

**AGENDA
CITY OF PATTERSON**



**CITY COUNCIL SPECIAL MEETING
March 15, 2016
6:00 p.m.**

(Closed Session)

**City Council Chambers
1 Plaza
Patterson, California**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (209) 895-8014. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADA Title II]

The agenda and supporting public documents are available for viewing in City Hall, Administration Department, 1 Plaza, 2nd Floor, Patterson, California. The agenda and supporting public documents are also available online on our City web site www.ci.patterson.ca.us listed under Popular Links "Agenda Center" and listed under the "Upcoming Events Calendar" under the date of the meeting or please call or email the City Clerk at (209) 895-8014 or cityclerk@ci.patterson.ca.us

If you wish to be notified of future meetings, please subscribe to "Notify Me" listed under Popular Links on our City of Patterson web site www.ci.patterson.ca.us

NOTICE IS HEREBY GIVEN that the City Council for the City of Patterson, California will hold a Special Closed Session Meeting on Tuesday, March 15, 2016 at 6:00 p.m. or shortly thereafter in the City Council Chambers, located at 1 Plaza, Patterson, California.

1. Call to Order

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

Conference with Legal Counsel, Anticipated Litigation – Significant Exposure to Litigation Pursuant to Paragraph (2) of Subsection (d) of California Government Code Section 54956.9. (1 case)

2. Statements of Conflict

3. Items from the Public

Pursuant to Government Code Section 54954.3(a), members of the public wishing to address the City Council may do so at the beginning of the meeting, and such comments shall be limited to the closed section meeting topic.

Any member of the audience desiring to address the Council regarding a matter on the agenda, please raise your hand or step to the podium at the time the item is announced by the Mayor. The public wishing to address the Council on items that do not appear on the agenda may do so; however, Council will take no action other than referring the item to staff for study and analysis and shall place item on a future agenda (Resolution 92-25)

In order that all interested parties have an opportunity to speak, any person addressing the Council will be limited to a maximum of five (5) minutes unless the Mayor grants a longer period of time (Resolution 92-25)

4. Adjourn to Closed Session

5. Report from Closed Session (if any)

6. Adjournment

DECLARATION OF POSTING

I, Maricela Vela, City Clerk of the City of Patterson, California do hereby declare that the foregoing notice was posted on the Bulletin Board at City Hall, 1 Plaza, Patterson, California on March 10, 2016.

The Agenda is also posted for public view on the Bulletin Boards of the Hammon Senior Center, 1033 W. Las Palmas, Patterson, the Patterson Branch Library, 46 N, Salado Avenue, Patterson, and the City of Patterson City Web Site www.ci.patterson.ca.us

Maricela Vela, City Clerk, City of Patterson
Direct No. (209) 895-8014
Email cityclerk@ci.patterson.ca.us

Date Posted: March 10, 2016

**AGENDA
CITY OF PATTERSON**



**CITY COUNCIL REGULAR MEETING
March 15, 2016
7:00 p.m.**

**City Council Chambers
1 Plaza
Patterson, California**

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- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Statements of Conflict**
- 4. Items from the Public**

Any member of the audience desiring to address the Council regarding a matter on the agenda, please raise your hand or step to the podium at the time the item is announced by the Mayor. The public wishing to address the Council on items that do not appear on the agenda may do so; however, Council will take no action other than referring the item to staff for study and analysis and shall place item on a future agenda (Resolution 92-25)

In order that all interested parties have an opportunity to speak, any person addressing the Council will be limited to a maximum of five (5) minutes unless the Mayor grants a longer period of time (Resolution 92-25)

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 February 2016 (Community Development, Fire, Public Works and Recreation & Community Services) [\(View Report\)](#)
- 5.3 Approve City Commission Reports for the Month of February 2016 (Parks, Recreation & Beautification Commission, Planning Commission) [\(View Report\)](#)
- 5.4 Approve Rolling Street Closure for Randy's Run on May 1, 2016 [\(View Report\)](#)
- 5.5 Approve Resolution No. 2016-23, Accepting the Street Slurry Seal Project as Complete, Authorizing Staff to File the Notice of Completion and Commence the One-Year Warranty Period [\(View Report\)](#)
- 5.6 Approve Resolution No. 2016-24, the City's CDBG Program Allocation for Fiscal Year 2016-2017 [\(View Report\)](#)
- 5.7 Approve City Manager First Amended Employment Agreement [\(View Report\)](#)

6. Presentations and Public Hearings

- 6.1 **Public Hearing:** Deny Appeal #16-01, thus Adopting the Negative Declaration and Approving Architectural & Site Plan Review #15-06 and Conditional Use Permit #15-08 Associated with the Patterson Gas Project and Requiring the Removal of Condition of Approval #97 Requiring Entrance and Exit Signage. [\(View Report\)](#)

Staff Report: City Planner Andrews
Mayor: Open/Close Public Hearing
Council: Motion to Deny Appeal #16-01

- 6.2 **Public Hearing:** Presentation of Proposed Drafts of By-District Election Boundary Maps and Public Hearing to Elicit Input from Patterson Residents for City Council Consideration. [\(View Report\)](#)

Staff Report: Douglas Johnson, National Demographics Corp.,
City Attorney Hallinan
Mayor: Open/Close Public Hearing

7. City Staff Reports

7.1 City Manager

Approve Staff to Enter Into a Contract with Moss-Adams LLP and Award them a Service Agreement to Facilitate the City of Patterson's Strategic Planning Process
([View Report](#))

7.2 Public Works Department

Review Discount Rate Options Presented per Council's Request and Provide Staff with Direction on How to Proceed ([View Report](#))

7.3 Ordinances (Second Reading and Adoption)

- a. Ordinance No. 792, An Ordinance of the City Council of the City of Patterson Amending Chapters 1.36 and 1.44 of the Patterson Municipal Code to establish Procedures for Issuing Administrative Citations.
([View Report](#))

Council: Read Ordinance No. 792 Title Only As Listed Above

Council: Motion to Approve Second Reading of Ordinance No. 792, Reading by Title Only, Waiving Further Reading

Council: Motion to Adopt Ordinance No. 792, Reading by Title Only, Waiving Further Reading

- b. Ordinance No. 793, An Ordinance of the City Council of the City of Patterson to Add Chapter 10.42 to City of Patterson Municipal Code Regarding Funeral Procession Escorts.
([View Report](#))

Council: Read Ordinance No. 793 Title Only As Listed Above

Council: Motion to Approve Second Reading of Ordinance No. 793, Reading by Title Only, Waiving Further Reading

Council: Motion to Adopt Ordinance No. 793, Reading by Title Only, Waiving Further Reading

8. Council Items

8.1 City Council Reports

Mayor Molina:

- StanCOG (Councilmember McCord Alternate)
- Stanislaus County Mayors Dinner
- Patterson/West Stanislaus Fire Services Committee
(Councilmember Farinha 1st Alternate, Councilmember Novelli 2nd Alternate)
- Stanislaus County Disaster Council (Councilmember McCord Alternate)

Mayor Pro Tem Novelli:

- Patterson Representative – League of California Cities (LOCC)
(Councilmember Lustgarten Alternate)
- Stanislaus County Economic Development & Workforce “Alliance”
(Councilmember Novelli Alternate)
- Economic Development Action Committee (EDAC)
(Councilmember Novelli Alternate)

Councilmember Farinha:

- 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

Councilmember Lustgarten:

8.2 Other Matters

9. Adjournment



5. CONSENT CALENDAR



CITY COUNCIL AGENDA REPORT

TO: Mayor Molina and Members of the City Council

FROM: Ken Irwin, City Manager 

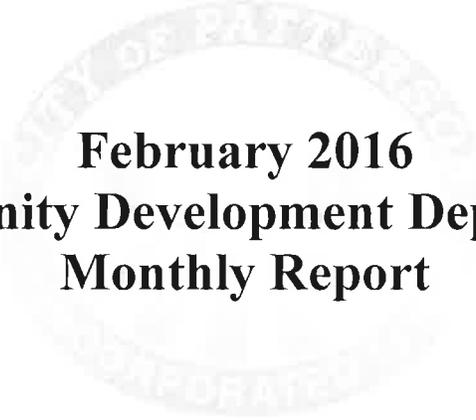
MEETING DATE: March 15, 2016

ITEM NO: 5.2

SUBJECT: Approve City Department Reports for the Month of February 2016
(Community Development, Fire, Public Works and Recreation & Community Services)

RECOMMENDATION

Motion to approve the City Department Reports for the Month of February 2016 (Community Development, Fire, Public Works and Recreation & Community Services)



February 2016

Community Development Department

Monthly Report

The following information is provided as an update regarding the Planning and Housing Division activities during the month of February and updates for previously approved projects.

Planning Commission Meetings

On February 11, 2016, the Planning Commission held a meeting to consider the following items:

1. **Architectural & Site Plan Review #15-06 & Conditional Use Permit #15-08, Patterson Gas (continued)**
A new 2,583 square foot gas station (convenience store) with a 57'x40' canopy for eight bays (four pumps). The project is located at the northeast corner of Rogers Road and Speno Drive. The convenience store will sell snacks plus beer and wine. The operational hours would be 24 hours/day 7 days/week. A draft Negative Declaration has been prepared noting that the project will not have a significant impact on the environment under the California Environmental Quality Act. This item was approved by the Planning Commission with a 5-0 vote. An appeal to the City Council was subsequently submitted and will be heard by the Council at the March 15th meeting.
2. **Conditional Use Permit #16-01, Somos Un Mundo Daycare, 102 Jersey Lane**
A public hearing to consider the establishment of a large daycare center (9-14 children) in a single family home at 102 Jersey Lane, located in the LR, Low Density Residential Zone. The applicant is currently licensed from the State of California for up to eight children. The project is exempt from review under the California Environmental Quality Act. The Planning Commission approved this item with a 5-0 vote.

The next Planning Commission meetings are scheduled for March 10th and 24th at 7:00 PM.

Housing Element Update

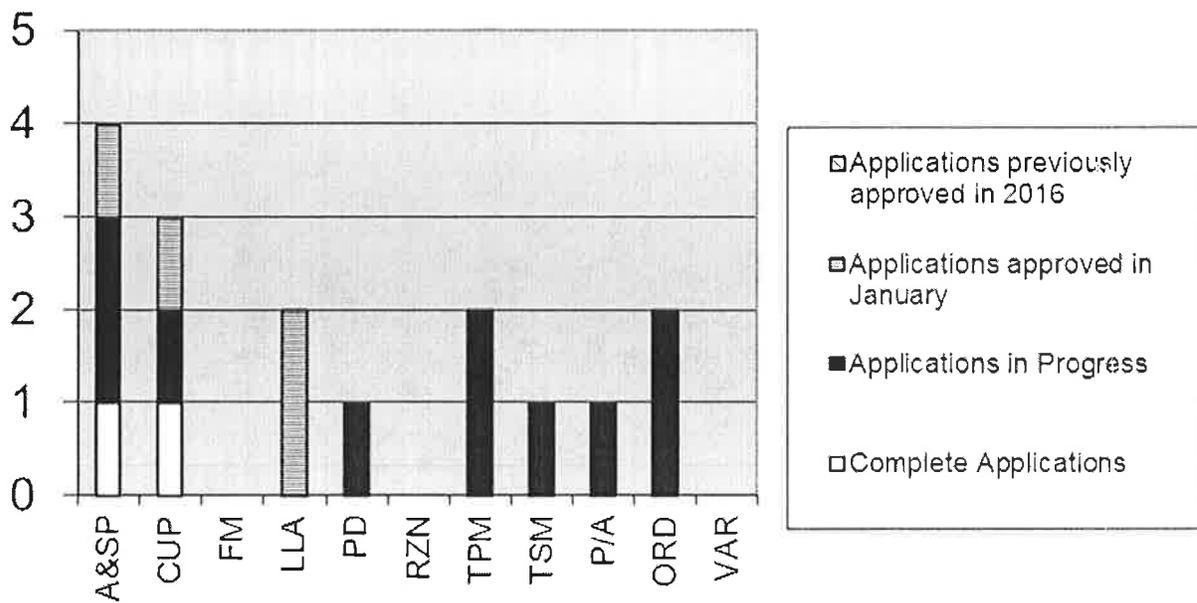
The City Council adopted the Housing Element update at the February 2nd City Council meeting. Staff submitted the document to the State Department of Housing and Community Development and the City received a letter certifying that the Housing Element complies with State law.

Master Plan Update

The Sewer Master Plan is tentatively scheduled to return to the City Council for consideration in April. Work continues on the Parks and Recreation, Storm Drain, Transportation, and Water Master Plans.

Status update for major projects approved during 2016

Major Projects



A&SP	Architectural & Site Plan Review	RZN	General Plan Amendment/Rezone
CUP	Conditional Use Permit	TPM	Tentative Parcel Maps
FM	Final Map	TSM	Vesting Tentative Maps
LLA	Lot Line Adjustment	P/A	Prezone/Annexation
PD	Planned Development	ORD	Zoning Ordinances/Amendments
		VAR	Variance

Architectural & Site Plan Reviews

- A&SP #15-03, CUP #15-06, Patterson Mobil, NE corner of Rogers Road and Annamarie Avenue – Approved

Status update for projects approved in previous years

- Joe's Landscape and Concrete Supply – A&SP #14-02, SE corner of W. Las Palmas Ave and Hwy 33 – Received Temporary Occupancy
- Sealake Plastic Recycling – CUP #14-01, SE corner of 1st St. and Sperry Ave. - Approved
- Prime Shine Carwash - CUP #14-08, A&SP #14-04, LLA #14-02, North of Sperry, East of Ward – Submitted building permit application
- Westridge Business Park Amendment PD 07-02, A&SP 10-01, and DA 10-02 – First phase, "Amazon.com," Open for business
- Patterson Logistics Center – PD 09-02, VTPM 09-01, DA 09-01, ND 10-03, A&SP 12-05 – Approved
- The Villages of Patterson – PD 05-04, Pre-zone/Annexation 05-02, General Plan Amendme.it/ Rezone 05-01, TSM's 06-03 "A" & 06-04 "B" – Approved
- Ivy Terrace (formerly La Paloma Condos) AR 04-05 – Ivy Ave and Hwy 33 – Second phase work underway
- C&M Transmissions CUP 09-04 – 319 S. 1st Street – Site work underway
- Recreation and Community Services Office, NW corner of Sperry and Ward Avenues – Work underway
- Keystone Corporation Maintenance & Warehouse Building, A&SP #15-04- SW corner of Keystone Pacific Pkwy and Park Center Dr. – Site preparation underway

- Floragold Cell Tower, CUP #15-01, Variance #15-01, west of Baldwin Road, North of Keystone Pacific Parkway - Approved

Suspended:

- Arco/ AM/PM - CUP #11-02 – Applicant delay
- Ramos Medical Buildings – A&SP 08-02, TPM 08-04 – Ramos Medical Buildings, 1108 Ward Avenue – Applicant delay
- Patterson Business Park – PD 07-05 – 501 N. 1st Street & M Street – Applicant Delay
- Greenville LLC/BKE Investments, LLC – TPM 07-06 – 14601 N. 1st Street – Deferred by applicant
- Patterson Commons Townhomes – Applicant delay
- Magnolia Green Townhomes A&SP 07-01 – Applicant delay
- McShane Companies A&SP 07-04 (Phase 3) – Approved
- Patterson Housing PD 06-01 – Approved

Major Subdivisions

Wilding Ranch – Approximately 70 percent complete

Patterson Gardens – Approximately 85 percent complete

Housing Projects and Programs

- CDBG: 4th Street Infrastructure Project Phase II – has been awarded to Mozingo Construction and work is expected to begin in March.
- HOME : City Staff continues to work with Firsttime Homebuyer Applicants seeking loan approvals.

City of Patterson Fire Department Code Enforcement Division



Case Activity for the Month of February 2016

Monthly Activity Overview

Activity Overview	Total
New Cases	146
Closed Cases	142
Open Cases at start of period	125
Open Cases at end of period	129

Violation Activity

New Violations Cited	Total
Business License and Regulations Compliance Required	3
Prohibited Signs	1
Unlawful Parking in Landscape Areas	1
Graffiti Violation	157
	1,236 (+ -) Sqft.

Other Activity	Total
Maintenance of Fire Hydrants (Paint)	20

Patterson Fire Department
February 2016
Hydrant Inspections



District No. - A	39
District No. - D	23
District No. - E	14
District No. - G	38
District No. - H	55
District No. - I	37

Total: 206

Patterson Fire Department



Incident Type Count Report

Date Range: From 2/1/2016 To 2/29/2016

Selected Station(s): All

Incident

<u>Type</u>	<u>Description</u>	<u>Count</u>	
Station: 01			
111	- Building fire	1	0.85%
123	- Fire in portable building, fixed location	1	0.85%
140	- Natural vegetation fire, other	1	0.85%
150	- Outside rubbish fire, other	1	0.85%
154	- Dumpster or other outside trash receptacle fire	1	0.85%
Total - Fires		5	5.95%
311	- Medical assist, assist EMS crew	42	35.59%
321	- EMS call, excluding vehicle accident with injury	14	11.86%
3210	- Ems cancelled upon arrival	1	0.85%
322	- Vehicle accident with injuries	1	0.85%
323	- Motor vehicle/pedestrian accident (MV Ped)	1	0.85%
324	- Motor vehicle accident with no injuries	3	2.54%
Total - Rescue & Emergency Medical Service Incidents		62	73.81%
400	- Hazardous condition, other	1	0.85%
411	- Gasoline or other flammable liquid spill	1	0.85%
Total - Hazardous Conditions (No fire)		2	2.38%
512	- Ring or jewelry removal	1	0.85%
520	- Water problem, other	1	0.85%
550	- Public service assistance, other	1	0.85%
553	- Public service	4	3.39%
Total - Service Call		7	8.33%
611	- Dispatched & cancelled en route	1	0.85%
671	- Hazmat release investigation w/ no hazmat	1	0.85%
Total - Good Intent Call		2	2.38%
712	- Direct tie to FD, malicious/false alarm	1	0.85%
714	- Central station, malicious false alarm	1	0.85%
741	- Sprinkler activation, no fire - unintentional	1	0.85%
743	- Smoke detector activation, no fire - unintentional	1	0.85%
744	- Detector activation, no fire - unintentional	1	0.85%
Total - Fals Alarm & False Call		5	5.95%
911	- Citizen complaint	1	0.85%
Total - Special Incident Type		1	1.19%
Total for Station		84	71.19%
Station: 02			
111	- Building fire	1	0.85%
154	- Dumpster or other outside trash receptacle fire	1	0.85%
Total - Fires		2	6.06%
311	- Medical assist, assist EMS crew	6	5.08%
321	- EMS call, excluding vehicle accident with injury	17	14.41%
322	- Vehicle accident with injuries	2	1.69%

Incident

<u>Type</u>	<u>Description</u>	<u>Count</u>	
Station: 02 - (Continued)			
	Total - Rescue & Emergency Medical Service Incidents	25	75.76%
412 - Gas leak (natural gas or LPG)		1	0.85%
	Total - Hazardous Conditions (No fire)	1	3.03%
551 - Assist police or other governmental agency		1	0.85%
	Total - Service Call	1	3.03%
611E - EMS: Dispatched & cancelled en route		1	0.85%
	Total - Good Intent Call	1	3.03%
743 - Smoke detector activation, no fire - unintentional		1	0.85%
744 - Detector activation, no fire - unintentional		1	0.85%
	Total - Fals Alarm & False Call	2	6.06%
911 - Citizen complaint		1	0.85%
	Total - Special Incident Type	1	3.03%
	Total for Station	33	27.97%
Station: 06			
611 - Dispatched & cancelled en route		1	0.85%
	Total - Good Intent Call	1	100.00%
	Total for Station	1	0.85%
		118	100.00%

Patterson Fire Department
February 2016
Inspections / Re-Inspections



Station: No Station Assigned

PLAN REVIEW - Site 1

PLAN REVIEW - Sprinkler System 1

Station; 01

1

INSPECTION - Annual Engine Company 17

INSPECTION - Annual FPB 8

INSPECTION - Building 1

INSPECTION - Business License 9

INSPECTION - Fire Code Enforcement 1

INSPECTION - Sprinkler System 4

PLAN REVIEW - Fire Alarm 1

PLAN REVIEW - Photovoltaic 1

PLAN REVIEW - Sprinkler System 8

RE-INSPECTION - Annual Engine Company 3

RE-INSPECTION - Annual FPB 5

RE-INSPECTION - Business License 2

RE-INSPECTION - Sprinkler 1

Station; 02

INSPECTION - Fire Alarm 1

INSPECTION - Sprinkler System 1

Station; 02 - (Continued)

RE-INSPECTION - Annual FPB	1
Total:	67





Assignment	Count of Duration (hours)
Aerial Ladder	2
Air Bags	1
Assisting with Basics Class	6
Auto Extrication	26
Back Injury Prevention	1
BLS CPR Instructor	2
Chapter 11 Vertical Ventilation	12
Chapter 15 Fire Control	6
Company Training Documentation	1
Driver Training	20
Emergency Ops	2
EMS Abdominal Trauma Advanced	1
EMS Allergies and Anaphylaxis Basic	1
EMS Assessing the Patient with Major Trauma	1
EMS Bleeding and Shock Basic	1
EMS Burn Management Advanced	1
EMS Burn Management Basic	1
EMS Capnography	1
EMS Cardiac Emergencies Basic	1
EMS Cardiovascular Anatomy & Physiology Review	1
EMS Confined-Space Entry	1
EMS Gunshot Wounds	2
EMS Musculoskeletal Injuries Basic	1
EMS Non-Traumatic Chest Pain	1
EMS Obstetrical Emergencies Basic	1
EMS Operating an AED	1
EMS Patient Assessment Basic	1
EMS Pediatric Emergencies Basic	1
EMS Protecting Yourself from Influenza	1
EMS Respiratory Emergencies Basic	1
EMS Sudden Infant Death Syndrome (SIDS)	1
Eye Safety	1
Fire Prevention	4
Firefighter II	3
First Responder Operations Level Refresher (MOD #4)	2
Forklift Safety	1
Hazardous Materials	3
Hearing Conservation	1
Hydrants/Streets, Water Supply	13
Ladders	2
Management/Administration	16
NFPA 1001 Fire Behavior	1

Patterson Fire Department
February 2016
Training Report



NFPA 1001 Fire Control	1
NFPA 1001 Fire Hose	1
NFPA 1001 Firefighter Personal Protective Equipment	3
NFPA 1001 Forcible Entry into a Structure	3
NFPA 1001 Loss Control	1
NFPA 1001 Portable Extinguishers	2
NFPA 1001 Ventilation	1
October 2015 Volunteer Meeting Minutes	
Outside training Misc.	2
Pre/Post Incident	2
Preventative Maintenance	4
SCBA	28
Vehicle Repair	2
11/1/2015	
Grand Total	197

DEPARTMENT OF PUBLIC WORKS
“Public Works – Improving Your Quality of Life”



MONTHLY STAFF REPORT
February 2016

Administration Division

- The Water Rate Study kick off meeting was held. The Master Plan is closer to completion and staff has started collecting some of the data. The consultant is continuing to work on the Capital Improvement Plan (CIP).
- Council has approved the required resolutions authorizing staff to submit an SRF (State Revolving Fund) loan application to the State. The loan will provide funding for the City’s share cost of the wastewater treatment facility expansion. The expansion will provide the additional capacity needed to accommodate current and future development as well as address some existing deficiencies required for the sewer system to be in compliance.

Staff is scheduled to meet in person with the State SRF Unit to present the project and provide any additional information required for the loan. The meeting is scheduled for Monday, February 8th. The loan application is currently under review.
- Staff has begun on the new FY 2016/17 budget. Public Works is the largest department and therefore the budgeting process that requires lots of staff time. Once the department budget is complete, it will be submitted to the Finance Department. The City budget will be brought to Council for adoption in June 2016.
- Staff will begin working closely with the City’s Special Districts Consulting Firm, NBS, on the Assessment District budgets and Engineer’s Reports for FY 2016/17. The City currently administers 22 Benefit Assessment Districts (BADs); 12 Landscape Maintenance Districts (LMDs); 1 County Service Area (CSA); and 1 Community Facilities District (CFD). The Engineer’s Reports, resolutions, and Public Hearing will be brought to Council in the few months for approval.

