



CITY OF OAKDALE
City Council Minutes
Monday, November 2, 2009
6:45 PM
277 North Third Avenue
Oakdale, California

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

Mayor Jackson called the meeting to order at 6:48 p.m.

Present: Mayor Jackson, Mayor Pro Tem Brennan, and Council Members Dunlop, and Morgan (arrived at 6:50 p.m.)

Excused: Council Member Hanson

Staff Present: City Attorney Hallinan, City Manager Hallam, Finance Director Avila, Parks and Recreation Director Bolin, Fire Chief Botto, City Clerk Lilly, Public Works Director Leach, 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 existing litigation, Upland v City of Oakdale. Mayor Jackson reconvened the meeting at 7:00 p.m. and announced the Council had met in closed session and had no reportable action.

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

Mayor Jackson led the Pledge of Allegiance and Pastor Henry Raven, Sierra Foothills Community Church provided the invocation.

5a. PRESENTATIONS/ACKNOWLEDGEMENTS:

Mayor Jackson honored Michael Stetson with a certificate in recognition of his 10 years of service on the Traffic and Business Improvement Commission

5b. ADDITIONS/DELETIONS:

Mayor Jackson requested and received Council consensus to reorder the agenda to consider Item 11a. *Commission Appointments* at this time. City Manager Hallam requested and received Council consensus to combine Item 10b. *Presentation from RBF on Water Tanks* with Item 9b. *Accepting Initial Study/Mitigated Negative Declaration for the Water Storage Upgrades Project*.

11a. Commission Appointments

Mayor Pro Tem Brennan recommended and received concurrence for the appointment of Kevin Benziger to the Airport Commission.

Council Member Dunlop recommended and received confirmation for the appointment of Barbara Roberson to the Museum Commission.

Mayor Jackson recommended and received confirmation for the appointment of Tom Orvis to the Planning Commission.

Commissioners Roberson and Orvis were present in the audience and were introduced and welcomed.



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6. PUBLIC COMMENTS:

Oakdale Chamber CEO Mary Guardiola announced two free Excel computer classes on November 13 and December 9 from 5:00 p.m. to 9:00 p.m. She further announced the Chamber was accepting nominations for Citizen of the Year, Business of the Year, Community Service, and Lifetime Achievement awards to be presented at their annual dinner in January.

7. CONSENT AGENDA:

Council Member Dunlop abstained from Item 7d. *Approving Annual Review of Bridle Ridge Master Development Rodden-Jackson Development Agreement* due to managing property within 500' of the project area.

MOTION

To adopt Resolution 2009-150 as follows:

- a) Approving October 19 City Council Meeting Minutes.
- b) Approving Warrant Registers.
- c) Waiving Readings of Ordinances/Resolutions except by title.
- d) Resolution 2009-151 Approving Annual Review of Bridle Ridge Master Developer Rodden-Jackson Development Agreement.
- e) Resolution 2009-152 Approving FY 2009-2010 Gann Appropriation Limit.
- f) Resolution 2009-153 Declaring Support for San Joaquin Valley Clean Energy Partnership to Maximize Access, Services, and Resources from Energy Efficiency and Conservation Block Grant Program through California Energy Commission.
- g) Minute Order Rejecting Claim submitted by Ortencia Moreno.
- h) Resolution 2009-154 Accepting Modification of Traffic Signals Project and Authorizing Filing of Notice of Completion.

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

AYES: COUNCIL MEMBERS: Brennan, Dunlop, Jackson, Morgan
 NOES: COUNCIL MEMBERS: None
 ABSENT: COUNCIL MEMBERS: Hanson
 ABSTAINED: COUNCIL MEMBERS: Dunlop (Item 7d.)

8. PUBLIC HEARINGS:

a) (Continued) Code Text Amendment, Chapter 18, Motor Vehicles and Traffic, Article VII, Police Towing Services, Section 18-60.10 (Purpose) and 18.60.60 (Rotation List)

City Manager Hallam provided the staff report. The item was continued from the October 19 Council meeting for the tow operators to provide information to justify proposed additional charges as well as provide time for staff's analysis of the information.

City Manager Hallam provided information on the City's Code regulations addressing non-consensual tows initiated by the Police Department. He noted there had been 165 non-consensual tows since the first of the year and reviewed the time, tasks, and costs involved in handling non-consensual tows. City Manager Hallam further noted unreimbursed costs were estimated at just under \$40,000 per year that were presently absorbed in the Police Department's budget and funded by city taxpayers. The franchise fee of \$25 per tow would generate \$28,725 in the first year recovering approximately 75% of the City's costs.

City Manager Hallam noted the Chief West's recommendation to increase the fee for a non-consensual tow from \$100 to \$155. Detailed cost analyses were submitted by the tow operators and based on staff's analysis of the business' costs including direct costs, fuel, trucks, equipment, building, paperwork, insurance, and staff salaries, it was determined the cost per non-consensual tow to be from



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\$205 to \$332. At the present rate of \$100 per tow, the operators were losing between \$105 and \$232 per tow. City Manager Hallam concurred with Chief West's recommendation to adopt the ordinance and fees as proposed.

