



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, October 18, 2021

7:00 PM

City Council Chambers

1. CALL TO ORDER:

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

2. COUNCIL MEMBERS PRESENT/ABSENT:

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

Staff Present: City Manager Whitemyer
City Attorney Hallinan
Police Chief Ramar
Finance Director Avila
Public Services Director Gravel
Council Services Manager Christel
Contract Planner Mark Niskanen
Assistant to the City Manager Mondragon
Division Chief Tietjen

Absent: None

3. Pledge of Allegiance & Invocation

Mayor Bairos led the pledge of allegiance and Pastor Ryan Poling of the River Christian Community provided the invocation.

4. Report out of Closed Session

Mayor Bairos reported out of closed session stating the City Council provided direction to staff.

5. Presentations/Acknowledgements

None.

6. Additions/Deletions

Mayor Bairos asked City Manager Whitemyer if there were any changes or deletions to the agenda. City Manager Whitemyer advised that Item 11.2 under Staff Reports needed to be moved to Public Hearing.

7. Public Comments

Mayor Bairos opened Public Comment at 7:02 p.m.

Public Comment was received from the following:

"Cowboy Capital of the World"



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Bob Amaral spoke about trees on the corner of eastside of West H and Oak Avenue wanted to know who was responsible for maintaining the trees. City Manager Whitemyer responded to Mr. Amaral's concern.

With no further comments, Mayor Bairos closed Public Comment at 7:05 p.m.

8. Appointment to Boards, Commissions, Committees

None.

9. City Council Consent Agenda

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 Special City Council Meeting Minutes of September 27, 2021 and the Regular City Council Meeting Minutes of October 4, 2021.
- 9.2: Receive and file the Warrant List for the period September 30, 2021 through October 13, 2021.
- 9.3: By Motion, waive all readings of Ordinances and Resolutions, except by title.
- 9.4: Approve by Minute Order, City Co-Sponsored Special Event Application submitted by the Infinite Athletics for the Veteran's Day Parade and Ceremony scheduled for November 11, 2021.
- 9.5: Adopt Resolution 2021-102, A Resolution of the City of Oakdale City Council awarding a contract to Lancaster Painting to prime and paint the flagpole at East G Street and South Yosemite Avenue.

MOTION

To approve the City of Oakdale City Council Consent Agenda Items 9.1 through 9.5 for October 18, 2021.

Moved by Mayor Pro Tem Smith, and seconded by Council Member Smith and PASSED AND ADOPTED this 18th day of October 2021, by the following vote:

AYES: COUNCIL MEMBERS:	C. Smith, F. Smith, Chiara, 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.



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10. Public Hearings

- 11.2: **Item moved from Staff Reports to Public Hearings** - Consider a Resolution supporting a Modified Variance to allow the Applicant to Re-locate a recently constructed fence along N. 6th Avenue frontage from three (3) feet behind the sidewalk to ten (10) feet behind the sidewalk, re-locate fence facing East D Street to six (6) feet behind the sidewalk and prohibit any occupancy within the Recreational Vehicle (RV) stored on the Project Site.

Mayor Bairos opened the Public Hearing at 7:06 p.m.

City Contract Planner Mark Niskanen provided a staff report and PowerPoint Presentation on a request for a modified variance to allow an applicant to re-locate a recently constructed fence along N. 6th Avenue frontage from three (3) feet behind the sidewalk to ten (10) feet behind the sidewalk, re-locate the fence facing East D Street to six (6) feet behind the sidewalk and prohibit any occupancy within the recreational vehicle stored on the project site. He provided a history and timeline of the project, reviewed City zoning Ordinances related to the variance request, and discussed the findings from the Planning Commission Hearing on September 1, 2021. Planner Niskanen also discussed the applicant's revised proposals for relocating the existing fences.

Staff responded to questions from the City Council.

With no further questions from the City Council, Mayor Bairos opened the Public Hearing for public comment at 7:13 p.m.

