

City of Patterson  
City Council Special Meeting  
December 15, 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 City Hall, City Council Chambers, 1 Plaza, Patterson at 6:01 p.m. by Mayor Molina.

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

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

At this time, Mayor Molina announced the items 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 Manager Performance Evaluation (Pursuant to Government Code Section 54957)
- b. Conference with Legal Counsel, Existing Litigation, Pursuant to Government Code § 54956.9(d)(1). Name of Case: 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**

Anna Martinez, 1202 Yellow Hammer Drive, Patterson (General Manager of Villa del Lago) – addressed the City Council stating her employment at the hotel for 15 years. Ms. Martinez addressed the City Council on the item of mandated requirements by Best Western Corporate. Ms. Martinez addressed the City Council speaking in support of the hotel to be successful. Ms. Martinez addressed the City Council speaking in support of Mr. Dominic Speno (Villa del Lago Developer) being a good and fair man.

Dominic Speno, Patterson – addressed the City Council stating he has been with the Villa del Lago Hotel for 15 years. Mr. Speno stated that Ms. Anna Martinez was the person responsible for finding out the fraud and embezzlement at the hotel. Mr. Speno addressed the statements stated in court. Mr. Speno addressed the facets of the hotel association.

**4. Adjourn to Closed Session**

At 6:12 p.m. there being no further 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 December 15, 2015 was adjourned at 7:08 p.m.

Approved by the Patterson City Council on February 2, 2016.

City of Patterson  
City Council Regular Meeting  
December 15, 2015  
Minutes

**1. Call to Order**

The regular meeting of the City Council of the City of Patterson was called to order in City Hall, City Council Chambers, 1 Plaza, Patterson at 7:15 p.m. by Mayor Molina.

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

Staff: City Manager Irwin, City Attorney Hallinan, Public Works Director Willett, Deputy Public Works Director Andrade, Interim Finance Director Burke, Interim Fire Chief Breasher, Police Chief Dirkse, City Planner Andrews, Public Works Management Analyst Encinas and Basalusalu, City Engineer Ulloa and City Clerk Vela (12)

Excused: Recreation & Community Services Director Flanders (1)

**2. Pledge of Allegiance**

**3. Statements of Conflict – none.**

**4. Items from the Public**

Sandra McDowell, Patterson – addressed the City Council on the item of false, malicious and fabrication of information, assignation of character of Councilmember Lustgarten by City Council and City Attorneys. Mrs. McDowell addressed the City Council speaking in support of Councilmember Lustgarten. Mrs. McDowell addressed the City Council stating she was not in support of what was happening to Mr. Dominic Speno.

Elias Funez, Patterson – addressed the City Council stating a Government Agency had him fired in April 2015. Mr. Funez stated allegations were made against him by a local authoritative agency (Stan. County Sheriff's Dept.).

**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 Department Reports for the Month of November 2015 (Community Development, Fire, Police, Public Works and Recreation & Community Services)

- 5.3 Approve City Commission Reports for the Months of April through November 2015 (Economic Strategic Commission, Parks, Recreation & Beautification Commission and Planning Commission)
- 5.4 Approve Resolution No. 2015-69, Rejecting the Claim of GEICO a/s/o Amanda Alexander in an Amount of \$1,812.48 for Alleged Damages.

Councilmember Novelli moved to approve Consent Calendar Item 5.1 through 5.4. The motion was seconded by Councilmember McCord and unanimously approved by a 5-0 roll call vote.

## 6. Scheduled Presentations and Public Hearings

- 6.1 Public Hearing:** First Reading of Ordinance No. 787, Amending Chapter 6.12, Garbage Removal, of the Patterson Municipal Code.

Ordinance No. 787, An Ordinance of the City Council of the City of Patterson, Amending Chapter 6.12, Garbage Removal, of Title VI, "Health and Safety" of the Patterson Municipal Code, to Prohibit Individuals from Foraging Through Waste Containers.

City Attorney Hallinan reviewed his staff report.

At 7:35 p.m. Mayor Molina opened the Public Hearing to public comments.

Sandra McDowell, Patterson – addressed the City Council speaking in support of the City bringing item forward.

At 7:36 p.m. there being no further public comments, Mayor Molina closed the Public Hearing.

The City Council addressed the following:

- Fines up to \$100
- Infraction
- Enforcement of Ordinance.

Police Chief Dirkse reviewed his report.

Mayor Molina Read Ordinance No. 787, reading by title only, waiving further reading.

Councilmember Lustgarten moved to approve First Reading and Introduction of Ordinance No. 787, reading by title only, waiving further reading. The motion was seconded by Mayor Pro Tem Farinha and unanimously approved by a 5-0 roll call vote.

- 6.2 Public Hearing:** First Reading and Introduction of Ordinance No. 788, Amending Title 6 by Repealing Chapter 6.52 and Adding Chapter 6.56, Marijuana Cultivation, Delivery

and Dispensaries to the Patterson Municipal Code.

