

City of Patterson
City Council Special Meeting
March 17, 2015
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 6:05 p.m. by Mayor Molina.

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

Staff: City Manager Irwin, City Attorney Hallinan (2)

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:

- Conference with City Attorney, Anticipated Litigation pursuant to California Code Section 54956.9 (d) (2) (1 case)

2. Statements of Conflict – none.

3. Items from the Public – none.

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)

City Attorney Hallinan reported out that the City Council by a 4-0 vote with Councilmember Lustgarten abstaining that there is no City Council appointment to the Senior Center Meals Task Force and any City Council participation is strictly on a voluntary basis.

6. Adjournment

There being no further business, the special meeting (Closed Session of the City Council of the City of Patterson of March 17, 2015 was adjourned at 7:08 p.m.

Approved by the Patterson City Council on April 21, 2015.

City of Patterson
City Council Regular Meeting
March 17, 2015
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, McCord and Mayor Molina (5)

Staff: City Manager Irwin, City Attorney Hallinan, Recreation & Community Services Director Flanders, City Capital Projects Manager Jorritsma, Human Resources Manager Tucci, Public Works Director Willett, City Planner Andrews, Public Works Management Analyst Basalusalu, Fire Chief Hall, Police Chief Hughes and City Clerk Vela (11)

Excused: Finance Director Moreno (1)

2. Pledge of Allegiance

3. Statements of Conflict – none.

4. Items from the Public

Pat Maisetti, Patterson – addressed the City Council on the items discussed by City Council last July of a modular building and another entrance for the parking lot at the Hammon Senior Center. Mrs. Maisetti asked for an update on the projects. Mrs. Maisetti expressed her concerns about getting another entry/exist at the back of the parking lot of the Hammon Senior Center in order to have less congestion.

City Manager Irwin addressed Mrs. Maisetti's concerns stating the projects were coming to City Council in about a month to start the projects.

Mary Bennett, Patterson – addressed the City Council about her husband Benny Bennett's passing last July. Mrs. Bennett addressed the City Council asking for an update on her request about a flag pole and flag at the location of the Hammon Senior Center. Mrs. Bennett addressed her concerns over her Mello Roos CFD 2001 \$459 a year taxes. Mrs. Bennett stated she had checked with the County Tax Assessor, who informed her that this fee could never be paid off. Mrs. Bennett addressed the item of a Sunrise Tax that can never be paid off.

City Manager Irwin addressed Mrs. Bennett's concerns, stating the project was about three weeks out before coming to Council for review/approval. City Manager Irwin stated that the architect was reviewing the item of adding brick.

Staff (Finance Director Moreno) to schedule a meeting with Mrs. Bennett to address her Mello Roos taxes.

Amanda Hillsdale, Patterson (Administrator, Patterson Neighborhood Watch) – addressed the City Council on the City of Patterson Departments six month strategy plans for the future.

Mayor Molina addressed Mrs. Hillsdale questions.

Councilmember McCord addressed the item of City of Patterson Departments Power Point Presentations he recently viewed.

Councilmember Farinha addressed the item of the yearly goals public workshop meeting scheduled annually.

Charlotte Young, Patterson (Event Leader for Relay for Life) – addressed the City Council on the 10th Anniversary, Relay for Life event scheduled for May 2-3, 2015 at the Patterson High School Football Stadium. Ms. Young extended an invitation to the City Council staff and the public to participate in paint the town purple event, starting April 11, 2014 to May 2, 2015 in support of 3rd Annual Relay for Life Event – celebrate cancer survivors and fight against cancer.

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 City Council Meeting Minutes of January 20, 2015 and February 3, 2015 (Closed & Open Session)

Mayor Pro Tem Lustgarten addressed the City Council Meeting Minutes of February 3, 2015, Item No. 7. a. (page 2) requesting for the record to clarify that she requested for a specific discussion item regarding the Hammon Senior Center and that the item she requested was merged into an item requested by Councilmember McCord. Mayor Pro Tem Lustgarten requested for the minutes to reflect that she was not given her own agenda item, it was shared with Councilmember McCord and that Mayor Molina stopped her (video) presentation that she had available for the meeting. Mayor Molina stated for clarification that he did not know there was a video available by Mayor Pro Tem Lustgarten's presentation for the February 3, 2015 regular city council meeting.