Personnel:

- Staff will work closely with HR to fill approved positions for the FY 2015/16. This would include an Electrician and replacement for Water Operator Tommy Martin, who has announced his retirement. The intern position has been filled and the intern is assisting with the various programs.
- As part of the new budget FY 2016/17 process, staff will be evaluating personnel needs and ensure that the positions funded through the approved garbage and sewer are incorporated into the new budget. Additionally, staff will work on the new Water Rate Study and evaluate personnel needs for the next 10 years.

Recycling & Solid Waste Program

- The education outreach of organic recycling continues for the second month in row to businesses. Flyers, posters and other education material are being prepared to be sent out all businesses. Staff met with managers at PLATT Electric and discussed with them the mandates overseeing organic recycling and commercial recycling.
- Staff continues to audit commercial garbage accounts to assure that all legal businesses that qualify under the Commercial Recycling mandates are signed up for services and are meeting the recycling mandate of 50% diversion.
- For the month of February, Bertolotti Disposal Inc. reported that the City of Patterson 760 pounds of bulky items that were picked-up via the Bulky Item Pick Up program.
- Staff coordinated with schools in the Patterson Unified School District to hold outreach events at the school. Staff met with school administrators to coordinate this effort which will be held in conjunction with the City's Arbor Day celebration
- The citizens of Patterson continue to be active in their recycling efforts. This is indicative in the quarterly tonnage reports that's produced by Bertolotti. Though the first quarter of 2016 is not over yet, the numbers from 2015 reflect an average of 462.88 tons of commingled recyclables being diverted from the landfill per quarter and 51.27 tons of cardboard being diverted to the cardboard recycling center in Stockton. The residence of Patterson were also able to divert 6546.94 tons of organic green and food waste away from the landfill to the Modesto Organic Recycling Center on Jennings Road.
- The City hosted its first of two (2) Hazardous and Electronic Waste event on February 19th and 20th at the Hammon Center. The City had Tri-Valley Recycling out of Stockton, CA assist with the E-Waste recycling.

Water Division & Water Conservation Program

Current Conservation Mandates

In a new executive order, dated November 13, 2015, the Governor states if drought conditions persist through January 2016, the State Water Resources Control Board (SWRCB) will extend the water conservation mandates until October 31. This final regulation was approved by the Office of Administrative Law on February 11, 2016. Section 865 of this emergency regulation provides suppliers with more flexibility in meeting their conservation requirements through adjustments and credits that allow a supplier to modify its conservation standard up to eight percentage points. These adjustments and credits include climate and growth adjustments and drought-resilient supply credit. It is estimated the city of Patterson will receive a conservation standard of 25 percent, a reduction of three percentage points.

For the month of February, the city issued 60 violation notices. Using the same comparison as the State Water Resource Control Board (January 2013 and excluding non-potable water), this month we saved 10.4 million gallons of potable water compared to the same month in 2013. That is a 15.34 percent reduction for the month of February.

SB407 Plumbing Retrofits

In addition to the High Efficiency Toilet Rebate Program, the city is still offering free water-conserving fixtures to help offset the costs of SB 407. With SB 407, California intends to increase

water and energy conservation through measures triggered by many forms of construction or renovation. The law requires, on or before January 1, 2017, that all noncompliant plumbing fixtures in any single-family residential real property shall be replaced by the property owner with water-conserving plumbing fixtures. The law also requires, on or before January 1, 2019, that all noncompliant plumbing fixtures in multifamily residential real property and commercial real property, be replaced with water-conserving plumbing fixtures. **SB 407 only applies to residential and commercial real property built before January 1, 1994.** There are approximately 2,300 buildings in Patterson that meet this criteria. In the near future, these properties will be receiving a questionnaire, so we have a better understanding of the retrofits that still have to take place.

February 2016 Water Pumping Totals	
Well	Amount
2	25,073,500
4 NP	Gathering data
5	84,400
6	24,287,100
7	74,800
8	8,298,000
9	83,000
11	0
Keystone NP	Gathering data
TOTAL	57,900,800

MG

Number of Water Waste Complaints: 2

Number of Follow-ups: 2

Number of Warning/Violations: 45

Number of Penalties: 4

Water Service Connection Requests: 50

Water Service Disconnection Requests: 63

Number of Work Orders Received: 5

Water Samples:

- 20 Distribution System
- 7 Sources
- Special Samples: Stage 2 By-Product Rule (Distribution System) Raw Water (Well 11).

Storm Water Pollution Prevention Program

- Staff is looking at joining a Local Regional Monitoring Program where a consultant would be hired to prepare the Monitoring & Implementation Plan and get it approved by the Central Valley Regional Water Quality Control Board (CVRWQCB). The City would be responsible for certifying/training personnel to take quarterly samples, send samples to a qualified laboratory, and have a consultant complete the reporting that is required. The consulting costs would be shared among all participants and the cost is estimated to be about 1/3 of the

total for participating in the Delta RMP. Staff will continue to keep Council informed as this process evolves.

- Staff is currently working on a partnership with the SJVSWQP (Coalition) to put together Regional Training to comply with the Year 3 permit requirements and to continue to educate staff, developers, engineers, and contractors on stormwater regulations.
- On April 7, 2015, the State Water Board adopted an Amendment to the Water Quality Control Plan for Ocean Waters of California (Ocean Plan) to Control Trash and Part 1 Trash Provision of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries (ISWEBE Plan). Together, they are collectively referred to as 'the Trash Amendments'. The project objective for the Trash Amendments is to provide statewide consistency for the Water Boards' regulatory approach to protect aquatic life and public health beneficial uses, and reduce environmental issues associated with trash in state waters, while focusing limited resources on high trash generating areas. The City will be hosting a California Stormwater Quality Association (CASQA) Webinar on Thursday, March 10th to learn about the new Trash Amendments that the State has adopted and that all the Stormwater Phase II MS4 Cities will have to comply with.
- Staff is working closely with other Cities to host a training on May 19th to cover many important stormwater trainings for staff, contractors, and other stakeholders. Classes will ensure that all required trainings for Year 3 of the MS4 Phase II permit are covered as well as provide follow-up trainings on some of the Year 2 programs. A committee has been formed to put the training on and Patterson is co-chair on the committee.

Capital Improvement Program (CIP) Projects

- These are the main projects which Public Works and Engineering are focusing on. These project include:
 - 2014 Slurry Seal Project (Project scheduled for completion/acceptance in January).
 - Orange Avenue Sewer Lift Station Rehab (Project nearly complete, pending punchlist.)
 - Salado Creek Grate (staff is working with Engineering to design a storm drainage grate that is needed at Salado Creek).
 - Staff will be working closely with Engineering to hire an architect to design plans for the Museum Revitalization project. A grant will be submitted by September 2016 and plans are required to apply.
 - Staff will be working closely with Engineering to hire an architect to design plans for the additional building that will be built at the Corporation Yard. The additional building would be able to secure additional equipment/vehicles.
 - Staff is getting close to securing a site for a future potable well on the northeast part of town. An item will be on the Council's closed session agenda regarding the purchase and right-of-entry agreement.

Committees & Commission

Parks & Recreation and Beautification Commission:

- The first meeting was held on February 17, 2016. The new formed committee is composed of five members. During this first meeting the Rob Cozart and Chinyere Jack have been voted in as Chair and Co-Chair respectively. Goals for the committee were discussed. The next meeting is scheduled for March 16, 2016.

Safety (JEMSAC) Committee:

- This committee has changed their meeting date/time to the 2nd Thursday of every month. During this time, the Committee reviews the City’s existing Safety Program and implements new safety policies and training to comply with all OSHA requirements and create a safe environment for employees and the public. The next meeting will be held on Thursday, March 10th.

Traffic Safety Committee:

- This committee is composed of Public Works, Public Safety (Fire & Police), Administration, Engineering, and Planning. All traffic issues are brought to this committee for review/analysis and addressed. The last Traffic Committee meeting was held on September 16, 2015.
- Traffic Speed Surveys will need to be updated in the near future. Staff will be working with the City’s Traffic Engineer to get these updated.
- The committee and staff are currently looking at a Funeral ordinance. Further research will be completed and information will be brought to Council on this item.
- Request for an additional crosswalk was received for the Walnut Grove Elementary School. Staff will follow-up on this item.
- Traffic concern for Apricot Valley School at Creekside Drive was re-submitted but is currently pending review with the City Manager.
- Request to remove the “No Parking” sign in front of the SCOE Alternative/Special Education School site located on Walnut was received, however the Traffic Committee is evaluating this request to ensure whether the sign is warranted or not.
- A resident expressed concerns regarding the Shearwater and Creekside Drive intersection and is requesting that the intersection turn into a 3-way stop. Item is being referred to the Traffic Engineer for further evaluation.
- Request for 4-way stop at Shearwater Drive & James Burke was made. Item is being referred to Traffic Engineer for possible 4-way stop in the future.
- The committee will have to discuss the possibility of relocating the signal light pole located on northwest corner of Sperry & Rogers. Damage continues to be done by large vehicles and relocating the pole will help address that.

Park, City Hall Reservations & LiveScans

Parks & City Hall Facility Reservations:

- Park Reservations = 0
- Field Reservations = 0

Encroachment Permits, Fire Hydrant Use Permits, Other Permits Issued by Public Works:

- Encroachment Permit = 5
- Fire Hydrant Use Permits = 0

Contracts & Agreements

- The lease agreement for the property owned by the City at Orange & First Street has been approved for an additional year (November 1, 2015 to October 31, 2016).
- Staff is currently working with the Striping Contractor to complete the second phase of the striping scheduled. The striping has been completed and the Contractor is working on the punchlist items.

- Staff has met with Schueber Farms and will be working on a one-year term lease agreement for the property located by the Wastewater Treatment Plant. The term would be from January 1, 2016 through December 31, 2016.
- Staff has completed the RFP for Uniform Services and it is currently being advertised in the Modesto Bee and Patterson Irrigator. The City currently has two contracts and this process will consolidate both contracts as well as provide the best cost for the service. Staff will bring this item to Council for award of a contract once the RFP process is finalized. The goal is to have a new contract in place by July 1, 2016.
- Staff has completed the Mowing Contract RFP and it is currently being advertised in the Modesto Bee and Patterson Irrigator. The City currently contracts mowing services with Grover Landscaping. The City will also be bidding on this RFP. Once the RFP process is finalized it will be presented to Council for approval of a new five-year contract. The goal is to have a new contract in place by July 1, 2016.

Streets & Collections Division

Work Orders = 9 (Streets); 15 (Streetlights)
 0 (Garbage)
 4 (Collections)
 0 (Stormwater Compliance)

Seasonal Tasks:

- Alley maintenance.
- Repaired curb/gutters and sidewalks.
- Repaired potholes and cracks on Sperry and Las Palmas avenues
- Installed sidewalks for the new Recreation Dept. buildings.
- Inspected sanitary sewer lines throughout the downtown area.
- Continue to maintain storm drainage system.
- Clean up in areas of Salado Creek.
- Continue to produce sand bags for the current storm season.

Urban Forestry & Building Maintenance Division

Work Orders = 47 (UF)
 5 (Building Maintenance)

Seasonal Tasks this Month:

- Focused on maintenance pruning and work order requests.
- Started mistletoe removal from City trees.
- Completed repairs at Fire Station 1.

Parks & Landscape Maintenance Division

Work Orders = 6

Seasonal Tasks & Projects:

- Continued maintenance of all parks and easements.
- Completed monthly playground inspections.

Fleet Services Division

Number of PW equipment repaired/serviced: 35 PW's vehicles and 1 Fire Vehicles

Water Quality Control Facility (WQCF)

Work Orders Received: 1

MONTHLY FLOWS AND AVERAGES -February 2016

February 2016	INFLUENT	SPOD*	NPOD*	AIPS
TOTAL FLOW, MG/month	40.476	22.637	12.884	4.473
AVG FLOW, MGD	1.396	.781	.460	.154
HIGH FLOW, MGD	1.504	.887	.485	.218
LOW FLOW, MGD	1.321	.707	.401	.131
Total Capacity, MGD	2.25	1.25	.800	.200

* SPOD- South Plant Oxidation Ditch (new)

* NPOD- North Plant Oxidation Ditch (old)

AVERAGE LABORATORY RESULTS

February 2016 Avg.	BOD5	TSS	TDS	pH	EC	NO3-N	TKN	TN-N	Na	Cl
Influent	1595	3390	*	7.55	*	*	*	*	*	*
Effluent. SPOD	3.95	3.65	1200	7.65	2060	.00	1.40	1.40	240	260
Effluent NPOD	2.85	1.40	1300	7.73	2160	.39	1.85	2.20	270	300
Effluent AIPS	21.50	20	1300	8.21	2390	.36	44.50	45	240	300

* Not required

Alarms/Call-Outs:

Alarms = 58

Call-Outs = 2

Seasonal Tasks:

- AIPS currently under performance test.
- Yearly PM on equipment.
- North plant clarifier #1 back on line.
- Continue using animals for weed control.
- Process control under adjustment for weather change.
- Start planning for wet season.



Youth Development

YAC Youth Action Commission

In February YAC was busy planning and then hosting a presentation of the movie "Fed Up", to many of the west side youth advocate leaders. This movie is a documentary talking about the dangers of unhealthy eating and the extent of sugar products added to food, which can negatively impact a person's health. We want to thank all who attended and Mayor Molina for being a guest speaker at the event. We had school board members, Patterson Council members, Newman Council members, and many other prominent community leaders in attendance. YAC also wants to thank members of the PHS ASB for assisting on the day of the event. In partnership with Stanislaus County to provide a training from the Jovenos Sanos Youth Engagement training in preparation for the Fed Up viewing.



YAC also partnered with "Invest in Me" youth organization, to host a Youth Empowerment Conference at the Hammon Senior Center. There was approximately 50 youth who attended the event. Again we would like to thank Mayor Molina for speaking, and the other presenters from throughout the area.

PHS YAC

Participated in a club day and food court day at PHS, as a fundraiser for YAC events and programs.

WG YAC

They also spent their meetings planning for Fed Up. They are planning a recruitment day and a minimum day event at Garza Park. Attendance numbers have increased and we are seeing a very energetic group of teens wanting to impact their school.

CMS YAC

The CMS YAC is planning a joint recruitment day with the Patterson Teen Center staff. The event should be held in March.

Patterson Teen Center

Recreation staff will be having recruitment days at all three schools. Staff is also working with regular attendees to find ways to increase attendance.



Youth Sports

Patterson Jr. Giants!

Planning for this summer's Jr. Giant program has begun, we met with our Jr. Giant staff person in San Francisco at the Stadium, to discuss last year's surveys and answer any questions that we had. Then staff went through a Jr. Giant Spring Training which gets all Commissioners together to talk about the program, and make sure that we all know what is expected out of us and our leagues for the upcoming season.

Jr. Warrior Youth Basketball

Held coaches meeting and now the season are underway with over 270 youth participating.

K-5 -	60 participants-6 Teams
2 nd -3 rd -	78 participants-8 Teams
4 th -5 th -	76 Participants-8 Teams
6 th -8 th -	59 Participants-6 Teams

Adult Sports

Adult Basketball

The season has started and there is a have a total of 11 teams playing. Also, PHS coaches will be hosting free basketball clinics before games start during the month of March.

Open Gym

Open every Saturday night from 6-9 pm at Walnut Grove gym. We have seen an increase in teen participation.

Hammon Senior Center Monthly Report for February

Senior Center Board of Directors

The Senior Board met to discuss programs, issues and general program planning for Hammon Senior Center. The meeting was held February 16th

Lunch Program

Hammon Senior Center Provides nutritionally balanced meal 5 days a week to senior community members. Howard Training Center provides meals 4 days a week and the Lunch Bunch provides 1 day a week.

Activities Committee

The committee met February 8th and 22nd they discussed future activities, events, and trips that they want to plan for our seniors.

Commodities: February 4th commodities distributed boxes of food and met the needs of our seniors and low income community members. The Commodity Supplemental Food Program works to improve the health of low-income elderly persons at least 60 years of age and low income families by supplementing their diets with nutritious USDA Foods.

Community Outreach: Our seniors wanted to thank our service men and women serving in the military. They made handmade cards and wrote personal letter to thank them for their service.

The seniors made cards for our military On December 21st members of our senior community gathered in celebration of Christmas and enjoyed a soup potluck and Christmas gift exchange.

February Highlights included:

- We had retirement party for Javier Gonzalez our Maintenance Supervisor who retired
- 46 Exercise Classes were taught including walking group, Golden Exercise, Young at Heart, and Line Dancing
- Movie Days on Monday's
- Craft Groups
- The played a game of Pictionary
- We had beginning computer classes
- We had a Valentine's Day dinner and movie night



- We took a trip to San Leandro, CA to a Murder Mystery Lunch Show
- The went on a Bowling and Lunch trip
- The senior had all day Sit -N- Sew class

Murder Mystery



Funds are needed for Summer Scholarship Program

Patterson Recreation seeking Youth & Senior Scholarships!

Recreation staff is seeking funds to provide program opportunities to all youth in Patterson this summer. Park and recreation agencies are the health and wellness leaders in their communities. Having a safe place to go after school, being active and eating healthy are vital services park and recreation agencies provide to their communities.

The Youth / Senior Scholarship Program is provided for any individual 18 years and under, and over 62 years, who wish to participate in City of Patterson Recreation programs and is not financially able to! Applicants must live in the city limits of Patterson, and provide proof of residency. They must meet the age qualifications and show proof of financial need. Applicants are accepted on a first come, first served basis and are awarded up to \$100 / youth—senior. Scholarships will be available as long as funds are available. Please help us in seeking funds to support the Youth and Senior Scholarship Programs. Anyone interested in supporting the program can contact the Recreation office for more information.

Online Courses



"Information That Works!"

We have recently added 17 online continuing education courses with the company LERN. These courses give students CEU's and some include a certificate. LERN's online course UGotClass includes 34 courses, of which we've chosen to offer 17. The courses we've chosen to offer fall under the categories of business, career skills, health, management, and social media for business, training for K12 teachers, and courses for parents. For the full list of courses visit <http://www.yougotclass.org/catalog.cfm/Patterson> .



CITY COUNCIL AGENDA REPORT

TO: Mayor Molina and Members of the City Council

FROM: Ken Irwin, City Manager *KI*

MEETING DATE: March 15, 2016

ITEM NO: 5.3

SUBJECT: Approve City Commission Reports for the Month of February 2016
(Parks, Recreation & Beautification Commission and Planning
Commission)

RECOMMENDATION

Motion to approve the City Commission Reports for the Month of February 2016 (Parks, Recreation & Beautification Commission and Planning Commission)

February 2016 Parks, Recreation & Beautification Commission Monthly Report

The following information is provided as an update regarding the Parks & Recreation Commission meeting activities during the month of January and updates for previously approved projects.

Parks, Recreation & Beautification Commission meetings are held on the 3rd Wednesday of every month at 5:00 in the Conference Room 229.

5-Member Commission

Chair	Rob Cozart	Term: May 2016-2018
Co-Chair	Chinyere Jack	Term: May 2015-2017
Commissioner	Vivian Ratliff	Term: May 2015-2017
Commissioner	Kelvin Love	Term: May 2015-2017
Commissioner	Elias Ratliff	Term: May 2016-2018

Parks & Recreation Commission Meeting:

On February 17, 2016, the Parks, Recreation & Beautification Commission Mtg. discussed the agenda items listed below.

- 1. Selection of Chair**
- 2. Introduction of New Members**
- 3. Goals for the Commission**

The next regular meeting will be scheduled for March 16, 2016



February 2016 Planning Commission Monthly Report

The following information is provided as an update regarding Planning Commission activities during the month of February.

Planning Commission Meetings

On February 11, 2016, the Planning Commission held a meeting to consider the following items:

1. **Architectural & Site Plan Review #15-06 & Conditional Use Permit #15-08, Patterson Gas (continued)**
A new 2,583 square foot gas station (convenience store) with a 57'x40' canopy for eight bays (four pumps). The project is located at the northeast corner of Rogers Road and Speno Drive. The convenience store will sell snacks plus beer and wine. The operational hours would be 24 hours/day 7 days/week. A draft Negative Declaration has been prepared noting that the project will not have a significant impact on the environment under the California Environmental Quality Act. This item was approved by the Planning Commission with a 5-0 vote. An appeal to the City Council was subsequently submitted and will be heard by the Council at the March 15th meeting.
2. **Conditional Use Permit #16-01, Somos Un Mundo Daycare, 102 Jersey Lane**
A public hearing to consider the establishment of a large daycare center (9-14 children) in a single family home at 102 Jersey Lane, located in the LR, Low Density Residential Zone. The applicant is currently licensed from the State of California for up to eight children. The project is exempt from review under the California Environmental Quality Act. The Planning Commission approved this item with a 5-0 vote.

The next Planning Commission meetings are scheduled for March 10th and 24th at 7:00 PM.



CITY COUNCIL AGENDA REPORT

TO: Mayor Molina and Members of the City Council

FROM: Ken Irwin, City Manager *KI*

BY: Juliene Flanders, Director of Recreation & Community Services

MEETING DATE: March 15, 2016

ITEM NO: 5.4

SUBJECT: Approve Rolling Street Closure for Randy's Run on May 1, 2016.

RECOMMENDATION

Approve Rolling Street Closure for Randy's Run, on May 1, 2016. From 7:00 am – 11:00 am.

BACKGROUND

Attached is the application requesting the City Council to approve rolling street closure and police/ CHP escorts for a rolling street closure for the Randy's Run event. Attached is a map of the route. Rolling Street closures have been approved by Police Staff as long as CHP is on scene to assist with the County portion of the run.

STREETS TO BE CLOSED

Anna Marie, Between Rogers Road and Speno Drive.

ANALYSIS

The Event Coordinator has complied with submitting the following information:

- Letter of Request
- Special Event Application
- Site Street Closure Map
- Event Insurance – pending
- Encroachment Permit – pending
- Contact confirmation with CHP - pending

FISCAL IMPACT

No fiscal impact at this is a rolling closure escort.

APPLICANT INFORMATION

Instructions: Please carefully read "Submitting Your Special Event Permit Application", page 3 before completing this application.

Name of Applicant/Responsible Party (Must match the signature on page 17) Karen Baysinger

Street Address PO Box 179 Apt/Unit/Suite _____

City Riverbank State CA Zip Code 95367

Email Address Ktbaysinger@gmail.com

Daytime Phone 209 602-6882 Cell Phone 209 602-6882 Fax —

Name of Event Organizer/Producer (If different from Applicant) _____

Street Address _____ Apt/Unit/Suite _____

City _____ State _____ Zip Code _____

Email Address _____

Daytime Phone _____ Cell Phone _____ Fax _____

Sponsoring Organization/Company Randy's Run

Contact Name Karen Baysinger Contact Phone (209) 602-6882

Street Address PO Box 179 Apt/Unit/Suite _____

City Riverbank State CA Zip Code 95367

Is the mentioned organization a nonprofit agency? No Yes

If yes, please provide Employer Identification Number 45-1958071

Event Contact for Public Information

Name Marti Threadgill Phone 209-312-9311

Email Address marti@igatta.com

Website www.randysrunride.com

On-site Contact Name Marti Threadgill On-site Cell Number 209-276-5633

- Contact CHP
- County Special Event Permit.
- Rolling Closure
- Volunteer Assistance

EVENT DETAILS

Event Name Randy's Run

Event Location¹ 2599 Speno Dr. Patterson, CA 95363

¹**Additional Documentation Required:** Please attach a copy of your overall event layout as well as any fenced areas. If requesting a street closure for your event, parade, run, walk, select an approved street closure layout. Refer to Addendums J, K, L, M and N. Maps must include location of stages; bleachers; portable restroom facilities; alcohol dispensing areas; fencing line; entrances, exits and emergency exits; first aid; vendors; inflatables; rides; tents, canopies, booths or other temporary structures; and waste and recycling receptacles/dumpsters. For events with street closures, the site map and/or route map must include surrounding street names; directional arrows; twenty (20) foot emergency fire lane; street closure points; barriers/barricades; signs; start and finish area; water or first aid stations; and band/DJ locations.

