



**CITY OF OAKDALE
City Council Minutes
Monday, September 17, 2007 7:00 PM
277 North Third Avenue
Oakdale, California**

The regular meeting of the City Council was held Monday, September 17, 2007, in the City Council Chambers. Mayor Jackson called the meeting to order at 7:00 p.m.

Present: Council Members Brennan, Dunlop, Hanson, Mayor Jackson, Mayor Pro Tem Morgan

Staff Present: City Attorney Hallinan, City Manager Hallam, Finance Director Avila, Community Development Director Stylos, Parks and Recreation Director Bolin, Police Chief West, Fire Chief Botto, Public Works Director Word, City Clerk Lilly

3. - 4. PLEDGE OF ALLEGIANCE/INVOCATION:

Mayor Jackson led the Pledge of Allegiance followed by the invocation given by Pastor Darrell Gunther of Oakdale Community Church.

6a. PRESENTATIONS/ACKNOWLEDGEMENTS:

Mayor Jackson acknowledged the passing of former City Council Member Ken Pierson who served from 1984-1992.

6b. ADDITIONS/DELETIONS: None.

7. CONSENT AGENDA:

MOTION

To adopt Resolution 2007-139:

- a) Approving August 20 Regular, August 22 Special, and September 4 Regular City Council Meeting Minutes.
- b) Warrant Registers.
- c) Waiving Readings of Ordinance/Resolutions except by title.
- d) Resolution 2007-140 Approving New Electrical Panel for Well #5.
- e) Resolution 2007-141 Approving LIQS Upgrade for Well Control Panels.
- f) Resolution 2007-142 Authorizing Execution of Agreement with Moss, Levy & Hartheim, LLP to Provide Audit Services.
- g) Second Reading and Adoption of Ordinance 1151 Amending Chapter 19 of the Oakdale Municipal Code relating to Massage Establishment.
- h) Resolution 2007-143 Authorizing City Manager's Execution of Memorandum of Understanding for Stanislaus County Enterprise Zone.

Moved by Brennan, seconded by Dunlop, and **CARRIED.**

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



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8. PUBLIC HEARINGS:

a. Community Development Block Grant Consolidated Annual Performance and Evaluation Report for Fiscal Year 2006-2007

Community Development Director Stylos presented the staff report providing background information on the subject. Director Stylos noted the 15-day review period had passed for the FY 2006-2007 Consolidated Annual Performance and Evaluation Report (CAPER) and no comments had been received. She recommended by resolution City Council approval of the report as well as approval to request its adoption by the Stanislaus County Board of Supervisors.

Mayor Jackson opened the hearing at 7:05 p.m. and asked for those wishing to speak:

IN OPPOSITION: No one appearing.

IN FAVOR: No one appearing.

Mayor Jackson closed the hearing at 7:06 p.m.

MOTION

To adopt Resolution 2007-144 approving the Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2006-2007 for the Stanislaus County Community Development Block Grant Program Consortium and recommending its adoption to the Stanislaus County Board of Supervisors.

Moved by Dunlop, seconded by Brennan, 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. Chamber of Commerce Economic Development and Tourism Report/Funding Request

City Manager Hallam provided the staff report giving background information on the subject and introduced Mary Guardiola, Chief Executive Officer of the Oakdale District Chamber of Commerce.

Mrs. Guardiola presented a report reviewing the Chamber's activities and collaborative efforts to support economic development and tourism over the last fiscal year. She reviewed their plans for the new fiscal year and proposed budget requesting funding from the City in the amount of \$22,320 for economic development and \$25,944 for tourism to support their efforts.

Mayor Jackson noted the Chamber's request of \$48,264 was higher than the budgeted and staff recommended amount of \$45,600. Mrs. Guardiola explained the amount was the same that was budgeted last year, but that they had not claimed all of the funds. Mayor Jackson questioned why the refurbishment of the tourism sign by the Hershey Visitor Center would be a Chamber project as it was located on City property and asked if the project could be completed with Redevelopment Agency funds. City Manager Hallam answered the project could be considered by the Redevelopment Agency and assigned to City staff. Mrs. Guardiola noted she had bids and information she could provide to the City on the sign refurbishment project.



