to City Hall/Police and Public Works Buildings* whether the projects were bundled together into one bid.



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Acting Director Myers explained staff preferred the same type of roof for all four buildings, but the projects were bid separate. He further explained staff had selected the company that bid all four buildings with the same type of roof material. Mayor Pro Tem Brennan questioned the reason Tru-Tech wasn't chosen for the Public Works buildings since their bid was lower. Acting Director Myers explained the roofing product was different and the City had a history with the silver finish type roof. Mayor Pro Tem Brennan questioned the guarantee for the roof products. Acting Director Myers answered all of the products had a 10 year guarantee.

Council Member Hanson questioned and Acting Director Myers confirmed if it was possible to award the bid for the City Hall building to one company and the bid for the Public Works building to another. Council Member Hanson noted it would save close to \$6,000 and questioned the feasibility of doing so. Acting Director Myers confirmed it was feasible.

Council Member Dunlop agreed with staff's recommendation to use the same roofing material for all buildings noting he believed the proposed material to be easier to patch. He noted his concern with awarding the bid to separate companies and saving \$6,000 was having different roofing materials for patching.

Mayor Pro Tem Brenna questioned the products that were bid by the other roofing companies as well as warranties and how long the City expected to use the buildings. Acting Director Myers answered all bids quoted 10 year warranties and that he had consulted with the building inspector and the proposed roofing material was something they could maintain, was reasonable, and long lasting.

Council Member Morgan questioned and Acting Director Myers confirmed City staff maintained the City buildings' roofs and it was more economical to maintain one type of roof.

**MOTION**

To adopt Resolution 2009-120 approving a contract with S.J. Company for re-roof and repairs to City Hall/Police and Public Works buildings.

Moved by Mayor Jackson, seconded by Council Member Hanson, and **CARRIED**.

AYES: COUNCIL MEMBERS: Brennan, Dunlop, Hanson, Jackson, Morgan  
 NOES: COUNCIL MEMBERS: None  
 ABSENT: COUNCIL MEMBERS: None  
 ABSTAINED: COUNCIL MEMBERS: None

*Michelle Tucker, Construction Industry Force Account Council (CIFAC), 19815 Rough and Ready Trail, Sonora, commented on Item 7n. Awarding Bid to Ross F. Carroll, Inc. for "A" Street, Cloverland, and Sierra Reconstruction Project noting the contractors had not been informed of the local bidding preference and the local preference was not part of the City's code but was an administrative code and didn't specifically list public works contracts. She further noted her opinion, to ensure the integrity of an open, fair, and transparent bidding procedure, was to award the bid to the low bidder without any local bidder's deduction.*

Mayor Jackson stated Ms. Tucker had raised some good points and there were enough questions on the issue for the City to investigate. He noted his preference for continuing the item to the next meeting.



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Ms. Tucker referred to the City Council resolution that amended the Administrative Policies and Procedures for local bidding preference quoting the policy and naming the services for which qualified local bidders could receive preference. She stated the policy did not state public works contracts.

*Ryan Wood, legal counsel for George Reed*, addressed the Council and requested if the Council continued the item that they refer it back to staff and award to the lowest bidder, George Reed. He stated the primary funding source was Proposition 1B funds and money from that source had to be awarded to the lowest bidder. He referred to the City's ordinance stating the local bidding preference may be granted for tangible personal property, materials, and supplies and this was a public works contract. He requested when the City Council considered the item at their next meeting, they adopt a resolution awarding the bid to George Reed and decline the recommendation to award the bid to the second lowest bidder noting it would save the City money and heartache because it was consistent with the law.

City Attorney Hallinan noted staff would probably recommend rejecting all bids to save heartache and in light of the timing of the issue.

Mr. Wood requested the City not do that and stated rejection of bids was reviewable.

City Attorney Hallinan stated the City had full discretion to reject all bids at any time.

*Shawn Carroll, Ross F. Carroll, 8873 Warnerville Road*, stated his company was the second place bidder and informed the Council if the bids were rejected, the City would be looking at postponing the project until next spring.

Council Member Morgan questioned if postponing the project could change the cost of the project. Acting Director Myers explained the project had been advertised with a shortened work period due to it getting too late in the winter for a good work period. He further explained if the project were postponed, he would rather it be postponed to the spring rather than rebid the project and work through winter.

Mayor Jackson reiterated there were enough questions on the item and the ordinance and they needed to look at the issues which might jeopardize the project.