Select an approved street closure layout:

- Plaza Circle #1 - Addendum J
- Plaza Circle #2 - Addendum K
- Plaza Circle #3 - Addendum L
- Parade Route #1 - Addendum M
- Parade Route #2 - Addendum N

Start Area _____ Finish Area _____

Event Date(s): 5-1-16 to 5-1-16 Event Hours (include registration time): 7:00AM to 11:00AM

Step-off Time (applicable only for events with a route): _____ to _____

Set-up Date(s): _____ to _____ Set-up Times: _____ to _____

Tear Down Date(s): _____ to _____ Tear Down Times: _____ to _____

Number of Participants (units and floats for parades): _____ Number of Spectators: _____

Total Anticipated Attendance: 150

- Type of Event (check all that apply):
- Run/Walk
 - Park Festival
 - Certified Farmers Market
 - Concert
 - Street Festival/Block Party
 - Parade/Procession
 - Protest/Rally/Demonstration
 - Fundraiser
 - Fireworks/Pyrotechnics
 - Open to the Public
 - Private Event (not open to the public)
 - Other _____

Has this event been produced before? No Yes

Is this an annual event? No Yes

Previous name(s), date(s) and location(s) of event: Same name/location

Will there be an admission or entry fee? No Yes Fee per adult: \$60 Fee per Child: N/A

Who will benefit from the proceeds? Leukemia & Lymphoma Society

Event Description (Provide a detailed description of your event. Attach additional pages or materials as needed.)

13.1 mile half marathon run/walk. THE EVENT IS NON-COMPETITIVE AND BENEFITS THE LEUKEMIA & LYMPHOMA SOCIETY.

PARK USE

The City of Patterson offers several public parks as a venue for your event. Please refer to Addendum A for Park information. Contact the Public Works Dept. at (209)895-8060 for park availability and reservation information.

If interested in reserving a park, please select from the following list of parks:

- North Park
 South Park
 Sports Complex
 Garza Park

STREET CLOSURE INFORMATION

There are three (3) types of street closures: 1) hard street closures, 2) rolling street closures and 3) lane closures. If your event includes a street closure, you will need to submit a Traffic Control Plan (TCP). The City's Public Works Department will determine whether a professional TCP is required based on the location and type of street closure, if the event will generate additional traffic or if existing traffic will be severely interrupted. The Public Works Department must approve the TCP before Special Event Permits can be issued. Applicant is responsible for providing and properly placing the necessary traffic control equipment such as barriers/barricades, cones, delineators, and advisory and detour signage to implement the TCP.

Street Closure points must be manned at all times. In some events, Police Department officers may be required to facilitate the closure. The number of officers will depend on the location, type and nature of the closure. Applicant is responsible for hiring the officers and securing a separate contract for their services. In some cases, adult volunteers may be stationed at each closure point during the duration of the street closure (including set-up and tear down times). Use of volunteers, if necessary and/or acceptable, will be determined by the Police Department. For additional information relating to street, and road closures for any event, please contact the **Public Works Department**.

Event will occupy:
 one lane
 two lanes
 half of street
 full street

Closure type:
 Rolling Street Closure (street opens to normal traffic after participants pass)
 Hard street closure (street closed for an extended period of time and/or event equipment will be placed in street for the duration of the event; no vehicle access)

Name of street(s) to be closed:

(Attach additional pages as needed; or for moving events such as parades, runs, walks, marches, etc. indicate "see route" and attach the approved map.)

MAPS ARE ATTACHED

<i>ANNA MARIE</i>	<i>ROGERS RD</i>	<i>SPENO DR</i>	<i>7:00 am</i>	<i>11:00 am</i>
Street Name	between	and	Start time	End time
Street Name	between	and	Start time	End time
Street Name	between	and	Start time	End time

REGIONAL TRANSIT

Any proposed route along or crossing rail tracks must not impede train movements. Trains must be allowed to proceed without interruption. California Northern Railroad will provide input whether or not any proposed route affecting their right of way can be accommodated. If your route impacts Regional Transit or to request a list of service times, please contact California Northern Railroad at (530)668-9490.

Keeping bus detours to a minimum is appreciated. When detours are required, lead time for notifying Stanislaus Regional Transit's bus ridership is required. If your route impacts bus stops, please contact Stanislaus Regional Transit at (800)262-1516.

ALCOHOL MANAGEMENT PLAN - Continued

Are you requesting permission to serve alcohol at your event?² No Yes

²**Additional Permits Required:** To begin the permit process, please complete the Patterson Police Department's One Day Alcohol Beverage Permit Request (see Addendum C). Once that permit has been obtained, you may apply for an ABC license. To qualify for a Special Daily License, you must be an existing non-profit organization, including a charitable, civic, cultural, fraternal, patriotic, political, religious, social or amateur sports organization. Commercial enterprises and caterers are subject to different requirements. Please contact ABC at (916) 227-2002 for permit information. If you are a non-profit (501) organization you must also have a valid "Tax Exempt" status with the Franchise Tax Board to qualify for a special daily alcohol license. Exempt status can be verified at <https://webapp.ftb.ca.gov/eletter/?Submit=Check+Status>.

Will the alcohol be sold to the attendees? No Yes

Type of alcohol (check all that apply): Beer Wine Distilled Spirits

Explain your sales plan (ticket system, cash at service area, etc.):

Explain your method(s) of serving:

Explain who will serve the alcohol (professional bartenders, volunteers, etc.):

Is the event open to all ages? No Yes

Explain how IDs will be checked, wristbands applied and how you will monitor for underage drinking:

Do you have an alcohol sponsor? No Yes If yes, explain:

MEDICAL PLAN

Have you made provisions for on-site medical services? No Yes

If yes, please describe your medical plan:

2 R.N.'s WILL BE ON-SITE. ONE WILL BE MONITORING THE COURSE, THE OTHER WILL BE AT FINISH LINE.

AMPLIFIED SOUND/ENTERTAINMENT RELATED ACTIVITIES

The City of Patterson defines "amplified sound" as speech, music or other sound projected or transmitted by electronic equipment including amplifiers, loud speakers, microphones, or similar devices or combinations of devices which are powered by electricity, battery or combustible fuel and which are intended to increase the volume, range, distance or intensity of speech, music or other sound.

- No Person shall use amplified sound, including sound checks, before 9am or after 10pm Sunday through Thursday and before 9am or after 11pm on Friday, Saturday and the day prior to a Federal, State or City designated holiday, unless prior authorization is received and permission is included in your Special Event Permit.
- No person shall use amplified sound exceeding a noise level of either 98 dBA at a distance of 150 feet from a noise source or sources, 80 dBA when measured from the nearest residential property, or 24 dBA above ambient noise levels, whichever noise level is lower.

In some cases, a pre-established amplified sound range will be set for you based on the venue or history of your event. The City may also require that you hire a City Event attendant (see Addendum B for fee) to visit your event to set the amplified sound range and remain on-site to monitor the approved range.

Will your event include amplified sound? No Yes

What times are you requesting amplified sound? Start: End:

Will sound checks be conducted prior to the start time? No Yes If yes, what time:

Describe the sound equipment that will be used at the event:

Are there any musical entertainment features related to your event?³ No Yes

³ Additional Documentation Required: Please attach a performance schedule including all performers/bands/DJs, types of music and performance schedule.

Does the entertainment include the use of fireworks, rockets, lasers or other pyrotechnics?⁵ No Yes
If yes, explain:

⁴ Additional Documentation Required: The license holder must submit a letter of intent and shoot schedule. Please contact the Patterson Fire Department at (209) 895-8130.

Does the entertainment include any inflatables? No Yes If yes, explain:

AMPLIFIED SOUND/ENTERTAINMENT RELATED ACTIVITIES - *Continued*

Does the entertainment include carnival rides?⁵ No Yes If yes, explain:

⁵ **Additional Documentation Required:** The carnival company must submit a letter of intent with a site plan to the Patterson Fire Department. Please contact Fire Prevention at (209)895-8130 or specialevents@ci.patterson.ca.us for more information.

Does the entertainment include animals? (petting zoo, pony rides, etc.) No Yes If yes, explain:

Does the entertainment include vehicles? (car show, displays, etc.) No Yes If yes, explain:

FENCING

Fenced area refers to any event or area within the event that is closed off by temporary fencing. The Patterson Fire Department will review your site map and set an occupancy load for the fenced area. When developing your fence plan, please keep in mind the following rules:

- In addition to the main entrance, at least two (2) exits shall be provided when the venue accommodates fewer than 1,000 attendees; at least three (3) exits for 1,000 to 3,000 attendees; and at least four (4) exits when the venue accommodates more than 3,000 attendees.
- Exits shall be equally spaced along the perimeter of the fence and shall be spaced so that no exit is greater than a distance of 400 feet of travel from the next exit.
- Exit width shall be understood to be a panel's width of temporary fencing, to provide an opening of no less than 48 inches.
- Each exit shall have a security guard or volunteer assigned to it.
- Each emergency exit shall be indicated by a sign with a white background and contrasting red letters; sign shall measure 18 x 24 inches; sign lettering shall measure 12 inches in height; and signs shall be placed at the top center of the exit panel.
- In some cases, a Fire Department inspection may be required (for a fee) to set the occupancy load and check access and exits. For questions about fencing or to make arrangements for an inspection, please contact Fire Prevention at (209) 895-8130 or specialevents@ci.patterson.ca.us for more information.

TENTS/CANOPIES/TEMPORARY STRUCTURES - CONTINUED

Seating:

- Chair rows must be no longer than 15 seats and have 18 inches of clearance front to back.
- Aisles must be at least 44 inches wide.

Exits:

- Exits must be evenly spaced at least every 100 feet around the perimeter. Exits, aisles, and pathways shall not be blocked or obstructed at any time.
- Illuminated exit signs must be hung when the occupancy exceeds 50 attendees.

Will your event include tents or canopies? No Yes If yes, indicate on the site map and

Number of tents/canopies

Tent/canopy size(s) (if you have multiple tents/canopies with varying sizes, indicate the number with the corresponding size):

STAGES/PLATFORMS

Will your event include the installation of stages or platforms? (if yes, please indicate on site map)

No Yes

How many stages?

What are the dimensions?

VENDORS

The City of Patterson defines "vendor" as an organization or business that sells or advertises products and/or services to event attendees. "There are two (2) categories of vendors: for-profit and non-profit." Generally there are two (2) categories of vendors: 1) food/beverage, 2) merchandise information. Event organizers must pay a Vendor Participation Fee, based on the number of for-profit vendors expected to participate in the event. Please refer to Addendum B - Fee Schedule Finance Department Fees.

Does your event include food vendors?⁶ No Yes How many?

⁶ **Additional Documentation Required:** A County of Stanislaus, Environmental Resources Health Permit is required to sell or serve food to the general public in the City of Patterson. Please contact the Stanislaus County at (209)525-6700 or visit www.stancounty.org for permit information.

Will any of the food vendors be cooking or heating food on-site?⁷ No Yes How many?

⁷ **Additional Documentation Required:** Please read the Patterson Fire Department's Hot Food Vendor Requirements (Addendum E). This document must be distributed to each of your hot food vendors. Each vendor must read, sign and display this document on-site. A Patterson Fire Department Inspection may be required (for a fee).

What methods will be used (check all that apply)? gas electric charcoal other

What is your plan for disposing of grease, charcoal and/or waste water?

Does your event have merchandise vendors? No Yes How many?

Does your event include information vendors? No Yes How many?

Will any items or services sold at your event present any unique liability issues? (massage, tattooing/piercing, etc.)

No Yes **If yes, explain:**

CERTIFIED FARMERS MARKET

A certified farmers market⁸ is an event where agricultural products are sold by producers directly to consumers or to individuals, organizations or entities that subsequently sell or distribute the products directly to end users. A certified farmers market may be operated on public property with a Special Event Permit.

⁸ **Additional Documentation Required:** A Stanislaus County, Environmental Resources Health Permit is required. Please contact Stanislaus County at (209)525-6700 or visit www.stancounty.com for permit information.

ENCROACHMENT REQUIREMENTS & CONDITIONS

The purpose of an encroachment permit is to enable the City to monitor activities performed within City rights-of-way and to ensure the safety of the public. A request for a road closure and and/or road detours also requires an Encroachment Permit as well as Encroachment on City owned property/facilities. Please refer to Addendum B - Fee Schedule, Public Works Fees.

An Encroachment permit assures that the encroachment area will be safe for the public and that it is in accordance with the requirements of the City of Patterson Municipal Code, Satisfies all Conditions of Approval, and that it complies with all regulatory compliance requirements (Local, State, Federal), for example SWPPP, FOG, Water Conservation and Recycling.

As part of this Special Events Packet, the event holder will be required to submit Liability Insurance in the amount of \$2 million and an Endorsement naming the City of Patterson as additionally insured. This is also a requirement for Encroachment on public right-of-way. By signing on the Special Events Application the Event Holder/Applicant agrees to the following terms and conditions for Encroachment:

1. Any damage to public or private property or any damage to facilities in the public right-of-way is the responsibility of the event Holder/Applicant who agrees to all/any liability(ies) resulting from the approved event.
2. If the event results in significant impact to existing homes or businesses, the event Holder/Applicant is required to provide written notification at least 48 hour advance notice to all affected property/business owners. If the event has an impact to the Public Transportation Facilities located within close proximity of the event, the event Holder/Applicant is responsible to coordinate with the City of Patterson and/or Stanislaus County Transit to provide adequate services during the event and to post notification on the shelters at least 48 hours in advance of the event.
3. The event Holder/Applicant is responsible for coordinating inspections with Public Works by calling (209)895-8064. A pre-event inspection is required prior to the start of the event and a post-event inspection at the end of the event.
4. The event Holder/Applicant will pay the Encroachment fee in addition to any Park, Special Events Fees, and/or other services charged for this event.

Are you requesting a road closure or encroachment on City owned property? No Yes

If yes, explain

MARKETING/ADVERTISING/PROMOTIONS

Please ensure that you have conditional approval before you begin to market, advertise or promote your event. Acceptance of the Special Event Permit Application is not a guarantee of the date or location nor automatic approval of your event. Once you have conditional approval you may proceed to market, advertise or promote your event at your own risk. However, if the permit is not granted and the event is therefore cancelled, you may not hold the City of Patterson responsible or liable for any of the costs incurred from your marketing, advertising or promotions.

Please explain how you will market, advertise or promote this event or invite attendees to the event
(include event website and social networking sites if applicable; attach additional pages as needed):

WE WILL USE PRINTED FLYERS, SOCIAL MEDIA (FACEBOOK PAGE), AND
EVENT WEBSITE (randysranchride.com) FLYER IS ATTACHED

Do you plan to include radio or television promotions? No Yes *If yes, explain:*

Do you expect a live broadcast or feed from the event? No Yes *If yes, explain:*

Do you expect media coverage? No Yes *If yes, explain:*

Do you plan to place signs or hang banners on City property?⁹ No Yes *If yes, explain:*

⁹ **Additional Permit Required:** If you wish to place a banner, please call the Community Development Dept. at (209) 895-8020 or e-mail planning@ci.patterson.ca.us for permit information.

INSURANCE

Applicant and/or the sponsoring organization shall defend, indemnify, and hold harmless the City of Patterson, its officials, agents, employees and volunteers from and against all actions, losses, damages, liability, costs and expenses of every type and description, including, but not limited to, attorney's fee, to which any or all of them may be subjected by reason of, or resulting from, directly or indirectly, in whole or in part, the acts or omissions of the applicant, sponsoring organization, or its officers, agents, employees or volunteers directly or indirectly arising from the exercise of the authority under the Special Event Permit. Verification of insurance must be submitted at least 10 days prior to your event. You must submit two (2) documents to satisfy insurance requirements

- 1. Certificate of Insurance** in the amount of \$2 million worth of General Liability coverage must be submitted for the event date and any set-up and/or tear down dates.
 - The standard proof of insurance is the ACORD certificate form.
 - The name of the insured, the insurance carrier, the policy number, coverage limits, and effective and expiration dates for the coverage must be stated on the certificate of insurance.
 - Certificate holder must be listed on the certificate as City of Patterson, Special Event Services, 1033 W. Las Palmas Ave., Patterson, CA 95363.
 - Insurance certificates must be signed by an authorized representative of the insurance carrier. Electronic signatures are acceptable.
- 2. Additional Endorsement** is required to reflect that the insurance policy has been amended to include the City of Patterson as insured.
 - The Additional Endorsement must reference the policy number as it appears on the certificate.
 - "The City of Patterson, its officials, agents, employees and volunteers" must be named as additionally insured on the Additional Endorsement.

Your permit will not be issued until both the Certificate of Insurance and Additional Endorsement have been received.

If you do not have insurance, contact HUB International Insurance for Special Event coverage. For more information contact (925) 609-6500 or visit www.eventinsure.com, e-mail: specialevent@hubinternational.com

SIGNATURE

I have read the rules and regulations contained in this document and agree to abide by these rules and regulations. I am duly authorized by the Organization to submit this application on its behalf and agree to be financially responsible for any fees and costs that may be incurred by or on behalf of the event in the City of Patterson. I certify that the information that I have provided on this application is true and accurate to the best of my knowledge. If the event details change, I agree to submit a revised application or provide additional information in writing at least 30 days prior to the event.

Name (please print) KAREN BANSINGER

Signature [Handwritten Signature]

Date 1-26-16 Drivers License Number¹¹ N7955617

¹¹**Additional Documentation Required:** Please attach a current copy of your Drivers License or California ID to complete application.

FORM OF PAYMENT

A non-refundable application fee of \$50 is due at the time you submit your application. Permit fees are due sixty (60) days in advance of your event. Applications submitted within sixty (60) days of an event require a \$50 non-refundable late processing fee in addition to the \$50 application fee and payment in full. Checks must be made payable to "City of Patterson" and will not be accepted less than thirty (30) days prior to the event.

Please indicate the type(s) of payment method you wish to use:

- Cash - must be presented to clerk
- Personal/Business Check - attach or present to clerk
- Money Order/Cashiers Check - attach or present to clerk
- Visa/ MasterCard / American Express - must be presented to clerk

Phone: _____ Name: _____

Refund Policy

Any refunds due will be processed and mailed within 21 business days of the event or cancellation. Payments made by cash, check or credit card will be refunded with a check.

CHECKLIST

Thank you for submitting the Special Event Permit Application. Before you submit your application to the City of Patterson, Special Event Services, please make sure you have completed the following step:

- Signed AND dated your application
- Attached your event site map (and route map if applicable)
- Included \$50 non-refundable application fee (if you are submitting less than 60 days prior to the event date, please include a \$50 late processing fee for a total of \$100)
- Attached a copy of your current Drivers License or California ID

Submit your completed application to:

By mail:

City of Patterson, Special Event Services
1033 W. Las Palmas Ave.
Patterson, CA 95363

Or by: Fax: (209)895-8189

Or by: Email: specialevents@ci.patterson.ca.us

Questions?

Please call
Special Event Services
at (209)895-8080

Best wishes for a successful event!

Addendum F - NOTIFICATION OF UPCOMING SPECIAL EVENT

Organizer(s) Information

Sponsoring Organization RANDY'S RUN
Event Contact MARTI THREADGILL Phone Number 209-312-9311
Event Web-site randysrunride.com Expected Attendance UP TO 200

Event Information

Type of Event - (check all that apply) Run/Walk Street Festival/Block Party Parade Procession
 Park Festival Concert Private Party Fundraiser Other: _____

Event Name RANDY'S RUN

Event Date(s) MAY 1, 2016

Event Location 2959 SPENO DR, PATTERSONS (VILLA DEL LAGO)

Event Hours Start: 7:00 am End: 11:00 am

Set-up Date: 5-1-16 Time: 6:00 am

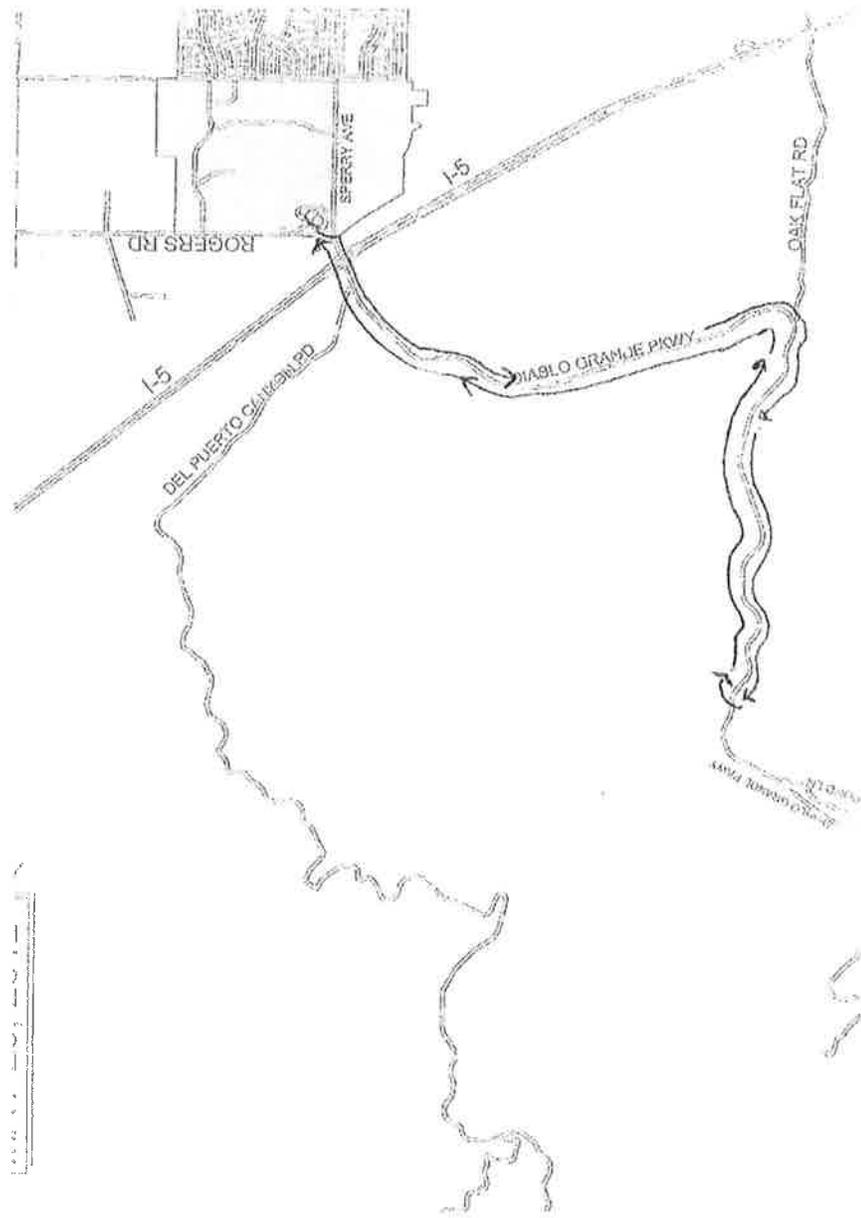
Break Down Date: 5-1-16 Time: 12:00 pm

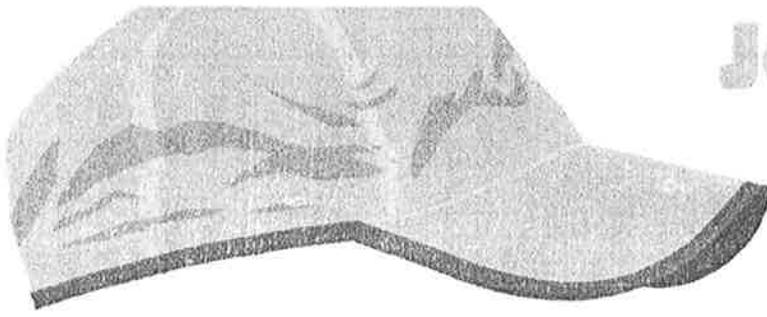
Name of Street(s) to be Closed:

<u>ANNA MARIE AVE</u>	Between	<u>ROGERS RD</u>	And	<u>SPENO DR</u>
	Between		And	

Overall Event Description

RUN/WALK, NON-COMPETITIVE, BENEFITTING CHARITY





Join us for a
**13.1 mile
run/walk!**

RANDY'S

RUN

Sunday Morning
May 1, 2016

Villa Del Lago
2959 Speno Dr.
in Patterson



LEUKEMIA &
LYMPHOMA
SOCIETY

TEAM IN
TRAINING

\$60 until March 31 / \$70 after April 1.