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Councilmember Brennan stated the request was modest, but noted the TOT had flattened out and that the sales tax was also flattening out. He further noted he favored the Mayor's proposal regarding the sign refurbishment and suggested the Chamber try to increase its membership. Mrs. Guardiola explained the Chamber took a 5% cut along with City departments five years ago noting costs had gone up on everything. She added they are looking at advertising options to bring more travelers to Oakdale.

Councilmember Brennan questioned the Chamber's ideas for advertising outside the County and what they were doing to partner with someone to help bring in a company to fill Hershey's shoes. Mrs. Guardiola answered they were working with The Alliance, looking at niche shops for downtown, and were also working on their website and looking to locate their information on other's websites.

Councilmember Dunlop supported the Chamber's budget noting they had their work cut out for them with their efforts with Hershey's and downtown business.

Councilmember Hanson also supported the Chamber's efforts and the Mayor's sign refurbishment proposal.

Mayor Pro Tem Morgan recognized the Chamber's efforts as well as the number of volunteer hours provided to the Chamber.

MOTION

To adopt Resolution 2007-145 accepting the Chamber of Commerce Economic Development and Tourism Report, supporting the funding within the FY 2007/08 budget of \$45,600 as recommended by staff, and scheduling consideration of the refurbishment of the sign kiosk near the Hershey Visitor Center by the Redevelopment Agency.

Moved by Jackson, seconded by Dunlop, and **CARRIED**.

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

b. Initiation of New Specific Plans

Community Development Director Stylos presented the staff report and background information on the subject. Staff proposed combining a portion of Area 1 and all of Area 3 for a West Area Specific Plan as well as combining all of Area 8 and a portion of Area 9 including the East "F" Street Corridor Specific Plan area for an East Oakdale Specific Plan Project for cost effective, timeliness, and geographic location purposes.

Conflicts of interest were declared by Mayor Jackson for Area 1 and Council Members Dunlop and Hanson for Area 3 for owning property within 500' of the project area.

Mayor Jackson left the meeting room while Director Stylos reviewed Area 1. She noted staff was recommending the area be squared off for a total of 35 acres as opposed to 25 acres as proposed by the property owner.

Mayor Jackson returned to the dais as Council Members Dunlop and Hanson left for the presentation of Area 3.



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Councilmember Brennan favored the larger area noting he would rather master plan the area and phase in development.

Councilmember Hanson favored looking at the area as a whole.

Councilmember Dunlop questioned if an environmental document would still be valid if a specific plan was completed now, but not phased in for 15 years. Director Stylos explained that a specific plan would lay out future anticipated land uses with environmental documents that support it. Councilmember Dunlop further questioned if the plan could be adjusted later by future City Councils. Director Stylos confirmed that could be done, but that typically the City wouldn't make a landowner spend additional money on drawings. City Manager Hallam added the City Council could make changes through a development agreement.

John Brichetto, 8700 North Crane Road, Oakdale noted that environmental issues would arise if his land in Area 2 was brought in with Area 1 referring to a regional park and new bridge crossing planned for that area. He noted his request was for 25 acres along Pontiac and 6-8 acres along Walnut. He recommended avoiding the river environmental area noting 60-70 homes would be islanded. He further noted his willingness to master plan Area 1 and have the City Council control it by phased annexation so his taxes wouldn't go up. He confirmed that he had three separate 20 acre parcels.

Mayor Pro Tem Morgan favored Area 1 and master planning the area.

Councilmember Brennan favored Areas 1 and 2 master planned together and suggested arranging it so City Councils could make changes to the Specific Plan in future years leaving it up to them how tight they wanted to make it.

Councilmember Dunlop noted his concern with the environmental issues and being able to master plan Areas 1 and 2 and preferred to stay with the master plan as it was drawn originally and just do Area 1.

Mr. Brichetto stated his preference to spend the money and have it set and do all of Area 1 adding he couldn't see doing Area 2 due to the environmental issues along the river and the economic burden it would have on him.