Brett Dickerson, attorney for the applicant, provided information regarding the proposed modified variance and information regarding the property. He thanked the City for taking the time to meet with him and his client.

Alice Garcia spoke in favor of keeping the fence the way it currently exists and discussed issues with parked vehicles in residential neighborhoods.

Anna Christianson did not believe the fence was engineered to be seven (7) feet tall and discussed dangerous conditions a fence that tall creates.

Linda Walker stated she liked the fence and did not have issues with the fence.

William Bryant spoke about the hazards of backing out of the driveway next to the fence and the hazardous conditions the current fence creates.

Kevin Hofman stated the fence should be put back to its original height of three (3) feet.

Ron Crowe, resident at the property requesting the fence variance, spoke about issues with his neighbor and that the existing fence is cleaner and safer.



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Ryan (name inaudible) spoke about the hazards the current fence creates.

With no further public comment, Mayor Bairos closed the Public Hearing at 7:35 p.m.

The City Council discussed the proposed modifications to the existing fences on the 6th Street side and the D Street side with each Council Member providing their thoughts on the issue.

After City Council discussion, Mayor Bairos asked for a motion to be made on this item.

MOTION

Adopt Resolution 2021-103, a Resolution of the City of Oakdale City Council supporting a Modified Variance to allow the Applicant to Re-locate a recently constructed fence along N. 6th Avenue frontage from three (3) feet behind the sidewalk to ten (10) feet behind the sidewalk, re-locate fence facing East D Street to six (6) feet behind the sidewalk and prohibit any occupancy within the Recreational Vehicle (RV) stored on the Project Site.

Moved by Council Member Smith, and seconded by Council Member Chiara and PASSED AND ADOPTED this 18th day of October 2021, by the following vote:

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

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

11. Staff Reports

11.1: Consider a Resolution directing the City Manager to develop and execute an Agreement with Oakdale Irrigation District (OID) to provide materials and labor to construct two (2) Irrigation Pump Stations and related piping and request OID use their dedicated reserve funds for this purpose of City irrigation needs for the Greger and Dog Park Basin locations and authorize City staff to expend up to \$100,000 from Fund 644, Water Capital Replacement.

Director Gravel provided a staff report and PowerPoint Presentation on a request to develop and execute an Agreement with Oakdale Irrigation District (OID) to provide materials and labor to construct two (2) Irrigation Pump Stations and related piping and request OID use their dedicated reserve funds for this purpose of City irrigation needs for the Greger and Dog Park Basin locations. He provided information and pictures of the project, discussed the bid process and how, due to the cost disparity between the engineer's estimate and received bids, staff pursued working with OID to refine the scope of work with an emphasis on irrigation design standards versus domestic water standards.



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He concluded his report requesting City Council approve a Resolution directing the City Manager to develop and execute an Agreement with Oakdale Irrigation District (OID) to provide materials and labor to construct two (2) Irrigation Pump Stations and related piping and request OID use their dedicated reserve funds for this purpose of City irrigation needs for the Greger and Dog Park Basin locations and authorize City staff to expend up to \$100,000 from Fund 644, Water Capital Replacement

Staff responded to questions from the City Council.

Both Director Gravel and City Manager Whitemyer thanked Oakdale Irrigation District for their efforts and partnership for this project.

Mayor Bairos opened Public Comment for this item. Public comment was received from:

Sharon Cisneros, Chief Financial Officer for the Oakdale Irrigation District, stated that her team was excited to be a part of this project and that they look forward to working on future projects.

With no further public comment, Mayor Bairos closed Public Comment and asked for a motion to be made on this item.

MOTION

Adopt Resolution 2021-104, a Resolution of the City of Oakdale City Council directing the City Manager to develop and execute an Agreement with Oakdale Irrigation District (OID) to provide materials and labor to construct two (2) Irrigation Pump Stations and related piping and request OID use their dedicated reserve funds for this purpose of City irrigation needs for the Greger and Dog Park Basin locations and authorize City staff to expend up to \$100,000 from Fund 644, Water Capital Replacement.