Limited number of openings. **SIGN UP NOW!**

More info and registration: www.RandysRunRide.com

Benefitting the Leukemia & Lymphoma Society

DRAFT

Hammon Senior Center
 1033 W. Las Palmas
 Patterson, CA 95363
 Phone: (209) 895-8180
 FAX: (209) 895-8189
 Email: recreation@ci.patterson.ca.us

Receipt #1005606.016

Feb 3, 2016 11:14 AM

Prepared By: Jess ca Fox
 Company ID: 300

RANDYS RUN
 PO BOX 179
 RIVERBANK, CA 95367

Home phone: --, Work phone: --

Payment Summary

Check:	\$50.00	Check # 1076	Cash:	\$0
Credit Card:	\$0		Memo:	\$0
Account:	\$0		Gift Card:	\$0
Financial Aid:	\$0			
Total Received:	\$50.00		Total Payments:	\$50.00
			Payment Plan:	\$0

Transactions

Customer	Description	Item	Unit	Qty	Fee	Charge
Karen Baysinger 7220 Willowbank Way Carmichael, CA 95608 Home phone: (209) 620-6882 Email: -- ID: 40327	2016 Special Events Application Fee #12016.0100 Action: Enroll Enrollment Effective Date: Feb 3, 2016 Meets: From January 11, 2016 to December 26, 2016 Location:	Activity Fee	Per Seat	1.00	\$50.00	\$50.00

Total Charges	\$50.00
Total Payments	\$50.00
Balance	\$0



CITY COUNCIL AGENDA REPORT

TO: Mayor Molina and Members of the City Council

FROM: Ken Irwin, City Manager 

BY: Tiffany Rodriguez, Capital Projects Manager,
Engineering, Building and Capital Projects

MEETING DATE: March 15, 2016

ITEM NO: 5.5

SUBJECT: Approve Resolution No. 2016-23, Accepting the Street Slurry Seal Project as Complete, Authorizing Staff to File the Notice of Completion and Commence the One-Year Warranty Period

RECOMMENDATION

Approve Resolution No. 2016-23, Accepting the Street Slurry Seal Project as Complete, Authorizing Staff to File the Notice of Completion and Commence the One-Year Warranty Period.

BACKGROUND

The major work for the Street Slurry Seal Project consisted of slurry sealing approximately 320,000 square yards of paved roads in the City. Work included removal of existing striping and marking, reflective blue fire hydrant markers and reflective lane markers, cleaning of pavement and installation of temporary centerline markers where indicated. The total cost for construction was \$636,814.16.

Staff had some issues with the Slurry Seal membrane and loose aggregate that lead to citizen complaints. The city has been dealing with the contractor to mitigate these deficiencies. The contractor has acknowledged the problem with the surfacing and has agreed to come back after the rainy season to address it. (Please see attached letter). The contractor has already swept the loose gravel from the streets as requested. At this point, city staff recommends closing out the project. The loose aggregate problem has been taken care of and the issues with the surfacing will be addressed by the contractor during the 1 year warranty period.

The City received a request from the Contractor, California Pavement Maintenance Co., Inc., to be placed on the City Council agenda for acceptance of the Street Slurry Seal Project. City personnel including members of Engineering and Public Works, as well as the Contractor, have conducted a final inspection and the project is ready for Council acceptance.

ANALYSIS

Once the project is accepted by the City Council as complete, the One-Year Warranty Period will begin and the Notice of Completion will be recorded.

FISCAL IMPACT

There is no fiscal impact associated with this item.

RECORDED AT REQUEST OF:

City of Patterson

WHEN RECORDED RETURN TO:

Maricela Vela
City Clerk's Office
P.O. Box 667
1 Plaza
Patterson, CA 95363
(209) 895-8014

Space above this Line for Recorder's Use

**CITY OF PATTERSON
NOTICE OF COMPLETION
(Resolution No. 2016-23)**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Patterson, a Municipal Corporation in the County of Stanislaus, State of California, the City Council accepted "*the Street Slurry Seal*" project as complete. The project as a whole was completed by the contractor "*California Pavement Maintenance Company, Inc.*" and accepted as complete by the City of Patterson City Council at a regular meeting held on the 15th day of March, 2016.

CITY OF PATTERSON

BY: _____
Maricela L. Vela, City Clerk

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RESOLUTION NO. 2016-23

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PATTERSON,
ACCEPTING THE STREET SLURRY SEAL PROJECT AS COMPLETE,
AUTHORIZING STAFF TO FILE THE NOTICE OF COMPLETION**

WHEREAS, the Contractor, "California Maintenance Pavement Company, Inc." has completed all work for the Street Slurry Seal Project in accordance with the contract requirements and plans and specifications; and

WHEREAS, the City has inspected the work and recommends that the project be accepted as complete.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Patterson that it hereby accepts the project as complete, directs the City Clerk of the City of Patterson to file the Notice of Completion on behalf of the City of Patterson and release the Final Retention Payment for the project.

The foregoing resolution was passed by the City Council at a regular meeting held on the 15th day of March, 2016, _____, who moved its adoption, which motion was duly seconded by _____, and the resolution adopted by the following roll call vote:

AYES:

NOES:

EXCUSED:

APPROVED:

Luis I. Molina, Mayor of the City of Patterson

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ATTEST:

Maricela L. Vela, City Clerk of the City of Patterson

I hereby certify that the foregoing is a full, correct and true copy of a resolution passed by the City Council of the City of Patterson, a Municipal Corporation of the County of Stanislaus, State of California, at a regular meeting held on the 15th day of March, 2016, and I further certify that said resolution is in full force and effect and has never been rescinded or modified.

DATED:

City Clerk of the City of Patterson



Feb. 5, 2016

City of Patterson
c/o: Tiffany Rodriguez

re: City of Patterson Street Slurry Seal Project 2014-C-013

Dear Tiffany,

This letter is to confirm that CPM will work with the city this spring to re-evaluate the streets and determine what, if any, corrective action might be required on the streets that have been observed to display signs of washboarding of the slurry seal application that was installed in 2015.

Respectfully,

A handwritten signature in black ink, appearing to read "Bruce Taylor", is written over a light gray circular stamp.

Bruce Taylor
California Pavement Maintenance Company, Inc.



CITY COUNCIL AGENDA REPORT

TO: Mayor Molina and Members of the City Council

FROM: Ken Irwin, City Manager

BY: Joel Andrews, City Planner
Teresa Rodriguez, Associate Planner

MEETING DATE: March 15, 2016

ITEM NO: 5.6

SUBJECT: Approve Resolution No. 2016-24 the City's CDBG Program Allocation for Fiscal Year 2016-2017

RECOMMENDATION

Staff recommends that the City Council adopt a resolution (No. 2016-24) of concurrence and support to submit the Consolidated Plan, Annual Action Plan and Regional Analysis of Impediments prepared for the Stanislaus County Community Development Block Grant Program Consortium to HUD.

DISCUSSION

The adoption of the Annual Action Plan (AAP) is a requirement of the U.S. Department of Housing and Urban Development (HUD) for jurisdictions that receive and administer certain HUD block grants on an entitlement basis. The AAP is a component of the Consolidated Plan in which the jurisdiction identifies the activities it will undertake during the upcoming fiscal year with CPD formula grant funds to address the goals and priorities identified in the Con Plan. Further, the AAP serves as an annual funding "application" for CDBG, ESG, and HOME funds.

As part of the Con Plan, HUD funded recipients are required to: 1) examine and attempt to alleviate housing discrimination within their jurisdictions; 2) promote fair housing choice for all persons; 3) provide opportunities for all persons to reside in any given housing development, regardless of race, color, religion, sex, disability, familial status, or national origin; 4) promote housing that is accessible to and usable by persons with disabilities; and 5) comply with the non-discrimination requirements of the Fair Housing Act.

Local jurisdictions are no longer required to hold public hearings regarding the AAP. The City of Patterson held a Community Meeting on February 24, 2016 at 7p.m. but no members of the community attended.

The City has allocated this year's funding towards the 5th Street Infrastructure Project. Since the southside of the City has been our income target area for various funding cycles, the City has been allocating all of its funding towards infrastructure projects. This is our 4th round of funding that has been allocated towards infrastructure. Currently the City is working on finalizing the second phase of the 4th Street Infrastructure Project. Once that project is complete the City will begin the engineering phase for the 5th Street Project.

ANALYSIS

A resolution in support of the 2016-2017 Annual Action Plan will allow Stanislaus County to move forward with necessary documentation and reporting.

FISCAL IMPACT

The City will receive \$152,348 of CDBG funding. No impact to the General Fund.

ATTACHMENTS

1. Resolution of Concurrence # 2016-24
2. CDBG & ESG Allocation Breakdown

RESOLUTION 2016-24

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PATTERSON
OF CONCURRENCE AND SUPPORT OF THE FISCAL YEAR 2016-2017 ANNUAL
ACTION PLAN (AAP) PREPARED BY THE STANISLAUS COUNTY COMMUNITY
DEVELOPMENT BLOCK GRANT (CDBG) CONSORTIUM**

WHEREAS, the Stanislaus County Community Development Block Grant (CDBG) Consortium which includes the cities of Oakdale, Hughson, Newman, Patterson, Ceres, Waterford and unincorporated areas of Stanislaus County have received and expended CDBG funds from the U.S. Department of Housing and Urban Development (HUD); and,

WHEREAS, the Stanislaus County CDBG Consortium is required by HUD to prepare an Annual Action Plan (AAP); and,

WHEREAS, the City of Patterson has been allocated \$137,321 for projects and \$15,027 for administration; and,

WHEREAS, the consolidated planning process serves as the framework for the community-wide dialogue to identify housing and community development priorities that align and focus funding from programs such as CPD formula block grant programs: the Community Development Block Grant (CDBG) Program,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Patterson as follows:

1. The City Council hereby adopts a resolution of concurrence and support of the Stanislaus County CDBG Consortium to prepare an Annual Action Plan (AAP).

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Patterson, held on the 15th day of March, 2016, by _____, who moved its adoption, which motion was duly seconded by _____, and the resolution adopted by the following roll call vote:

AYES:

NOES:

EXCUSED:

APPROVED:

Luis I. Molina
Mayor of the City of Patterson

ATTEST:

Maricela L. Vela
City Clerk of the City of Patterson

I hereby certify that the foregoing is a full, correct, and true copy of a resolution passed by the City Council of the City of Patterson, a Municipal Corporation of the County of Stanislaus, State of California, at a regular meeting held on the 15th day of March 2016, and I further certify that said resolution is in full force and effect and has never been rescinded or modified.

DATED:

City Clerk of the City of Patterson

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
FISCAL YEAR 2016-2017 ANNUAL ACTION PLAN**

FY 2016-2017 CDBG Allocation: \$2,171,255
FY 2016-2017 ESG Allocation: \$ 197,836
TOTAL: \$2,369,091

The table below shows the final CDBG and ESG grant allocation breakdown among Urban County members and special programs.

CDBG AND ESG ALLOCATIONS

Urban County Member	Activities	Administration	Total
Ceres	\$242,040	\$15,027	\$257,067
Hughson	121,058	15,027	136,085
Newman	137,473	15,027	152,500
Oakdale	151,683	15,027	166,710
Patterson	137,321	15,027	152,348
Waterford	126,074	15,027	141,101
Stanislaus County	604,229	319,089	923,318
Public Services	217,126		217,126
Fair Housing		25,000	25,000
FY 2016-2017 CDBG Subtotal	\$1,737,004	\$434,251	\$2,171,255
ESG	182,999	14,837	197,836
Total	\$1,920,003	\$449,088	\$2,369,091



CITY COUNCIL AGENDA REPORT

TO: Mayor Molina and Members of the City Council

FROM: Ken Irwin, City Manager *KI*

BY: Douglas L. White, Deputy City Attorney

MEETING DATE: March 15, 2016

ITEM NO: 5.7

SUBJECT: Approve City Manager First Amended Employment Agreement

RECOMMENDATION

Approve the City Manager Employment Agreement between Ken Irwin and the City of Patterson.

BACKGROUND

Ken Irwin ("City Manager") has worked for the City of Patterson ("City") in different capacities since 2012. He served as the Director of Engineering, Building and Capital Projects until becoming the City Manager in 2014. On October 16, 2014, the City Council ("Council") affirmed the City Manager's employment contract (the "Agreement"). Pursuant to the City's Municipal Code ("P.M.C.") Section 2.16.020, the City Manager "shall receive such compensation as the Council may provide."

The Council has been in negotiations with Ken Irwin to amend his employment agreement with the proposed changes taking effect on March 15, 2016.

ANALYSIS

The amendment includes the following changes:

- The City will increase the City Manager's base salary from one hundred forty-four thousand dollars (\$144,000) per year to one hundred fifty-eight thousand four hundred dollars (\$158,400) per year. This eight percent (8%) increase in salary is based upon the City Manager's eight percent (8%) contribution to the California Public Employment Retirement System ("CalPERS"). This matches the adjustment made to the City's two (2) organized group's Memorandum of Understanding that were recently agreed upon. Additionally, the increase in salary takes into consideration a two percent (2%) merit increase.

- The City shall increase the City Manager’s hours of administrative leave accrued from eighty (80) hours per fiscal year to eighty-eight (88) hours per fiscal year.
- The City shall increase the City Manager’s monthly vehicle allowance from three hundred dollars (\$300.00) per month to four hundred fifty dollars (\$450.00) per month. This increase in vehicle allowance is similar to other cities in the City’s vicinity. The minimum City Manager vehicle allowance begins at four hundred dollars (\$400.00) per month and can be as high as five hundred dollars (\$500.00) per month.

FISCAL IMPACT

Under this Agreement the City agrees to pay Mr. Irwin: (1) \$158,400 annual base salary; (2) \$450.00 vehicle allowance; and (3) add eight additional hours to his administrative leave; and (4) benefits previously negotiated in Mr. Irwin’s prior Employment Agreement. Mr. Irwin’s salary is paid from three different funds as show below. It is anticipated that changes to Mr. Irwin’s salary will be paid from these Funds:

General Fund Admin	100-100	80%
Enterprise Sewer	605-790	10%
Enterprise Water	610-790	10%

RECOMMENDED ACTION

Based on the information contained herein, the City Attorney, as negotiator, recommends that the City Council approve the Agreement and enter into an employment agreement with Mr. Irwin to continue his employment as City Manager.

ATTACHMENTS

Agreement.

First Amended Employment Agreement City of Patterson and Kenneth Irwin

Introduction

This First Amended Employment Agreement (“Agreement”), is made and entered into this _____ day of _____, 2016, (“Effective Date”), by and between the City of Patterson, a municipal corporation, (hereinafter called “Employer”) and Kenneth Irwin, (hereinafter called “Employee”) as a member of ICMA, is subject to the ICMA Code of Ethics. Employer and Employee may individually be referred to herein as “Party” or “Parties” there are no other parties to this Agreement.

Section 1: Term

Employee has been employed since October 16, 2014. This Agreement supersedes the previous Employment Agreement previously executed by the Parties on October 16, 2014. This Agreement shall remain in full force and effect from _____, 2016 until terminated by the Employer or Employee as provided in Section 10, 11 or 12 of this Agreement (“Term”).

Section 2: Duties and Authority

Employer agrees to employ Kenneth Irwin as City Manager to perform the functions and duties specified in Section 2.16.020 of the Patterson Municipal Code (“P.M.C.”) and to perform other legally permissible and proper duties and functions as the City Council shall from time to time assign.

Section 3. Express Waiver of Educational Requirement.

Employer recognizes that Employer’s job description for City Manager requires graduation from a four year college or university with a major in public administration, business administration, industrial relations, or a closely related field. Employer recognizes that Employee’s educational background does not meet this specific requirement. Due to Employee’s extensive experience, Employer finds that Employee is qualified and suitable for the position of City Manager. As such, for the purposes of this Agreement, the Employer expressly waives the existing requirement that the City Manager hold a four year degree.

Section 4: Compensation

- A. Base Salary: Employer agrees to pay Employee an annual base salary of \$158,400 per year (“Base Salary”) payable in installments at the same time that the other management employees of the Employer are paid.

- B. Salary Adjustments: This Agreement shall be automatically amended to reflect any salary adjustments that are provided or required by the Employer's compensation policies, subject to Section 10.
- C. Consideration: Consideration shall be given on an annual basis to increase compensation.

Section 5: Health, Disability and Life Insurance Benefits

- A. Employer agrees to provide and to pay the premiums for health, hospitalization, surgical, vision, dental and comprehensive medical insurance for the Employee and his dependents equal to that which is provided to other management employees of the Employer or, in the event no such plan exists, to provide coverage for the Employee and dependents.
- B. Employer shall pay the amount of premium due for term life insurance policy in the amount of One Hundred Thousand Dollars (\$100,000) during the Term of this Agreement. Employee shall name the beneficiary of the life insurance policy.

Section 6: Vacation, Sick and Other Leave

- A. Vacation and Sick Leave: Upon the Effective Date, Employee shall accrue sick and vacation leave in accordance with Employer's Personnel Policy. Years of Service shall be determined by the total number of years Employee has been a member of the California Public Employees Retirement System ("CalPERS").
- B. Immediate Access to Sick Leave: Upon the Effective Date, Employee shall have access to a bank of twelve (12) sick days to be used in the case of serious medical conditions. This leave can only be used to provide coverage during the waiting period between the onset of illness or disability and the point at which short or long term disability coverage takes effect and may be renewed after each occurrence.
- C. Accrual of Other Leave: Employee is entitled to accrue all other leave in the same manner as other management employees, and in the event Employee's employment is terminated, either voluntarily or involuntarily, Employee shall be compensated for all accrued vacation time.
- D. Administrative Leave: Employee shall annually be credited with eighty-eight (88) hours of administrative leave. In the event Employee leaves City service prior to utilization of such administrative leave, he shall not be entitled to the monetary equivalent thereof. City shall have no obligation to pay for unused administrative leave should Employee leave City service.

Section 7: Monthly Vehicle Allowance

During the Term of this Agreement, the Employer agrees to pay to the Employee the sum of Four Hundred Fifty Dollars (\$450.00) per month ("Vehicle Allowance") as a vehicle

allowance. The Vehicle Allowance, in addition to the Base Salary may be increased. Employee shall be responsible for paying for liability, property damage, and comprehensive insurance coverage upon such vehicle and shall further be responsible for all expenses attendant to the purchase or lease and operation, maintenance, repair, and regular replacement of said vehicle.

Section 8: Retirement

- A. The Employer agrees to enroll Employee into CalPERS and to make all the appropriate contributions on Employee's behalf for the required Employer share.
- B. In addition to the Employer's payment to CalPERS referenced above, Employer agrees to execute all necessary agreements provided by ICMA Retirement Corporation (“ICMA-RC”) for Employee's continued participation in ICMA-RC's deferred compensation program, and in addition to the base salary paid by the Employer to Employee, Employer agrees to match any amount contributed by Employee to his ICMA-RC deferred compensation account up to a maximum of three percent (3%) of Employee's base salary for three (3) years following the Effective Date of this Agreement, in equal proportionate amounts each pay period. After the completion of Employee's third (3rd) year of service as City Manager, Employer's contribution shall increase from three percent (3%) to seven percent (7%) thereafter. The Parties shall fully disclose to each other the financial impact of any amendment to the terms of Employee's retirement benefit.

Section 9: General Business Expenses

- A. Employer agrees to budget for and to pay for professional dues and subscriptions of the Employee necessary for continuation and full participation in national, regional, state, and local associations, and organizations necessary and desirable for the Employee's continued professional participation, growth, and advancement, and for the good of the Employer.
- B. Employer agrees to budget for and to pay for travel and subsistence expenses of Employee for professional and official travel, meetings, and occasions to adequately continue the professional development of Employee and to pursue necessary official functions for Employer, including but not limited to the ICMA Annual Conference, the Annual Meeting of the City Manager's Division of the League of California Cities, and such other national, regional, state, and local governmental groups and committees in which Employee serves as a member subject however to Council approval for any out- of-state travel.
- C. Employer recognizes that, in the scope and course of employment, Employee will incur certain job related expenses, which are not personal in nature. Employer agrees to reimburse Employee or to pay said job related expenses. The Finance Director is authorized to disburse such moneys upon receipt of duly executed expense or petty cash vouchers, receipts, statements or personal affidavits.

Section 10: Termination

For the purpose of this Agreement, termination shall occur upon any of the following:

- A. The majority of the governing body votes to terminate the Employee provided that the terminations procedures are in accordance with the P.M.C Sections 2.16.120-2.16.160.
- B. If the Employer, citizens or legislature acts to amend any provisions of the P.M.C. pertaining to the role, powers, duties, authority, responsibilities of the Employee's position that substantially changes the form of government, the Employee shall have the right to declare that such amendments constitute termination.
- C. If the Employee resigns following an offer to accept resignation, whether formal or informal, by the Employer as representative of the majority of the governing body that the Employee resigns, then the Employee may declare a termination as of the date of the suggestion.

Section 11: Event of Default

- A. Employee may be terminated from the City Manager position for "cause" upon one or more of the following (each referred to as an "Event of Default"):
 - 1. Willful neglect of duty;
 - 2. Conviction of a felony or misdemeanor of any crime involving moral turpitude;
 - 3. Violation of duties by the City Manager as set forth in the P.M.C.;
 - 4. Repeated and protracted unexcused absences from work.
 - 5. Any other act of a similar nature of the same or greater seriousness.
- B. Cure Period: In the event of an Event of Default, the non-defaulting Party shall provide the defaulting Party with a written notice of said Event of Default in accordance with the provisions of Section 21 of this Agreement and an opportunity to cure said default within thirty (30) days of said written notice.

Section 12: Severance

- A. Employer shall pay the following "Severance" when employment is terminated as defined in Section 10 of this Agreement or if the Employee resigns as defined in Section 13 of this Agreement; provided, however, Employee shall not be paid Severance when employment is terminated as a result of an uncured Event of Default as defined in Section 11 of this Agreement:

1. A minimum payment equal to six (6) months' salary at the current rate of pay payable in the same manner as other management employees unless otherwise agreed to by the Employer and the Employee. At the end of each year of Employee's service as City Manager, the minimum severance payment shall increase by one (1) month's salary. In addition to the automatic annual increase described herein, Employee's minimum severance payment shall increase by an additional one (1) month's salary at the current rate for every year in which Employee receives an average City Manager evaluation rating of at least two and three quarter (2.75) out of a maximum score of four (4). Notwithstanding the above, the minimum severance payment shall never exceed twelve (12) months of Employee's salary at the salary in effect at the time of Severance.
2. Employee shall also be compensated for all accrued vacation time, all paid holidays, and executive leave. Employer agrees to make a contribution to Employee's deferred compensation account on the value of this compensation calculated using the rate ordinarily contributed on regular compensation.
3. Upon Severance, Employer shall pay the cost to continue health insurance for Employee and all his dependents as provide in Section 5, Paragraph A of this Agreement, until Employee finds other employment or for the time period set forth in Section 12, Paragraph A, Subparagraph 1 of this Agreement, whichever occurs first.
4. Regardless of the term of the Agreement, if the Agreement is terminated, the maximum cash settlement that Employee may receive shall be an amount equal to the monthly salary of Employee multiplied by the number of months left on the unexpired term of the Agreement, subject to the exceptions set forth in California Government Code section 53260. The intent of this provision is to satisfy the requirements of Government Code sections 53260-53264, and shall be interpreted consistently with these statutes.

Section 13: Resignation

In the event that the Employee voluntarily resigns his position with the Employer, the Employee shall provide a minimum of forty-five (45) days' notice unless the Parties agree otherwise.

Section 14: Performance Evaluation

The annual performance evaluation shall be conducted annually in July of each year. The process, form, criteria, and format for the evaluation, which shall be mutually agreed upon by the Employer and Employee. The process at a minimum shall include the opportunity for both parties to: (A) prepare a written evaluation, (B) meet and discuss the evaluation, and (C) present a written summary of the evaluation results. The final written evaluation

should be completed and delivered to the Employee within thirty (30) days of the evaluation meeting.

