

City of Patterson
City Council Special Meeting
May 5, 2015
Minutes
(Closed Session)

1. Call to Order

The special meeting of the City Council of the City of Patterson was called to order in the City Council Chambers at 6:14 p.m. by Mayor Molina.

Present: Councilmembers Farinha, Novelli, Lustgarten, 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:

- a. Public Employment – City Police Services (Pursuant to Government Code Section 54957)
- b. Conference with City Attorney, Potential Litigation pursuant to California Government Code Section 54956.9 (c) (2 cases)
- c. City of Patterson v. Patterson Hotel Associates, LLC et al.
Stanislaus County Superior Court Case No. 670042

2. Statements of Conflict – none.

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)

In regards to Items A. and B. of Closed Session, Mayor Molina reported that City Council provided direction to staff.

In regards to Item C. City Attorney Hallinan reported: the tentative ruling is now final as previously decided the court again found that the City is owed \$237,147.86 plus interest for unpaid taxes. Regarding the Hotel's various claims in the amount of approximately four million dollars, the court re-interacted that the City owes them nothing, cost us

nothing, but since we prevailed in every aspect of the case, the judge determined that we are entitled to reimbursement for Attorney fees and costs (expert witness expenses, etc.) In total the City is entitled to receive potentially up to one million dollars for fighting and winning the case on behalf of the tax payers of the City of Patterson.

In regards to the Senior Center Investigation, City Attorney Hallinan reported that the City has been advised that the report will be presented to the City Council by the next City Council Meeting - May 19, 2015.

6. Adjournment

There being no further business, the special meeting (Closed Session) of the City Council of the City of Patterson of May 5, 2015 was adjourned at 7:15 p.m.

Approved by the Patterson City Council on June 2, 2015.

City of Patterson
City Council Regular Meeting
May 5, 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 Farinha, Novelli, Lustgarten, McCord and Mayor Molina (5)

Staff: City Manager Irwin, City Attorney Hallinan, City Planner Andrews, Public Works Director Willett, Finance Director Moreno, Police Chief Hughes, Police Chief Dirkse, Recreation & Community Services Director Flanders, Human Resources Manager Tucci, Fire Chief Hall, Capital Projects Manager Jorritsma, Public Works Management Analyst Basalusalu and City Clerk Vela (13)

2. Pledge of Allegiance

3. Statements of Conflict - none.

4. Items from the Public

Pat Maisetti, Patterson – addressed the City Council for an update on new entrance to the parking lot to the Senior Center (project on ward avenue pavement project). Mrs. Maisetti thanked the City Council for hiring Ms. Shellini Singh who works with the Seniors and Senior Board. Mrs. Maisetti stated her support for Mr. Parham to remain on the Senior Center Board of Directors, stating Mr. Parham was an active member at the Center who participated in all projects all the time.

Mayor Molina addressed in general the appointment/reappointment of members to the Senior Center Board of Directors.

Mike Anderson, Patterson – addressed the City Council on the items of water meters, watering schedule, Senior Board closed session item, recyclables, blue, black and green garbage cans, traffic and noise on Shearwater, code enforcement, graffiti, signs on utility poles and people that park their vehicles on their lawns.

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 Resolution No. 2015-20 for the Adoption of National Public Works Week (NPWW) May 17 – May 23, 2015.

Councilmember Lustgarten moved to approve Consent Calendar Items 5.1 and 5.2. The motion was seconded by Councilmember Novelli and unanimously approved by a 5-0 roll call vote.

6. Presentations and Public Hearings

- 6.1 Presentations:** a. Older Americans Month “May 2015” Proclamation

Councilmember Lustgarten presented a proclamation to seniors and Senior Center Board of Director Members.

- b. Mental Health Month “May 2015 Proclamation

Mayor Molina presented Virginia Solorsano with a Mental Health Month Proclamation.

- c. World Lupus Day “May 10, 2015” Proclamation

Mayor Pro Tem Farinha presented Diedra Williams with a World Lupus Day Proclamation.

- d. National Fibromyalgia Awareness Day “May 12, 2015” Proclamation

Councilmember Novelli presented Diedra Williams and Vicki Martinez with a National Fibromyalgia Proclamation.

6.2 Presentation/ Action Item:

- a. Police Department Staff.

City Attorney Hallinan reviewed his staff report.

Mayor Molina moved to approve the appointment of Lieutenant Jeff Dirkse as the Chief of Police Services for the City of Patterson and administer the oath of office. The motion was seconded by Mayor Pro Tem Farinha and unanimously approved by a 5-0 roll call vote.

- b. Acknowledgement & Presentation to Outgoing Patterson Police Chief Tori Hughes (Mayor Molina)

Mayor Molina and Members of the City Council presented Police Chief Hughes with a Proclamation and Plaque.

Sheriff Adam Christianson reviewed his report in regards to Police Chief Tori Hughes

and Police Chief Jeff Dirkse and Patterson's Police Services.

- c. Appointment & Oath of Office of New Patterson Police Chief Jeff Dirkse (Mayor Molina)

At this time, Mayor Molina administered the Oath of Office to New Patterson Police Chief Jeff Dirkse. Police Chief Dirkse signed his City of Patterson Oath of Office.

