



CITY OF OAKDALE CITY COUNCIL REGULAR MEETING MINUTES



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

Monday, February 16, 2021

7:00 PM

City Council Chambers

1. CALL TO ORDER:

Mayor Bairos called the meeting to order at 7:04 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 MEMBERS PRESENT/ABSENT:

Present: Mayor Cherilyn Bairos
Council Member Christopher Smith
Council Member Ericka Chiara
Council Member Fred Smith
Council Member Curtis Haney

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

Absent: None

3. PLEDGE OF ALLEGIANCE & INVOCATION

Mayor Bairos asked everyone to stand for the pledge of allegiance and asked everyone to continue standing for the invocation.

4. INVOCATION

Pastor Jesse Fernandez of River Oak Grace provided the invocation.

5. PRESENTATION AND ACKNOWLEDGEMENTS

5.1: Certification of Recognition to Mr. Vincent "Bud" Edward Urban in honor of his 100th birthday.

Mayor Bairos read aloud Mr. Urban's certificate that spoke about his life over the last 100 years and congratulated him on reaching such a momentous milestone.

6. ADDITIONS/DELETIONS

Mayor Bairos asked whether there were any additions or deletions to the City Council agenda. City Manager Whitemyer advised there were none.



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7. PUBLIC COMMENTS

Mayor Bairos opened public comment at 7:07 p.m.

Public Comment was received from the following:

Jessie Alvarado, a representative from Contract Sweeping, inquired about the start of the street sweeping contract.

With no further public comment, Mayor Bairos closed public comment at 7:11 p.m.

8. APPOINTMENT TO BOARDS AND COMMISSIONS

None.

9. CITY COUNCIL CONSENT AGENDA

Mayor Bairos asked if the City Council had any questions regarding or requests to remove items from the Consent Agenda. There were none.

The consent agenda is comprised of Items 9.1 through 9.6. Unless there is discussion by a member of the audience/Council they may be approved in one motion.

9.1: Approve the Special and Regular City Council Meeting Minutes of February 1, 2021 and Special City Council Meeting Minutes of February 10, 2021.

9.2: Receive and File the Warrant List for the Period January 28, 2021 through February 7, 2021.

9.3: By Motion, Waive all Readings of Ordinances and Resolutions, except by Title.

9.4: Adopt City Council Resolution 2021-005, A Resolution of the City of Oakdale City Council Declaring Property Surplus and Authorizing the Release of the Property to California Auction Company for Sale in an upcoming Auction, or Permanent Disposal through Gilton Solid Waste Management or Covanta Energy.

9.5: Adopt City Council Resolution 2021-006, A Resolution of the City of Oakdale City Council Approving a Grant Deed to Grant Property (1,064 sq. ft.) to the City of Oakdale from Brian and Kelly Lemons for the purposes of placing a Pump Station for landscape irrigation needs.

9.6: Accept by Minute Order, the January 2021 Treasurer's Report.

MOTION

To approve the City of Oakdale City Council Consent Agenda Items 9.1 through 9.6 for February 16, 2021.

Moved by Council Member Chiara and seconded by Council Member F. Smith and PASSED AND ADOPTED this 16th day of February, 2021, by the following vote:



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AYES: COUNCIL MEMBERS: Chiara, F. Smith, C. Smith, Haney, Bairos	(5)
NOES: COUNCIL MEMBERS: None	(0)
ABSENT: COUNCIL MEMBERS: None	(0)
ABSTAINED: COUNCIL MEMBERS: None	(0)

Motion carried 5/0 by City Council roll call vote.

10. PUBLIC HEARINGS

10.1: (Continued from the February 1, 2021 Meeting) Consider a Resolution Declaring Intent to Annex Additional Territory to City of Oakdale Community Facilities District No. 2007-1 (Public Safety Services) Annexation No. 14 (Senior Housing). *Public Hearing Notice published in the Oakdale Leader on January 27, 2021 and February 10, 2021.*

Mayor Bairos announced the public hearing and asked if any property owners or registered voters wanted to file written protests. With none filed, she opened the public hearing at 7:14 p.m. and called for the staff presentation.

Director Avila provided a staff report on the annexation stating that the proposed CFD No. 2007-1 Annexation No. 14 would provide funding for public safety including, fire services, law enforcement, code enforcement and animal control in the annexed area. He provided the special tax rates for 2020/2021 and stated that the property owner voted to approve the annexation. He concluded his report requesting the City Council adopt a Resolution declaring intent to annex additional territory to City of Oakdale Community Facilities District No. 2007-1 (Public Safety Services) Annexation No. 14 (Senior Housing) and adopt a Resolution declaring the results of the special annexation election, determining validity of prior proceedings and directing the recording of an amended notice of special tax lien for Community Facilities District No. 2007-1, Annexation No. 14.

