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CITY OF OAKDALE CITY COUNCIL REGULAR MEETING MINUTES

City Council Chambers
277 North Second Avenue
Oakdale, CA 95361

Monday, March 2, 2020

7:00 PM

City Council Chambers

1. CALL TO ORDER:

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

2. COUNCIL/AGENCY MEMBERS PRESENT/ABSENT:

Present: Mayor McCarty
Mayor Pro Tem Murdoch
Council Member Chiara
Council Member Smith

Staff Present: City Manager Whitemyer
City Attorney Hallinan
Police Chief Heller
Public Works Superintendent Bridgewater
Contract Planner Niskanen
Council Services Manager Christel
Senior Building Inspector Odom

Absent: Council Member Bairos

3. PLEDGE OF ALLEGIANCE AND INVOCATION

Mayor McCarty led the pledge of allegiance.

4. INVOCATION

Pastor Ryan Poling of the River Christian Community provided the invocation.

5. PRESENTATIONS/ACKNOWLEDGEMENTS

6. Additions/Deletions

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

7. Public Comments

Public Comment opened at 7:02 p.m.

Karina Mendoza, Branch Manager of the Oakdale Library, updated the City Council on current events and projects happening at the Oakdale Library.



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Next City Council Resolution: 2020-020

Next Ordinance: 1271

John Lane, resident of Oakdale, expressed his appreciation for the river trail by his neighborhood and stated that a mountain lion was recently spotted on the trail.

Dave Perez, resident of Oakdale, expressed his appreciation for the speed bump that was installed by the high school and requested another one be installed in close proximity to the current one.

Emily Copland, a resident of Oakdale, discussed the dangers of a 5G network and handed copies of a document titled, "Dangers of a 5G Network" to the Deputy City Clerk.

Public Comment closed at 7:12 p.m.

8. Appointment to Boards and Commissions

None Scheduled.

9. City Council Consent Agenda

Mayor McCarty asked are there any questions or requests to remove items from the Consent Agenda. No questions or requests to remove items from the Consent Agenda were requested.

The consent agenda is comprised of Items 9.1 through 9.5. Unless there is discussion by a member of the audience/Council they may be approved in one motion.

- 9.1: Approve the Regular City Council Meeting Minutes of February 18, 2020.
- 9.2: Receive and File the Warrant List for the Period January 18, 2020 through February 14, 2020.
- 9.3: By Motion, Waive all Readings of Ordinances and Resolutions, except by Title.
- 9.4: Accept by Minute Order, the January 2020 Treasurer's Report.
- 9.5: Adopt City of Oakdale City Council Resolution 2020-018 Authorizing the Purchase of a 2019 Chevrolet 1500 from Robert's Auto Sales, Inc. in the amount of \$28,914.01 from the Water Capital Replacement Fund 644.

Mayor McCarty requested a motion be made for this item.

MOTION

To approve the City of Oakdale City Council Consent Agenda Items 9.1 through 9.5 for March 2, 2020.

Moved by Council Member Chiara and seconded by Council Member Smith and PASSED AND ADOPTED this 2nd day of March, 2020, by the following vote:



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AYES:	COUNCIL MEMBERS: Chiara, Smith, Murdoch, and McCarty	(4)
NOES:	COUNCIL MEMBERS: None	(0)
ABSENT:	COUNCIL MEMBERS: Bairos	(1)
ABSTAINED:	COUNCIL MEMBERS: None	(0)

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

10. Public Hearings

- 10.1: Appeal of Planning Commission's Action on Minor Use Permit No. 2019-16 (MNUP 19-16 Last Call Brewing Company) for Property Located at 159 N. First Avenue.

Mayor McCarty announced that Council Member Chiara would be excusing herself from this item while she left the dais and the meeting room.

Mayor McCarty introduced the public hearing item and stated that anyone wanting to submit a written protest, should submit it to the Deputy City Clerk at that time.

With no written protests received, Mayor McCarty declared the public hearing open at 7:14 p.m. and asked staff to begin their presentation.

City of Oakdale Contract Planner Niskanen presented a staff report and PowerPoint Presentation to the City Council requesting the City Council overturn the Planning Commission's denial of Minor Use Permit No. 2019-16 for Last Call Brewing and motion to approve Resolution No. 2020-019, approving Minor Use Permit No. 2019-16 for a Period of Six (6) Months, subject to the conditions of approval contained herein, and authorize City staff to file a Notice of Exemption in accordance with Section 15062 of the CEQA Guidelines, and direct staff to develop a Mobile Food Ordinance for future consideration by the Planning Commission and City Council at a future public hearing, but not later than September 1, 2020.

At the completion of Contract Planner Niskanen's staff report, Mayor McCarty opened the hearing to public comment at 7:23 p.m.

Amy Rivi, joint owner of Rivi's and Oakdale resident, spoke about various ways she and her husband supported Last Call Brewery when they first stated and the disappointment they felt when Last Call did not seem receptive to their (Rivi's) efforts to offer food services to Last Call patrons. She talked about the importance of supporting local businesses and stated that all they are asking is that the same rules and guidelines be applied to all businesses in the downtown area. Rivi's would also like to have a mobile food vendor in front of their business and asked the City Council why couldn't they meet somewhere in the middle by asking ASTRO if they would allow a mobile food truck in their parking lot after business hours and patrons from both establishments would benefit.