Moved by Mayor Pro Tem Smith, and seconded by Council Member Chiara and PASSED AND ADOPTED this 18th day of October 2021, by the following vote:

AYES: COUNCIL MEMBERS:	C. Smith, Chiara, F. 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.

- 11.3: Consider a Resolution for setting Public Hearing and Protest Procedures for proposed rate increase for Solid Waste Disposal rates:
- 1) Declaring the City of Oakdale’s intention to adopt increased solid waste disposal service rates, setting a public hearing for December 6, 2021, and directing City staff to provide notice pursuant to Proposition 218; and



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2) Adopting ballot procedures.

City Manager Whitemyer provided a staff report and PowerPoint Presentation on a request for setting a Public Hearing and Protest Procedures for a proposed rate increase for solid waste disposal rates. He discussed Senate Bill 1383 (SB 1383) and the obligations the law imposes on the City, its waste franchise agreement with Gilton Solid Waste Management, residents and businesses. He explained that in order to assist the City in meeting SB 1383 mandates, Gilton had requested an adjustment to their monthly service rates based on the increased processing cost to capture and divert the highest amount of organic materials from both residential and commercial waste streams as required by SB 1383. He also explained that in addition to the increase in Gilton's rates to address SB 1383 mandates, the City is responsible for program oversight and management tasks required by State law.

City Manager Whitemyer reviewed the rate increases prepared by City staff and Gilton and stated that the City is proceeding to comply with Article XIID, Section 6 of the California Constitution, ("Proposition 218") in connection with the proposed rate increase and franchise agreement. He explained that pursuant to Government Code 53755, Proposition 218 notices would be mailed to the record owners of each parcel receiving solid waste services by October 22, 2021, in compliance with the minimum 45-day notice requirement and, in accordance with Section 6 of Article XIII D of the California Constitution, that the City Council needed to schedule and conduct a public hearing with respect to the proposed increases in solid waste disposal service rates requested by Gilton. Under Proposition 218, if written protests against the proposed fee or charge are presented to the City by a majority of owners of the identified parcels prior to the close of the public hearing, the agency shall not impose the fee or charge.

He concluded his presentation requesting the City Council adopt Resolutions for: 1) Declaring the City of Oakdale's intention to adopt increased solid waste disposal service rates, setting a public hearing for December 6, 2021, and directing City staff to provide notice pursuant to Proposition 218; and 2) adopting ballot procedures.

Staff responded to questions from the City Council.

Mr. Gilton spoke about the inability to refuse the organic can due to City ordinance.

Mayor Bairos opened Public Comment for this item. Public comment was received from:

Bob Amaral asked about potential fines for people who do not comply in regards to landlords versus tenants. City Manager Whitemyer responded to Mr. Amaral's question.

With no further public comment, Mayor Bairos closed Public Comment and asked for a motion to be made on this item.

MOTION

- 1) Adopt Resolution 2021-105, a Resolution of the City of Oakdale City Council declaring the City of Oakdale's intention to adopt increased solid waste disposal



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- service rates, setting a public hearing for December 6, 2021, and directing City staff to provide notice pursuant to Proposition 218; and
- 2) Adopt Resolution 2021-106, a Resolution of the City of Oakdale City Council adopting ballot procedures.

Moved by Council Member Smith, and seconded by Mayor Pro Tem Smith and PASSED AND ADOPTED this 18th day of October 2021, by the following vote:

AYES: COUNCIL MEMBERS:	F. Smith, C. Smith, Chiara, 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.

12. City Manager’s Report

12.1: October 2021 Department Reports

City Manager Whitemyer advised the October 2021 Department Reports were included in the Agenda Packet for the City Council’s review.

13. City Council Items

- 13.1: *Item continued from October 4, 2021 City Council Meeting* - Consider a Resolution accepting American Rescue Plan Act (ARPA) Funds in the amount of \$5,644,664 over the next two fiscal years and approving the City of Oakdale ARPA Expenditure Plan.