Mayor Jackson reopened the public hearing at 7:20 p.m. and asked for those wishing to speak:

IN FAVOR:

Eric Haidlen, Haidlen Ford, applauded the Council for tabling the item and doing their due diligence noting the resolution was as much necessary for the Police Department as it was the tow operators and, while it was significant enough to be discussed and adopted, it was not significant enough to be a burden on what are for the most part transients that come through town and break the law. He requested Council adopt the resolution.

IN OPPOSITION: No one appeared.

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

Mayor Jackson noted he was pleased to receive the detail that the Council had requested noting if they had that detail, the item might not have been continued and it might have passed that night.

Mayor Pro Tem Brennan thanked the tow operators for getting their information to the City so they could follow through on the analysis.

MOTION

To introduce Ordinance 1178 amending Chapter 18, Motor Vehicles and Traffic, Article VII, Police Towing Services, Section 18-6.10 (Purpose) and 18.60.60 (Rotation List) to amend the City's regulations affecting vehicle tow franchise agreements with two providers.

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

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

**b) California State Supplemental Law Enforcement Services Fund Grant Spending Plan
Chief West provided the staff report and background information on the subject.**

Chief West provided the staff report and background information on the subject. The Stanislaus County Supplemental Law Enforcement Oversight Committee requested all cities in the County eligible for funding obtain City Council approval of their planned expenditures for FY 2009-10 and to allow the public the opportunity to respond. He noted it was anticipated Oakdale would receive \$100,000 and explained the funding must be used for front-line law enforcement services that typically include community-oriented policing projects and special law enforcement activities that require use of additional police officers in specially targeted saturation areas as well as equipment to support front line operations. The Department's intention would be to use the majority of the funding to pay overtime costs of specialized operations through FY 2009-10 and purchase a replacement marked police vehicle. Chief West recommended adoption of the provided resolution to approve the proposed expenditure plan for the 2009-10 Supplemental Law Enforcement Services Fund.

Mayor Jackson opened the hearing at 7:26 p.m. and asked for those wishing to speak:



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IN FAVOR: No one appeared.

IN OPPOSITION: No one appeared.

Mayor Jackson closed the hearing at 7:27 p.m.

Council Member Dunlop questioned if the funding had been included in the budget or if it was an addition to the budget. Director Avila responded the funding would be an additional appropriation to the budget and explained the City never knows if the State plans to grant the funds.

Mayor Jackson questioned and Chief West confirmed the grant was the same grant that was received last year and would be used in the same fashion.

MOTION

To adopt Resolution 2009-155 approving the Proposed Expenditure Plan for the 2009-2010 Supplemental Law Enforcement Services Fund.

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

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

c) Code Text Amendment Amending Chapter 33 (Unclaimed Property and Money and Disposition of Surplus City Property), Article II, Sections 33-20 through 33-22

City Attorney Hallinan provided the staff report and background information on the subject noting the current Municipal Code section regarding disposition of unclaimed property, money and surplus property was antiquated and in need of amendment. He explained the State Government Code gave cities the authority to take advantage of modern methods and that currently they were limited to the auction process that doesn't always yield the best price. City Attorney Hallinan recommended introduction of the ordinance and setting the second reading and adoption for their November 16 meeting.

Mayor Jackson opened the hearing at 7:29 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 7:30 p.m.

Mayor Jackson favored the amendment noting it might get the City more money for surplus items.

MOTION

To introduce Ordinance 1179 amending Chapter 33 (Unclaimed Property and Money and Disposition of Surplus City Property), Article II, Sections 33-20 and 33-22.

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



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

9. STAFF REPORTS

a) Support for Corridor “B” of Proposed North County Corridor Transportation Expressway Project

Council Member Dunlop abstained from this item due to managing property adjacent to the project area.

City Manager Hallam provided the staff report and background information on the subject. He noted Caltrans looked at two corridors that were approximately 2,000’ wide and throughout the past few months, meetings had been held with individuals and groups of property owners within the proposed North County Corridor alignment areas. Staff had also been examining the long-term land use and planning implications of both routes and the impact to the future economic impact to Oakdale from future industrial expansion and economic job growth. Based on those efforts, staff felt the proposed Corridor “B” would bring the corridor closer to the city limits and industrial area and would best meet Oakdale’s long-term goals and objectives for a vibrant, economically-healthy community. City Manager Hallam read the proposed letter to William O’Brien, Chair of the North County Corridor Transportation Expressway Authority in support of Corridor “B” and recommended Council authorization to submit the letter.

Mayor Jackson requested comments from the audience.

IN OPPOSITION: No one appearing.

IN FAVOR: No one appearing.

Mayor Jackson stated he believed Corridor “B” was in the City’s best interest. He noted the area was 2,000’ wide, the actual alignment through the land was not selected, and the action would state the City’s preference. Mayor Jackson further noted Corridor “B” was closer to the industrial area and that it was better to have the corridor closer to town than further out. He endorsed the advisory vote.

