




CITY OF OAKDALE CITY COUNCIL SPECIAL MEETING MINUTES

 choose civility
The City of Oakdale recognizes and supports
the Choose Civility program, an initiative of
the Stanislaus County Office of Education.

City Council Chambers
277 North Second Avenue
Oakdale, CA 95361

Thursday, January 7, 2021

6:00 PM

City Council Chambers

1. CALL TO ORDER:

Mayor Pro Tem Christopher Smith called the meeting to order at 6:00 p.m.

Council Services Manager Christel conducted roll call with Council Member Fred Smith, Council Member Chiara, Council Member Christopher Smith, and Mayor Bairos responding they were present.

2. COUNCIL/AGENCY MEMBERS PRESENT/ABSENT:

Present: Mayor Cherilyn Bairos
Mayor Pro Tem Christopher Smith
Council Member Chiara
Council Member Fred Smith
Council Member Vacant

Staff Present: City Manager Whitemyer
City Attorney Hallinan
Police Chief Heller
Finance Director Avila
Public Services Director Gravel
Council Services Manager Christel
City Clerk Roberts
Assistant to the City Manager Mondragon

Absent: None

3. PUBLIC COMMENTS

After roll call, City Manager Whitemyer read aloud the official notice of the meeting:

This meeting will be held in accordance with Executive Order N-29-20, issued by California Governor Gavin Newsom on March 17, 2020, the Ralph M. Brown Act (California Government Code Section 54950, et seq.), and the Federal Americans with Disabilities Act.

This meeting will be held via teleconference and will not be physically open to the public. All members of the public may participate in the meeting via teleconferencing at the following address: <https://us02web.zoom.us/j/87058956598> and via teleconference by calling (888)788-0099, meeting ID: 870 5895 6598 and will be given the opportunity to provide public comment. This meeting will be televised on Comcast channel 7 and available for public viewing on Oakdale's Livestream channel, <https://livestream.com/cityofOakdale>.

He also provided viewing and participation instructions for Public Comment.



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Mayor Pro Tem Christopher Smith asked City Manager Whitemyer if there were any additions or deletions to the Agenda. City Manager Whitemyer advised there were none.

Mayor Pro Tem Christopher Smith opened public comment at 6:03 p.m.

Wendy Brown spoke about items she has been seeing online about City Council Members and suggested Mayor Pro Tem Smith be considered for the position of Mayor.

With no public comment, Mayor Pro Tem Christopher Smith closed public comment at 6:06 p.m.

4. Vacated Mayor's Seat

4.1: Discussion and Potential Filling of Council/Mayor's Vacancy.

City Manager Whitemyer provided a staff report and PowerPoint Presentation on the various options available for the filling of the Mayor Position. The options he presented were:

- Option 1 – Hold a special election to fill the vacated Mayor's seat at an estimated cost of \$96,000.
- Option 2 – City Council appoints a currently seated Council Member to serve as the Mayor for the remainder of the two-year term which would cost nothing.
- Option 3 - Directly appoint a non-City Council Member to serve as Mayor which would also cost nothing.
- Option 4 – Seek applicants from the community at a cost of less than \$2000 (advertising and printing).

City Manager Whitemyer concluded his report recommending the City Council review the options and determine what option they would like to pursue.

Mayor Pro Tem Christopher Smith asked if City Council would like to discuss the options or open public comment first. All Council Members stated they would like to hear from the public first so with that, Mayor Pro Tem Christopher Smith opened public comment for this item at 6:09 p.m.

KRogers spoke in favor of the City Council selecting someone, particularly Council Member Bairos.

Paul Fabia spoke in favor of the City Council to appoint from within for the Mayor's position and liked the idea of filling the vacant seat with the runner up.

Mike Eggener spoke in favor of Council Member Bairos to be appointed Mayor and that her vacant seat be filled by the runner up from the last election we had.

Bryce spoke in favor of the City Council appointing from within and that the vacant seat be filled by the runner up from the last election we had.

