

City of Patterson
City Council Special Meeting
March 18, 2014
Minutes
(Closed Session)

1. Call to Order

The special meeting (Closed Session) of the City Council of the City of Patterson was called to order in the City Council Chambers at 6:01 p.m. by Mayor Molina

Present: Councilmembers Lustgarten, Novelli, Farinha, Buehner and Mayor Molina (5)

Staff Present: City Manager Butler, City Attorney Hallinan, Deputy City Attorney White and Finance Director Moreno (4)

At this time, Mayor Molina announced the items listed to be discussed in Closed Session and opened the items to public comments.

The City Council will adjourn to Closed Session to address the following:

- a. Conference with Real Property Negotiator per Government Code Section 54956.8.
Negotiation Parties: City Manager & Thrust Properties, LLC (property owner).
Properties: 048-048-001, 048-048-010 (15349 and 15421 Ninth Street, Patterson)
Under Negotiation: Price & Terms of Payment.
- b. Conference with Legal Counsel, Potential Litigation pursuant to California Government Code Section 54956.9 (c) (2 cases)
- c. Conference with City Attorney, Existing ~~Pending~~ Litigation pursuant to California Government Code Section 54956.9 (a) (2 cases)
 1. City of Patterson v. Patterson Hotel Associates, LLC et al.
Stanislaus County Superior Court Case No. 670042
 2. Westside Property Management v. City of Patterson
Stanislaus County Superior Court Case No. 680554

2. Statements of Conflict

Councilmember Buehner stated he had a Conflict of Interest with Item C. No. 2 and therefore would not be participating in the discussions or voting (if any) on the item.

3. Items from the Public – there were no public comments.

4. Adjourn to Closed Session

There being no public comments, the Patterson City Council adjourned to Closed Session.

5. Report from Closed Session (if any)

There were no items to report out from Closed Session.

6. Adjournment

There being no further business, the special meeting (Closed Session) of the City Council of the City of Patterson of March 18, 2014 was adjourned at 7:10 p.m.

Approved by the Patterson City Council on July 15, 2014.

City of Patterson
City Council Regular Meeting
West Patterson Financing Authority
March 18, 2014
Minutes

1. Call to Order

The regular meeting of the City Council of the City of Patterson was called to order in the City Council Chambers at 7:15 p.m. by Mayor Molina

Present: Councilmembers Lustgarten, Novelli, Farinha, Buehner and Mayor Molina (5)

Staff Present: City Manager Butler, City Attorney Hallinan, Deputy City Attorney White, Finance Director Moreno, City Planner Andrews, City Engineer Irwin, Human Resources Manager Tucci, Public Works Director Willett, Public Works Management Analyst Basalusalu, Public Works Management Analyst Encinas, Public Works Administrative Manager Delgado, Fire Division Chief Breasher, Police Chief Hughes and City Clerk Vela (14)

Excused: Fire Chief Hall, Recreation & Community Services Director Flanders (2)

2. Pledge of Allegiance

3. Statements of Conflict – none.

4. Items from the Public

Mel Clemmer, 526 Tarland Lane, Patterson – addressed the City Council on the item of a Modesto Bee Article this weekend about agencies pumping water and selling excess water. Mr. Clemmer stated Patterson was named in the article. Mr. Clemmer requested an explanation on the statement - why City was selling potable and non-potable water.

City Manager Butler stated staff would prepare a statement in writing for the citizens. City Manager Butler stated the City of Patterson was not selling water. Mr. Butler stated the article was probably referring to the Patterson Irrigation District selling water.

Gordon Hitiger, 445 Roadrunner Drive, Patterson – addressed the City Council of his interest in open an athletic training facility in Patterson. Mr. Hitiger stated he was looking for any direction on how/where to start a business in Patterson.

Councilmember Lustgarten suggested for Mr. Hitiger to start with the Stanislaus County Alliance – they had a lot of good information/resources for small businesses to get started.

5. Consent Calendar

All items are approved by a single action. Any item may be removed from the Consent Calendar for separate discussion upon request from a member of the Public, Staff and/or Councilmember.

5.1 Motion to Waive Readings - All Readings of Ordinances and Resolutions, Except by Title are hereby waived.

5.2 Approve the City Council Meeting Minutes of December 3, 2013, January 21, 2014, January 28, 2014, February 4, 2014 and February 18, 2014.

Councilmember Lustgarten asked for the Minutes of January 28, 2014 to be corrected – her statement to read as follows: in support of Option 2 more officers working towards option 1 in full because City recently annexed property into the City and City is growing. City Clerk Vela to correct the minutes.