Mayor Molina addressed the Minutes of February 3, 2015 correcting the minutes to state that Councilmember McCord was dissenting (no vote) not abstaining from the February 3, 2015 Closed Session Meeting. Mayor Molina also addressed a correction (typo) to the minutes of February 3, 2015 under public comments, Amy Hussar is from Post 168 not Post 169.

- 5.3 Approve City Department Reports for the Months of January and February 2015 (Fire, Community Development, Public Works)
- 5.4 Approve City Committee and Commission Reports for the Month of February 2015 (Beautification Committee, Parks & Recreation Commission, Planning Commission)
- 5.5 Approve Street Closure for the Sacred Heart Church, Live Stations of the Cross, on April 3, 2015.

Councilmember Farinha moved to approve the Consent Calendar Items 5.1 through 5.5. The motion was seconded by Councilmember McCord and unanimously approved by a 5-0 roll call vote.

6. Presentations and Public Hearings

- Presentations:**
- a. Proclamation for Arbor Week during March 7-14, 2015 in the City of Patterson (Mayor Molina)

Councilmember Farinha presented the City’s Public Works Department with an Arbor Week Proclamation.

- b. Proclamation for Sunshine Week Open Government during March 15-21, 2015 in the City of Patterson (Mayor Pro Tem Lustgarten, Mayor Molina)

Mayor Pro Tem Lustgarten addressed the Proclamation for Sunshine Week Open Government during March 15-21, 2015 in the City of Patterson.

7. Staff and Committee Reports

7.1 City Attorney

- a. Consideration of Ordinance No. 772, Adopting an Open Government or “Sunshine” Ordinance.

City Attorney Hallinan reviewed his report – Item No. 1.

At 8:46 p.m. Mayor Molina opened the item to public comments.

Mary Bennett, Patterson – addressed the City Council asking questions about closed session items, ordinances, waiving agenda packet copy fees and fees for copies of agenda items/reports. Mrs. Bennett suggested for copy fees to be waived for Patterson residents.

At 8:50 p.m. there being no further public comments, Mayor Molina closed the item from further public comments.

City Attorney Hallinan reviewed his report – Item No. 2.

At 7:54 p.m. Mayor Molina opened the item to public comments. There were no public comments.

City Attorney Hallinan reviewed his report – Item Nos. 3, 4 and 5.

The City Council addressed the following:

Councilmember Farinha – paragraph three not a complete sentence in regards to public records act: documents in draft format, personal information, age, sex, ethnic.

Mayor Pro Tem Lustgarten addressed her report - Sunshine Ord. No. 772.

Councilmember McCord addressed forming a local committee Calaware recommends, group of citizens that is cost effective.

Councilmember McCord addressed the item of if Council was going to spend City funds that they be spent on police and fire (public safety).

Councilmember Farinha addressed his concerns about the proposed Ordinance.

Councilmember Novelli echoed the sentiment of Councilmember McCord and concerns from Councilmember Farinha. Councilmember Novelli stated she agreed with some items from the Ordinance and some not.

At 8:28 p.m. Mayor Molina opened the item to public comments.

Jeff Lustgarten, Patterson – addressed the City Council stating his involvement with PRESS, timing of the release of the agendas, some city being 7 to 10 days. Mr. Lustgarten stated he did not agree with concerns about cost. Mr. Lustgarten stated that the Public Records Act committee could only meet on an as needed basis therefore very nominal costs. Mr. Lustgarten stated that the process of additional days to review the City Council Agenda Packet would help Council members to make better decisions if they receive agenda packets an extra day or two.

Graciela Molina, Patterson – addressed the City Council stating that she did not work for a city government but did work for a Community College District and they abide by the 72 hour rule. Mrs. Molina asked for Council to take heed of the information provided by the City Attorney and Staff that its staff that is really putting the information together that is needed for Council meetings. It being difficult to meet the 72 hours rule especially if there is information that is gathered from an outside agency. Her experience from someone who works in an office that does this type of public service. In regards to individuals who do not have a computer to view information, Mrs. Molina recommended (like done at the College District) list on the agenda that the information is available at City Hall to any individual who would like to view the agenda and supporting documents. In regards to costs for public records being no charge, Mrs. Molina asked if this would be considered a gift of public funds.