Mayor Pro Tem Morgan questioned the initial reason for splitting the property into Areas 1 and 2. City Manager Hallam explained the property followed the bluff line, had upper land and lower land, and had a topographical separation. He added he had met with Mr. Brichetto and there were a number of issues involved including a river crossing location.

Mayor Pro Tem Morgan commented how they planned for Area 1 could affect the plan for Area 2 in the future. Director Stylos agreed adding they would want to plan for connectivity, etc. between the two areas. Mayor Pro Tem Morgan further commented she didn't want to overburden the developer.

Councilmember Dunlop noted his support for Area 1 and Mayor Pro Tem Morgan and Councilmember Hanson agreed.

Councilmember Brennan favored master planning the whole area and providing citizens an idea of what may occur in Area 2. He noted he was in favor of annexing Area 1 now.

Due to three members declaring conflicts of interest for Areas 1 and 3 and staff's proposal to combine the areas into one specific plan project, a straw vote was taken to determine which council member



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would remain to discuss and vote on the item. Mayor Jackson drew the short straw and remained at the dais while Council Members Dunlop and Hanson left the meeting room.

Director Stylos proposed that the Council consider a West Area Specific Plan that would include all of Area 1 and all of Area 3.

Mayor Jackson noted Area 3 was crucial to bring in commercial and retail in that part of town and would also bring in all four corners. Mayor Pro Tem Morgan agreed and questioned why staff was proposing combining the two areas into one specific plan. Director Stylos explained the reason was for staff time purposes and cost sharing for proponents who would proportionately pay for the plan.

Mayor Jackson referred to motions passed at their August 20 meeting of the Council's direction on which areas to consider and questioned if this action would contradict those motions. City Attorney Hallinan confirmed the word "consideration" used in the motions was broad enough to make the modifications.

Mr. Brichetto noted he had not met or talked with the property owners of Area 3 about the proposal.

Kim Hayes, Hayes Development, 29900 Lone Tree Road, noted they own 20 acres in Area 3 and were in favor of combining with Area 1 and that they could go either way.

Mr. Brichetto noted, with the recommendation from Mr. Hallam that the proposal was the most efficient, his support for staff's recommendation.

Staff recommended the City Council adopt Exhibit A for the West Area Specific Plan to include all of Area 1 and all of Area 3.

MOTION

To adopt Resolution 2007-146, or the number next in line, to combine Area 1 and Area 3 into one specific plan known as the West Oakdale Specific Plan Project.

Moved by Brennan, seconded by Morgan, and **CARRIED**.

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

Director Stylos presented information on the proposal to combine Area 8 and a portion of Area 9 for an East Oakdale Specific Plan Project.

Mr. Jackson questioned the reason Adams Creek was used as the boundary line for Area 9. Director Stylos responded because of its location situated just below the general commercial area and to the west.

Councilmember Dunlop noted one of the reasons to add Area 8 was to offset the cost in Area 11 to move it forward. He questioned the timeline for Area 8 and if the Waggoner's would have to move forward in order to get the money needed for the infrastructure improvements noting he was looking for a way to get the infrastructure put in. He further noted his unwillingness to support Area 9 due to the Oak trees that were removed when the property owner expected to be annexed into the city.



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Mayor Jackson questioned if all properties had to be out of the Williamson Act before any properties could build. Director Stylos explained a property would have to come out before it could be developed and identified the areas with Williamson Act Contracts. City Manager Hallam explained that the Holtz property would automatically roll out upon annexation and that the Waggoner's were ½ way through the process. He added that in his experience, he had not seen that to be a hold on development noting if the market was there, people would pay the penalty to get their property out and build. He further explained that Area 9 would be able to go first and move forward more quickly because it was not in the Williamson Act Contract.

Councilmember Dunlop reiterated his attempt to get commercial going on East "F" Street noting he had not heard a good mechanism for that. He asked if they would have to wait for an environmental impact for Area 8 before bringing funds in for Area 11. City Manager Hallam responded they don't anticipate a five-year planning effort like Area 11 because much of the environmental review and mitigation monitoring work had been done with Area 11 for Areas 8 and 9.