Section 15: Hours of Work

The general work schedule for Employee shall be Monday through Friday, 8:00a.m. to 5:00p.m. However, it is recognized that the Employee must devote a great deal of time outside normal office hours on business for the Employer, including but not limited to attending regular and special meetings of the Employer's city council and various commissions, and to that end Employee shall be allowed to establish an appropriate work schedule. The Parties agree that, due to the nature of this position, it is exempt and Employee is not entitled to receive overtime compensation.

Section 16: Attendance at Community Events

Employee understands and agrees that the City Council has an expectation that he will regularly attend community and civic events within the City and such participation will be considered in Employee's evaluation.

Section 17: Moving Expenses

Employer agrees to reimburse Employee for actual cost of moving expenses up to a maximum of Five Thousand Dollars (\$5,000). Moving expenses shall include actual moving cost plus any costs directly related to selling and buying a home in Patterson, if completed during the term of employment with Employer.

Section 18: Indemnification

Beyond that required under Federal, State or Local Law. Employer shall defend, save harmless and indemnify Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as City Manager or resulting from the exercise of judgment or discretion in connection with the performance of program duties or responsibilities, unless the act or omission involved proven willful or wanton conduct. The Employee may request and the Employer shall not unreasonably refuse to provide independent legal representation at Employer's expense and Employer may not unreasonably withhold approval. Legal representation, provided by Employer for Employee, shall extend until a final determination of the legal action including any appeals brought by either party. The Employer shall indemnify employee against any and all losses, damages, judgments, interest, settlements, fines, court costs and other reasonable costs and expenses of legal proceedings including attorney's fees, and any other liabilities incurred by, imposed upon, or suffered by such Employee in connection with or resulting from any claim, action, suit, or proceeding, actual or threatened, arising out of or in connection with the performance of his duties. Any settlement of any claim must be made with prior approval of the Employer in order for indemnification, as provided in this Section, to be available.

Employee recognizes that Employer shall have the right to compromise and unless the Employee is a party to the suit which Employee shall have a veto authority over the settlement, settle any claim or suit; unless, said compromise or settlement is of a personal nature to Employee. Further, Employer agrees to pay all reasonable litigation expenses of Employee throughout the pendency of any litigation to which the Employee is a party, witness or advisor to the Employer. Such expense payments shall continue beyond Employee's service to the Employer as long as litigation is pending. Further, Employee agrees to serve upon request by Employer as a witness, advisor or consultant to Employer regarding pending litigation and Employer agrees to pay Employee reasonable consulting fees and travel expenses when Employee serves as a witness, advisor or consultant to Employer regarding pending litigation.

Section 19: Bonding

Employer shall bear the full cost of any fidelity or other bonds required of the Employee under any law or ordinance.

Section 20: Other Terms and Conditions of Employment

- A. The Employer, only upon agreement with Employee, shall fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of the Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the P.M.C. or any other law.
- B. Except as otherwise provided in this Agreement, the Employee shall be entitled to the highest level of benefits that are enjoyed by other department heads or general employees of the Employer as provided in the P.M.C., Personnel Rules and Regulations or by practice.

Section 21: Notices

Any notice or communication required hereunder between Employer and Employee must be in writing, and may be given either personally, by facsimile (with original forwarded by regular U.S. Mail), by registered or certified mail (return receipt requested), or by Federal Express, UPS or other similar couriers providing overnight delivery. If personally delivered, a notice shall be deemed to have been given when delivered to the Party to whom it is addressed. If given by facsimile transmission, a notice or communication shall be deemed to have been given and received upon actual physical receipt of the entire document by the receiving Party's facsimile machine. Notices transmitted by facsimile after 5:00 p.m. on a normal business day or on a Saturday, Sunday or holiday shall be deemed to have been given and received on the next normal business day. If given by registered or certified mail, such notice or communication shall be deemed to have been given and received on the first to occur of (i) actual receipt by any of the addressees designated below as the party to whom notices are to be sent, or (ii) five (5) days after a registered or certified letter containing such notice, properly addressed, with postage

prepaid, is deposited in the United States mail. If given by Federal Express or similar courier, a notice or communication shall be deemed to have been given and received on the date delivered as shown on a receipt issued by the courier. Any Party hereto may at any time, by giving ten (10) days written notice to the other Party hereto, designate any other address in substitution of the address to which such notice or communication shall be given. Such notices or communications shall be given to the Parties at their addresses set forth below:

If to Employer: City of Patterson
1 Plaza
Patterson, California 95363
Attention: City Clerk
Tel: (209) 895-8000
Fax: (209) 895-8016

With copies to: Churchwell White LLP
1414 K Street, 3rd Floor
Sacramento, California 95814
Attention: Douglas L. White, Esq.
Tel: (916) 468-0947
Fax: (916) 468-0951

If to Employee: Kenneth Irwin
3913 St. Nicholas Wat
Modesto, CA 95356

Section 21: General Provisions

- A. Integration. This Agreement sets forth and establishes the entire understanding between the Employer and the Employee relating to the employment of the Employee by the Employer. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties by mutual written agreement may amend any provision of this agreement during the life of the agreement. Such amendments shall be incorporated and made a part of this agreement.
- B. Binding Effect. This Agreement shall be binding on the Employer and the Employee as well as their heirs, assigns, executors, personal representatives and successors in interest.
- C. Severability. The invalidity or partial invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid, the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement or judicial modification of the invalid provision.

- D. Waiver. No covenant, term, or condition or the breach thereof shall be deemed waived, except by written consent of the Party against whom the waiver is claimed, and any waiver of the breach of any covenant, term, or condition shall not be deemed to be a waiver of any preceding or succeeding breach of the same or any other covenant, term, or condition.
- E. Assignment. No Party to this Agreement shall assign, transfer, or otherwise dispose of this Agreement in whole or in part to any individual, firm, or corporation without the prior written consent of the other Party. Subject to the forgoing provisions, this Agreement shall be binding upon, and inure to the benefit of, the respective successors and assigns of the Parties hereto.
- F. Authority. All Parties to this Agreement warrant and represent that they have the power and authority to enter into this Agreement and the names, titles, and capacities herein stated on behalf of any entities, persons, states, or firms represented or purported to be represented by such entities, persons, states or firms and that all former requirements necessary or required by the state or federal law in order to enter into the Agreement have been fully complied with. Further, by entering into this Agreement, neither Party hereto shall have breached the terms or conditions of any other contract or agreement to which such Party is obligated, which such breach would have a material effect hereon.
- G. Drafting and Ambiguities. Each Party acknowledges that it has reviewed this Agreement with its own legal counsel, and based upon the advice of that counsel, freely entered into this Agreement. Each Party has participated fully in the review and revision of this Agreement. Any rule of construction that ambiguities are to be resolved against the drafting party does not apply in interpreting this Agreement.
- H. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the state of California.
- I. Venue. Venue for all legal proceedings shall be in the Superior Court of California for the County of Stanislaus.
- J. Counterparts. This Agreement may be executed simultaneously and in several counterparts, each of which shall be deemed an original, but which together shall constitute one and the same instrument.
- K. Entire Agreement. This Agreement, together with its specific references, attachments and exhibits, constitutes the entire agreement of the Parties with respect to the subject matters hereof, and supersedes any and all prior negotiations, understanding and agreements with respect hereto, whether oral or written.
- L. Mandatory and Permissive. “Shall” and “will” and “agrees” are mandatory. “May” and “can” are permissive.

- M. Headings. Headings used in this Agreement are for reference purposes only and shall not be considered in construing this Agreement.
- N. Necessary Acts and Further Assurances. The Parties shall at their own cost and expense execute and deliver such further documents and instruments and shall take such other actions as may be reasonably required or appropriate to evidence or carry out the intent and purposes of this Agreement.
- O. Time is of the Essence. Time is of the essence in this Agreement for each covenant and term of a condition herein.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, this Agreement has been entered into by and between City and Employee as of the Effective Date.

CITY:

City of Patterson, a municipal corporation of the State of California

By:

Luis I. Molina, Mayor

Date Signed:

APPROVED AS TO FORM AND LEGALITY:

By:

Tom Hallinan, City Attorney

ATTEST:

By:

Maricela Vela, City Clerk

EMPLOYEE:

Kenneth Irwin, an Individual

By:

Kenneth Irwin, an Individual



6. PRESENTATIONS AND PUBLIC HEARINGS



CITY COUNCIL AGENDA REPORT

TO: Mayor Molina and Members of the City Council

FROM: Ken Irwin, City Manager *KI*

BY: Joel Andrews, City Planner
Teresa Rodriguez, Associate Planner

MEETING DATE: March 15, 2016

ITEM NO: 6.1

SUBJECT: Deny Appeal #16-01, thus adopting the Negative Declaration and approving Architectural & Site Plan Review #15-06 and Conditional Use Permit #15-08 associated with the Patterson Gas Project and requiring the removal of condition of approval #97 requiring entrance and exit signage.

RECOMMENDATION

Staff recommends that the appeal be denied, and the Planning Commission's decision to approve the project be thereby confirmed, but requiring the removal of condition #97 requiring the Speno Drive access to be signed as "entrance only" and Rogers Road access as "exit only".

BACKGROUND

The project consists of a 2,853 foot gas station (convenience store) with a 57'x40' canopy for eight fueling stations (4 pumps) at the northeast corner of Rogers Road and Speno Drive. The project first came before the Planning Commission at the January 14, 2016 meeting. At that meeting, the Planning Commission expressed a desire for more information, changes to the circulation plan, and the path of travel for the fueling trucks. The Commission then continued the item to a later meeting to allow staff time to work with the applicant to provide information or resolve these issues.

Over the following weeks, the applicant provided staff with a new circulation plan showing how a tanker truck would negotiate the property. After reviewing the site plan, Engineering Department determined that the site was adequate and could accommodate a tanker truck.

At the February 11, 2016 meeting, the Planning Commission held the second hearing to discuss the item. Staff presented the commission with the new site plan, which included the circulation path. At that time, the Planning Commission expressed concerns that the Rogers Road access

could be blocked by a tanker truck and approved the project with the addition of a new condition:

#97. That the owner shall install appropriate ingress and egress signage, with an entrance sign on Speno Drive and an Exit sign on Rogers Road.

With this new condition, the driveway on Speno Drive would be an entrance only and the Rogers Road driveway an exit only. The Planning Commission approved the project with a 5-0 vote.

On February 18, 2016, the Planning Department received an appeal application for Patterson Gas. The applicant, Chevron-TEG Investments, believes “exit only” and “entrance only” signs will create confusion and compromise the public’s safety. The applicants appeal letter is included as an attachment for the Council’s review.

ANALYSIS

The Engineering and Planning Department oppose the inclusion of condition # 97. One-way driveways do not appear to be necessary and the driveways are sized to appropriately accommodate the traffic generated by the use. The Engineering Department has determined that the site plan is sufficient to accommodate the oil tanker fueling the tanks while still providing driveway access for customers. There are two (2) additional driveway approaches within this area that can accommodate additional traffic.

Additionally, the two driveways under consideration for signage also serve other businesses, specifically the hotel and KFC/A&W. All of these businesses serve a large number of freeway travelers. Even if the signs indicate “gas station entrance/exit only,” it can be expected that the signs would generate confusion for customers of those other businesses, and likely the gas station itself.

ENVIRONMENTAL REVIEW

An initial study prepared for this project concludes that the project will not have a significant impact on the environment and a draft negative declaration has been prepared reflecting this.

ALTERNATIVE ACTIONS

1. Determine that the findings for the Architectural & Site Plan Review & Conditional Use Permit can be made, and motion to adopt the Negative Declaration, and approve Architectural & Site Plan Review #15-06 & Conditional Use Permit #15-08 subject to the conditions recommended in the staff report.
2. Determine that the findings for the Architectural & Site Plan Review & Conditional Use Permit can be made, and motion to adopt the Negative Declaration, and approve Architectural & Site Plan Review #15-06 & Conditional Use Permit #15-08 subject to the conditions recommended in the staff report with changes/revisions as may be submitted by the Council.
3. Determine that the findings for the Architectural & Site Plan Review & Conditional Use Permit cannot be made and deny Architectural & Site Plan Review #15-06 & Conditional Use Permit #15-08.

FINDINGS

To adopt the Negative Declaration, the Council must find the following:

1. The project will not adversely affect water or air quality or increase noise levels.
2. The project will not have adverse impacts on the flora or fauna of the area.
3. The project will not degrade the aesthetic of the area.
4. The project will not have adverse impacts on traffic or land use.
5. In addition the project will not:
 - a. Create impacts which have the potential to degrade the quality of the environment.
 - b. Create impacts which achieve short-term to the disadvantage of long term environmental goals.
 - c. Create impacts for a project which are individually limited, but cumulatively considerable.
 - d. Create environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

To approve the architectural and site plan review, the City Council shall make all of the following findings:

1. That the architectural and general appearance of the structures and grounds shall have architectural unity and be in keeping with the character of the neighborhood as not to be detrimental to the orderly and harmonious development of the city, or to the desirability of investment or occupation in the neighborhood.
2. That the site plan is consistent with this title, any applicable specific plan, any adopted development standards and design guidelines, and the general plan.

To grant the conditional use permit, the City Council shall make all of the following findings:

1. The requested conditional use permit is consistent with the City General Plan and the Patterson Municipal Code.
2. The establishment, maintenance, or operation of the proposed use or structure will conform to the requirements and the intent of this title; and such proposed use or structure will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use, or to the general welfare of the city.

FISCAL IMPACT

None

ATTACHMENTS

- (1) January 14, 2016 Planning Commission Agenda Item
- (2) February 11, 2016 Planning Commission Agenda Item
- (3) Appeal Letter from Applicant
- (4) Project's Site Plan
- (5) Project's Location Map

**CITY OF PATTERSON
Planning Commission Staff Report
Patterson Gas
Architectural & Site Plan Review #15-06
Conditional Use Permit #15-08
January 14, 2016 Meeting**

PROJECT SUMMARY

A public hearing to consider a fueling station, consisting of a new 2,853 square foot gas station (convenience store) with a 57'x40' Canopy cover for 8 fueling stations (4 pumps). The convenience store will sell the usual snacks plus beer and wine. The operational hours would be 24 hours/day 7 days/week. The project site is located on the south east corner of Rogers Road and Speno Drive.

APPLICANT AND SITE INFORMATION

Owner/Applicant:	Kiran Singh
Environmental Review:	Draft Negative Declaration
Location:	Southeast corner of Rogers Road & Speno Drive
Assessor Parcel Numbers:	021-028-038
Project Size:	0.75 acres ±
General Plan Designation:	HSC, Highway Service Commercial
Zoning:	HSC, Highway Service Commercial
Present Use:	Vacant Land
Surrounding Land Uses:	Commercial, and vacant land
Recommendation:	Conditional Approval

PROJECT SITE

The project would be located on approximately 0.75 acres on the southeast corner of Rogers Road and Speno Drive. The site is located between the Villa del Lago Hotel and Kentucky Fried Chicken/A&W. Jack in the Box is located immediately south of the parcel and Denny's Diner is located to the west. The parcel is surrounded by other commercial uses. The project site is fairly flat and currently undeveloped.

PROJECT DESCRIPTION AND ANALYSIS

The project consists of a new 2853 square foot single story convenience store and gas station. The convenience store will sell the usual snacks plus beer and wine. There are 14 existing parking stalls, 8 new typical parking stalls and 1 new accessible stall will be added. There is an existing covenant on the 14 existing parking stalls and is to be shared between the adjacent hotel and the new convenience store/gas station. The project site is located within the General Commercial zone. The proposed use is permitted in that zone.

Architectural Design

The main building is wood construction with a Spanish tile hip roof and parapet wall system along with exterior wall finishes consists of a 3 layer light sand stucco system. The main entrance is accentuated with an automatic aluminum sliding storefront bi-doors with matching side windows and transom above and numerous three (3') foot section storefront windows with transom along the front and sides. Furthermore, the building aesthetics is enhanced by a 3 foot high brick veneer with soldier laid brick trim all around building and at columns. Prefabricated foam cornice trims at top of parapet wall around the building and at tower soffits. Exterior wall sconces at front columns and photo-electric motion sensor light fixtures mounted at sides and rear of building.

Circulation and Parking

Since the project is located within an already developed area, its access points are already established. There is a 30' driveway off of Rogers Road and a 32' driveway off of Speno Drive. The type of use requires 12 parking spaces and based on the site plan, the project meets that requirement. The trash enclosure is located at the rear of the building and will be constructed according to city standards. The City's Engineering department has reviewed the site plan and no comments or concerns were noted regarding the circulation plan.

Signage

The project does identify one monument sign but no specific measurements or placement was submitted. Prior to issuance of a building permit the applicant shall submit a sign application with exact measurements and placement of the proposed signs. Condition of approval #36 requires that the monument sign be constructed with design elements and materials reflective of those of the main building.

Landscaping

Landscaping consists of four trees along with various shrubs throughout the perimeter of the property. The site plan calls for the removal of one existing tree within a curb that will remain. Staff is recommending that the applicant keep that tree to allow the ratio of one (1) tree every ten (10) parking spaces to remain. Staff has included condition #9 requiring that climbing vines be planted along the left side elevation of the building to help the building blend in with the surrounding uses.

Lighting

There are no new proposed pole lights for the project. Lighting for the project consists of canopy lights. This lighting is expected to provide a sense of security and comfort to patrons. Since the project is within a commercial zone in an already developed area, there is no potential concern regarding impacts to surrounding properties. Staff has included condition # 7 requiring that lights under the canopy be recessed or flush with the bottom of the canopy to reduce the potential for glare.

Public Health and Safety

Gasoline service stations are subject to an array of County and State agencies and their associated laws and policies. The project will be subject to review from the Stanislaus County Department of Environmental Resources related to hazardous waste, storage tanks, and a hazardous material management plan. Air emissions are subject to the San Joaquin Valley Air Pollution Control District. The State Department of Toxic Substances Control reviews businesses that generate, transport, treat, or dispose of hazardous waste. Storage tanks are subject to the State Board of Equalization. Any facility that discharges waste that may affect groundwater quality is subject to review from the State Water Resources Control Board. Further, condition of approval #51 requires that the area under the canopy be graded so as to drain to the sewer system, so that oils and other chemicals that may build up in that area are treated properly rather than discharging into the storm water system. Lastly, the project is subject to the latest versions of the California Building and Fire Codes.

Altogether, service stations are highly regulated with the intent to protect the public and the environment. Such regulation and review should reasonably ensure the safety of patrons, residents, and others in the vicinity of the proposed project.

ENVIRONMENTAL REVIEW

An initial study prepared for this project concludes that the project will not have a significant impact on the environment and a draft negative declaration has been prepared reflecting this.

ALTERNATIVE ACTIONS

1. Determine that the findings for the Architectural & Site Plan Review & Conditional Use Permit can be made, and motion to approve Architectural & Site Plan Review #15-06 & Conditional Use Permit #15-08 subject to the conditions recommended in the staff report.
2. Determine that the findings for the Architectural & Site Plan Review & Conditional Use Permit can be made, and motion to approve Architectural & Site Plan Review #15-06 & Conditional Use Permit #15-08 subject to the conditions recommended in the staff report with changes/revisions as may be submitted by the Commission.
3. Determine that the findings for the Architectural & Site Plan Review & Conditional Use Permit cannot be made and deny Architectural & Site Plan Review #15-06 & Conditional Use Permit #15-08.

FINDINGS

To approve the architectural and site plan review, the Planning Commission must find the following:

1. That the architectural and general appearance of the structures and grounds shall have architectural unity and be in keeping with the character of the neighborhood as not to be detrimental to the orderly and harmonious development of the city, or to the desirability of investment or occupation in the neighborhood.
2. That the site plan is consistent with this title, any applicable specific plan, any adopted development standards and design guidelines, and the general plan.

RECOMMENDATION

Staff's recommendation is that the Commission should:

1. Conduct a public hearing and allow members of the public to testify;
2. Consider the issues discussed in this report; And,
3. Motion to approve Architectural & Site Plan Review #15-06 & Conditional Use Permit #15-08 subject to the findings and conditions of approval.

Respectfully submitted,

Teresa Rodriguez
Associate Planner

Attachments

Proposed Conditions of Approval
Project Location
Proposed Site Plan
Proposed Elevations
Proposed Negative Declaration
Public Notice

Conditions of Approval

1. The project shall comply with all applicable State and Municipal Codes, including the 2010 California Building Codes and the 2010 California Green Code and meet the requirements of the Public Works Department, City Engineer, Building Inspector, Planning Department and Fire Chief.
2. The applicant shall comply with all conditions of approval and adopted mitigation measures.
3. Development shall occur in substantial conformance with the site plan as may be approved by the Planning Commission.
4. The applicant shall agree to defend at his/her sole expense any action brought against the City, its present or former agents, officers, or employees because of the issuance of said approval, or in anyway relating to the implementation thereof, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any court costs and attorney's fee's which the City, its agents, officers or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his/her obligations under this condition.
5. Prior to issuance of a certificate of occupancy, mail receptacles shall be provided as required by the Postmaster of the City of Patterson.
6. The applicant shall obtain an encroachment permit from the Public Works Department for any work conducted within the public right-of-way.
7. Lights under the canopy shall be recessed or flush with the bottom of the canopy. Prior to issuance of a building permit, an exterior lighting plan and site lighting footcandle plan shall be prepared subject to the review and approval of the Community Development and Police Departments.
8. That architectural elements proposed for the convenience store shall be included on the canopy and canopy supports. Such elements may include, but are not limited to, decorative masonry work, stucco, and clay tile roofing.
9. That the decorative trellises, similar to those located on the convenience store, shall be included on the left side elevation of the convenience store.
10. Construction shall be limited to between the hours of 7:00 a.m. and 6:00 p.m. on non-holiday weekdays, and on Saturdays to between the hours 8:00 a.m. and 6:00 p.m.; that additional hours may be permitted at the discretion of the Public Works Director. Construction activities may be allowed at any time on the interior of buildings once they are entirely enclosed, in conformance with the City's noise ordinance.

11. Prior to issuance of a certificate of occupancy for each building, all ducts, meters, air conditioning equipment and all other mechanical equipment, whether on the ground, on the structure or elsewhere, shall be screened from public view with materials architecturally compatible with the main structure. It is especially important that gas and electric meters, electric transformers, and large water piping systems be completely screened from a standard public viewing height of 6 feet. All roof-mounted equipment which generates noise, solid particles, odors, etcetera, shall cause the objectionable material or effects to be directed away or shielded from adjoining land designated for residential development. A plan for the treatment of roof top equipment shall be submitted to the Planning Department prior to issuance of a building permit.
12. All planted areas shall be separated from driveways by concrete curbs.
13. Stop signs shall be provided at all project exits and internally as needed to ensure safety, including the internal driveway to the west.
14. Prior to issuance of a building permit, the applicant shall submit a detailed drawing of the trash enclosure for review and approval by the Planning Department and the Public Works Department. Trash enclosures shall be constructed to City standards and shall be architecturally compatible with the design of the project and shall be laid out for easy access by collection trucks.
15. Interior vehicle travel ways shall be designed to be capable of withstanding loads imposed by trash and delivery trucks.
16. All on-site utilities shall be underground and all utility fixtures, transformers, switching boxes and other installations shall be screened from view to the satisfaction of the Planning Department.
17. Per Title 24, Section 2-7102 of the State Disabled Access Regulations, the parking lot shall provide the required number of handicapped parking spaces.
18. Prior to the approval of grading and public improvement plans, the applicant shall establish a deposit account for plan check and inspection costs, post bonds as appropriate and obtain an encroachment permit as required.
19. For landscape and irrigation within the public ROW, a deposit shall be required to cover the installation of irrigation, landscaping, and plant materials (relocation) based upon the estimate of costs to be paid for and provided by the applicant. Project landscape plans must comply with AB1881 (Water Use Efficiency) requirements. Once the landscaping is complete an audit must be completed and the certificate sent into the City.