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Josh Garcia, owner and operator of Last Call Brewing Company, presented a signed petition and letters of support to the Deputy City Clerk and spoke in favor of overturning the Planning Commission's decision.

Council Member Murdoch asked Mr. Garcia about county requirements on restrooms.

Tom Boster, a resident of Oakdale, spoke in favor of allowing mobile food vendors in front of Last Call Brewing Company.

Maria Guardiola, Oakdale Chamber of Commerce, spoke in favor of allowing a temporary use permit and how this may be good for other businesses in town as well.

Walter Ramirez, employee of Last Call Brewing Company, stated they have seen an increase in business, not only from locals but from neighboring communities as well, due to having mobile food vendors. He wanted to defer the remainder of his time to Mr. Garcia, however, Mayor McCarty stated that speakers may not defer their time to others.

Michelle Thomaser, an Oakdale resident, read a letter of support from the Oakdale Realtors Association in support of allowing mobile food truck vendors.

Tyler Hendrick, an Oakdale resident, spoke in favor of having mobile food trucks.

John Lane, an Oakdale resident, spoke in support of allowing a temporary use permit for Last Call Brewing Company.

Paul Rivera, owner of Rivi's Restaurant, voiced frustration over the City's inconsistency with standards and requirements, including ADA requirements and license and permit fees. He mentioned mob mentality and thought that this whole issue had been resolved by the Planning Commission.

Kevin Benzinger, an Oakdale resident, spoke in support of allowing a temporary use permit for Last Call Brewing Company.

Roxanne (last name withheld), owner of an Oakdale business, spoke in support of allowing a temporary use permit for Last Call Brewing Company.

Joey Prather, an Oakdale resident, spoke about the well-being of Oakdale businesses.

Josh Malcom, with Dying Breed Brewing and an Oakdale resident, provided his experience in dealing with the City throughout the permitting process stating that he never experienced any backhanded dealings with the City and that he found all City staff to be extremely helpful. He wanted it on the record that Last Call Brewery has been very supportive of his business. He also mentioned that the increased traffic he has seen downtown is, in large part, due to Last Call.



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Jennifer Heartfell, an Oakdale resident and employee of Last Call Brewing Company, spoke about the importance of supporting local small businesses, not just local to the city of Oakdale but local to the area.

Bear Walters, resident of Oakdale, stated downtown businesses should be working together and spoke in support of allowing mobile food vendors at Last Call.

Rhonda Bell, an Oakdale resident, spoke about Council Member Chiara's character and the City Council's character.

Theresa Hammond, an Oakdale resident, spoke about the importance of fairness to all businesses.

Paul Skiffer, an Oakdale resident, spoke in support of allowing mobile food vendors in the downtown area.

Alice Garcia, an Oakdale resident, spoke in support of the City Council overturning the Planning Commission's decision.

Kevin McDonald, Oakdale resident and owner of Smokin' Oakies, spoke in support of allowing a temporary use permit for Last Call Brewing Company.

Heather Erickson, an Oakdale resident, spoke in support of allowing a temporary use permit for Last Call Brewing Company.

With no further comment, Mayor McCarty closed Public Comment and the Public Hearing at 8:24 p.m. and asked for comments from the City Council.

Council Member Murdoch expressed appreciation for all the public comments and said that he also appreciates the work of his fellow City Council members and stands by their integrity. He stated that the City Council wants to do the right thing for Oakdale by supporting rules currently in place and by making new rules that support the culture as Oakdale grows.

Council Member Smith also expressed appreciation for all the public comments and stated that the decision tonight would be made fairly and made on what is best for Oakdale and what is best for the businesses in town.

Mayor McCarty stated he believed in having an even playing field for all businesses. He said he had asked City staff if the food vendors had business licenses or permits and if they were monitored by the health department and that staff had replied yes to both questions. He stated that all businesses will have business licenses/permits and reiterated the City Council's support of all local business.

With no further comment, Mayor McCarty asked that a motion be made on this item.



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MOTION

To Overturn the Planning Commission's Denial and Motion to approve Resolution No. 2020-019, approving MNUP 2019-16 for a period of six (6) months, subject to the Conditions of Approval contained herein, and authorize City staff to file a Notice of Exemption in accordance with Section 15062 of the CEQA Guidelines, and direct staff to develop a Mobile Food Ordinance for future consideration by the Planning Commission and City Council at a future Public Hearing, but not later than September 1, 2020.

Moved by Council Member Murdoch and seconded by Council Member Smith and PASSED AND ADOPTED this 2nd day of March, 2020, by the following vote:

AYES:	COUNCIL MEMBERS: Murdoch, Smith, and McCarty	(3)
NOES:	COUNCIL MEMBERS: None	(0)
ABSENT:	COUNCIL MEMBERS: Bairos	(1)
ABSTAINED:	COUNCIL MEMBERS: Chiara	(1)

Motion carried 3/2 by City Council roll call vote.

11. Staff Reports

None Scheduled.

12. City Council Items

Council Member Smith appreciated everyone who spoke tonight and shared their opinions.

13. Adjournment

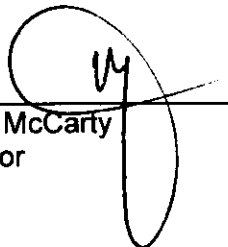
There being no further business, Mayor McCarty adjourned the meeting at 8:35 p.m.

ATTEST:



Julie Christel
Council Services and Legislative
Records Manager

APPROVED:



J.R. McCarty
Mayor