Jeff Lustgarten, Patterson – addressed the City Council about PRESS comparisons of cities. Mr. Lustgarten addressed the City of Benicia’s (population 26,000) Sunshine Ordinance and how they adopted a sunshine ordinance.

Sandra McDowell, Patterson – addressed the City Council stating she had been reading articles in the Modesto Bee about the sunshine act, looking at Congress, State and various local governments. Mrs. McDowell stated the public was seeing a lot of stuff going on that isn’t public record and many times the cost is used as an excuse to not do things that need to be done including not following the sunshine and brown act requirements. Mrs. McDowell stated Patterson has always tried very hard to be transparent but it always hasn’t.

At 8:36 p.m. there being no further public comments, Mayor Molina closed the item from further public comments.

Mayor Molina suggested for Council to take no action on the item until the Ordinance is cleaned up. If Council or the public have changes that they be emailed or written addressed to the City Manager Irwin and/or City Attorney by May 1st. Staff to place advertisement in the local paper, city web site for comments. City Council suggested for the Patterson Irrigator to do an article on this item.

Mayor Molina motioned that after May 1st community comments are provided/received that an analysis of everything as discussed/written be done on the proposed Ordinance (staff and public comments, cost, budget, staff size/cost). The motion was seconded by Mayor Pro Tem Lustgarten and unanimously approved by a 5-0 roll call vote.

- b. A Resolution of the City Council of the City of Patterson Opposing Stanislaus County Local Agency Formation Commission’s Proposed Amendments to its Agricultural Mitigation Policy (Resolution No. 2015-05)

City Attorney Hallinan reviewed his staff report.

Mayor Pro Tem Lustgarten addressed her concerns.

At 9:05 p.m. Mayor Molina opened the item to public comments.

Keith Schneider, Keystone Pacific Parkway – addressed the City Council speaking against LAFCO’s proposed Ag. Mitigation Fee. Mr. Schneider addressed the Williamson Act. Mr. Schneider addressed the City Council speaking in support of the City’s Planning Commission proposed fee. Mr. Schneider addressed the City Council speaking in support of Resolution No. 2015-05.

Ron West, Patterson – addressed the City Council stating he was a professional planner by trade for 40 years. Mr. West addressed the history of the Ag. Mitigation fee.

Jeff Lustgarten, Patterson – addressed the City Council on the City’s previous In Lieu Fee of \$2,000 that wasn’t adopted was it market based as opposed to prescriptive. Mr. Lustgarten addressed the issue of what the fee was based on, what analysis was done. Mr. Lustgarten addressed the City Council asking questions about the costs for prime Ag. land v. Graze land.

At 9:20 p.m. there being no further public comments, Mayor Molina closed the public hearing from further public comments.

Mayor Pro Tem Lustgarten addressed (read) a letter from LAFCO addressed to the City of Riverbank.

City Attorney Hallinan reviewed his report.

Elias Funez, Patterson – addressed the City Council asking if Council was going to review what the Planning Commission approved. Mr. Funez stated that the City needed to see what LAFCO was going to do first on their March 25th meeting and then go from there.

Mayor Molina moved to adopt Resolution No. 2015-05. The motion was seconded by Councilmember McCord and approved by a 4-1 roll call vote. Mayor Pro Tem Lustgarten voted no.

7.2 Public Works Department

Receive Report and Provide Direction to Staff on Key Policy Issues Related to the Proposed Construction and Demolition Ordinance.

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

The City Council addressed the following:

- How does the City’s C&D ordinance apply to the County.
- How does the C&D ordinance deal with hazardous material.
- For commercial - hazardous materials building being demolished/deconstruction – staff to put a waste management plan together.
- Any project that produces 4 cubic yards of waste is an applicable project – state mandate waste management plan.
- Educating the public.
- In year 2020, 75% will be required that Cities recycle. Currently 50%.
- Review additional fees or administrative fees (if any) with Bertolotti if Bertolotti will be charging. Bertolotti Disposal will probably be doing this type of service for City.
- Who is going to incur costs - project developer or City.
- Deposit amounts for large projects v. small projects.