City Manager Whitemyer provided a staff report and PowerPoint Presentation on the American Rescue Plan Act (ARPA) funds the City will be receiving in the total amount of \$5,644,644.00 over the next two years. He provided an overview of the ARPA program and reviewed the City’s proposed Expenditure Plan going over each line item. He added that City Council can always amend the plan, as long as any amendments meet the five core areas as determined by the Act.

Staff responded to questions from the City Council.

There was discussion regarding City staff working on an application process for local non-profits to apply for ARPA funds and reinstating a citywide RAD Card Program.

Mayor Bairos opened Public Comment for this item and with no comments, closed the Public Comment period.

Mayor Bairos appointed Mayor Pro Tem Smith and Council Member Smith to sit on the applicant review panel for the distribution of ARPA funds to local non-profits.



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With no further discussion, Mayor Bairos asked for a motion to be made on this item.

MOTION

Adopt Resolution 2021-107, a Resolution of the City of Oakdale City Council accepting American Rescue Plan Act (ARPA) Funds in the amount of \$5,644,664 over the next two fiscal years and approving the City of Oakdale ARPA Expenditure Plan.

Moved by Mayor Pro Tem Smith, and seconded by Council Member Chiara and PASSED AND ADOPTED this 18th day of October 2021, by the following vote:

AYES: COUNCIL MEMBERS:	C. 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: Discussion regarding the installation of a Digital Sign at Wood Park.

City Manager Whitemyer provided a staff report and PowerPoint Presentation originally presented at the December 4, 2019 City Council meeting regarding the installation of a digital sign at Wood Park. He explained that in 2018, the City was approach by a few local service clubs asking about placing a digital sign at the southeast corner of F Street and Yosemite Avenue in Wood Park. It was proposed that the sign would be used by the local service clubs to announce upcoming fundraisers and service activities and for local non-profit organizations who could use it to disseminate important information to the community. He also explained that four local service clubs had pledged to donate \$5,000.00 each to help cover some of the costs of the community sign.

City Manager Whitemyer concluded his presentation with a reviewed the costs associated with the purchase of the sign, including the City's portion.

Staff responded to questions from the City Council and Mayor Bairos opened the item for public comment.

Kathleen Westenberg felt a sign in that area would be a distraction.

Bob Amaral also felt that a sign in that area would be a distraction.

Alice Garcia thought the proposed corner was too busy an area for a digital sign.

Amy Craig felt a digital sign would not be a good idea.

With no further comments, Mayor Bairos closed public comment.



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Each Council Member provided their thoughts on the digital sign and after some discussion, the City Council decided to not move forward on this item.

Mayor Bairos congratulated Police Chief Ramar on being selected as the new Chief of Police for the Oakdale Police Department. She also announced the Veteran's Day Parade and Ceremony on Thursday, November 11, 2021 at Fish Park in Oakdale. Line up for the parade will begin at 9:00 a.m. at the F.E.S. Hall and the parade will start at 10:00 a.m. The ceremony at Fish Park will be at 11:00 a.m.

Mayor Bairos also announced the Trunk or Treat Event at Infinite Athletics on Saturday, October 30, 2021 in the evening.

Mayor Bairos also asked City Manager Whitemyer for an update on D Street. City Manager provided information on the project.

Council Member Chiara announced her resignation from the City Council effective December 10, 2021.

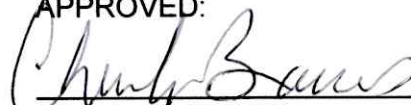
14. Adjournment

The next Regular meeting of the Oakdale City Council will be held Monday, October 18, 2021 at 7:00 p.m. in the Council Chambers. There being no further business, Mayor Bairos adjourned the meeting at 8:50 p.m.

ATTEST:


Julie Christel, Deputy City Clerk

APPROVED:


Cheryl Bairos, Mayor