



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

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

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

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

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

3a./b. PLEDGE OF ALLEGIANCE AND INVOCATION:

Mayor Jackson led the Pledge of Allegiance and Pastor Joe Ferguson of Sierra Baptist Church provided the invocation.

4a. PRESENTATIONS/ACKNOWLEDGEMENTS:

There were no presentations or acknowledgements.

5b. ADDITIONS/DELETIONS:

City Manager Hallam added an urgency item to the Consent calendar: 7j) *Establishing Appeals Board for Chapter 19 – Public Nuisance and Miscellaneous Citation Appeals* noting the City had appeals pending and the next Council meeting wasn't scheduled until January 4, 2010.

6. PUBLIC COMMENTS:

There were no public comments

7. CONSENT AGENDA:

Mayor Pro Tem Brennan commented on Item 7h. *Supporting the Local Taxpayer, Public Safety and Transportation Protection Act of 2010* noting while he supported all of the points and arguments for the initiative, he didn't support adopting legislation by ballot box initiatives noting most of the initiatives were difficult to understand while worded simply, and the practice has caused the budget problems being experienced today.

Mayor Jackson noted his support for the initiative and its stated points and further noted his concern if they didn't support it, they could be in a worse predicament than they are now. He further stated he saw the initiative as a tool to not take money away from cities.

MOTION

To adopt Resolution 2009-162 Supporting the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010.

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



**CITY OF OAKDALE
CITY COUNCIL MEETING MINUTES
December 7, 2009**

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

MOTION

To adopt Resolution 2009-163 as follows:

- a) Approving November 16 City Council Meeting Minutes.
- b) Approving Warrant Registers.
- c) Waiving Readings of Ordinances/Resolutions except by title.
- d) Resolution 2009-164 Rejecting all Bids Received for Purchase of Large Diameter Fire Hose and Directing Staff to Revise Hose Standard to Meet Minimum Requirements of NFPA and Authorizing Rebidding of Hose Purchase.
- e) Resolution 2009-165 Approving Purchase of Well 5A Generator from Industrial Electric.
- f) Resolution 2009-166 Declaring Police Property Surplus and Authorizing Sale.
- g) Resolution 2009-167 Accepting Annual Report in Compliance with Government Code Section 53411 Reporting on Community Facility District Activities and Revenue Collected.
- h) *(Removed from Consent Agenda and considered separately.)* Supporting the Local Taxpayer, Public Safety and Transportation Protection Act of 2010.
- i) Minute Order Approving Removal or Trimming of Airport Park Trees with Funding from Airport Budget.
- j) Resolution 2009-168 Delegating the Oakdale Planning Commission to serve as the Appeals Board for Administrative Citations and Remedies Pursuant to Chapter 19, Section 19077 of the Municipal Code and Designating the Membership Thereof.

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

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

8. PUBLIC HEARINGS:

a) Bridle Ridge Landscape and Lighting Maintenance District Annexation 3, Zone 4

Council Member Dunlop abstained from this item noting he managed property adjacent to the project area.

Mayor Jackson opened the public hearing at 7:11 p.m. for the public hearing related to the annexation of territory for Annexation 3, Zone 4 into the Bridle Ridge Landscape and Lighting Maintenance District (LLMD) for the purpose of financing the annual maintenance of certain landscape and lighting improvements and the levy of the annual assessments to finance the costs of such maintenance. City Clerk Lilly announced notice had been given in the manner and form as required by law. Finance Director Avila provided the staff report including a description of the boundaries of the District noting the annexation would extend the district on the west side to Crane Road south of the railroad tracks and include the dog park and storm drain basin. He further explained the extent of the maintenance work and provided the annual assessment for a single family home was estimated to be \$386.65 for the 2010-2011 year.

Mayor Pro Tem Brennan questioned the length of time the LLMD would run. Director Avila answered the LLMD would run indefinitely and further explained it provided for the common landscaped areas, street lights, etc. and covered all of the costs within the LLMD.