At 8:05 p.m. Mayor Molina called for a short break.

Mayor Molina Call for a Short 15 Minute Break
(Reception for Patterson Police Chiefs)

At 8:23 p.m. Mayor Molina called the meeting back to order.

6.3 Public Hearing: Consider Adoption of the Public Safety Master Plan

City Planner Andrews reviewed his staff report.
Brian Millar, AICP with PMC reviewed his staff report.
Bruce Playle, AIA with Indigo reviewed his staff report.

The City Council addressed the following:

- Councilmember Lustgarten – current fees v. proposed fees.
- Councilmember Lustgarten - explain the difference between plans and master development plans.
- Councilmember Lustgarten – staff to review what other cities are doing in regards to their comparable reimbursable fees.
- Councilmember Novelli - Chief Dirkse to review the Public Safety Master Plans before Council adopts.

Councilmember Novelli moved to continue the Public Hearing to June 2, 2015. The motion was seconded by Mayor Pro Tem Farinha and unanimously approved by a 5-0 roll call vote.

At 8:32 p.m. Mayor Molina opened the Public Hearing to public comments. There were no public comments.

6.4 Public Hearing: First Reading and Introduction of Ordinance No. 773, Adding Section 118.14.130 to Title 18 of the City's Municipal Code, Authorizing Specific Plan Fee Reimbursement and Defining Reimbursable Expenses

Ordinance No. 773, An Ordinance of the City Council of the City of Patterson, Adding Section 18.14.130 of the Zoning Ordinance.

City Planner Andrews reviewed his staff report.

Councilmember Lustgarten addressed the item of how will the City make sure to collect monies per the Development Agreement - when a building permit is pulled.

Councilmember Lustgarten addressed her concerns that Developers needed to pay their fair share of development fees. Councilmember Lustgarten recommended for staff to closely watch all the triggers.

At 8:41 p.m. Mayor Molina opened the Public Hearing to public comments. There were no public comments.

Councilmember McCord Read Ord. No. 773, Reading by Title Only, Waiving Further Reading.

Councilmember McCord moved to approve First Reading and Introduction of Ordinance No. 773, Reading by Title Only, Waiving Further Reading. The motion was seconded by Mayor Molina and unanimously approved by a 5-0 roll call vote.

7. Staff and Committee Reports

City Manager/City Attorney

- a. City of Patterson City Councilmember Handbook.

City Attorney Hallinan reviewed his staff report.

Councilmember Lustgarten moved to table item to another City Council meeting (June 2, 2015). The motion was seconded by Mayor Pro Tem Farinha and unanimously approved by a 5-0 roll call vote.

City Council addressed the following:

- City Committees and Commissions & Boards– presentation and recognition with certificates to members, have dates of appointment, terms of office on the certificates.
- Staff to forward their comments to City Manager Irwin to move item along.
- City Council to forward their comments to City Manager Irwin.

At 8:53 p.m. Mayor Molina opened the item to public comments. There were no public comments.

- b. City of Patterson City Council Discussion Ordinance.

Ordinance No. 774, An Ordinance of the City Council of the City of Patterson, Amending Chapter 2.08 of Patterson’s Municipal Code Regarding City Council Discussion.

City Attorney Hallinan reviewed his report, stating item be pulled/dropped.

The City Council was in consensus to not discuss this item (item being wrong, not what Council asked for) and hear the correct item (censure discussion) at a future meeting.

At 8:55 p.m. Mayor Molina opened the item to public comments.

Tony Porcella, Patterson – addressed the City Council asking questions about who had

placed item on the agenda. When would item be re-written and brought back for discussion. Mr. Porcella stated his concerns that items that the Council wanted on the Agenda are not being brought forward.

City Attorney Hallinan reviewed his staff report.
Mayor Molina reviewed addressed Mr. Porcella's concerns.

Heather Haldack, Patterson (Neighborhood Watch) – addressed her concerns about social media. Ms. Haldack stated her support for transparency and a better repore with the citizens.

Mayor Molina addressed Ms. Haldack concerns stating item should have never come forward to City Council. Mayor Molina apologize for not stating at the beginning of the Agenda that item would be pulled/removed.

City Attorney Hallinan apologize for bringing item forward.

c. City of Patterson City Councilmember Salary Payment (Resolution No. 2015-19)

City Attorney Hallinan reviewed his staff report.

Councilmember Lustgarten stated that she had no problem with donations from Councilmember McCord. Councilmember Lustgarten stated she was against the process of the City cutting the check.

Councilmember Dennis McCord stated the City of Chowchilla did this process. Councilmember Lustgarten stated her support for the City of Bakerfield's process.

Councilmember Novelli suggested for Council to issue proclamations to bring awareness to these clubs/organizations.

Councilmember Farinha addressed the item of if appropriate taxes were being taken out – if City not liable, then okay with this item/process.

Councilmember Lustgarten stated that no taxes were being taken out and that was her concern.

At this time, Mayor Molina opened the item to public comments.