Will Pringle spoke in favor of the City Council appointing from within adding that Council Member Bairos would be an excellent candidate.



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Jackie Wilson spoke in favor of the City Council appointing from within and suggested Council Member Bairos be considered for the position.

Lori Roudebush spoke in favor of the City Council appointing from within and suggested Council Member Bairos be considered for the position.

Jamie Bell spoke in favor of the City Council appointing the Mayor from within and that the vacant seat created by this, be filled by the runner up from the last election, Curtis Haney.

Brandy Gleason spoke in favor of the City Council appointing Council Member Bairos to the Mayoral position and for the vacant seat that would be created, to seek applicants from the community.

Toby Stime spoke in favor of the City Council appointing a Mayor from within and to seek applicants from the community to fill the vacant council seat.

Deanna spoke in favor of holding a special election.

Angie Gutierrez spoke in favor of the City Council appointing from within and suggested Council Member Bairos.

John Byron spoke in favor of the City Council appointing from within and suggested Mayor Pro Tem Smith be considered for the position and for the vacant seat, to seek applicants from the community.

Constance Robinson feels the community should have the opportunity to select the Mayor.

Antionette Ryun spoke in favor of the City Council appointing from within and would like to see the City Council seek applicants from the community for the vacant seat.

With no further public comment, Mayor Pro Tem Christopher Smith closed public comment.

Council Member Bairos stated that \$96,000 was a lot of money and that it was the City Council's fiduciary responsibility to look at other alternatives other than a special election. She responded to a list of questions she was asked by members of the public and asked City Manager Whitemyer if he would respond to the question of what separates the Mayoral duties from those of Council Members. City Manager Whitemyer responded that Mayor is more of a ceremonial position and that they typically run the City Council meetings, work through the public comment period, and provide the state of the City speech. He noted that the Mayor position has no more voting authority than any other member of the City Council so in that way, they are equals from a policy making standpoint.

She thanked everyone for their comments and said is leaning toward Option 2, appointing from within and then Option 3, appointing a non-Council Member to serve as Mayor.

Council Member Fred Smith also thanked everyone for their public comments. He stated he did not support Option 1, holding a special election, and prefers to appoint someone from within for



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the Mayor's seat. He also supported selecting Curtis Haney to serve in the vacant City Council seat.

Council Member Chiara does not support spending money on a special election and would like to promote from within to the Mayor's seat and then continue discussion on the second part after that is decided.

Mayor Pro Tem Christopher Smith stated he did not think it was fiscally responsible to spend money on a special election when we just finished one in November. He supported appointing Council Member Bairos to the position of Mayor and asked her if she would be interested in the position. She responded she would be happy to fill the role, however, she wanted to make sure this would be the best thing for the community and that they, the community, had time to voice their opinions.

Mayor Pro Tem Christopher Smith believes that the community has had time to voice their opinions and asked the rest of City Council for their input.

Council Member Fred Smith supported appointing Council Member Bairos and also believes there has been a few weeks for people to be informed about this meeting.

Council Member Chiara expressed concern over legal obligations and wanted to make sure that the City has met those obligations. She supported Council Member Bairos to the position of Mayor.

With no more comment from the City Council, Mayor Pro Tem Christopher Smith asked for a motion to be made.

MOTION

Motion to support Council Member Cherilyn Bairos to the position of Mayor.

Moved by Council Member F. Smith and seconded by Council Member Chiara and PASSED AND ADOPTED this 7th day of January, 2021, by the following vote:

AYES: COUNCIL MEMBERS:	F. Smith, Chiara, Bairos, C. Smith,	(4)
NOES: COUNCIL MEMBERS:	None	(0)
ABSENT: COUNCIL MEMBERS:	None	(0)
ABSTAINED: COUNCIL MEMBERS:	None	(0)

Motion carried 4/0 by City Council roll call vote.

Mayor Pro Tem Christopher Smith stated that with the appointment of Council Member Bairos to the position of Mayor, a City Council seat is now available and as such, asked City Manager Whitemyer to present the options available to the Council for filling the vacant seat.