Councilmember Dunlop further noted his concern that they hadn't talked about annexing a lot of territory and was not opposed to building houses, but wanted to keep it to a minimum.

Mayor Jackson noted his disfavor of opening the gates and having building go crazy. He recommended allowing a limited amount of residential development per year and developing in phases with restrictions, development agreements, and benchmarks to slow building and keep it at a consistent pace because they don't know what the market will demand in three or five years. He favored Area 8 to push along the corridor.

John Wilbanks, RRM Design Group, 210 West "F" Street (business) 1224 River Bluff Drive (residence), Oakdale, representing Randy Thomas of R-T Enterprises, noted Mr. Thomas was the owner and controller of up to 70% of Area 9 and was unable to be present at the meeting. He agreed with planning whole areas and not fragmenting them because it would create problems down the road with the environmental laws, etc. He noted they supported staff's recommendations for a portion of Area 9, but asked the City Council to consider all of Area 9 to help spread the costs of the infrastructure improvements. He further noted that Area 9 had the potential for more commercial because they could offer 60 acres of East "F" Street for a significant commercial center. He added that commercial needed additional rooftops and noted the advantages included a build out of the Twildo area neighborhood, the addition of a low density residential area that would add additional fee revenue for the infrastructure, the area south of Adams Creek held the greatest potential for phased residential, the connection and improvement of circulation, and a comprehensive phased approach to planning the east gateway. He requested that the Council not make a decision to phase in because they would want to go to LAFCO one time. He asked the Council make a decision based on the future and not on something that happened in the past based on poor judgment.

Ernie Waggoner, 1600 Irvin Court, Oakdale noted that when they had put in their application for the termination of the Williamson Act, the City had protested. He asked that the City look into the history of the Waggoner Ranch that came into the City in 1960.

Mayor Jackson asked Mr. Waggoner if he was ready to move forward with Specific Plan Area 8. Mr. Waggoner answered he understood it would take five to six years and that he favored starting the process.

Bill Kull, 447 South Yosemite, Oakdale representing Area 11 and the Holtz' interest in Area 8. He asked that they continue to focus on Area 11 noting they were ready to move forward and were moving forward with the development agreement with staff. He noted their support for the Area 8 plan and



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encouraged the inclusion of the Holtz property and that they did not favor adding additional properties that could bottleneck the project moving forward.

Mayor Jackson noted he didn't favor cutting out planning areas. He supported bringing in just Area 8 as 8 would provide the full support for what Area 11 needed. He noted his concerns for Area 9 and recommended they focus on Area 11 and making it viable.

Councilmember Dunlop agreed. He favored tiering in an orderly process. He noted his concern for overdeveloping commercial on the east side noting the existing two grocery stores in that area.

Mayor Pro Tem Morgan noted Area 9 was crucial to make the whole thing work and that Area 9 had a large commercial site. She further noted merit with Areas 8 and 9 together, that they needed to look at the big picture, and the commercial area would draw people from the foothills.

Councilmember Hanson agreed with Councilmember Morgan in planning the whole area at one time. She noted Areas 8 and 9 together would jumpstart Area 11 and favored all of Area 8 and all of Area 9.

Mayor Jackson questioned the number of acreage in each area. Director Stylos responded 299 acres in Area 8 and 260 in Area 9. Mayor Jackson noted Area 8 offered the most benefits, has a river trail, and could jumpstart Area 11 because of the amount of rooftops.

Councilmember Dunlop noted potential issues with Area 9 including adding an existing neighborhood that would increase costs to the City and add man hours for fire, police, and public works services, and traffic.

Mayor Pro Tem Morgan noted the developer could pay the fees for the costs for services and added Area 9 was more diverse.