The Council provided consensus in authorizing the Mayor to execute a letter to the North County Corridor Transportation Expressway Authority expressing support for Corridor “B” of the proposed North County Corridor.

b) Accepting Initial Study/Mitigated Negative Declaration for the Water Storage Upgrades Project

Item 10b. *Presentation from RBF on Water Tanks was combined with this item.*

Public Works Director Leach provided the staff report and background information on the subject noting staff had been working with RBF Consulting since August 2008 to determine what was needed for a new water tank configuration and how it could be most effectively implemented. He introduced RBF consultants Paul Kline, Bruce Grove, and Reena Thomas who were present in the audience.

Mr. Kline addressed the Council and provided an overview of the project and construction schedule. Mr. Grove, Environmental Project Manager, reviewed the environmental assessment process and outcome. He noted the public review period ran from September 21 to October 20 and comments had



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been received from three agencies, one from the Army Corp of Engineers, two from San Joaquin Valley Air Pollution Control District, and one from OID. None of the letters raised new environmental issues and concerns that hadn't been addressed in the environmental document. He further noted it had been determined there was no significant impact and recommended acceptance of the Initial Study/Mitigated Negative Declaration for the project.

Council Member Morgan questioned the hours for construction noting a discrepancy between what Mr. Grove had stated and the information listed in the document. Mr. Kline noted Table 4.11-1 included the Noise Ordinance Standards that allows construction from 7:00 p.m. to 10:00 p.m. and in consultation with staff, they decided a construction schedule of 7:00 a.m. to 7:00 p.m. would be more appropriate.

City Manager Hallam inquired and Mr. Kline confirmed the information was included in the Mitigation Monitoring Plan.

Mayor Jackson asked the location of the tank on the Valley View site. Mr. Kline explained the new tank would be located in between the existing two tanks. Mayor Jackson inquired and Mr. Kline confirmed the tank would not be located closer to the residential area. Mayor Jackson inquired if the existing redwood trees would remain. Mr. Grover answered the trees would remain in tact and construction would be limited during migratory bird season. Mayor Jackson inquired if vegetation would be included to shield the tank noting they had the opportunity to move the line of site for the residents. Mr. Kline confirmed that was the plan. Mayor Jackson questioned the phasing of the project. Mr. Kline confirmed the Greger Street tank and pump station would be constructed first. Mayor Jackson inquired if the tank would have enough capacity to take care of the city while the other storage tank was taken off line. Mr. Kline explained the tank was larger than the current tank. Mayor Jackson requested and received confirmation from Chief Botto and Mr. Kline that the construction wouldn't create problems with being able to supply water fire suppression.

Mayor Pro Tem Brennan questioned Director Leach if there were State earthquake standards that would have to be met. Director Leach confirmed there were and noted they would meet those standards according to the California Building Code.

MOTION

To adopt Resolution 2009-156 approving the Initial Study/Mitigated Negative Declaration for the Water Storage Upgrades Project.

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

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

10. INFORMATION ITEMS:

a) PBS&J Specific Plan and General Plan Status Update

Community Development Director Stylos introduced Dan Dameron from PBS&J who provided status updates on the General Plan and three Specific Plan projects and E.I.R. It was noted the first community workshop would be held November 10 from 6:00 p.m. to 8:00 p.m. and a joint meeting with the City Council and Planning Commission would be scheduled in January. Mayor Pro Tem Brennan requested the Airport Commission and a few others from the airport community be included in the General Plan update process.



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Council Member Morgan requested future community meetings be held on different days of the week to afford more people a chance to attend.

b) Presentation from RBF on Water Tanks

The presentation was provided with Item 9b. *Accepting Initial Study/Mitigated Negative Declaration for the Water Storage Upgrades Project.*

c) Cancellation of December 21 City Council Meeting

City Manager Hallam suggested cancelling the December 21 City Council meeting as the meeting fell the week of Christmas and schools were out. He further noted staff could schedule agenda items for the meetings proceeding or following that meeting date. The City Council concurred in cancelling the December 21 City Council meeting.

11. COUNCIL REPORTS:

b) Stanislaus County Hazardous Waste Advisory Committee

Mayor Jackson requested and received concurrence in recommending to the City Selection Committee the reappointment of Council Member Hanson to the Stanislaus County Hazardous Waste Advisory Committee.

Mayor Pro Tem Brennan noted the third session of the airport master planning was held and they planned to hold one more session in December as well as meet with the General Plan consultants. They also planned to make a presentation at a Downtown Business Association meeting.

Council Member Morgan noted she was unable to attend the Halloween event and asked for the attendance numbers. Director Bolin noted attendance estimates were between 2,000 and 2,500. Council Member Morgan thanked everyone involved with the event.

Council Member Dunlop noted he participated in interviews for the commissions. He announced the Museum Open House on Wednesday, November 4, from 6:30 to 8:30 p.m.

Mayor Jackson noted his attendance at the monthly Mayor's meeting on October 21, the North County Corridor public hearing in Riverbank on October 22, the Fire Department's rescue boat demonstration and barbeque on October 23, and a meeting with Caltrans District 10 Director on the North County Corridor held earlier in the day.

12. ADJOURNMENT:

There being no further business, Mayor Jackson adjourned the meeting at 8:18 p.m.

Respectfully submitted,

Nancy Lilly, CMC
City Clerk