20. Prior to issuance of certificate of occupancy, the applicant shall post handicapped parking, per Police Department and Americans with Disabilities Act requirements.
21. Prior to issuance of a certificate of occupancy, the applicant shall install a burglary (or robbery) alarm system and security camera system to the satisfaction of the Chief of Police.
22. Permittee shall utilize anti-theft strategies to minimize the risk of thefts related to the availability of alcohol. Such strategies may include but are not limited to the use of anti-theft tags or sensors and CCTV.
23. Prior to issuance of a certificate of occupancy, the address shall be clearly visible on the building per City Standards.
24. Prior to concrete pour inspection, compaction tests are required for all footings.
25. Electrical conduit shall have a separate ground wire installed.
26. Improvements required for project development will include street paving, curb, gutter, street lights, sidewalks, landscaping, the required utilities, grading and drainage.
27. Prior to building permit issuance, the applicant shall submit to the City for review and approval a grading and drainage plan in compliance with all applicable regulations of the City of Patterson.
28. Sewer laterals shall be installed to each building with size to be calculated for the most intensive allowable use to the satisfaction of the Public Works Director.
29. At the time of Public Improvement Plan review, plans shall be submitted to all applicable public utility companies for review. Comments from the utilities regarding required easements, transformer locations, etc. shall be forwarded to Public Works Department for review and approval.
30. The applicant shall pay all applicable fees due the City and other Special Districts providing services to the site.
31. The applicant shall be responsible during construction for cleaning city streets, curbs, gutters and sidewalks of dirt tracked from the subject site. The flushing of dirt and debris to storm drain or sanitary sewer facilities shall not be permitted. The cleaning shall be done after each day's work or as directed by the Director of Public Works or the Planning Department.
32. All required public improvements shall be designed and constructed in accordance with the City of Patterson Standard Specifications and Drawings, including any standards updated prior to approval of the improvement plans.

33. The project shall include provisions for the sharing of parking, driveway access and shall incorporate easements necessary for all utilities to the approval of the City. Reciprocal use agreements shall be required for ingress, egress, and utilities.
34. The applicant shall submit a mitigation plan for review and approval by the City and the San Joaquin Valley Air Pollution Control District (SJVAPCD) for construction-related emissions prior to construction. Such a plan shall include provisions for compliance with District Rule VIII and shall include at least the following requirements:
 - a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.
 - b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
 - c. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
 - d. With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
 - e. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, *or* at least six inches of freeboard space from the top of the container shall be maintained.
 - f. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets if and as needed when operations are occurring. *(The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)*
 - g. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
 - h. Limit traffic speeds on unpaved roads to 15 mph; and
 - i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
35. The Sperry Avenue driveway shall be signed for right-turn exit only.

36. All signage shall be submitted for a sign permit and shall be in accordance with relevant provisions of the Patterson Zoning Ordinance and that any proposed monument sign shall be constructed with design elements and materials reflective of those of the main building.
37. Setbacks shall be verified by a licensed surveyor.
38. That the project shall participate in a City-Wide Maintenance Community Facility District (CFD), County Service Area (CSA) #15, or Benefit Assessment District (BAD) and Landscape Maintenance District (LMD. All costs associated with the formation of any maintenance districts/CSA are the responsibility of the developer/project owner.
39. That all trash enclosure must be constructed to comply with the latest Storm Water regulations (not located in close proximity of a drain inlet, have covers, have adequate secondary containment, etc.). Trash enclosures should be sized to comply with commercial recycling requirements. If the trash enclosure is being shared with another facility, the trash enclosure must be adequately sized to be able to service more than one facility. All trash enclosure plans must be reviewed and approved by the City's Planning Department.

Grading

40. Complete grading and drainage plans shall be submitted to and approved by the City Engineer.
41. As required by the Public Works Department, the applicant shall deposit with the City, at time of plan check submittal, adequate funds to employ a qualified independent engineering consultant selected by the City to review grading and drainage improvement plans and to inspect the site prior to and during all major site preparation and grading. A qualified Soils Engineer shall submit tests and reports to certify each parcel as ready for construction prior to starting foundations.
42. Where the difference in average elevations between adjacent lots is in excess of six inches, slope shall not exceed 2 to 1 grade or a grade found reasonable in the soils report, or a retaining wall shall be required.
43. Prior to any site grading or construction, an erosion control plan and program shall be submitted to and approved by the Public Works Department. Said plan and program shall address specific temporary and permanent erosion control measures associated with the project.
44. It is the contractor's responsibility to use watering, dust fences, or other methods as directed by the City, to control dust throughout the construction operation. The applicant shall use all reasonable efforts to obtain non-potable water for construction or dust control purposes. This condition shall not be interpreted as prohibiting the use of

City water supplies for the irrigation of street lines and landscaping required in common areas.

45. All grading construction debris materials shall be removed and disposed into an approved dump site prior to any excavation or fill operations and/or as directed by the Public Works Director.
46. The applicant or his/her agents or employees shall be responsible for removal and clean-up of any spill on public streets during his entire grading operations.
47. Lots shall drain into a street or approved drain in such a manner that there will be no undrained depressions. The design of all such drains shall be subject to the review and approval of the City Engineer.
48. An engineering cost estimate shall be submitted with the grading and improvement plans for public improvements. The applicant's engineer shall sign and stamp the calculation and cost estimates prior to issuance of building permits.
49. Prior to issuance of the grading permit, final right-of-way width and routes for drainage channels, pipelines, and service roads needed shall be established.
50. Measures to control erosion during construction shall be incorporated into the grading plans, and shall be subject to review and approval by the City Engineer.
51. Prior to issuance of a grading permit, the applicant shall submit a soils report, prepared by a registered geologist or qualified civil engineer, concerning soil conditions for grading, excavations, slope stabilization and revegetation, and footing and foundation construction.
52. The applicant shall obtain a grading permit for on-site excavation and fill prior to construction.
53. Grading of the pump area under the canopy shall be such that all drainage is captured and discharged to the sanitary sewer system to avoid possible contamination of storm water.

Sewer, Water and Drainage

54. Prior to issuance of a building permit, sufficient water pressure and capacity to serve the portion of the project area where such development is proposed will be assured.
55. Design of the proposed project facilities shall include provisions to minimize water requirements, including the use of the following, to the extent deemed practical by the City:

- a) Use of low-flow fixtures, including shower heads and toilets as per the Uniform Building Code.
 - b) Use of drought-tolerant, native landscaping.
54. The applicant shall design, construct and dedicate all water distribution mains and appurtenances, including a 15-foot easement for mains on private property, to the satisfaction of the City. All water distribution systems within project boundaries shall be extended for connection by future development. The applicant may request reimbursements from other future development which may benefit directly from the oversizing or over capacity of water system improvements installed or paid for by the applicant.
 55. Non-potable water mains and appurtenances shall be installed as required by the City for demands that are compatible with non-potable water, including, but not limited to, landscape irrigation and car washing. Non-potable water system and installation shall be in accordance with the latest version of the City's non-potable water standards or guidelines, including pipe color, signage, cross connection control program, etc.
 56. Separate water meters shall be installed for landscaping and indoor water services.
 57. That all pre-existing sewer laterals and storm drains lines should be video inspected to ensure that the lines are clear of any debris and that they are not damaged.
 58. All improvements shall be designed in accordance with the City of Patterson Improvement Standards, to the satisfaction of the Public Works Department.
 59. Any abandoned wells on the project site shall be destroyed in accordance with requirements of the Stanislaus County Environmental Health Division prior to issuance of any grading permit or other site improvements. All abandoned/destroyed wells shall be clearly shown on the improvement plans for the project. Confirmation of well destruction shall be provided to the Public Works Department.
 60. The project shall comply with City of Patterson Best Management Practices as defined in the City's latest Urban Water Management Plan, California Urban Water Conservation Council BMPs, AB 1881, and mandatory water conservation measures defined in the State of California Green Building Code.
 61. Water mains shall be installed on-site to provide adequate flow and reliability as required by the City Water Engineer and Fire Marshal. Building fire suppression demands shall not exceed 2,500 gpm, or as limited by the water distribution system.
 62. Backflow prevention devices shall be installed by the applicant on all water services as required by the Public Works Department and the California Department of Public Health standards.

63. Future drainage system discharges shall comply with applicable state and federal pollutant discharge requirements.
64. Final inspection of the sewer and storm drain system shall be by televised inspection device as approved by the City Engineer at applicant's expense.
65. An appropriate sewer interceptor shall be included to the satisfaction of the City Engineer.
66. Runoff shall be detained and metered into the storm drainage system to the satisfaction of the City Engineer.
67. A grease interceptor shall be provided with a sampling point. The grease interceptor shall be located outside the building where it can be easily inspected by the City.

Roads

68. All sight distances for all corners and driveways shall conform to the City's sight distance requirements to the satisfaction of the City Engineer.
69. All streets, alleys, sidewalks, curbs, and gutters adjacent to the project shall be improved as necessary to provide safe vertical and horizontal transitions to connect improvements constructed within this project to existing improvements, as directed by the City Engineer. Any street, alley, sidewalk, or curb damaged by the applicant or its agents or employees shall be repaired, prior to final acceptance of tract improvements by the City Council or sooner at the discretion of the City Engineer.
70. The applicant shall install street frontage improvements per ordinance to the satisfaction of the Department of Public Works. These improvements may include, but are not limited necessarily to, grading, curb and gutter, sidewalk, paving, storm drain, sanitary sewer, and water facilities.
71. The applicant shall pay for, and the Applicant shall install, to the City's satisfaction, street name signs, traffic regulatory and warning signs, and any necessary street striping and markings as required by the City Engineer. The signs shall conform to the City's requirements and shall be purchased by the applicant. Striping and signing shall be paid for by the applicant subject to review and approval of the City, and made a part of the improvement plans.
72. That the developer must update all ADA ramps within the project limits to current standards/requirements.
73. That the developer must replace all damaged existing concrete sidewalks within the project limits per City Standards.

74. That the developer must replace all damaged existing curb and gutter within the project limits per City Standards.
75. That the developer must install new sidewalk along Annamarie Ave that's within the project limits.
76. That all existing utilities (fire hydrants, storm drain inlet, street lights, pullbox, transformer, etc.) must be protected in place or replaced per city standards if damaged during construction.
77. That the applicant shall install a 'Stop' and 'Street' sign at Anna Marie Ave and Rogers Rd.

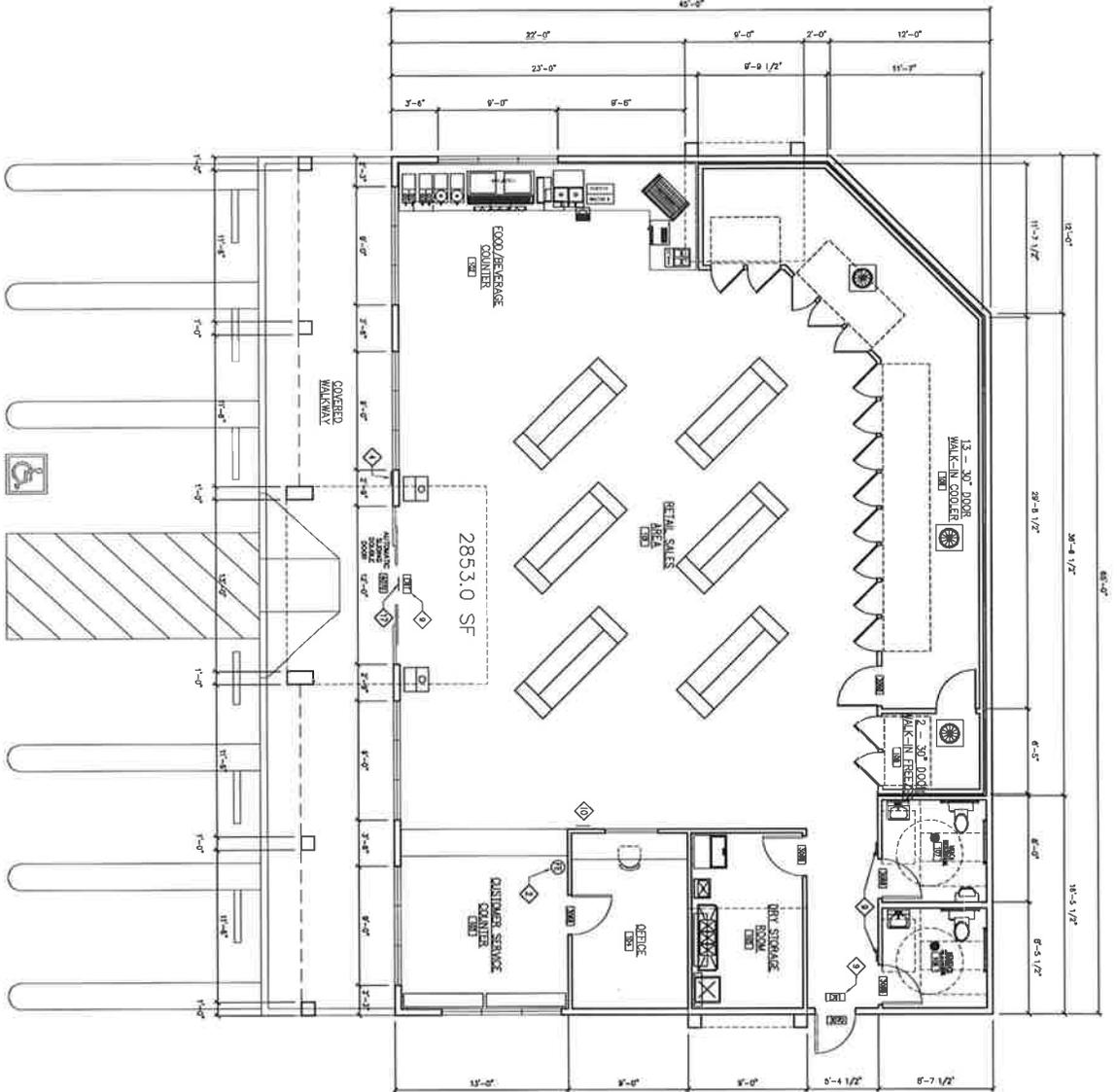
Utilities

78. All on-site utilities shall be underground. All existing overhead utilities adjacent to the property or within the property shall be placed underground.
79. Street lights will be provided and installed to the satisfaction of the City of Patterson Department of Public Works. The type, height, and design of street lights shall be subject to review and approval by the City and will direct lighting downward, shielding to the greatest extent practical, light exposure beyond that needed for proper intersection or street lighting.
80. The applicant is to be responsible for all damages to existing and new telephone facilities caused by workers or subcontractors under the direction of the applicant.
81. All new telephone facilities shall be underground except where indicated by the telephone company upon engineering of the project.
82. The applicant shall provide all necessary on-site easements for streets, sewers, water facilities, utilities, drainage facilities, and other facilities as required by the City. Said easements shall be subject to the review and approval of the Public Works Department, City Engineer and the City Attorney.
83. All water, gas, sewer, underground electrical power, cable T.V., or telephone lines, or conduits, or underground drain lines shall be installed before any paving is placed. Utility stub connections to property boundaries of each parcel may be omitted only with the express and written permission of the City Engineer.
84. The applicant shall install adequately sized utility services and laterals prior to final acceptance.

Fire Department

85. All new construction shall meet the requirements of the City Fire Department.

86. Fire Department approved Knox boxes shall be installed to the right of the main entrance door with top of box to be no higher than 5' above finished grade.
87. That if any portion of the facility or building protected is in excess of 150 feet from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided.
88. That a 20' fire access lane shall be maintained around the perimeter of the building.
89. That Fire Department connections shall be within 75' of a fire hydrant and located at the street.
90. That a fire alarm system shall be UL certified for the life of the building.
91. That fire extinguishers shall be mounted in cabinets at fuel pump islands. Top of extinguishers shall not be more than 48" above finished grade.
92. That all fire extinguishers within the building shall be at least a 2A10BC.
93. Fire hydrants shall be located to Fire Chief's specifications. Fire hydrants and fire hydrant flows shall meet all City of Patterson standards.
94. All roofs shall be class "A".
95. Prior to issuance of a certificate of occupancy, all buildings must be fully sprinkled per Building and Fire Department guidelines.
96. That the building shall be properly addressed with numerals at least 6" tall, contrasting with background, illuminated between dusk and dawn daily and be clearly visible from the street.



PROPOSED FLOOR PLAN
SCALE: 1/8" = 1'-0"

KEY FLOOR PLAN NOTES

- 1) NEW COUNTER HEIGHT @ 42" HIG. LEFT BESS TO RETAIL 1/4/2011
- 2) ELECTRICAL PANELS (SEE ELECTRICAL PLANS)
- 3) SEE SHEET A3.3 AND A3.4 FOR EQUIPMENT INFO.

GENERAL NOTES

- 1) ALL WALLS TO BE CONCRETE OR CMU. ALL INTERIOR WALLS TO BE 8" THICK. ALL EXTERIOR WALLS TO BE 12" THICK. ALL WALLS TO BE FINISHED WITH 1/2" GYPSUM BOARD. ALL WALLS TO BE PAINTED WITH A MINIMUM OF TWO COATS OF INTERIOR PAIN.
- 2) ALL FLOORS TO BE CONCRETE. ALL FLOORS TO BE FINISHED WITH 1/2" POLISHED CONCRETE. ALL FLOORS TO BE PAINTED WITH A MINIMUM OF TWO COATS OF INTERIOR PAIN.
- 3) ALL CEILING TO BE 8' HIGH. ALL CEILING TO BE FINISHED WITH 5/8" GYPSUM BOARD. ALL CEILING TO BE PAINTED WITH A MINIMUM OF TWO COATS OF INTERIOR PAIN.
- 4) ALL ROOFING TO BE 12 GA. GALVALUME. ALL ROOFING TO BE FINISHED WITH 1/2" POLYURETHANE INSULATION. ALL ROOFING TO BE PAINTED WITH A MINIMUM OF TWO COATS OF INTERIOR PAIN.
- 5) ALL MECHANICAL EQUIPMENT TO BE INSTALLED IN THE MECHANICAL ROOM. ALL MECHANICAL EQUIPMENT TO BE FINISHED WITH 1/2" POLISHED CONCRETE. ALL MECHANICAL EQUIPMENT TO BE PAINTED WITH A MINIMUM OF TWO COATS OF INTERIOR PAIN.
- 6) ALL ELECTRICAL EQUIPMENT TO BE INSTALLED IN THE ELECTRICAL ROOM. ALL ELECTRICAL EQUIPMENT TO BE FINISHED WITH 1/2" POLISHED CONCRETE. ALL ELECTRICAL EQUIPMENT TO BE PAINTED WITH A MINIMUM OF TWO COATS OF INTERIOR PAIN.
- 7) ALL PLUMBING EQUIPMENT TO BE INSTALLED IN THE PLUMBING ROOM. ALL PLUMBING EQUIPMENT TO BE FINISHED WITH 1/2" POLISHED CONCRETE. ALL PLUMBING EQUIPMENT TO BE PAINTED WITH A MINIMUM OF TWO COATS OF INTERIOR PAIN.
- 8) ALL FINISHES TO BE AS SHOWN ON THE FINISH SCHEDULE. ALL FINISHES TO BE PAINTED WITH A MINIMUM OF TWO COATS OF INTERIOR PAIN.
- 9) ALL MATERIALS TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS. ALL MATERIALS TO BE FINISHED WITH A MINIMUM OF TWO COATS OF INTERIOR PAIN.
- 10) ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME. ALL WORK TO BE FINISHED WITH A MINIMUM OF TWO COATS OF INTERIOR PAIN.

INSULATION LEGEND

WALL INSULATION	R-11
CEILING INSULATION	R-30

A3.0

"PATTERSON GAS"
GAS STATION MINI-MART
ROGERS ROAD & SPENO DRIVE
PATTERSON, CA 95363
APN: 021-028-038



REVISION	DATE

PROPOSED FLOOR PLAN

OWNER: []
DATE: []
DRAWN BY: []
CHECKED BY: []
SCALE: []
NOTE ON PLAN: []
PLAN CHECKS: []

CITY OF PATTERSON
COMMUNITY DEVELOPMENT DEPARTMENT
P O BOX 667, PATTERSON, CALIFORNIA 95363
(209) 895-8020, FAX (209) 895-8019

PROPOSED
NEGATIVE DECLARATION

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et. seq.) that the project for Patterson Gas which, when implemented, will not have a significant impact on the environment.

PROJECT TITLE: Patterson Gas

PROJECT LOCATION: APN 021-028-038, Southeast corner of Rogers Road and Speno Drive

DESCRIPTION OF PROJECT: A new 2,853 square foot gas station (convenience store) with a 57'x40' Canopy cover for 8 bays (4 pumps). The convenience store will sell the usual snacks plus beer and wine. The operational hours would be 24 hours/day 7 days/week.

FINDINGS AND BASIS FOR A NEGATIVE DECLARATION:

1. The project will not adversely affect water or air quality or increase noise levels;
2. The project will not have adverse impacts on the flora and fauna of the area;
3. The project will not degrade the aesthetic quality of the area;
4. The project will not have adverse impacts on traffic or land use;
5. In addition, the project will not:
 - a. Create impacts which have the potential to degrade the quality of the environment;
 - b. Create impacts which achieve short-term to the disadvantage of long term environmental goals;
 - c. Create impacts for a project which are individually limited, but cumulatively considerable;
 - d. Create environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly;

The City of Patterson has, therefore, determined that the potential environmental impact of the project is insignificant.

MITIGATION MEASURES INCLUDED IN THE PROJECT, IF ANY, TO AVOID POTENTIALLY SIGNIFICANT EFFECTS: N/A

INITIAL STUDY: The City of Patterson Community Development Department has reviewed the potential environmental impacts of this project and has found that the probable impacts are potentially insignificant. A copy of the Initial Study is attached.

REVIEW PERIOD: December 14, 2015 through January 12, 2016

All comments regarding correctness, completeness, or adequacy of this Negative Declaration must be received by the City of Patterson Community Development Department, PO Box 667, Patterson, CA 95363 or at (209) 895-8020, no later than 5:00 p.m. on January 12, 2016.