Council Member Morgan noted the next Council meeting was October 5 and questioned the timing in regard to postponing the project. City Manager Hallam noted a special meeting could be held with all parties notified prior to their next regular meeting.

Council Member Dunlop stated he was not in favor of a special meeting noting the issue needed staff's attention to resolve the administrative issues.

City Attorney Hallinan stated he disagreed it was as clear cut as Mr. Wood said, but that was secondary to the practicalities involved on the timing.

Council Member Morgan questioned if there was a reason to rush the project. Acting Director Myers answered due to the receipt of stimulus funding for projects, staff was trying to get a project done this year to help ease the number of projects for next year. Council Member Morgan questioned if the stimulus funds would be jeopardized if the project were postponed to next year. Acting Director Myers indicated there was enough time.

Mayor Jackson, with Council concurrence, continued the item to their October 5 meeting.



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**MOTION**

To adopt Resolution 2009-1219 as follows:

- a) Approving August 13 Special City Council, August 17 City Council, and August 27 Special City Council Meeting Minutes.
- b) Approving Warrant Registers.
- c) Waiving Readings of Ordinances/Resolutions except by title.
- d) Second Reading and Adoption of Ordinance 1177 for Code Text Amendment: Chapter 19, Public Nuisance Ordinance.
- e) Minute Order Rejecting Claim for Damage: Amber Shultz.
- f) Resolution 2009-122 Approving Fire Association MOU for FY 2009-2010.
- g) Resolution 2009-123 Approving Police Employees Association MOU for FY 2009-2010.
- h) **(Continued)** Considering Tree Removal Request: 185 Little Johns Creek.
- i) Resolution 2009-124 Approving Agreement with Oakdale Joint Unified School District for T.L. Davis Youth Sports Park Landscape Maintenance.
- j) **(Approved by separate motion.)** Recording of Final Map for Ledo Subdivision-Phase 1.
- k) **(Approved by separate motion.)** Contract with S.J. Company for Re-roof and Repairs to City Hall/Police and Public Works Buildings.
- l) Resolution 2009-125 Authorizing City Manager to Sign Program Supplement Agreement #021-N for Sierra Road Rehabilitation Project STPL-5153(029).
- m) Resolution 2009-126 Authorizing City Manager to Execute Construction Staking Agreement with NorthStar Engineering and Surveying for "A" Street, Cloverland, and Sierra Reconstruction Project.
- n) **(Continued)** Awarding Bid to Ross F. Carroll, Inc. for "A" Street, Cloverland, and Sierra Reconstruction Project.

Moved by Mayor Pro Tem Brennan, seconded by Council Member Morgan, and **CARRIED.**

AYES: COUNCIL MEMBERS: Brennan, Dunlop, Hanson, Jackson, Morgan  
 NOES: COUNCIL MEMBERS: None  
 ABSENT: COUNCIL MEMBERS: None  
 ABSTAINED: COUNCIL MEMBERS: Dunlop (Item 7a/August 13 & 17 Minutes)  
 Morgan (Item 7a/August 13 Minutes)

Mayor Jackson called a recess at 8:12 p.m. and reconvened the meeting at 8:16 p.m.

**8. PUBLIC HEARINGS:**

**a) 2008-2009 CDBG Consolidated Annual Performance Evaluation**

Director Stylos provided the staff report and background information on the subject noting the 2008-2009 CDBG Consolidated Annual Performance Evaluation Report (CAPER) prepared for the Stanislaus County CDBG Program Consortium had been made available at a public meeting on August 12 at the Community Development Department and no public comments were received. In addition, a 15-day review and comment period was held from August 17 to present and no comments were received. Director Stylos recommended Council close the public comment period, approve the CAPER, and recommend its adoption to the Stanislaus County Board of Supervisors.

Mayor Jackson declared the hearing open at 8:20 p.m. and asked for anyone wishing to speak to the item.

No one appeared.



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Mayor Jackson closed the hearing at 8:21 p.m.

Mayor Pro Tem Brennan questioned the status of the First time Home Buyers program in Oakdale. Director Stylos answered the program was working very well noting there were a lot of qualified home buyers, but also noted there were challenges in finding homes due to banks purchasing the homes first. Mayor Pro Tem Brennan questioned the price range for the homes. Director Stylos answered the homes ranged from \$100,000 to \$200,000.