Ordinance No. 788, An Ordinance of the City Council of the City of Patterson, Adding Chapter 6.56, Ban on Marijuana Cultivation and Delivery to Title VI “Health and Safety” of the Patterson Municipal Code.

City Attorney Hallinan reviewed his staff report.

At 7:45 p.m. Mayor Molina opened the Public Hearing to public comments.

Henry Rivera, Patterson – addressed the City Council stating he represented 200 patients in Patterson. Mr. Rivera addressed the City Council speaking against the proposed Ordinance. Mr. Rivera addressed the City Council asking to work something out or come to some terms in regards to the proposed ordinance.

Rochael Dougan, Patterson – addressed the City Council stating her survival of four different cancers. Ms. Dougan addressed the City speaking against the proposed Ordinance.

Samuel Kurbal, Patterson (Veteran) – addressed the City Council speaking against the proposed Ordinance. Mr. Kurbal addressed the City Council asking for Council to make an amendment to the proposed ordinance to protect individual rights of medical users.

Luke Myers, Patterson – addressed the City Council stating he was standing up for patient rights. Mr. Myers addressed statements made in the Patterson Irrigator about the proposed Ordinance. Mr. Myers addressed the City Council requesting for Council to implement a code enforcement amendment/change in the ordinance in order to not band everything as proposed in the ordinance.

Heather Nosek, 58 Portrait, Patterson (EMS and ICU) – addressed the City Council stating her interest being what’s best for the community. Mr. Nosek requested for Council to review item further.

Luke Myers, Patterson – addressed the City Council on delivery service of medical marijuana. Mr. Myers stated his support of a delivery service of medical marijuana. Mr. Myers stated he was an advocate for open possibilities.

Rochael Dougan, Patterson – addressed the City Council requesting for City Council to meet with patients and get their input. Mr. Dougan addressed the City Council stating her concerns with the Ordinance as proposed.

At 8:06 p.m. there being no further public comments, Mayor Molina closed the Public Hearing.

The City Council addressed the following:

- What Stanislaus County was doing in regards to this issue.
- What are other cities are doing in regards to this issue.
- Workshop/Forum/to discuss item, invite the public.

- Safe for both parties (community and user) involved.
- Number of delivery services (is there a cap).
- Number of plants a person can grow.
- Major or minor modifications.
- Deadline to adopt Ordinance being March 1, 2016.

Police Chief Dirkse reviewed his report, speaking in support of moving forward with the Ordinance as proposed.

City Attorney Hallinan and Councilmember McCord addressed the item of under 6.56.020 Definitions – staff to add the following:

“Cultivation” means any activity involving the outdoor planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, and indoor planting, growing, harvesting, drying, curing, grading, or trimming of cannabis in excess of six (6) mature plants and twelve (12) immature plants.

Mayor Molina Read Ordinance No. 788, reading by title only, waiving further reading.

Councilmember McCord moved to approve First Reading and Introduction of Ordinance No. 788, with the amendment of adding the following under 6.56.020 Definitions **“Cultivation” means any activity involving the outdoor planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, and indoor planting, growing, harvesting, drying, curing, grading, or trimming of cannabis in excess of six (6) mature plants and twelve (12) immature plants.** The motion was seconded by Mayor Pro Tem Farinha and unanimously approved by a 5-0 roll call vote.

**6.3 Public Hearing:** Motion to Approve First Reading and Introduction of Ordinance No. 786, Amendment to the Wireless Communications Ordinance.

Ordinance No. 786, An Ordinance of the City Council of the City of Patterson, Amending Chapter 18.84 Entitled “Wireless Communications” of the Patterson Municipal Code.

City Planner Andrews reviewed his staff report – power point presentation.

At 9:35 p.m. Mayor Molina opened the Public Hearing to public comments.

Jeff Lustgarten, Patterson – addressed the City Council suggesting a middle ground (500 ft. instead of 1000 ft.) because such a tower would affect people’s site line, property value, etc. depending on the location of the tower.

At 9:37 p.m. there being no further public comments, Mayor Molina closed the Public Hearing.

Councilmember Lustgarten Read Ordinance No. 786, reading by title only, waiving further reading.

Councilmember Lustgarten moved to approve First Reading and Introduction of Ordinance No. 786 with the amendment of adding the following under 18.84.070 Residential district limitations: **Only those facilities which comply with zone height restrictions and are totally enclosed within a permitted building shall be allowed within ~~one thousand feet of 110~~ 200 percent of the fall zone of the facility to any existing residential district within the city, which use conforms to current city zoning regulations. No facilities are permitted within any residentially zoned district.** The motion was seconded by Mayor Pro Tem Farinha and unanimously approved by a 5-0 roll call vote.

## 7. City Staff Reports

### 7.1 Public Works Department

- a. Approve the City's Sewer System Management Plan (SSMP) Internal Audit.

Deputy Public Works Director Andrade reviewed his staff report – power point presentation.

At 9:58 Mayor Molina opened the item to public comments – there were no public comments.

Mayor Pro Tem Farinha moved to approve the City's Sewer System Management Plan (SSMP). The motion was seconded by Councilmember Novelli and unanimously approved by a 5-0 roll call vote.