Staff responded to questions from the City Council and then Mayor Bairos announced the Council would receive comments, questions, and/or any oral protests. With none given, she closed the public hearing at 7:19 p.m. and asked for a motion to be made for the adoption of a Resolution of annexation of the territory to the Community Facilities District No. 2007-1 (Public Safety Services), Annexation No. 14 (Senior Housing).

MOTION

To adopt Resolution 2021-007, a Resolution of the City Council of the City of Oakdale declaring intent to annex additional territory to City of Oakdale Community Facilities District No. 2007-1 (Public Safety Services) Annexation No. 14 (Senior Housing).

Moved by Council Member F. Smith and seconded by Council Member Chiara and PASSED AND ADOPTED this 16th day of February, 2021, by the following vote:

AYES: COUNCIL MEMBERS: F. Smith, Chiara, C. Smith, Haney, Bairos	(5)
NOES: COUNCIL MEMBERS: None	(0)
ABSENT: COUNCIL MEMBERS: None	(0)
ABSTAINED: COUNCIL MEMBERS: None	(0)



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Motion carried 5/0 by City Council roll call vote.

Mayor Bairos asked Deputy City Clerk Christel to announce the results of the property owner's vote. Deputy Christel responded one vote was received and was in favor of the annexation. Mayor Bairos then asked for a motion to be made to adopt a Resolution declaring the results of the Special Annexation Election.

MOTION

To adopt Resolution 2021-008, a Resolution of the City Council of the City of Oakdale declaring the results of the special annexation election, determining validity of prior proceedings and directing the recording of an amended notice of special tax lien for Community Facilities District No. 2007-1, Annexation No. 14.

Moved by Council Member Chiara and seconded by Council Member F. Smith and PASSED AND ADOPTED this 16th day of February, 2021, by the following vote:

AYES: COUNCIL MEMBERS: Chiara, F. Smith, C. Smith, Haney, Bairos	(5)
NOES: COUNCIL MEMBERS: None	(0)
ABSENT: COUNCIL MEMBERS: None	(0)
ABSTAINED: COUNCIL MEMBERS: None	(0)

Motion carried 5/0 by City Council roll call vote.

11. STAFF REPORTS

11.1: Discussion on the City of Oakdale's two (2) Cannabis Development Agreements between JDI Farms, Inc. and MDS Business Services, Inc., and the City of Oakdale.

City Manager Whitemyer provided a staff report and PowerPoint Presentation on the two Cannabis Development Agreements between JDI Farms, Inc. and MDS Business Services, Inc. and the City of Oakdale. City Manager Whitemyer provided a brief history on cannabis regulation and the City's cannabis ordinance, Ordinance No. 1255, establishing a Cannabis Business Program to regulate cannabis business in the City of Oakdale. He explained that at the same time, the City Council adopted Development Agreements between JDI Farms, Inc. (Ordinance No. 1257) and MDS Business Services, Inc. (Ordinance No. 1258) and provided information on the purpose, fees associated with each agreement, and that each respective agreement consisted of a three-year term that is set to expire on March 31, 2021.

City Manager Whitemyer discussed the total amount of funds JDI Farms, Inc. and MDS Business Services, Inc. has contributed to the City of Oakdale and that they both have expressed their desire to extend their Development Agreements. He further explained that the City has had conversations with both companies regarding the potential financial terms of proposed amendments to their respective Development Agreements and, based on these discussions, a tentative agreement had been reached for the Cannabis Dispensary operations for both operators; however, that discussions were still ongoing related to the public benefit fee for the Manufacturing and Cultivation operations.



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City Manager Whitemyer concluded his report asking the City Council to provide direction to staff to:

1. Initiate proceedings to amend the current Development Agreements between the City and JDI Farms, Inc. and MDS Business Services, Inc. based on the terms provided in this Staff Report.
2. Authorize an extension of each Development Agreement for a period of ninety (90) days to allow staff and both JDI Farms, Inc. and MDS Business Services, Inc. to formalize amended Development Agreements for future consideration by the Planning Commission and City Council.
3. Initiate proceedings to revoke or suspend the adopted Major Use Permits for both JDI Farms, Inc. and MDS Business Services, Inc. in accordance with Section 4.3 of their respective Development Agreements for failure to comply with the agreements' financial terms.

Staff responded to questions from the City Council and a representative from JDI Farms, Inc. answered questions asked by Council Member Fred Smith.

Mayor Bairos opened the item for Public Comment. With no public comment, Mayor Bairos asked that a motion be made for this item.

MOTION

By Minute Order, authorize an extension of each Development Agreement for a period of ninety (90) days to allow staff and both JDI Farms, Inc. and MDS Business Services, Inc. to formalize amended Development Agreements for future consideration by the Planning Commission and City Council.