DATE: December 14, 2015

SIGNATURE:

Teresa Rodriguez, Associate Planner

Phone: (209) 895-8020

Fax:

(209) 895-8019



CITY OF PATTERSON

Initial Study of Environmental Impact

I. Summary of Findings

Project Name:	Patterson Gas
Project Description:	A new 2,853 square foot gas station (convenience store) with a 57'x40' Canopy cover for 8 bays (4 pumps). The convenience store will sell the usual snacks plus beer and wine. The operational hours would be 24 hours/day 7 days/week.
Sources:	This initial study was prepared using the Patterson Zoning Ordinance, 2010 General Plan, 2010 General Plan EIR, the 2001 Municipal Water Master Plan, the 2003 Patterson Wastewater Master Plan, and the City's guidelines for the implementation of CEQA.
Applicant:	City of Patterson, 1 Plaza, PO Box 667, Patterson, CA 95363
Recommendation:	Negative Declaration.
Location:	Southeast Corner of Rogers Road and Speno Drive, APN: 021-028-038
Date:	December 14, 2015

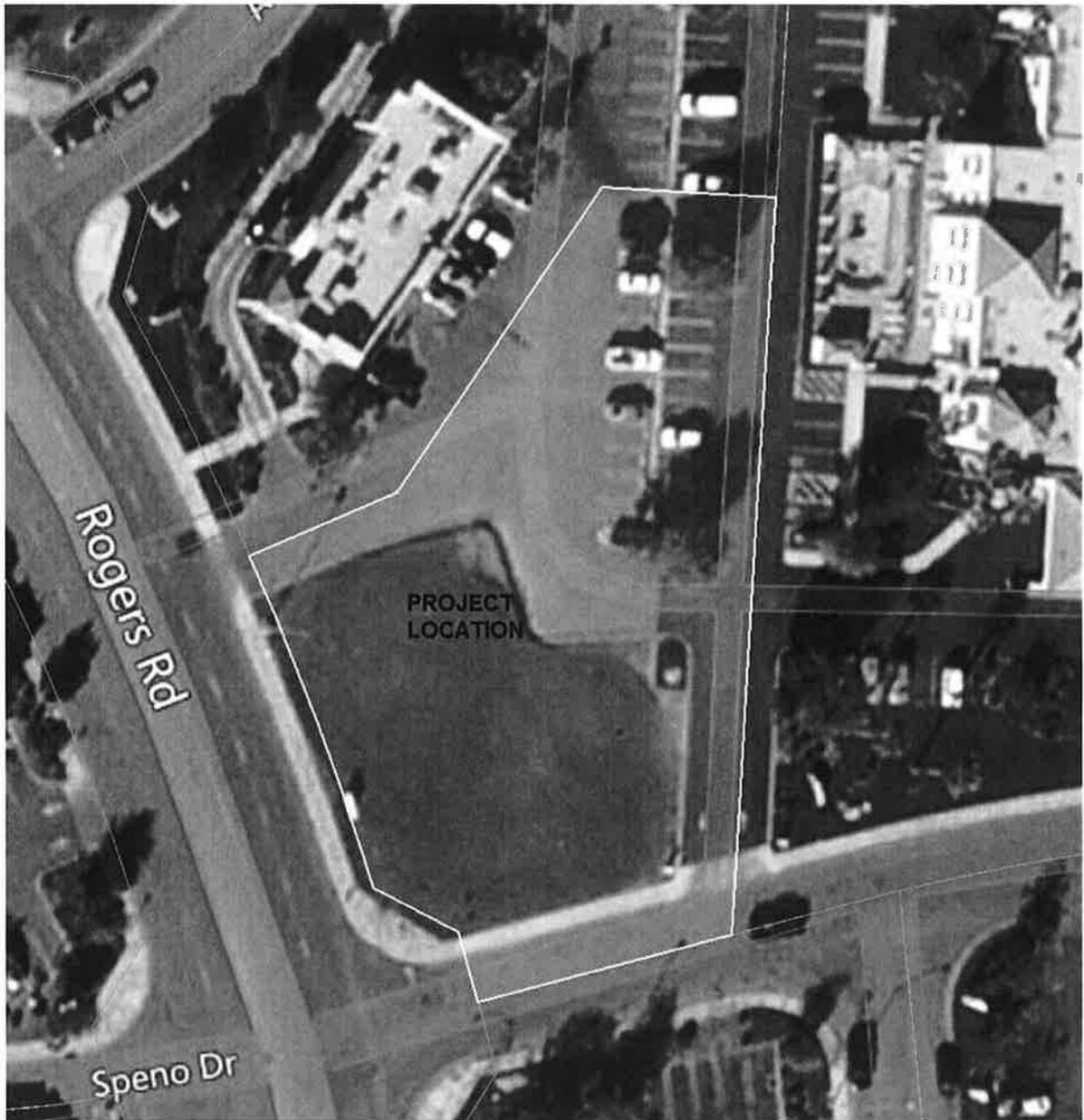
II. Project Description

The project consists of a new 2,853 square foot convenience store and gas station. The convenience store would sell the typical snack food plus beer and wine. The project includes a 57'x40' canopy covering 8 bays (4 pumps). The project would provide 8 new parking stalls with 1 accessible stall. Typical business hours for this type of business are 24 hours/day 7 days/week.

Environmental Setting

The site area is an undeveloped parcel of the Villa Del Lago Development. Surrounding uses include commercial uses to the north, commercial to the west and south, hotel to the east. See Figure 1. Applicant would be installing all the onsite public improvements for the project. See Figure 2.

Figure 1 – Project Location:



III. Initial Study Environmental Checklist

This section discusses potential environmental impacts associated with approval of the proposed project.

The following guidance, adapted from Appendix I of the State CEQA Guidelines, was followed in answering the checklist questions:

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the discussion. A “No Impact” answer is adequately supported if the discussion shows that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained when it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. All analyses must be based on a comparison between conditions that would occur if the project were implemented and existing conditions (also known as baseline conditions).
4. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect is significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
5. “Potentially Significant unless Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less-Than-Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from earlier analyses may be cross-referenced).
6. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (State CEQA Guidelines Section 15063[c][D]). Earlier analyses are discussed in the project description above under “Previous Environmental Documents and Site-Specific Information”.

The discussion that follows each section of checklist questions:

- analyzes previously certified environmental analysis and/or mitigation relevant to the issue, including the potential for each effect to be significant and adverse and standard requirements and measures that will preclude adverse impacts;
- describes proposed measures that will preclude adverse impacts;
- analyzes the potential for residual or remaining significant adverse impacts following implementation of the project and all previously identified, standard, and proposed requirements and measures; and
- summarizes the applicable mitigation measures established by the various support documents and project-specific measures that will reduce the impacts to a less-than-significant level.

Identification of the potential for residual significant adverse environmental impacts would trigger the need for preparation of an EIR. For issue areas in which no significant adverse impact would result or impacts would be reduced to a less-than-significant level by mitigation, further analysis is not required.

I. LAND USE AND PLANNING

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal:</i>				
a. Conflict with general plan designation or zoning?				■
b. Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?				■
c. Be incompatible with existing land use in the vicinity?				■
d. Affect agricultural resources or operations (e.g., impacts on soils or farmlands, or impacts from incompatible land uses)?				■
e. Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?				■

Setting:

The basis for land use and planning in the city is the City of Patterson 2010 General Plan, adopted in November 2010. The 2010 General Plan Land Use Element provides the primary guidance on issues related to land use, land use intensity, and design. In conjunction with the General Plan, Title 18 of the City of Patterson Municipal Code establishes zoning districts in the city and specifies allowable uses and development standards for each district.

The City updated its Zoning Ordinance in 2013. As shown in the City of Patterson General Plan Zoning Map, the project site is designated Highway Service Commercial (HSC). Pursuant to section 18.42 of the City of Patterson Municipal Code, an automobile fueling station is permitted with a conditional use permit while general retail uses are permitted by right in the HSC zoning district.

A new 2,853 square foot gas station (convenience store) with a 57'x40' Canopy cover for 8 bays (4 pumps). The convenience store will sell the usual snacks plus beer and wine. The operational hours would be 24 hours/day 7 days/week.

Discussion Of Impacts:

- a) *No Impact.* The project site is located within a commercial district surrounded by similar uses.

- b) *No Impact.* As noted above, the project site is currently designated Highway Service Commercial. The proposed project would be consistent with the current designation; therefore the project would have no impact on the City's applicable land use plans and applicable polices.
- c) *No Impact.* No habitat conservation or natural community conservation plans are applicable to the project site. There would be no impact.

Mitigation Measures

None required.

II. POPULATION AND HOUSING

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal:</i>				
a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of road or other infrastructure)?			■	
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				■
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				■

Setting:

According to the California Department of Finance (Jan. 2015), the population of the City of Patterson was 21,094 in 2015.

Discussion Of Impacts:

- a) *Less Than Significant Impact.* The proposed project does not include the construction of any new homes. Employment opportunities would be limited to construction workers during the construction period and an estimated 3 full-time employees five days a week. The project is proposing 2-3 full time employees at the project site. As such, the project would not add a substantial number of employees who would require additional housing or extension of roads or infrastructure. The project would not result in population growth and this impact would be less than significant.
- b) *No Impact.* Project site is currently vacant and zoned for commercial use. Therefore, project implementation would not displace any housing or people.
- c) *No Impact.*

Mitigation Measures

None Required.

III. GEOLOGIC HAZARDS

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal result in or expose people to potential impacts involving:</i>				
a. Fault rupture?				■
b. Seismic ground shaking?				■
c. Seismic ground failure, including liquefaction?				■
d. Seiche, tsunami, or volcanic hazard?				■
e. Landslides or mudflows?				■
f. Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?			■	
g. Subsidence of the land?				■
h. Expansive soils?			■	
i. Unique geologic or physical features?				■

Setting

The area is within a zone of low seismic activity. All impacts have been addressed in the General Plan EIR. No significant soils effects or geological problems are expected which cannot be addressed through the use of current engineering standards adopted by the City and State.

Discussion of Impacts

- a) *No Impact.*
- b) *No Impact.*
- c) *No Impact.*
- d) *No Impact.*
- e) *No Impact.*
- f) *Less Than Significant Impact.* Project site soils have a low erosion potential. However, project implementation would include land clearing, excavating, and other soil disturbing activities which would expose site soils to wind and water erosion. All construction activities would be subject to California Building Code Chapter 70 standards, which would ensure implementation of appropriate measure during grading activities to reduce soil erosion.

g) *No Impact.*

h) *Less Than Significant Impact.* The impact of expansive soils on the project site will be less than significant. However, the project shall be designed as required for expansive soils conditions that will be addressed during the plan check phase.

i) *No Impact.*

Conclusion

The project will not result in impacts relating to geologic hazards considered to be significant.

IV. DRAINAGE AND WATER SUPPLY

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal result in:</i>				
a. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?				■
b. Exposure of people or property to water-related hazards such as flooding?				■
c. Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)?				■
d. Changes in the amount of surface water in any water body?				■
e. Changes in currents, or the course or direction of water movements?				■
f. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?				■
g. Alteration to the direction or rate of flow of groundwater?				■
h. Impacts on groundwater quality?				■
i. Substantial reduction in the amount of groundwater otherwise available for public water supplies?				■

Setting

Discussion of Impacts

- a) *No Impact.*
- b) *No Impact.*
- c) *No Impact.*
- d) *No Impact.*
- e) *No Impact.*
- f) *No Impact.*

g) *No Impact.*

h) *No Impact.*

i) *No Impact.*

Conclusion

The project is not expected to result in significant impacts relating to drainage and water quality or quantity.

V. AIR QUALITY

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal:</i>				
a. Conflict with or obstruct implementation of the applicable air quality plan?			■	
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				■
c. result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?				■
d. Expose sensitive receptors to substantial pollutant concentrations?				■
e. Create objectionable odors affecting a substantial number of people?			■	

Setting

The project site is located within Stanislaus County which is managed by the San Joaquin Valley Air Control District (SJVACD). Both the US Environmental Protection Agency and the California Air Resources Board have established ambient air quality standards for common pollutants. The ambient air quality standards represent levels of contaminants that are considered at safe levels which avoid specific adverse health effects associated with each pollutant. The ambient air quality standards are classified as attainment areas, while areas that do not meet these standards are classified as nonattainment areas. The SJVACD is classified as a "Severe non-attainment" area for both the federal and State standards for ozone and a "serious" non-attainment area for the federal standard for respirable particulate matter (PM₁₀, or particles 10 microns or smaller in diameter). Emissions of these air pollutants, and their precursors, will increase as a result of motor vehicle trips generated by the project, and from grading and construction operations. Together, these activities may hinder efforts to achieve and maintain air quality standards established by federal and State laws.

Discussion

- a. Development of the project site will result in short-term air pollutant emissions and dust generation from construction activities. Such activities will generate short-term fugitive

dust and vehicle exhaust emissions as a result of excavation, grading, and construction-related vehicle trips.

Construction Emissions

A project's construction phase produces many types of emissions, but PM-10 is the pollutant of greatest concern. PM-10 emissions can result from a variety of construction activities, including excavation, grading, demolition, vehicle travel on paved and unpaved surfaces, and vehicle exhaust. Construction-related emissions can cause substantial increases in localized concentrations of PM-10, as well as affecting PM-10 compliance with ambient air quality standards on a regional basis. Particulate emissions from construction activities can lead to adverse health effects as well as nuisance concerns such as reduced visibility and soiling of exposed surfaces.

The SJVUAPCD's approach to CEQA analyses of construction impacts is to require implementation of effective and comprehensive control measures rather than to require detailed quantification of emissions. PM-10 emitted during construction can vary greatly depending on the level of activity, the specific operations taking place, the equipment being operated, local soils, weather conditions, and other factors, making quantification difficult. Despite this variability in emissions, experience has shown that there are a number of feasible control measures that can be reasonably implemented to significantly reduce PM-10 emissions from construction. The SJVUAPCD has determined that compliance with Regulation VIII for all sites and implementation of all other control measures as appropriate, depending on the size and location of the project site will constitute sufficient mitigation to reduce PM-10 impacts to a level considered less-than-significant.

San Joaquin Valley Unified Air Pollution Control District air quality mitigation measures are already included as mitigations for all projects as standard procedure to address these issues. Additionally, appropriate policies are dealt with in the 2010 General Plan EIR:

The City shall require all of the following as a condition of project approval of future development projects:

- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
- All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- With the demolition of buildings up to six stories in height, all exterior surfaces of the

building shall be wetted during demolition.

- When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
 - All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)
 - Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
 - Within urban areas, track-out (earth material deposited on City streets by construction equipment) shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
 - Any site with 150 or more vehicle trips per day shall prevent carryout and track-out.
 - Limit traffic speeds on unpaved roads to 15 mph;
 - Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
 - Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site;
 - Install wind breaks at windward side(s) of construction areas;
 - Suspend excavation and grading activity when winds exceed 20 mph; and
- Limit area subject to excavation, grading, and other construction activity at any one time. Regardless of wind speed, an owner/operator must comply with Regulation VIII's 20 percent opacity limitation.

- a. Impacts associated with the project are related to construction activities. Such impacts are temporary and have been addressed through the listed measures. As a result, no significant impact is anticipated.

Conclusion

The project will not result in significant impacts to air quality.

VI. TRANSPORTATION/CIRCULATION

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal result in:</i>				
a. Increased vehicle trips or traffic congestion?			■	
b. Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				■
c. Inadequate emergency access or access to nearby uses?				■
d. Insufficient parking capacity onsite or offsite?				■
e. Hazards or barriers for pedestrians or bicyclists?				■
f. Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				■
g. Rail, waterborne, or air traffic impacts?				■

Discussion

a) *Less Than Significant Impact.* The project site is zoned as Highway Service Commercial. In 1992 a Focused EIR was adopted for this project as part of the approval for the Patterson Gateway Project. The EIR implemented a few mitigation measures that would alleviate some of the impacts development would have on the area. Since 1992, the five mitigation measures that were recommended in the Traffic Study have been implemented. In addition, the 2010 General Plan EIR also addressed the traffic impacts this zone would have to the area.

As part of the construction of the project, there will be minor traffic associated with it. These changes are temporary and minor so they are not considered significant.

Conclusion

The project will not result in significant impacts to transportation or circulation systems.

VII. BIOLOGICAL RESOURCES

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal result in impacts on:</i>				
a. Endangered, threatened or rare species or their habitats (including, but not limited to, plants, fish, insects, animals, and birds)?			■	
b. Locally designated species (e.g., heritage trees)?				■
c. Locally designated natural communities (e.g., oak forest)?				■
d. Wetland habitat (e.g., marsh, riparian, and vernal pool)?				■
e. Wildlife dispersal or migration corridors?				■

Setting/Discussion

a) *Less Than Significant Impact.* Endangered, threatened, or rare species in the Patterson area include the San Joaquin Kit Fox (*Vulpes macrotis mutica*), Swainson's Hawk (*Buteo swainsoni*), Western Pond Turtle (*Clemmys marmorata*), and Burrowing Owl (*Athene cunicularia*). The San Joaquin Kit Fox's preferred habitat is grassland and rolling hills. Swainson's Hawk and Burrowing Owl both prefer grasslands. Impacts associated with biological resources were thoroughly addressed in the 1992 Patterson Gateway EIR and the 2010 General Plan.

b) *No Impact.*

c) *No Impact.*

d) *No Impact.*

Conclusion

The project will not result in significant impacts to biological resources.

VIII. ENERGY AND MINERAL RESOURCES

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal result in:</i>				
a. Conflict with adopted energy conservation plans?				■
b. Use nonrenewable resources in a wasteful and inefficient manner?				■
c. Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the state?				■

Discussion

According to the 2010 General Plan, there are no known mineral resources within the City of Patterson.

a) No Impact.

b) No Impact.

c) No Impact.

Conclusion

The project would not result in a significant increase in the use of energy or mineral resources.

IX. HAZARDS

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal involve:</i>				
a. A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation)?				■
b. Possible interference with an emergency response plan or emergency evacuation plan?				■
c. The creation of any health hazard or potential health hazard?				■
d. Exposure of people to existing sources of potential health hazards?				■
e. Increased fire hazard in areas with flammable brush, grass, or trees?				■

Discussion

a) *No Impact.*

b) *No Impact.*

c) *No Impact.*

d) *No Impact.*

e) *No Impact.*

Conclusion

The project will have a less than significant impact on health and safety.

X. NOISE

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal result in:</i>				
a. Increases in existing noise levels?			■	
b. Exposure of people to severe noise levels?			■	

Setting

The Noise Element of the General Plan provides goals, policies, and implementation measures intended to reduce the adverse effects of noise. The Noise Element sets standards for the maximum allowable noise exposure from transportation sources as summarized on Table HS-3, below.

Table HS-3: Noise Level Performance Standards For New Projects Affected By Or Including Transportation Sources		
Land Use	Outdoor Activity Areas ¹	Interior Spaces
	Ldn/CNEL, DbLdn/CNEL,	dbLeq, Db ²
Residential	60 ³	45
Transient Lodging	60 ³	45
Hospitals, Nursing Homes	60 ³	45
Theaters, Auditoriums, Music Halls		35
Churches, Meeting Halls	60 ³	40
Office Buildings	60 ³	45
Schools, Libraries, Museums		45
Playgrounds, Neighborhood Parks	70	

1. Where the location of outdoor activity areas is unknown, the exterior noise level standard shall be applied to the property line of the receiving land use.
1. As determined for a typical worst-case hour during periods of use.
2. Where it is not possible to reduce noise in outdoor activity areas to 60 Db Ldn/CNEL or less using a practical application of the best available noise reduction measures, an exterior noise level of up to 65 Db Ldn/CNEL may be allowed, provided that available exterior noise level reduction measures have been implemented and interior noise levels are in compliance with this table.

Noise is typically expressed in decibels (dB). The decibel scale is logarithmic because of the physical characteristics associated with noise transmission and reception. For example, a 3.0 decibel (dB) increase in noise levels normally results in a doubling of *noise energy*; however, because of the structure of the human auditory system, a 10-decibel increase is required to perceive a doubling of *noise*. A 1- to 2-decibel change in ambient noise levels is

generally not perceptible to the human ear. The A-weighted decibel (dBA) incorporates the human ear's sensitivity to sounds of different frequencies. On this scale, the sound level of normal talking is about 60 to 65 dBA.

Noise levels diminish (or attenuate) as distance from the source increases based on an inverse square rule, but the rate constant varies with the type of sound source. Sound from point sources, such as industrial facilities, attenuates at a rate of 6 dBA per doubling of distance. Heavily-traveled roads with few gaps in traffic behave as continuous line sources with an attenuation rate of 3 dBA per doubling of distance. Otherwise, roads typically have an attenuation rate of 4.5 dBA.

Construction work is the main source of noise as a result of the project.

Since the project is an infill project and surrounded by similar uses, the noise levels are less than significant.

Discussion

- a) *Less Than Significant.* Noise levels on the project site will increase as a result of construction activities associated with the project. Such noise is temporary and is not considered significant.
- b) *Less Than Significant.* Noise from the proposed use is not expected to exceed noise standards outlined in the 2010 General Plan EIR.

Conclusion

Noise levels resulting from construction and operation of the project have been addressed and can be mitigated per the 2010 General Plan EIR.

XI. PUBLIC SERVICES

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:</i>				
a. Fire protection?				■
b. Police protection?				■
c. Schools?				■
d. Maintenance of public facilities, including roads?				■
e. Other governmental services?				■

Setting/Discussion

The project is not expected to affect the need for services.

a) *No Impact.*

b) *No Impact.*

c) *No Impact.*

d) *No Impact.*

e) *No Impact.*

Conclusion

The project will not result in a significant impact on the need for and maintenance of public services.

XII. UTILITIES AND SERVICE SYSTEMS

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:</i>				
a. Power or natural gas?			■	
b. Communications systems?			■	
c. Local or regional water treatment or distribution facilities?			■	
d. Sewer or septic tanks?			■	
e. Stormwater drainage?			■	
f. Solid waste disposal?			■	
g. Local or regional water supplies?			■	

Setting/Discussion

- a) *Less Than Significant Impact.* Since the project includes the construction of a new gas station canopy along with a convenience store, it would include the addition of new power lines to serve the use. The project is located within an already developed area so the impact would be less than significant.
- b) *Less Than Significant Impact.* New construction would include the addition of communication systems to serve the convenience store.
- c) *Less Than Significant Impact.* The project would be subject to the City of Patterson Municipal Code Chapter 18.78 which requires implementation of various water-conserving measures and submittal of an irrigation plan detailing the irrigation equipment, water demand, and monthly irrigation schedule. Based on the 2010 General Plan, the City has adequate water supply for build out.
- d) Wastewater generated by the proposed project would be conveyed to the wastewater treatment plant. The plant currently meets all applicable water quality standards and waste discharge requirements. Therefore, the proposed project would not result in an exceedance of any wastewater treatment requirements and would have less than significant impact on wastewater
- e) *Less Than Significant Impact.* The proposed project would not require the construction of any new stormwater facilities. A drainage system consisting of new inlets and underground pipes and water treatment landscaping plants would be constructed. As such, the project would have a less than significant impact on storm water facilities.
- f) *Less Than Significant Impact.*
- g) *Less Than Significant Impact.*

Conclusion

The project will not result in a significant impact to utility or service systems

XIII. AESTHETICS

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal:</i>				
a. Affect a scenic vista or scenic highway?				■
b. Have a demonstrable negative aesthetic effect?				■
c. Create light or glare?				■

Setting/Discussion

- a) *No Impact.* Project area is surrounded by similar uses in an already developed zone, the use would have no impact on any scenic highways or vistas.
- b) *No Impact.* Project is an infill project surrounded by similar uses.
- c) *No Impact.*

Conclusion

The project will not have a significant adverse effect on the aesthetic quality of the City.

XIV. CULTURAL RESOURCES

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal:</i>				
a. Disturb paleontological resources?				■
b. Disturb archaeological resources?				■
c. Affect historical resources?				■
d. Have the potential to cause a physical change which would affect unique ethnic cultural values?				■
e. Restrict existing religious or sacred uses within the potential impact area?				■

Setting

A review of relevant archaeological literature found no evidence of prehistoric, historic or archeological sites within the project vicinity according to the archival record. The construction project is subject to mitigation measures from the 2010 General Plan EIR. If cultural resources are unearthed during excavation or construction, the project will be halted and appropriate agencies contacted for further site assessment.

- a) *No Impact*
- b) *No Impact*
- c) *No Impact*
- d) *No Impact*
- e) *No Impact*

Conclusion

Development of the project site will have no effect on archaeological, historic or paleontological resources.

XV. RECREATION

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal:</i>				
a. Increase the demand for neighborhood or regional parks or other recreational facilities?				■
b. Affect existing recreational opportunities?				■

Setting/Discussion

The project will not result in a significant impact to recreational resources.

- a) *No Impact.*
- b) *No Impact.*

Conclusion

Project related impacts to recreation facilities and opportunities are considered less than significant.

XVI. MANDATORY FINDINGS OF SIGNIFICANCE

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?				■
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?				■
c. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)				■
d. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?				■

Discussion of Checklist Answers

The project is not expected to result in significant adverse impacts on the environment.

- a) *No Impact*
- b) *No Impact*
- c) *No Impact*
- d) *No Impact*

XVII. Determination

In accordance with Sections 15152 and 15168 of the State CEQA Guidelines, this initial study has been prepared to evaluate the potential impacts of the proposed project.

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in the initial study. A NEGATIVE DECLARATION will be prepared.

I find that the project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

Teresa Rodriguez
Associate Planner
City of Patterson
(209) 895-8026

Date

**CITY OF PATTERSON
Planning Commission Staff Report
Patterson Gas
Architectural & Site Plan Review #15-06
Conditional Use Permit #15-08
February 11, 2016 Meeting (continued from January 14, 2016 meeting)**

PROJECT SUMMARY

A public hearing to consider a fueling station, consisting of a new 2,853 square foot gas station (convenience store) with a 57'x40' Canopy cover for 8 fueling stations (4 pumps). The convenience store will sell the usual snacks plus beer and wine. The operational hours would be 24 hours/day 7 days/week. The project site is located on the south east corner of Rogers Road and Speno Drive.