**CITY OF OAKDALE
CITY COUNCIL MEETING MINUTES
December 7, 2009**

Mayor Pro Tem Brennan stated he has received questions from the public regarding why they had to continue to pay for parks and street lights when other residents didn't have to pay for the other parks in town. Director Avila explained the objectives of the LLMDs noting the General Fund didn't have the funds to pay for the general improvements in the new areas and the residents had to bear those additional costs. Mayor Pro Tem Brennan further questioned why residents had to continue to pay once the initial infrastructure was paid for. City Manager Hallam explained the Specific Plan implementing ordinance that implemented the General Plan was adopted in 1995 and put forth the feeling of many Oakdale residents that existing residents no longer wanted to subsidize new growth. He further explained LLMDs were the mechanism to pay for direct costs for services and that the model had been implemented since 1998. He further offered the answer to the citizens' question is that the levy is a voluntary lien on the property that the property owner chose to live in that subdivision.

Mayor Jackson noted the majority of the costs was for maintenance and questioned how many lots were located in the subdivision. Director Avila explained there were eight lots initially and as much of the land was undeveloped, there would be more lots when the parcels were subdivided.

Council Member Hanson questioned if the assessment would be adjusted as the area developed. Director Avila explained as the parcels are broken out, each lot would be assessed the \$386 fee plus inflation.

Mayor Jackson opened the hearing at 7:21 p.m. and asked for anyone wishing to speak:

IN OPPOSITION: No one appearing.

IN FAVOR: No one appearing.

Mayor Jackson closed the hearing at 7:22 p.m.

City Clerk Lilly reported the results of the tabulation of the assessment ballots noting one ballot in favor had been received from the property owner, William Ledo.

MOTION

To adopt Resolution 2009-169 declaring the results of the assessment tabulation for the formation of the Bridle Ridge Landscape and Lighting District Annexation 3, Zone 4 and providing for the levy of an annual assessment therein.

Moved by Council Member Morgan, seconded by Council Member Hanson, and **CARRIED.**

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

b) Code Text Amendment Amending Chapter 6A (City Museum Commission) Article I (Museum Commission, Section 6A-2 (Membership) to Reduce Membership Requirements from Seven to Five Members and 6A-9 (Quorum) to Amend Quorum Requirements

Director Bolin provided the staff report and background information on the subject noting due to the newly formed partnership with Friends of Oakdale Heritage, the City no longer required the Museum Commission to assist with the day-to-day operational functions of the museum. At their August 26



**CITY OF OAKDALE
CITY COUNCIL MEETING MINUTES
December 7, 2009**

meeting, the Museum Commission considered and supported reducing their membership from seven to five members and adjusting the quorum accordingly. Director Bolin recommended introduction of the proposed ordinance to adopt the City-initiated amendments to the Code to reduce the membership and quorum levels as proposed.

Mayor Jackson opened the hearing at 7:25 p.m. and asked for anyone wishing to speak:

IN FAVOR: No one appeared.

IN OPPOSITION: No one appeared.

MOTION

To introduce Ordinance 1180 to Amend Chapter 6A, City Museum Commission, of the Oakdale Municipal Code to reduce membership requirements from seven to five and amend quorum requirements.

Moved by Mayor Pro Tem Brennan, seconded by Council Member Dunlop, 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) Interim Ordinance Prohibiting Acts, Business Licensing, or Land Uses that Violate State and Federal Law

Chief West provided the staff report and background information on the subject and recommended an urgency ordinance be adopted to prohibit acts, business licensing, or land uses that violate state and federal law. He noted the U.S. Department of Justice issued a memorandum on October 19, 2009 providing guidance to federal prosecutors in states that enacted law authorizing the medical use of marijuana. He explained that considering existing federal laws and the current policy statement by the U.S. Department of Justice, a local legislative body of a city would be in conflict with the intent of Government Code 37100 to allow land use or condone a business to operate in its jurisdiction through the licensing of any business that was violating the Controlled Substances Act through possession, distribution, dispensing, sales or manufacturing of controlled substances. In addition, SB 731, enacted September 1, 2009, was designed to regulate massage establishments and set regulations that compliment and contravene the City’s existing massage ordinance adopted on September 4, 2007. Chief West recommended Council adoption of the urgency ordinance to demonstrate the City’s efforts toward observing the intent of Government Code 37100 by being mindful of the new State regulatory and enforcement efforts aimed at massage establishments and technicians operating in the City.