- b. Receive Water Conservation Update Report and Consider Seasonal Revision to Outdoor Water Use Schedule.

The City Council was in consensus to postpone Item 7.1 b. to January 19, 2016 regular City Council meeting.

### 7.2 City Attorney

Approval or Denial of Dominic Speno's Offer To Settle Outstanding Transient Occupancy Taxes for the Villa del Lago Best Western In Relation To *City of Patterson v. Patterson Hotel Associates, LLC, et al.*, Stanislaus County Superior Court Case No. 670042.

City Attorney Hallinan reviewed his staff report.

At 10 a.m. Mayor Molina opened the item to public comments.

Dominic Speno, Patterson – addressed the City Council stating his issues regarding the non-payment to the City Transportation Occupancy Tax (TOT) by Villa De Lago. Mr. Speno stated he did not receive notices of default by the City's Finance Dept.

Mr. Speno addressed the items of his storm drainage reimbursement, attorney fees, penalty fees. Mr. Speno addressed his proposal to pay the TOT principal of \$90,000 and for the City to waive the penalty fees.

City Attorney Hallinan reviewed his staff report.

City Attorney Hallinan recommendation for the City to get all facts, discuss issue with all the facts, come back with a solution. Meet with City Council, discuss issues separately, Transportation Occupancy Tax and Penalties as of December 15, 2015, (\$133,652.98) request to waive penalty fees, and storm drain reimbursement.

Staff to address Mr. Speno's concerns, what the City's legal options are or what the City can do legally and report back to City Council.

At 10:55 p.m. Mayor Pro Tem Farinha was excused from the Council meeting.

### **7.3 Fire Department**

Approve Resolution (No. 2015-68) to Participate in FEMA AFG (Assistance to Firefighters Grant)

Interim Fire Chief Breasher reviewed his staff report.

Mayor Molina moved to approve Resolution No. 2015-68. The motion was seconded by Councilmember Lustgarten and approved by a 4-0 roll call vote.

### **7.4 Police Department**

Approval of the New School Resource Officer (SRO) Position with Patterson Joint Unified School District (PJUSD) and Adopt a Resolution (No. 2015-70) An Amendment to the General Fund Budget.

Police Chief Dirkse reviewed his staff report.

School Superintendent Shawn Posey reviewed report.

At 11:05 p.m. Mayor Molina opened the item to public comments. There were no public comments.

Mayor Molina moved to approve Resolution No. 2015-70. The motion was seconded by Councilmember McCord and approved by a 4-0 roll call vote.

### **7.5 Recreation & Community Services Department**

Change in Co-Sponsorship Status with Patterson Youth Soccer Association.

City Manager Irwin reviewed his staff report.

Staff to report back in January on costs if City Recreation & Community Development Departments handles program.



At 11:08 p.m. Mayor Molina opened the item to public comments. There were no public comments.

Staff to report back with a more comprehensive report (actual cost report) such as cost of soccer balls, uniforms, trophies, staff time, and impact on current city staff levels, etc.

For the Record, Councilmember Lustgarten asked if the City was considering creating a special district for the City's Recreation Department. City Manager Irwin stated no.

The City Council addressed the item of staff to ask the community, parents to take over the program. Place advertisement in the local paper and City web site to see if anyone would like to take over the program.

## **8. Council Items**

### **8.1 City Council Reports**

Mayor Molina:

- StanCOG (Councilmember McCord Alternate) – meeting December 16, 2015 at 1111 I Street, 3<sup>rd</sup> Floor, discussing expenditure plan for the ½ cents sales tax county-wide initiative.
- Stanislaus County Mayors Dinner – nothing to report.
- Patterson/West Stanislaus Fire Services Committee – nothing to report. (Councilmember Farinha 1<sup>st</sup> Alternate, Councilmember Novelli 2<sup>nd</sup> 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) - reported the activities centered on the Marijuana bill.
- Stanislaus County Economic Development & Workforce “Alliance” - (Councilmember Novelli Alternate) – nothing to report.
- Economic Development Action Committee (EDAC) (Councilmember Novelli Alternate) – nothing to report.

Councilmember Lustgarten – nothing to report.

Councilmember McCord – nothing to report.

- Westside Health Care Task Force

### **8.2 Other Matters**

Mayor Molina wished everyone a safe and prosperous new year.

City Manager Irwin addressed the CDBG Funding Review Committee to interview applicants applying for portions of the grants (the consortium is the number of cities in the County). County looking for a Patterson Councilmember to be on the Interview Committee. Councilmember Novelli nominated Councilmember McCord. The City Council was in consensus.

Councilmember Lustgarten addressed the following:

- Interruptions by Councilmember Novelli.
- Wished everyone a Merry Christmas and Happy New Year.

## **9. Adjournment**

There being no further business, the regular meeting of the City Council of the City of Patterson of December 15, 2015 was adjourned at 11:19 p.m.

Approved by the Patterson City Council on February 2, 2016.