The City Council was in consensus that more time was needed to further review item. Questions/suggestions/comments to be forwarded to staff in advance. Item.

to be brought back to Council in the near future (second meeting in April) for review/approval.

8. Council Items

8.1 Selection of Mayor Pro Tem.

Mayor Molina moved to select Councilmember Farinha as Mayor Pro Tem. The motion was seconded by Mayor Pro Tem Lustgarten and unanimously approved by a 5-0 roll call vote.

8.2 Donation from Councilmember McCord to City Employee Appreciation.

Councilmember McCord presented a check to Danielle Tucci, the City's Human Resources Manager to be used for City employees Appreciation.

City Attorney Hallinan to review issue of Councilmember McCord donating money to City employees.

Item of the process of how Councilmember McCord waives his salary and donates it to be brought back to Council for review. Copy of Salary Waiver Agreement to be provided to City Council.

8.3 City Council Reports

Mayor Molina:

- StanCOG (Councilmember McCord Alternate) – meeting scheduled March 18, 2015 at 6 p.m. Stan. County offices, Modesto.
- Stanislaus County Mayors Dinner – meeting held March 11, 2015, was not able to attend due to Joint City Council/School Board meeting taking place on the same date.
- Patterson/West Stanislaus Fire Services Committee – nothing to report. (Councilmember Farinha 1st Alternate, Councilmember Novelli 2nd Alternate)
- Stanislaus County Disaster Council (Councilmember McCord Alternate) – meeting scheduled for April 16, 2015.

Mayor Pro Tem Lustgarten:

- Stanislaus County Economic Development & Workforce “Alliance” (Councilmember Novelli Alternate) – Board of Equalization town hall meeting, attended Special Olympics with the Mayor, would like the City to get involved with event next year. Attended Stan. County Women of the Year (10 Women Honored) Saturday, March 14, 2015, Bake Sale for Relay for Life, May 2-3, 2015, Walk a Mile in Her Shoes event coming soon, Neighborhood Watch training coming soon.
- Economic Development Action Committee (EDAC) – nothing to report. (Councilmember Novelli Alternate)

Councilmember Novelli:

- Patterson Representative – League of California Cities (LOCC)
(Councilmember Lustgarten Alternate) – attending annual conference in June.

Councilmember Farinha – nothing to report on items.

- San Joaquin Air Pollution Control District – Valley-wide Special City Selection Committee (Councilmember Novelli Alternate)
- Stanislaus County Hazardous Waste Advisory Committee
(Councilmember McCord Alternate)

Councilmember McCord:

- Westside Health Care Task Force – attended meeting, another meeting scheduled in April. More activity happening to keep us healthy.
(Councilmember Lustgarten Alternate)

7.4 Other Matters

Councilmember Lustgarten addressed an essay contest to get the kids involved “what I can do for Patterson” Entries due by April 30th. Winner(s) to ride in the apricot fiesta parade, have reception for winners in City Hall, make winners honorary members at a City Council meeting, have them sit up at the dais with a Councilmember.

Amy Hussar, Patterson (Patterson School Board Member) – addressed the City Council on the item of the students spring and summer breaks.

Graciela Molina, Patterson – addressed the City Council asking if item was appropriate to be discussed if item was not on the agenda. Mrs. Molina addressed the sunshine ordinance discussed earlier.

The City Council suggested for item to be placed on the next agenda for further City Council review/approval.

Councilmember Farinha thanked Apricot Valley for inviting him to read before the children.

Mayor Molina addressed the various City Commission, Committee and Board interviews pending. Mayor Molina to contact City Manager, City Clerk about available dates to schedule interviews.

8. Adjournment

There being no further business, the regular meeting of the City Council of the City of Patterson of March 17, 2015 was adjourned at 10:36 p.m.

Approved by the Patterson City Council on May 19, 2015.