Staff (Police and City Manager) to report back on the item of School cancelling the School Resource Officer Position at the April 2014 Council meeting.

5.3 Approve the City Department Reports for the Months of October, November, December 2013 and January, February 2014 (Community Development, Finance, Fire, Police, Public Works and Recreation & Community Services)

Councilmember Lustgarten addressed the item of the Community Development Department to be more description with information on major 2014 projects listed, time lines, etc.

5.4 Approve the City Commission and Committee Reports for the Months of January and February 2014 (Beautification Committee, Parks & Recreation Commission and Planning Commission)

Planning Commission – 2 Members of the Planning Commission appointed to an Ad Hoc Committee (Barba & Bingham) to review Water and 2 Members of the Planning Commission appointed to another Ad Hoc Committee (Applegate and Bendix) to review Transportation. Both Ad Hoc Committees to bring report to Council for review.

Councilmember Lustgarten asked for an update on the neighborhood stabilization program.

5.5 Approve Resolution No. 2014-17, Accepting the Public Improvements for the Sperry Avenue Turf Replacement Project as Complete, Authorizing Staff to File the Notice of Completion and Commence the 60-Day Maintenance Period and One-Year Warranty Period.

5.6 Monthly Update on Grant Writing Activities from California Consulting.

Councilmember Lustgarten moved to approve Consent Calendar Items 5.1 through 5.6. The motion was seconded by Councilmember Farinha and unanimously approved by a 5-0 roll call vote.

6. Presentations and Public Hearings

6.1 Presentation: Outreach Efforts by Public Works Department

Public Works Director Willett reviewed his staff report.

Peni Basalusalu Public Works Management Analyst reviewed his staff report – power point presentation.

**6.2 Presentation/
Action Item:**

Review and Accept the City of Patterson’s 2012-2013
Financial Audit Report.

Review and Accept the City of Patterson’s 2012-13
Transportation Development Act Funds Financial Audit
Report.

Finance Director Moreno reviewed her staff report – power point presentation.

Justin Williams, CPA, CVA (Partner) Mann, Urrutia, Nelson CPA’s & Associates, LLP (City Auditor) reviewed his report – power point presentation.

At 8:04 Mayor Molina opened the item to public comments. There were no public comments.

Mayor Molina moved to accept the City of Patterson’s 2012-2013 Financial Audit Report as presented and the City of Patterson’s 2012-2013 Transportation Development Act Funds Financial Audit Report as presented. The motion was seconded by Councilmember Farinha and unanimously approved by a 5-0 roll call vote.

At 8:04 p.m. the Patterson City Council adjourned to the West Patterson Financing Authority.

6.3 ADJOURN TO THE WEST PATTERSON FINANCING AUTHORITY

a. Call to Order

At 8:04 p.m. the West Patterson Financing Authority meeting was called to order by Chair Molina.

b. Roll Call

West Patterson Financing Authority Secretary Vela called Roll Call.

All 5-Members Present: Members Lustgarten, Novelli, Farinha,
Buehner and Chair Molina (5)

c. Review and Accept the West Patterson Financing Authority’s 2012-13
Financial Audit Report.

Finance Director Moreno reviewed her staff report – power point presentation.

Justin Williams, CPA, CVA (Partner) Mann, Urrutia, Nelson CPA's & Associates, LLP (City Auditor) reviewed his report – power point presentation.

Chair Molina moved to accept the West Patterson Financing Authority's 2012-2013 Financial Audit Report as presented. The motion was seconded by Member Farinha and unanimously approved by a 5-0 roll call vote.

d. Adjourn

There being no further business, the meeting of the West Patterson Financing Authority was adjourned at 8:05 p.m.

6.4 Public Hearing: (Continued Public Hearing from March 4, 2014)

- A.** Consider First Reading and Introduction of Ordinance No. 748, Amending Title 18 of the Patterson Zoning Ordinance, Requiring Deposits to Fund City Costs for Processing Larger Development Projects.

Ordinance No. 748, An Ordinance of the City Council of the City of Patterson, Amending Section 18.14.020 of the Zoning Ordinance.

- B.** Consider First Reading and Introduction of Ordinance No. 749, Amending Title 18 of the Patterson Zoning Ordinance defining "Processing Costs" in the City's Review of Development Applications.

Ordinance No. 749, An Ordinance of the City Council of the City of Patterson, Amending Section 18.14.020 of the Zoning Ordinance.

- C.** Consider First Reading and Introduction of Ordinance No. 765, Amending Title 18 of the Patterson Zoning Ordinance, Providing Supplemental Definition of "Processing Costs" in the City's Review of Development Applications.