Councilmember Brennan favored master planning the whole area and controlling it in phasing. He noted the master planning could involve getting input from citizens and providing it to the developers, the plan could be changed in the future, and would be helpful for traffic, infrastructure, streets, sewer, parks, schools, etc., and would inform the County what they would be doing in the future. He preferred mixed uses and noted a need for cottage building, garden apartments, affordable housing, and various housing sizes to add character and bring people with different economic resources together. He favored mixed uses, master planning, and phasing in to keep building controllable to provide time for the commercial area to development adding it would help Area 11 develop as a commercial corridor.

Councilmember Dunlop questioned why a developer would put up \$1 million and have to wait 15 years to develop. City Manager Hallam answered that speculating and development today was cheaper than waiting and it gets a property owner further down the road to development. Councilmember Dunlop noted he sees it taking away from Area 11, increasing the volume of work on staff, and increasing what is required to get the environmental impact done for Areas 8 and 9. He favored the most expedient way to get the infrastructure done for Area 11.

Mayor Jackson agreed with Council Dunlop and noted the need to do this as quickly as possible to kick start Area 11. He noted Area 9 would cause the City to take on some problems in the Twildo area that the City would have to finance. He noted Area 8 would support Area 11 and had enough going for it to do that.



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MOTION

To allow Area 8 only to proceed as a Specific Plan area.

Moved by Jackson, seconded by Dunlop, and **NOT CARRIED.**

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

MOTION

To adopt Resolution 2007-147 to allow Area 8 and Area 9 in its entirety to proceed as one Specific Plan area.

Moved by Morgan, seconded by Brennan, and **CARRIED.**

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

c. Report on Status of Pool Vandalism and Repair

Parks and Recreation Director Bolin presented the staff report noting due to damage caused by vandalism, staff intended to have the pool drained and the visible cracks repaired and that a complete refurbishment would be planned within the next two to three years. She further noted that after monitoring the water flow, the pool didn't appear to be losing water, but if they found that not to be the case after it was drained, staff would need to request funding for a complete resurfacing of the interior floor.

Mayor Jackson questioned and it was confirmed that the cost to repair the two cracks would be \$3,900 per site. He further questioned and it was confirmed that staff wouldn't know the extent of the damage until the pool was drained.

Councilmember Brennan asked if the damages could be recovered by insurance. Staff answered that the City was self-insured. Councilmember Brennan suggested using epoxy to fill the cracks to extend the life for a few years. Director Bolin noted fiberglass would need to be used to make the repairs.

Councilmember Dunlop recommended upgrading security measures at the pool.

10. INFORMATION ITEMS:

a. Commercial and Industrial Sites and Potential Uses

Community Development Director Stylos presented an oral report and reviewed the map of identified commercial and industrial sites and potential uses.

Mayor Jackson thanked staff for providing the information in map form and suggested they provide a copy to The Alliance.

b. Strategic Objectives Update

City Manager Hallam presented an update on the City Council's Strategic Goals and Objectives.



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11. COUNCIL REPORTS:

Mayor Jackson requested and received Council consensus to appoint Councilmember Brennan to the City/Schools 2+2+2 Ad Hoc Committee. Councilmember Brennan requested the October 1 meeting be rescheduled due to his vacation plans.

Mayor Jackson thanked City staff for helping with the Oak Haven fire. He noted his attendance at a Fire Ad Hoc Committee meeting, a meeting with Yosemite Community College District's Chancellor, and an Alliance meeting. Mayor Pro Tem Morgan noted her attendance at the League of California Cities Annual Conference and Expo. Councilmember Hanson noted her vacation last week. Councilmember Dunlop noted his attendance at a Fire Ad Hoc Committee meeting.

Mayor Jackson announced a job fair for displaced Hershey employees on Thursday, October 11, from 10:a.m. to 7:00 p.m., at the River Bluff Business Park on Finch Road.

12. ITEMS FROM THE AUDIENCE:

Chamber CEO Mary Guardiola announced an open house for Tractor Supply this Wednesday and the ribbon cutting for same tomorrow at 3:00. She further announced Oak Valley Medical Center's ribbon cutting to be held September 27 at 4:30 p.m.

13. ADJOURNMENT

There being no further business, Mayor Jackson adjourned the meeting at 9:16 p.m.

Respectfully submitted,

Nancy Lilly, City Clerk