Pamella Secrest, Helping Other Sleep Tonight (H.O.S.T.) Member – addressed the City Council stating that if item was a problem that it should have been addressed at the beginning of the year. Ms. Secrest stated donation(s) were given to non-profit groups/organizations.

Tony Porcella, Patterson – addressed the City Council stating if the item was abiding by state law then he was okay with the process. Mr. Porcella addressed an article in the Patterson Irrigation asking questions about the donations if sponsored by the City of Patterson.

Heather Haldack, Patterson – addressed the City Council stating she agreed with

Councilmember Farinha and Tony Porcella, if item did not break state law, then she was okay with the process. Ms. Haldack stated that the general buzz in the community was that this was a good thing. Ms. Haldack addressed the City Council asking questions about Walk a Mile in Her Shoes event.

Mary Clemmer, 526 Tarland Lane, Patterson – addressed the City Council stating “who cares if nobody else is doing it, okay if Patterson is doing it”.

Jeff Lustgarten, Patterson – addressed the City Council stating the item in question was the process in which the donation is issued (City issued check – no State/Federal payroll taxes taken out) not the act of giving.

At 9:29 p.m. there being no further public comments, Mayor Molina closed the item from further public comments.

Councilmember Lustgarten moved to approve Resolution No. 2015-19 motion failed due to a second.

Mayor Pro Tem Farinha asked about the legal review of the item.

City Attorney Hallinan stated legal precedence (legal findings) was done and previously provided to Council. City Attorney Hallinan to forward legal precedence (legal findings) to the City Council for their review.

Councilmember Lustgarten requested to bring item back and have a discussion. Mayor Molina concurred to bring item back only if legal precedence (legal findings) is not agreeable with Council, but if Councilmember Lustgarten is comfortable with legal findings then item does not need to be brought back.

8. Council Items

8.1 City Council Reports

Mayor Molina:

- StanCOG (Councilmember McCord Alternate) – meeting scheduled May 20, 2015 at 6 p.m. in County Offices.
- Stanislaus County Mayors Dinner – nothing to report.
- Patterson/West Stanislaus Fire Services Committee – nothing to report. (Councilmember Farinha 1st Alternate, Councilmember Novelli 2nd Alternate)
- Stanislaus County Disaster Council (Councilmember McCord Alternate) – nothing to report.

Mayor Pro Tem 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 Novelli:

- Patterson Representative – League of California Cities (LOCC)

(Councilmember Lustgarten Alternate) – nothing to report on this item.

Councilmember Novelli addressed the following:

- Went to the Capital and meet with Legislators – discussed important issues to each of our Cities.
- AB266 – Medical Marijuana, AB34 medical Cannabis State Regulations. Important to have local control – suggested for citizens to contact your local Legislators and state their concerns.

Councilmember Lustgarten – nothing to report on items.

- Stanislaus County Economic Development & Workforce “Alliance”
(Councilmember Novelli Alternate)
- Economic Development Action Committee (EDAC)
(Councilmember Novelli Alternate)

Councilmember McCord

- Westside Health Care Task Force
(Councilmember Lustgarten Alternate) – held meeting last month, next meeting scheduled for June 11, 2015 in Patterson, Hammon Senior Center at 6 p.m. Westside Biggest Loser Contest coming in August. Health Services in Patterson/Westside Survey circulating.

8.2 Other Matters

Mayor Pro Tem Farinha addressed the City’s Earth Day event, April 25, 2015 at the Hammon Senior Center from 9 a.m. to 12 p.m.

Councilmember Novelli addressed the item of Restoration Hardware encouraging local citizens to visit the web site to get more Patterson citizens employed.

Councilmember Lustgarten addressed the following:

- “Westside Warriors” Team, Walk a Mile in Her Shoes event April 25, 2015, City sponsored event.
- Relay for Life – great event , May 2, 3, 2015 Patterson High School Football Field, brought in over \$70,000 dollars. Stanislaus Elder Abuse Prevention Alliance (SEAPA) Group, meet once a month - first Monday of the month at 11 a.m. at the Hammon Senior Center.
- Working on initiative – to put together neighborhood watch groups, trainings. more information coming. If interested contact Councilmember Lustgarten or the City Clerk. Information to also be made available at the Apricot Fiesta event.
- Cinco de Mayo meal at the Hammon Senior Center.
- Police Chief Dirkse’s visit to the Hammon Senior Center.

Mayor Molina addressed an employee owned firm of “Recology”. Recology – Reduce, Reuse, Recycle Project on Baldwin Road - Presentation to be made to the City Council on May 19, 2015 or in the near future.

Police Chief Dirkse addressed the Neighborhood Watch Program and National Night Out.

Mayor Molina addressed the Soccer PYSA Board meeting. Mayor Molina addressed his concerns about the needs of all youths. Mayor Molina stated he would like to have a discussion with all the Reps from the youth Boards/Commissions/Committees to discuss their needs.

9. Adjournment

There being no further business, the regular meeting of the City Council of the City of Patterson of May 5, 2015 was adjourned at 9:55 p.m.

Approved by the Patterson City Council on July 7, 2015.