Ordinance No. 765, An Ordinance of the City Council of the City of Patterson, Amending Section 18.14.020 of the Zoning Ordinance.

Deputy City Attorney White reviewed his staff report.

The City Council reviewed Ordinance Nos. 748, 749 and 765 as follows:

- Deposits.
- Patterson fees compared to other city fees.
- One year or six month review of fees.
- City of Tracy tax incentives, does City want to offer this. Promote downtown business – City offer tax incentives.
- Processing Costs.
- Further review of Ordinances proposed – option to continue/table item to the next meeting.

At 8:50 p.m. Mayor Molina opened Public Hearing to public comments.

Keith Schneider, Keystone Corp. – addressed the City Council asking Council to take exception to the comments stated tonight that the City of Patterson had subsidized the development community. Mr. Schneider challenged the City to inform him where the City of Patterson had subsidized Patterson Gardens, Keystone Pacific Park and Keystone West projects. Mr. Schneider stated he was not in agreement/support with Item C - staff time should be classified fixed overhead. Even at a reduced rate not in agreement with rates. Not in support of City charging for staff time. Mr. Schneider stated his support for Item A and B and not in support for Item C.

Councilmember Lustgarten stated that no Patterson Gardens, Keystone Pacific Park and Keystone West Projects – the City had not subsidized.

Amy Hussar, Patterson – addressed the City Council asking if items A, B and C applied to other government agencies such as Schools.

Deputy City Attorney White stated no.

Councilmember Lustgarten asked for staff’s opinion in regards to Item C. that if others Cities charge processing costs should Patterson do the same.

Councilmember Novelli suggested for Item C to be brought back to Council for further review/approval. Staff to bring back - table of costs as compared to other Cities.

Mayor Molina Read Ordinance No. 748 Title, reading by title only, waiving further reading.

Councilmember Buehner moved to approve First Reading and Introduction of Ordinance No. 748, reading by title only, waiving further reading. The motion was seconded by Councilmember Farinha and unanimously approved by a 5-0 roll call vote.

Mayor Molina Read Ordinance No. 749 Title, reading by title only, waiving further reading.

Councilmember Buehner moved to approve First Reading and Introduction of Ordinance No. 749, reading by title only, waiving further reading. The motion was seconded by Councilmember Farinha, adding that Ordinance “Processing Costs” to be reviewed in six (6) months. The motion was unanimously approved by a 5-0 roll call vote.

At this time, Mayor Molina closed the Public Hearing from further public comments for Item 6.4, A. and B.

The Item 6.4, C. Public Hearing to be continued to April 15, 2014. Staff to provide developer with cost layed out, fixed costs layed out, not estimates (the City of Tracy system), get an analysis (table of costs) on both levels – two proposals (fixed cost vs. time and material staff time basis). Provide more transparency on what the costs are. What staff and Council can support. Staff to include in report who has had success with either proposal.

Mayor Molina moved to continue the Public Hearing in regards to Ordinance No. 765, Item C to April 15, 2014. The motion was seconded by Councilmember Lustgarten and unanimously approved by a 5-0 roll call vote.

7. Staff and Committee Reports

7.1 Public Works Department

Receive Updated Report on the Garbage Fund Analysis; Approve the Negotiated Changes to the Franchise Agreement with Bertolotti Disposal, Approve a Low Income Discount Program, and Direct Staff to Bring Back a Resolution Setting the Date for the Prop 218 Public Hearing.

Public Works Director Willett reviewed his staff report.

At 9:16 p.m. Mayor Molina opened the item to public comments – there were no public comments.

Mayor Molina moved to continue this item to the April 1, 2014 regular City Council meeting. The motion was seconded by Councilmember Farinha and unanimously approved by a 5-0 roll call vote.

7.2 City Attorney

Consideration of Ordinance 766, Amending Chapter 2.12 of the Patterson Municipal Code to Increase City Councilmember Pay and Provide Cellular Telephone Reimbursement as Well as Health and Welfare Benefits to City Councilmembers.

Ordinance No. 766, An Ordinance of the City Council of the City of Patterson, Amending Chapter 2.12 of the Patterson Municipal Code.

City Attorney Hallinan reviewed his staff report.

At 9:20 p.m. Mayor Molina opened the item to public comments.

Mel Clemmer, 526 Tarland Lane, Patterson – addressed the City Council speaking against the proposed Ordinance regarding City Councilmembers Health and Welfare Benefits. Mr. Clemmer read a letter stating a rough analysis on the proposed Ordinance regarding Health and Welfare Benefits for City

Councilmembers. Mr. Clemmer stated his agreement with the monthly pay increase for City Council and City cell phone expenses.