Mayor Pro Tem Brennan noted his opinion that the proposed action was unnecessary since California Government Code 37100 provides that a legislative body of a city may enact an ordinance not in conflict with the constitution and laws of the State or United States. He noted legally they would be violating State and Federal laws. He further provided examples noting once a law is passed, it would remain on the record books and possibly not be applicable many years from now. He reiterated his opinion that the language didn’t need to be added to the City’s code book at this time.

Mayor Jackson asked Chief West why he was proposing the interim ordinance. Chief West explained conflicts existed between State and Federal laws noting State law allowed dispensing of marijuana for medical purposes by physicians while Federal law prohibited it because it is controlled substance. He



**CITY OF OAKDALE
CITY COUNCIL MEETING MINUTES
December 7, 2009**

further noted a legislative code was enacted in September setting forth conditions for technicians and operators and there were minor conflicts with the City’s massage ordinance.

Mayor Jackson requested confirmation that the ordinance would prohibit an unlawful business from opening in Oakdale. Chief West confirmed the Council could state they didn’t want a business operating in Oakdale and didn’t want to provide a business license or give permission to operate because the business was in conflict with State or Federal Law. City Attorney Hallinan offered another reason for the amendment was so the City wouldn’t be caught in the conflict between State and Federal law.

Mayor Pro Tem Brennan reiterated his opinion that the amendment was unnecessary and would be adding verbiage to an already heavy weighted City ordinance and regulation document.

Council Morgan noted her opinion that the proposed ordinance provided clarification.

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

Council Member Dunlop stated his support for having the 45-day grace period while they wait to have a public hearing.

City Attorney Hallinan noted staff would come back with a regular ordinance.

MOTION

To adopt an interim urgency ordinance prohibiting acts, business licensing, and land uses that violate State or Federal laws, and schedule a public hearing within 45 days for ordinance adoption.

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

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

b) “J” Street Closure Six Month Review/Hospital Construction Update

Director Leach introduced Deputy Public Works Director Myers who provided the staff report and background information on the subject. The Traffic Commission considered the request for road closure at their November 20 meeting and recommended continued closure for an additional six months. Director Leach noted staff supported the temporary closure request for a period of six months and recommended revisiting the closure at the first Council meeting in June, 2010.

Oak Valley Hospital CEO John Friel provided an update on the hospital’s construction project and distributed pictures of the construction in progress to the Council and staff. He noted the project was ahead of schedule and further stated his appreciation for the Council’s support to keep the street closed for another six months.

Mayor Jackson stated he hadn’t received any requests or complaints to open the street or sidewalk behind the hospital. He noted he attended the Traffic and Business Commission meeting when the hospital construction presentation was made and confirmed the Commission had approved the continued closure.



**CITY OF OAKDALE
CITY COUNCIL MEETING MINUTES
December 7, 2009**

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

MOTION

To approve the hospital's request and staff's recommendation to continue the "J" Street closure with a six month review in June 2010.

Moved by Mayor Jackson, seconded by Mayor Pro Tem Brennan, and **CARRIED**.

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

c) Adoption of CityGate Fire Master Plan Study including Findings and Recommendations and Adoption of Revised Deployment Measures to Direct Fire Crew Planning and Monitor Department Operation

Chief Botto provided the staff report and background information on the subject noting the City Council had authorized and initiated the development of a Fire Master Plan Study in February 2009. The Study was completed and a City Council workshop held on November 30, 2009. Captain Miranda presented the 20 findings identified in the Study. Chief Botto presented the 15 associated recommendations for consideration and approval including fire services, staffing, and fire station location. Captain Miranda noted the Oakdale Firefighters Association supported the findings and recommendations. Chief Botto recommended adoption of the provided resolution to accept the Fire Master Plan Study including the findings and recommendations, and that they direct staff to address the findings and recommendations and research and report back to Council regional partnerships, joint staffing, and contract opportunities with Cal Fire that may create a favorable solution to the delivery of fire and rescue services to the community.