**MOTION**

To adopt Resolution 2009-127 approving the Consolidated Annual Performance and Evaluation Report (CAPER) for FY 2008-2009 for the Stanislaus County Community Development Block Grant (CDBG) Program Consortium and recommending adoption of the CAPER to the Board of Supervisors.

Moved by Council Member Morgan, seconded by Mayor Jackson, and **CARRIED.**

AYES:	COUNCIL MEMBERS:	Brennan, Dunlop, Hanson, Jackson, Morgan
NOES:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None
ABSTAINED:	COUNCIL MEMBERS:	None

**9. STAFF REPORTS**

**a) Wastewater Treatment Plant Upgrade Project Bid Award**

Acting Director Myers presented the staff report and background information noting 13 bids were received for the Wastewater Treatment Plant upgrade project. Acting Director Myers noted the low bid was submitted by C. Overaa & Co. in the amount of \$11,903,000 and the project was estimated at \$16,500,000. He further noted the State Water Resources Board had authorized the City to award the bid, but requested the City hold on issuing the Notice to Proceed pending receipt of a funding commitment letter. Acting Director Myers explained the next steps in the process noting construction was expected to begin the end of October. He requested award of bid to C. Overaa & Company.

Mayor Jackson requested comments from the audience. No one appeared.

Mayor Pro Tem Brennan stated his desire that the contractor use subcontractors and vendors from within the Oakdale and Stanislaus County areas. Acting Director Myers noted George Reed had the paving work, but the other subcontractors were located outside the area.

Mayor Jackson noted the project bid of \$11,930,000 vs. the engineer's estimate of \$16,500,000 and further noted the City would be getting a lower interest rate on the loan which would greatly affect the cost of the project. He requested staff keep that in the forefront to be able to adjust the sewer rates as soon as possible.

Mr. Hoover commented in light of that information that an immediate review should be required and asked when the City would consider performing a review. Mayor Jackson answered a review would be conducted as soon as staff knew the total cost. Director Avila explained the City had not analyzed the rate increases as yet and once the loan and bid costs were known, staff would perform an analysis. Council Member Dunlop noted the necessity for the rate increases stemmed from requirements by the State to upgrade the wastewater treatment plant and provide safe drinking water and reiterated the City had planned to adjust the rates based on the funding and bid amounts and requested the public's patience while the City worked through the process.



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**MOTION**

To adopt Resolution 2009-128 awarding the bid for the Wastewater Treatment Plant upgrade project to C. Overaa & Co.

Moved by Mayor Pro Tem Brennan, seconded by Council Member Hanson, and **CARRIED.**

AYES:	COUNCIL MEMBERS:	Brennan, Dunlop, Hanson, Jackson, Morgan
NOES:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None
ABSTAINED:	COUNCIL MEMBERS:	None

**10. INFORMATION ITEMS:**

**a) Cancellation of September 21 City Council Meeting**

City Manager Hallam requested the City Council cancel the September 21 City Council meeting noting the next regular meeting would be held October 5.

**MOTION**

To cancel the September 21 City Council meeting.

Moved by Mayor Pro Tem Brennan, seconded by Council Member Morgan, and **CARRIED.**

AYES:	COUNCIL MEMBERS:	Brennan, Dunlop, Hanson, Jackson, Morgan
NOES:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None
ABSTAINED:	COUNCIL MEMBERS:	None

**11. COUNCIL REPORTS:**

Council Member Morgan noted her attendance at the last Farmer's Market for the season, a Merchant's meeting, and acknowledged and thanked Bethel Assembly Church members for providing lunch to City employees and officials on September 11.

Mayor Pro Tem Brennan announced a second meeting of the Airport Master Plan workshop facilitated by Don Gutridge on September 26 at 8:00 a.m. either at the airport or at a location more centrally located. He further announced an E-waste collection program was planned for November 14 at the Oakdale Recycling Center.

Mayor Jackson noted his hosting of the County-wide Mayors meeting on August 19, his attendance at the Traffic and Business Commission meeting on August 21, a StanCOG Ad Hoc Committee meeting September 3, and acknowledged and thanked Bethel Assembly of God Church for recognizing City staff on September 11 for their commitment to the Oakdale citizens.

**12. ADJOURNMENT:**

There being no further business, Mayor Jackson adjourned the meeting at 8:40 p.m.

Respectfully submitted,

Nancy Lilly, CMC  
City Clerk