City Manager Whitemyer provided a PowerPoint Presentation on the options if a City Council Member is selected to fill the seat of Mayor.



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The options he presented were:

- Option 1 - Hold a special election to fill the vacant City Council seat at an estimated cost of \$96,000.
- Option 2 – City Council appoints the City Council candidate who placed third in the November 3, 2020 Oakdale Municipal Election to fill the vacated Council seat, a no cost option.
- Option 3 – Directly appoint a non-City Council Member to fill the position, a no cost option.
- Option 4 – Seek applicants from the community, estimated cost of less than \$2,000 (advertising and printing).

City Manager Whitemyer concluded his report recommending the City Council review the options and determine what option they would like to pursue.

With Council approval, Mayor Pro Tem Christopher Smith opened public comment.

Mike Eggener congratulated the City Council on their solidarity in selecting Mayor Bairos and would like to see the next runner up from the last election be appointed to the vacant seat.

Bryce congratulated Mayor Bairos and would like to see the third runner up in the last election to be appointed to the vacant seat.

Constance Robinson supported selecting Curtis Haney for the vacant seat.

Sara Shipman congratulated the City Council on working so well together.

Antionette Ryun spoke in favor of the City Council choosing to seek applicants from the community.

Jamie Bell spoke in favor of the City Council electing the candidate who came in third place in the last election.

Robert Amaral stated the vacant City Council seat should go to Curtis Haney.

Brandy Gleason was not in favor of the City Council selecting the third runner up.

KRogers spoke in favor of electing the candidate who came in third place in the last election but questioned what would happen they were not interested in the position. City Manager Whitemyer responded that if that were the case, then we would need to reschedule this item for another meeting and have this conversation over again with the option of appointing the third runner up being removed from available options.

Wendy Brown spoke in favor of the City Council choosing to seek applicants from the community.

Lily Pace was not in favor of the City Council selecting the third runner up.

Paul Fabio spoke about the number of votes Curtis Haney received.



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Toby Stime spoke in favor of the City Council seeking applicants from the community.

With no further public comment, Mayor Pro Tem Christopher Smith closed public comment.

Mayor Bairos stated she would like to either appoint the third runner up from the election or seek applicants from the community.

Council Member Chiara briefly discussed election results over the last few election cycles, stating that for this election, there was significant voter turnout and for Curtis Haney to have received the number of votes that he did, it was an indication of where he stood in the community.

Council Member Fred Smith agreed with Council Member Chiara adding that finishing in third place, was significant. He wants the Council to do what the public wants them to do, however, he feels that the public spoke very loudly for what they wanted back in November.

Mayor Pro Tem Christopher Smith stated that the people in town voted for two, not three Council people and that it would be wrong to go down a checklist of runners up to fill the vacancy. He is in favor of seeking applicants from the community.

Council Member Fred Smith stated that in response to the questions of whether Curtis Haney was still interested in being on the City Council, he spoke with him recently and that he would be interested in serving on the City Council if chosen.

Mayor Bairos added that she also spoke with Curtis Haney after the election and he expressed interest in serving. However, with that, she is leaning towards Option 4, seeking applicants from the community and that Mr. Haney is welcomed to submit an application.

After some additional discussion, Mayor Pro Tem Christopher Smith suggested putting this to a vote.

Council Member Fred Smith moved to select Curtis Haney for the next City Council seat. The motion died for a lack of a second.

Council Member Chiara moved that the City Council should select which option to take, however, with some confusion regarding which option was which, City Manager Whitemyer listed the four options available to the City Council:

- Option 1 - Hold a special election to fill the vacant City Council seat at an estimated cost of \$96,000.
- Option 2 – City Council appoints the City Council candidate who placed third in the November 3, 2020 Oakdale Municipal Election to fill the vacated Council seat, a no cost option.
- Option 3 – Directly appoint a non-City Council Member to fill the position, a no cost option.
- Option 4 – Seek applicants from the community, estimated cost of less than \$2,000 (advertising and printing).