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

Mayor Jackson noted he was glad to see the Oakdale Firefighters Association were supportive of the Study and further noted a lot of the recommendations depended on funding or additional revenues.

Council Member Dunlop noted his concern with contracting with Cal Fire and questioned whether the Fire Association was supportive of that. Captain Miranda confirmed the Association's support. Council Member Dunlop stated he was hesitant to hand over local control to the State noting it would be very difficult in the short term due to budget issues. He stated he would support assembling the plan as best they could.

Mayor Jackson stated he was unsure the citizens would be ready for a ¼ or ½ cent sales tax for this reason and noted his support for the Fire Master Plan and moving forward with it.

MOTION

To adopt Resolution 2009-170 adopting CityGate Fire Master Plan Study including findings/recommendations and directing Staff to address the findings/recommendations and research and report back to Council on regional partnerships, joint staffing, and contract opportunities with Cal Fire; to adopt Resolution 2009-171 adopting Revised Deployment Measures and authorizing City Manager and Fire Chief to direct Fire Crew planning and monitor Department operation as identified in the Fire Master Plan Study.



**CITY OF OAKDALE
CITY COUNCIL MEETING MINUTES
December 7, 2009**

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

d) Water and Sewer Rates in Unincorporated Areas

Council Member Dunlop abstained from this item noting he does business with a resident in the unincorporated area.

Director Leach introduced Deputy Public Works Director Myers who provided the staff report and background information on the subject. Deputy Director Myers noted the City had charged an additional fee for water serviced supplied to the unincorporated County areas since 1954. He explained the fees were necessary to compensate for the initial installation of wells and pipelines that were normally collected from system development fees or contributions from City property taxes which County residents were exempt from paying. Following the recent water rate update, a review of the unincorporated rate structure was requested and during the review, staff found there were infrastructure improvement projects included in the expected expenses used to derive the rates thereby providing an opportunity to reduce the water rate in the unincorporated areas. Deputy Director Myers recommended an additional service fee of \$10 per parcel per month instead of the double rate currently being charged. He noted the residents of the Sunset Park and Belsera Subdivisions were presented with the concept by letters and public meetings and the attendees favored the proposal. He recommended approval of the provided resolution stating the policy of the City regarding water service rendered to unincorporated areas.

Mayor Jackson noted he had attended one of the neighborhood meetings. He further noted the proposal seemed more than fair and he felt it was the right thing to do.

Mayor Jackson requested comments from the audience.

Eron Grisham, 1421 Iris Avenue, Oakdale, stated he lived in the Sunset Park Subdivision and the residents are in agreement with the policy change. He requested the Council consider making the policy retroactive due to the length of time it had taken to consider the issue explaining they brought the issue to the Public Works Department in July, but it didn't go to Council until September, they didn't have their neighborhood meeting until November, and it's now on the agenda in December. He noted one of the residents had a bill as high as \$800.00.

Brad Arba, 200 Charles, Oakdale, stated his bill was \$875 for a 25 day period. He noted it was the second time he had received a bill like that and questioned what was going on in the Sunset Park area. He asked that staff meet with him at his home to inspect the meter and discuss the problem.

Mayor Jackson asked staff to investigate and Director Leach stated he would contact Mr. Arba the next day.

Mr. Grisham questioned why the minimum bill was \$20.00. Director Avila explained it was due to their being charged twice the rate. Mr. Grisham stated the Council could have considered this a month ago noting residents that have had \$300 and \$400 bills.



**CITY OF OAKDALE
CITY COUNCIL MEETING MINUTES
December 7, 2009**

Mayor Pro Tem Brennan supported the policy and suggested it be made retroactive to when the residents made the request. He stated he was in favor of using their credits toward their future bills. He noted staff did their due diligence, but didn't act very fast.