Moved by Council Member F. Smith and seconded by Council Member Chiara and PASSED AND ADOPTED this 1st day of March, 2021, by the following vote:

AYES:	COUNCIL MEMBERS: F. Smith, Chiara, C. Smith, Bairos	(4)
NOES:	COUNCIL MEMBERS: Haney	(1)
ABSENT:	COUNCIL MEMBERS: None	(0)
ABSTAINED:	COUNCIL MEMBERS: None	(0)

Motion carried 4/1 by City Council roll call vote.

12. CITY MANAGERS REPORT

12.1: February 2021 Department Reports

City Manager Whitemyer advised the City Council that the February 2021 Department reports were including in their agenda packet for their review.

12.2: Update on COVID-19 Response in Oakdale (Verbal Report).

City Manager Whitemyer provided an update on the COVID response in Oakdale and



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discussed the scheduling of the vaccination clinics at the Senior Center in Oakdale.

13. CITY COUNCIL ITEMS

- 13.1: Consider City Council Appointments to City Boards, Commissions and Committees; and Regional Boards, Commissions and Committees for Calendar Year 2021.

Mayor Bairos advised she had spoken with several of the Council Members and they have indicated they are willing to accept appointment to fill vacant positions on City and Regional Boards, Commissions and Committees for the Calendar Year 2021. City Manager Whitemyer read aloud the appointments.

MOTION

To ratify appointments to the following vacant positions on City and Regional Boards, Commissions, and Committees for the Calendar Year, 2021 as follows:

Cannabis Development Agreement Review Committee	Council Member Chiara Council Member F. Smith
Economic Development Ad Hoc Committee	Mayor Bairos Council Member Haney
Local Sales Tax Measure Oversight Committee (Currently Measure H)	Council Member F. Smith
Fire Advisory Ad-Hoc	Mayor Bairos Council Member Chiara
Fire Advisory Board	Mayor Bairos Council Member Chiara
Senior Citizens Advisory Commission	Mayor Bairos
Senior Housing Corporation Board	Council Member F. Smith Council Member C. Smith
Tourism Business Improvement District Advisory Board	Council Member Chiara
City/Oakdale Irrigation District 2+2 Committee	Mayor Bairos Council Member Chiara
City/Schools 2+2 Committee	Mayor Bairos Council Member Chiara
Central Valley Division Executive Committee (League of California Cities)	Mayor Bairos Council Member C. Smith
Environmental Quality Policy Committee (League of California Cities)	Mayor Bairos
Economic Development Action Committee (EDAC)*	Council Member Haney Council Member F. Smith
Stanislaus Council of Governments (StanCOG) Policy Board*	Council Member Chiara Council Member F. Smith



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Stanislaus Economic Development and Workforce Business Alliance Board*	Council Member Chiara
Stanislaus County Mayors Meetings	Mayor Bairos
City/Oakdale Fire District 2+2 Committee	Mayor Bairos Council Member Chiara
San Joaquin Valley Air Pollution Control District Valleywide Special City Selection Committee	Council Member C. Smith

PASSED AND ADOPTED this 16th day of February, 2021, by the following vote:

AYES: COUNCIL MEMBERS: F. Smith, Chiara, C. Smith, Haney, Bairos (5)
 NOES: COUNCIL MEMBERS: None (0)
 ABSENT: COUNCIL MEMBERS: None (0)
 ABSTAINED: COUNCIL MEMBERS: None (0)

Motion carried 5/0 by City Council roll call vote.

13.2: Review Calendar to Schedule Dates to hold City Council Workshops.

City Manager provided a brief update to the City Council regarding the proposed Workshop schedule. Due to a few scheduling conflicts, the dates for the proposed workshops were changed to the following: March 24, 2021, March 31, 2021, April 7, 2021.

Workshops will begin at 6:00 p.m. and will be held at the Gene Bianchi Community Center.

Mayor Bairos asked if any Council Members had anything they would like to add.

Council Member Fred Smith mentioned that garbage rates will be going up due to the new Assembly Bill that was passed and also mentioned that the River Clean Up Crew is still in need of trash bags and volunteers to assist with the clean-up events.

Council Member Haney also discussed the newly passed Assembly Bill and the impact it will have on garbage rates.

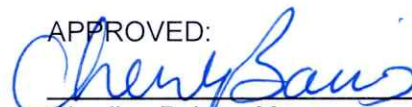
14. ADJOURNMENT

There being no further business, Mayor Bairos adjourned the meeting at 8:17 p.m.

ATTEST:


 Julie Christel, Deputy City Clerk

APPROVED:


 Cherilyn Bairos, Mayor