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MOTION

Motion to selection Option 4 - Seek applicants from the community, estimated cost of less than \$2,000 (advertising and printing).

Moved by Council Member Chiara and seconded by Mayor Bairos. Mayor Pro Tem Christopher Smith asked for roll call vote:

AYES: COUNCIL MEMBERS:	Bairos, C. Smith	(2)
NOES: COUNCIL MEMBERS:	Chiara, F. Smith	(2)
ABSENT: COUNCIL MEMBERS:	None	(0)
ABSTAINED: COUNCIL MEMBERS:	None	(0)

Motion tied 2/2 by City Council roll call vote.

City Attorney Hallinan advised that with a tied vote, there was no effective motion passed and that a majority vote is needed.

MOTION

Motion to select Option 2 - City Council appoints the City Council candidate who placed third in the November 3, 2020 Oakdale Municipal Election to fill the vacated Council seat, a no cost option.

Moved by Council Member Chiara and seconded by Council Member Fred Smith. Mayor Pro Tem Christopher Smith asked for roll call vote:

AYES: COUNCIL MEMBERS:	Chiara, F. Smith	(2)
NOES: COUNCIL MEMBERS:	Bairos, C. Smith	(2)
ABSENT: COUNCIL MEMBERS:	None	(0)
ABSTAINED: COUNCIL MEMBERS:	None	(0)

Motion tied 2/2 by City Council roll call vote.

No effective motion passed.

Mayor Pro Tem Christopher Smith offered that the Council could bring this up at another meeting or have additional discussion on the remaining options.

Mayor Bairos agreed stating she was open to additional discussion as well, reiterating that she would like to see the Council selection Option 4 and that Curtis Haney would still have the ability to submit his application for the position. Mayor McCarty asked if Mr. Haney was in the audience.

Mr. Haney provided comment stating he was in attendance of the meeting and clarified that if Option 2 was selected, he was certainly interested. If Option 4 was selected, he would also be willing to submit an application as well.



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City Manager Whitemyer asked City Attorney Hallinan that with two motions that did not move forward, if a Council Member wanted to revisit any of those motions, would they be able to revisit them? City Attorney Hallinan replied that they would be able to do so.

Council Member Fred Smith stated that although he preferred Option 2 and bringing Mr. Haney over, in an effort to move the meeting along and in knowing that Mr. Haney was willing to apply, he is willing to go with Option 4 and seek applicants from the community.

MOTION

Motion to select Option 4 - Seek applicants from the community, estimated cost of less than \$2,000.

Moved by Council Member Chiara and seconded by Mayor Bairos and PASSED AND ADOPTED this 7th day of January, 2021, by the following vote:

AYES: COUNCIL MEMBERS: Chiara, Bairos, F. Smith, C. Smith	(4)
NOES: COUNCIL MEMBERS: None	(0)
ABSENT: COUNCIL MEMBERS: None	(0)
ABSTAINED: COUNCIL MEMBERS: None	(0)

Motion carried 4/0 by City Council roll call vote.

City Council provided direction to staff regarding a time frame they would like to have the recruitment process complete.

Mayor Pro Tem Christopher Smith asked City Council for any final comments.

Council Member Fred Smith congratulated Mayor Bairos and Mayor Pro Tem Christopher Smith.

Mayor Bairos thanked everyone for attending.

Council Member Chiara said she hopes people apply.

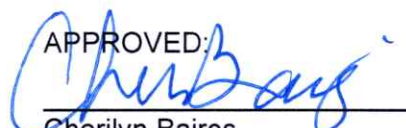
Mayor Pro Tem Christopher Smith thanked everyone for tuning in to the meeting. He also expressed appreciation to former Council Member Murdoch and former Mayor McCarty for all they did for the community.

5. ADJOURNMENT

There being no further business, Mayor Pro Tem Christopher Smith adjourned the meeting at 7:42 p.m.

ATTEST:

 Julie Christel
 Council Services and Legislative

APPROVED:

 Cheryl Bairos
 Mayor