Amy Hussar, Patterson – addressed the City Council expressing her experience - elected employees are not the same as regular employees. Mrs. Hussar addressed the City Council asking questions about City contributions for health care.

At 9:28 p.m. there being no further public comments, Mayor Molina closed the Public Hearing from further public comments.

Councilmember Farinha stated his support for Ordinance No. 766, regarding Health and Welfare Benefits to City Councilmembers.

Councilmember Buehner addressed the item of the City's percentage 100% for health care. Mr. Buehner addressed the item of having a study done in Stanislaus County on what other cities are doing in regards to health care.

Mayor Molina stated he was not in support of health care for himself. Mayor Molina stated his agreement with Council increased stipend and City Cell phone expense.

The City Council discussed a tier structure for a Council member only, not family for health care. The City Council was in consensus to move forward with increase of the Council stipend and City Cell Phone expense. Item of health care (definite/maximum cost and tier structure) for City Council to be brought back for further review/approval.

The City Council was in consensus to remove the item of health and welfare benefits for Council tonight, and move forward with the increase of the Council stipend and the issuance of a City Cell phone should individual Councilmembers choose to receive.

Mayor Molina Read Ordinance No. 766 Title, reading by title only, waiving further reading.

Mayor Molina moved to approve First Reading and Introduction of Ordinance No. 766, reading by title only, waiving further reading (striking out Section 2.12.030 City Councilmembers Health and Welfare Benefits). The motion was seconded by Councilmember Farinha and unanimously approved by a 5-0 roll call vote.

8. Council Items

8.1 City Council Reports

Mayor Molina:

- StanCOG (Councilmember Buehner Alternate) - Small ceremony on a donation of a van to provide transportation for veterans. StanCOG meeting to follow, March 19, 2014.
- Stanislaus County Mayors Dinner – Meeting held March 12, 2014 hosted in Patterson, dinner held at Domascos in Patterson, discussed LAFCO

assignments. Informal discussions on potential votes on the tax measure.
Need to move forward in April for a ballot in the November election.

- The Alliance (Councilmember Lustgarten Alternate) – Meeting scheduled in April.
- Patterson/West Stanislaus Fire Consolidation (with Councilmember Buehner) – nothing to report.

Mayor Pro Tem Lustgarten – nothing to report on item.

- Economic Development Action Committee (EDAC) (Councilmember Buehner Alternate)

Councilmember Novelli – nothing to report on items.

- Patterson Representative – League of California Cities (LOCC) (Councilmember Farinha Alternate)
- Stanislaus County Disaster Council (Councilmember Buehner Alternate)

Councilmember Farinha – nothing to report on items.

- Westside Health Care Task Force (Councilmember Buehner Alternate)
- San Joaquin Air Pollution Control District – Valley-wide Special City Selection Committee (Councilmember Novelli Alternate)

Councilmember Buehner – nothing to report on item.

- Stanislaus County Hazardous Waste Advisory Committee (Councilmember Farinha Alternate)

8.2 Other Matters.

Councilmember Lustgarten addressed the item of the Stanislaus County Awards – Saturday, March 15, 2014. Nominated as Stanislaus County 2014 Outstanding Women of the Year.

Councilmember Lustgarten addressed a Patterson Irrigator article “Leaders Promote Downtown Development” Councilmember Lustgarten’s stated her disappointed in the local paper, article that was misleading to the public. Three persons that took a field trip (Salmon, Sword, Swift). Persons separate from the City, their private efforts to help the downtown – passionate about helping the downtown (civic pride). City Manager Butler clarified issue for the public.

Councilmember Novelli addressed the Patterson Repertory Theatre (Tori Scoles), the waiving of fees for their upcoming function. Ms. Scoles to make contact with Recreation & Community Services Direction Flanders about the Patterson Repertory Theatre’s Art, Wine & Cheese Festival, April 12, 2014. Item to be placed on the Agenda for review/approval.

Councilmember Farinha addressed the item of starting the Special City Council Meeting of Tuesday, April 8, 2014 (Visioning Project Workshop) to start at 5:30 p.m. instead of 6:00 p.m. in order to allow more time for Council to ask questions. The City Council was in consensus to start meeting at 6:00 p.m. City Council to forward their questions prior to meeting to City Manager Butler in order to cut down on time at the meeting.

Mel Clemmer, Patterson – addressed the item of Congressman Jeff Denham mobile Office Hours in Patterson, City Hall, Community Meeting Room.

9. Adjournment

There being no further business, the regular meeting of the City Council of the City of Patterson of March 18, 2014 was adjourned at 10:17 p.m.

Approved by the Patterson City Council on July 15, 2014.