Mayor Jackson agreed with crediting all homeowners in the Sunset and Belsera areas back to the time when the new fee schedule went into effect.

Council Members Morgan and Hanson agreed.

Council Member Morgan questioned staff's procedure when a customer questioned a water bill. Director Avila explained the process noting staff looks at prior usage and determines whether to send staff to the site to check the meter. Deputy Director Myers added Public Works staff assists homeowners at their homes to help determine the problem.

MOTION

To adopt Resolution 2009-172 stating the policy for water service rendered to unincorporated areas at the standard rate plus \$10.00 and authorizing the credit of accounts in unincorporated areas back to date of increase.

Moved by Mayor Jackson, seconded by Mayor Pro Tem Brennan, and **CARRIED**.

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

10. INFORMATION ITEMS:

a) Preliminary General Fund Financial Report for FY 2009-2010 and 1ST Quarter FY 2008-2009 Financial Report

City Manager Hallam provided a report on the first quarter's performance for the FY 2009-2010 General Fund budget including an update on the year-end status of the FY 2008-2009 General Fund budget based on actual unaudited numbers and the implication of those numbers to the current budget year. He noted the General Fund revenue at the end of the 2008-2009 fiscal year fell short of budget expectations by approximately \$300,000 due to a decline in sales tax revenue. General Fund expenditures for the 2008-2009 fiscal year fell slightly below budgeted appropriations and approximately \$62,000 in unexpended funds were carried over. 2009-2010 first quarter spending level was slightly under projections at 23%.

MOTION

Minute Order accepting the 1st Quarter Fiscal Year 2009-2010 Financial Report and Preliminary General Fund Financial Report for Fiscal Year 2008-2009.

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



**CITY OF OAKDALE
CITY COUNCIL MEETING MINUTES
December 7, 2009**

b) General Plan Update Meeting Dates

Director Stylos requested and received Council concurrence on dates for joint Planning Commission/City Council workshops to review elements of the General Plan Update and Specific Plan projects. The meeting dates were set for January 25 for the Specific Plan and February 8 for the General Plan from 6:00 p.m. to 8:00 p.m. at the community center.

11. COUNCIL REPORTS:

a) Senior Citizens Advisory and Traffic and Business Commission Appointments

Mayor Jackson reported he and Council Member Dunlop held interviews for the Senior Citizens Advisory Commission and Traffic and Business Commission vacancies. He recommended Joan Baker and Louise Pooley Sanders for the Senior Commission and Kirk Van Ruiten for the Traffic and Business Commission. The Council concurred in the appointments. Mr. Van Ruiten was present and was introduced and welcomed.

b) Appointment of Mayor Pro Tem

Mayor Jackson thanked Mayor Pro Tem Brennan for his service as Mayor Pro Tem during the past year. He recommended and received concurrence in appointing Council Member Morgan as Mayor Pro Tem for 2010.

Other Council Reports

Council Member Brennan recognized Pearl Harbor Day and veterans past and present and thanked them for their service. He further acknowledged the Oakdale Mustangs Football teams for their great effort as well as the coaches and Oakdale community for their support of the student athletes.

Mayor Pro Tem Morgan thanked the Parks and Recreation staff as well as the Parks and Recreation and Youth Commissions for their efforts with the Third Annual Tree Lighting event at Wood Park.

Council Member Dunlop noted his attendance that the downtown Christmas event and tree lighting, Commission interviews, and Fire Ad Hoc Committee meeting.

Mayor Jackson noted his attendance at a Mayors meeting in Newman, merchants meeting, and the City's tree lighting event. He further noted he and others involved were continuing to work with the City of Modesto on the Breshears' gasoline sales tax issue.

12. ADJOURNMENT:

There being no further business, Mayor Jackson adjourned the meeting at 8:38 p.m.

Respectfully submitted,

Nancy Lilly, CMC
City Clerk