APPLICANT AND SITE INFORMATION

Owner/Applicant:	Kiran Singh
Environmental Review:	Draft Negative Declaration
Location:	Southeast corner of Rogers Road & Speno Drive
Assessor Parcel Numbers:	021-028-038
Project Size:	0.75 acres ±
General Plan Designation:	HSC, Highway Service Commercial
Zoning:	HSC, Highway Service Commercial
Present Use:	Vacant Land
Surrounding Land Uses:	Commercial, and vacant land
Recommendation:	Conditional Approval

BACKGROUND AND REVIEW

At the January 14, 2016 Planning Commission meeting, the Commission continued the Public Hearing to allow time to provide a truck circulation map for the proposed project. That map has been included as an attachment to this report. Based on the information provided, a change has been made to the site layout and a condition of approval has been added: A parking spot near the southeast corner of the site was removed to better accommodate trucks maneuvering on the site. A parking space was also added along the front of the store on the east end. Based on the circulation plan provided, staff has added condition of approval #39, which requires that diesel fuel distribution be limited to the two northern fuel stations to try to limit large vehicles from causing circulation problems at the southern fueling station.

ENVIRONMENTAL REVIEW

An initial study prepared for this project concludes that the project will not have a significant impact on the environment and a draft negative declaration has been prepared reflecting this. The changes made do not generate impacts not previously considered in the initial study.

ALTERNATIVE ACTIONS

1. Determine that the findings for the Architectural & Site Plan Review & Conditional Use Permit can be made, and motion to approve Architectural & Site Plan Review #15-06 & Conditional Use Permit #15-08 subject to the conditions recommended in the staff report.
2. Determine that the findings for the Architectural & Site Plan Review & Conditional Use Permit can be made, and motion to approve Architectural & Site Plan Review #15-06 & Conditional Use Permit #15-08 subject to the conditions recommended in the staff report with changes/revisions as may be submitted by the Commission.
3. Determine that the findings for the Architectural & Site Plan Review & Conditional Use Permit cannot be made and deny Architectural & Site Plan Review #15-06 & Conditional Use Permit #15-08.

FINDINGS

To approve the architectural and site plan review, the Planning Commission must find the following:

1. That the architectural and general appearance of the structures and grounds shall have architectural unity and be in keeping with the character of the neighborhood as not to be detrimental to the orderly and harmonious development of the city, or to the desirability of investment or occupation in the neighborhood.
2. That the site plan is consistent with this title, any applicable specific plan, any adopted development standards and design guidelines, and the general plan.

RECOMMENDATION

Staff's recommendation is that the Commission should:

1. Conduct a public hearing and allow members of the public to testify;
2. Consider the issues discussed in this report; And,
3. Motion to approve Architectural & Site Plan Review #15-06 & Conditional Use Permit #15-08 subject to the findings and conditions of approval.

Respectfully submitted,

Joel Andrews
City Planner

Attachments
Proposed Conditions of Approval
Truck Path of Travel
January 14, 2016 Planning Commission Report

Conditions of Approval

1. The project shall comply with all applicable State and Municipal Codes, including the 2010 California Building Codes and the 2010 California Green Code and meet the requirements of the Public Works Department, City Engineer, Building Inspector, Planning Department and Fire Chief.
2. The applicant shall comply with all conditions of approval and adopted mitigation measures.
3. Development shall occur in substantial conformance with the site plan as may be approved by the Planning Commission.
4. The applicant shall agree to defend at his/her sole expense any action brought against the City, its present or former agents, officers, or employees because of the issuance of said approval, or in anyway relating to the implementation thereof, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any court costs and attorney's fee's which the City, its agents, officers or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his/her obligations under this condition.
5. Prior to issuance of a certificate of occupancy, mail receptacles shall be provided as required by the Postmaster of the City of Patterson.
6. The applicant shall obtain an encroachment permit from the Public Works Department for any work conducted within the public right-of-way.
7. Lights under the canopy shall be recessed or flush with the bottom of the canopy. Prior to issuance of a building permit, an exterior lighting plan and site lighting footcandle plan shall be prepared subject to the review and approval of the Community Development and Police Departments.
8. That architectural elements proposed for the convenience store shall be included on the canopy and canopy supports. Such elements may include, but are not limited to, decorative masonry work, stucco, and clay tile roofing.
9. That the decorative trellises, similar to those located on the convenience store, shall be included on the left side elevation of the convenience store.
10. Construction shall be limited to between the hours of 7:00 a.m. and 6:00 p.m. on non-holiday weekdays, and on Saturdays to between the hours 8:00 a.m. and 6:00 p.m.; that additional hours may be permitted at the discretion of the Public Works Director. Construction activities may be allowed at any time on the interior of buildings once they are entirely enclosed, in conformance with the City's noise ordinance.

11. Prior to issuance of a certificate of occupancy for each building, all ducts, meters, air conditioning equipment and all other mechanical equipment, whether on the ground, on the structure or elsewhere, shall be screened from public view with materials architecturally compatible with the main structure. It is especially important that gas and electric meters, electric transformers, and large water piping systems be completely screened from a standard public viewing height of 6 feet. All roof-mounted equipment which generates noise, solid particles, odors, etcetera, shall cause the objectionable material or effects to be directed away or shielded from adjoining land designated for residential development. A plan for the treatment of roof top equipment shall be submitted to the Planning Department prior to issuance of a building permit.
12. All planted areas shall be separated from driveways by concrete curbs.
13. Stop signs shall be provided at all project exits and internally as needed to ensure safety, including the internal driveway to the west.
14. Prior to issuance of a building permit, the applicant shall submit a detailed drawing of the trash enclosure for review and approval by the Planning Department and the Public Works Department. Trash enclosures shall be constructed to City standards and shall be architecturally compatible with the design of the project and shall be laid out for easy access by collection trucks.
15. Interior vehicle travel ways shall be designed to be capable of withstanding loads imposed by trash and delivery trucks.
16. All on-site utilities shall be underground and all utility fixtures, transformers, switching boxes and other installations shall be screened from view to the satisfaction of the Planning Department.
17. Per Title 24, Section 2-7102 of the State Disabled Access Regulations, the parking lot shall provide the required number of handicapped parking spaces.
18. Prior to the approval of grading and public improvement plans, the applicant shall establish a deposit account for plan check and inspection costs, post bonds as appropriate and obtain an encroachment permit as required.
19. For landscape and irrigation within the public ROW, a deposit shall be required to cover the installation of irrigation, landscaping, and plant materials (relocation) based upon the estimate of costs to be paid for and provided by the applicant. Project landscape plans shall comply with AB1881 (Water Use Efficiency) requirements. Once the landscaping is complete an audit shall be completed and the certificate sent into the City.
20. Prior to issuance of certificate of occupancy, the applicant shall post handicapped parking, per Police Department and Americans with Disabilities Act requirements.

21. Prior to issuance of a certificate of occupancy, the applicant shall install a burglary (or robbery) alarm system and security camera system to the satisfaction of the Chief of Police.
22. Permittee shall utilize anti-theft strategies to minimize the risk of thefts related to the availability of alcohol. Such strategies may include but are not limited to the use of anti-theft tags or sensors and CCTV.
23. Prior to issuance of a certificate of occupancy, the address shall be clearly visible on the building per City Standards.
24. Prior to concrete pour inspection, compaction tests are required for all footings.
25. Electrical conduit shall have a separate ground wire installed.
26. Improvements required for project development will include street paving, curb, gutter, street lights, sidewalks, landscaping, the required utilities, grading and drainage.
27. Prior to building permit issuance, the applicant shall submit to the City for review and approval a grading and drainage plan in compliance with all applicable regulations of the City of Patterson.
28. Sewer laterals shall be installed to each building with size to be calculated for the most intensive allowable use to the satisfaction of the Public Works Director.
29. At the time of Public Improvement Plan review, plans shall be submitted to all applicable public utility companies for review. Comments from the utilities regarding required easements, transformer locations, etc. shall be forwarded to Public Works Department for review and approval.
30. The applicant shall pay all applicable fees due the City and other Special Districts providing services to the site.
31. The applicant shall be responsible during construction for cleaning city streets, curbs, gutters and sidewalks of dirt tracked from the subject site. The flushing of dirt and debris to storm drain or sanitary sewer facilities shall not be permitted. The cleaning shall be done after each day's work or as directed by the Director of Public Works or the Planning Department.
32. All required public improvements shall be designed and constructed in accordance with the City of Patterson Standard Specifications and Drawings, including any standards updated prior to approval of the improvement plans.

33. The project shall include provisions for the sharing of parking, driveway access and shall incorporate easements necessary for all utilities to the approval of the City. Reciprocal use agreements shall be required for ingress, egress, and utilities.
34. The applicant shall submit a mitigation plan for review and approval by the City and the San Joaquin Valley Air Pollution Control District (SJVAPCD) for construction-related emissions prior to construction. Such a plan shall include provisions for compliance with District Rule VIII and shall include at least the following requirements:
 - a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.
 - b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
 - c. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
 - d. With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
 - e. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, *or* at least six inches of freeboard space from the top of the container shall be maintained.
 - f. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets if and as needed when operations are occurring. *(The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)*
 - g. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
 - h. Limit traffic speeds on unpaved roads to 15 mph; and
 - i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
35. All signage shall be submitted for a sign permit and shall be in accordance with relevant provisions of the Patterson Zoning Ordinance and that any proposed monument sign

shall be constructed with design elements and materials reflective of those of the main building.

36. Setbacks shall be verified by a licensed surveyor.
37. That the project shall participate in a City-Wide Maintenance Community Facility District (CFD), County Service Area (CSA) #15, or Benefit Assessment District (BAD) and Landscape Maintenance District (LMD. All costs associated with the formation of any maintenance districts/CSA are the responsibility of the developer/project owner.
38. That all trash enclosure shall be constructed to comply with the latest Storm Water regulations (not located in close proximity of a drain inlet, have covers, have adequate secondary containment, etc.). Trash enclosures should be sized to comply with commercial recycling requirements. If the trash enclosure is being shared with another facility, the trash enclosure shall be adequately sized to be able to service more than one facility. All trash enclosure plans shall be reviewed and approved by the City's Planning Department.
39. That diesel fuel distribution shall be limited to the two northernmost fueling stations.

Grading

40. Complete grading and drainage plans shall be submitted to and approved by the City Engineer.
41. As required by the Public Works Department, the applicant shall deposit with the City, at time of plan check submittal, adequate funds to employ a qualified independent engineering consultant selected by the City to review grading and drainage improvement plans and to inspect the site prior to and during all major site preparation and grading. A qualified Soils Engineer shall submit tests and reports to certify each parcel as ready for construction prior to starting foundations.
42. Where the difference in average elevations between adjacent lots is in excess of six inches, slope shall not exceed 2 to 1 grade or a grade found reasonable in the soils report, or a retaining wall shall be required.
43. Prior to any site grading or construction, an erosion control plan and program shall be submitted to and approved by the Public Works Department. Said plan and program shall address specific temporary and permanent erosion control measures associated with the project.
44. It is the contractor's responsibility to use watering, dust fences, or other methods as directed by the City, to control dust throughout the construction operation. The applicant shall use all reasonable efforts to obtain non-potable water for construction or dust control purposes. This condition shall not be interpreted as prohibiting the use of

City water supplies for the irrigation of street lines and landscaping required in common areas.

45. All grading construction debris materials shall be removed and disposed into an approved dump site prior to any excavation or fill operations and/or as directed by the Public Works Director.
46. The applicant or his/her agents or employees shall be responsible for removal and clean-up of any spill on public streets during his entire grading operations.
47. Lots shall drain into a street or approved drain in such a manner that there will be no undrained depressions. The design of all such drains shall be subject to the review and approval of the City Engineer.
48. An engineering cost estimate shall be submitted with the grading and improvement plans for public improvements. The applicant's engineer shall sign and stamp the calculation and cost estimates prior to issuance of building permits.
49. Prior to issuance of the grading permit, final right-of-way width and routes for drainage channels, pipelines, and service roads needed shall be established.
50. Measures to control erosion during construction shall be incorporated into the grading plans, and shall be subject to review and approval by the City Engineer.
51. Prior to issuance of a grading permit, the applicant shall submit a soils report, prepared by a registered geologist or qualified civil engineer, concerning soil conditions for grading, excavations, slope stabilization and revegetation, and footing and foundation construction.
52. The applicant shall obtain a grading permit for on-site excavation and fill prior to construction.
53. Grading of the pump area under the canopy shall be such that all drainage is captured and discharged to the sanitary sewer system to avoid possible contamination of storm water.

Sewer, Water and Drainage

54. Prior to issuance of a building permit, sufficient water pressure and capacity to serve the portion of the project area where such development is proposed will be assured.
55. Design of the proposed project facilities shall include provisions to minimize water requirements, including the use of the following, to the extent deemed practical by the City:

- a) Use of low-flow fixtures, including shower heads and toilets as per the Uniform Building Code.
 - b) Use of drought-tolerant, native landscaping.
56. The applicant shall design, construct and dedicate all water distribution mains and appurtenances, including a 15-foot easement for mains on private property, to the satisfaction of the City. All water distribution systems within project boundaries shall be extended for connection by future development. The applicant may request reimbursements from other future development which may benefit directly from the oversizing or over capacity of water system improvements installed or paid for by the applicant.
 57. Non-potable water mains and appurtenances shall be installed as required by the City for demands that are compatible with non-potable water, including, but not limited to, landscape irrigation and car washing. Non-potable water system and installation shall be in accordance with the latest version of the City's non-potable water standards or guidelines, including pipe color, signage, cross connection control program, etc.
 58. Separate water meters shall be installed for landscaping and indoor water services.
 59. That all pre-existing sewer laterals and storm drains lines should be video inspected to ensure that the lines are clear of any debris and that they are not damaged.
 60. All improvements shall be designed in accordance with the City of Patterson Improvement Standards, to the satisfaction of the Public Works Department.
 61. Any abandoned wells on the project site shall be destroyed in accordance with requirements of the Stanislaus County Environmental Health Division prior to issuance of any grading permit or other site improvements. All abandoned/destroyed wells shall be clearly shown on the improvement plans for the project. Confirmation of well destruction shall be provided to the Public Works Department.
 62. The project shall comply with City of Patterson Best Management Practices as defined in the City's latest Urban Water Management Plan, California Urban Water Conservation Council BMPs, AB 1881, and mandatory water conservation measures defined in the State of California Green Building Code.
 63. Water mains shall be installed on-site to provide adequate flow and reliability as required by the City Water Engineer and Fire Marshal. Building fire suppression demands shall not exceed 2,500 gpm, or as limited by the water distribution system.
 64. Backflow prevention devices shall be installed by the applicant on all water services as required by the Public Works Department and the California Department of Public Health standards.

65. Future drainage system discharges shall comply with applicable state and federal pollutant discharge requirements.
66. Final inspection of the sewer and storm drain system shall be by televised inspection device as approved by the City Engineer at applicant's expense.
67. An appropriate sewer interceptor shall be included to the satisfaction of the City Engineer.
68. Runoff shall be detained and metered into the storm drainage system to the satisfaction of the City Engineer.
69. A grease interceptor shall be provided with a sampling point. The grease interceptor shall be located outside the building where it can be easily inspected by the City.

Roads

70. All sight distances for all corners and driveways shall conform to the City's sight distance requirements to the satisfaction of the City Engineer.
71. All streets, alleys, sidewalks, curbs, and gutters adjacent to the project shall be improved as necessary to provide safe vertical and horizontal transitions to connect improvements constructed within this project to existing improvements, as directed by the City Engineer. Any street, alley, sidewalk, or curb damaged by the applicant or its agents or employees shall be repaired, prior to final acceptance of tract improvements by the City Council or sooner at the discretion of the City Engineer.
72. The applicant shall install street frontage improvements per ordinance to the satisfaction of the Department of Public Works. These improvements may include, but are not limited necessarily to, grading, curb and gutter, sidewalk, paving, storm drain, sanitary sewer, and water facilities.
73. The applicant shall pay for, and the Applicant shall install, to the City's satisfaction, street name signs, traffic regulatory and warning signs, and any necessary street striping and markings as required by the City Engineer. The signs shall conform to the City's requirements and shall be purchased by the applicant. Striping and signing shall be paid for by the applicant subject to review and approval of the City, and made a part of the improvement plans.
74. That the developer shall update all ADA ramps within the project limits to current standards/requirements.
75. That the developer shall replace all damaged existing concrete sidewalks within the project limits per City Standards.

76. That the developer shall replace all damaged existing curb and gutter within the project limits per City Standards.
77. That all existing utilities (fire hydrants, storm drain inlet, street lights, pullbox, transformer, etc.) shall be protected in place or replaced per city standards if damaged during construction.
78. That, if not already existing, the applicant shall install a 'Stop' and 'Street' sign at Speno Drive and Rogers Rd.

Utilities

79. All on-site utilities shall be underground. All existing overhead utilities adjacent to the property or within the property shall be placed underground.
80. Street lights will be provided and installed to the satisfaction of the City of Patterson Department of Public Works. The type, height, and design of street lights shall be subject to review and approval by the City and will direct lighting downward, shielding to the greatest extent practical, light exposure beyond that needed for proper intersection or street lighting.
81. The applicant is to be responsible for all damages to existing and new telephone facilities caused by workers or subcontractors under the direction of the applicant.
82. All new telephone facilities shall be underground except where indicated by the telephone company upon engineering of the project.
83. The applicant shall provide all necessary on-site easements for streets, sewers, water facilities, utilities, drainage facilities, and other facilities as required by the City. Said easements shall be subject to the review and approval of the Public Works Department, City Engineer and the City Attorney.
84. All water, gas, sewer, underground electrical power, cable T.V., or telephone lines, or conduits, or underground drain lines shall be installed before any paving is placed. Utility stub connections to property boundaries of each parcel may be omitted only with the express and written permission of the City Engineer.
85. The applicant shall install adequately sized utility services and laterals prior to final acceptance.

Fire Department

86. All new construction shall meet the requirements of the City Fire Department.

87. Fire Department approved Knox boxes shall be installed to the right of the main entrance door with top of box to be no higher than 5' above finished grade.
88. That if any portion of the facility or building protected is in excess of 150 feet from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided.
89. That a 20' fire access lane shall be maintained around the perimeter of the building.
90. That Fire Department connections shall be within 75' of a fire hydrant and located at the street.
91. That a fire alarm system shall be UL certified for the life of the building.
92. That fire extinguishers shall be mounted in cabinets at fuel pump islands. Top of extinguishers shall not be more than 48" above finished grade.
93. That all fire extinguishers within the building shall be at least a 2A10BC.
94. Fire hydrants shall be located to Fire Chief's specifications. Fire hydrants and fire hydrant flows shall meet all City of Patterson standards.
95. All roofs shall be class "A".
96. Prior to issuance of a certificate of occupancy, all buildings shall be fully sprinkled per Building and Fire Department guidelines.
97. That the building shall be properly addressed with numerals at least 6" tall, contrasting with background, illuminated between dusk and dawn daily and be clearly visible from the street.

The Planning Commissioner,
City of Patterson

Dear Sir;

It is in reference to the planning commission meeting on Feb 11, 2016 regarding Patterson Gas, condition use permit # 15-08.

Above mentioned project was approved on that day subject to that project will have designated entry only on Speno Drive and Exit will be only on Roger's Drive. The proper signage will be posted to reflect that condition of approval.. I am concerned that most of the people will not be able to follow those posted signage. The situation become even more alarming since more than 70% of people are commuters from highway 5, they will not be used to this and more likely to make mistake . There is great danger of pubic safety, if people use wrong exit and entry driveways.

It is my humble request that commission should take some additional measures to insure that people will not be able to enter or exit from the wrong side. Please look into this matter and take some additional steps so that public safety is not compromised.

SURINDER SINGH

Surinder Singh
209-417-8345
510-927-5974
2961 RENZO LN.
PATTERSON, CA 95363

Thanks You

Sincerely,

Name:

Surinder Singh

Signature:

Surinder Singh
76
40 Rogers Road

Address and Phone Number

209- 892- 6660
Chevron-TEG Investments
2961 Renzo Lane
Patterson, CA 95363

Patterson, CA 95363
209-892-5214
Noemi Ratteree
1114 James Burke Ave
Patterson CA. 95363
Noemi Ratteree

Manjit Kaur

1249 SWEET PEA DR
PATTERSON CA

95363
209-409-4142

2/18/16



CITY COUNCIL AGENDA REPORT

TO: Mayor Molina and Members of the City Council

FROM: Douglas Johnson, National Demographics Corporation;
Tom Hallinan, City Attorney

MEETING DATE: March 15, 2016

ITEM #: 6.2

SUBJECT: Presentation of Proposed drafts of By-District Election Boundary Maps and Public Hearing to elicit input from Patterson residents for City Council consideration.

RECOMMENDATION

Douglas Johnson, consultant from National Demographics Corporation (“NDC”), will present the Patterson City Council (“Council”) with four (4) draft district boundary plans (maps and demographic information) prepared by NDC for the Council’s consideration of a switch from an at-large election system to by-district elections. Following the presentation and public hearing to receive public input, the Council may provide direction to NDC regarding potential modifications or new maps that the City Council would like to consider, if any.

BACKGROUND

In 2013, the City of Patterson (“City”) received the letter from the Latino Community Roundtable of Stanislaus County contending that the City’s at-large electoral system is a violation of the California Voting Rights Act of 2001 and the Federal Voting Rights Act of 1965 and seeking an end to the at large local election system. In response to that letter and other input from the public, the Council provided direction to City Staff to conduct a substantive analysis with public input regarding changing its election system from at-large to by-district elections. Given the litigation risk and associated financial impact on the City, the City Council has expressed its preference to use the ability to switch its election system by ordinance granted by California Election Code Section 34886, rather than putting the question on the ballot for a public vote.

City staff was directed by the Council to engage NDC to assist the City with the development of draft and final election district maps. On March 1, 2016, the Council approved Resolution No. 2016-22, adopting line drawing criteria for proposed Council districts and approving a schedule for the Council to consider draft plans and approve a switch to by-district election by ordinance, should it choose to approve such an action.

Consequently, NDC has prepared four (4) drafts of by-district election boundary maps for the Council to consider: two draft plans with five (5) Council districts with a rotating mayoral position, and two draft plans with four (4) Council districts with an at-large mayoral position.

The next step in the process is a series of public hearings to review, and possibly revise, the draft maps prepared by NDC. This meeting and public hearing is the first of at least three public hearings on this topic. The second and third public hearings are tentatively scheduled for March 29 and April 5, 2016. At the conclusion of this series of meetings, the Council will consider an ordinance to switch to a by-district election system and adopt a final map for Council districts, to be implemented and effective for the November 2016 election.

This meeting is to consider draft plans (maps) and receive public input relative to potential voting district boundaries. The public is encouraged to express opinions or submit evidence for or against the draft plans (maps). The Council may take this opportunity to direct NDC regarding any modified or new districting plans (maps) it would like to see in addition to those already submitted.

ANALYSIS

Federal law requires that Council election districts must contain essentially equal total populations, comply with the Federal Voting Rights Act, and avoid using race as a predominate factor in defining district borders. The Courts have also allowed small population deviations if such deviations are necessary to achieve what the U.S. Supreme Court has labeled “traditional redistricting principles.”

NDC has prepared draft plans that fully comply with all legal requirements and adhere to official criteria for needed deviations for adjusting council district boundaries. The criteria combine the legal requirements for election districts and the “traditional redistricting principles” that state and federal courts have approved as valid justifications for potential small population differences among the districts.

FISCAL IMPACT

There is no discernible fiscal impact for the Council to provide direction regarding preferred district map plans. There may be a fiscal impact based on additional services requested from NDC, however that fiscal impact cannot be accurately estimated at this time.

STEPS FOLLOWING PRESENTATION AND PUBLIC INPUT

The Council may discuss the specific communities of interest (such as downtown or the area around a specific school or park) or types of communities (more general references such as senior-living communities; master-planned communities; or similar types of communities), that the Council wishes NDC consider when drawing revised draft maps following comments from the Council and City residents.

Future Council meetings and public hearings will be held culminating in Council consideration of an ordinance providing for the election of members of the council using a district election system.

The deadline to submit the certified maps and legal descriptions of the final district election boundaries to the Stanislaus County Registrar's Office is May 9, 2016.

ATTACHMENTS

- 1) NDC 4 District Option 1 Map and Demographic Data
- 2) NDC 4 District Option 2 Map and Demographic Data
- 3) NDC 5 District Option 1 Map and Demographic Data
- 4) NDC 5 District Option 2 Map and Demographic Data

NDC has also created links to interactive maps where City residents can zoom in/out on the plan in question; switch from a street map to a satellite view; and/or enter an address to find and zoom to that location. The interactive maps can be found at:

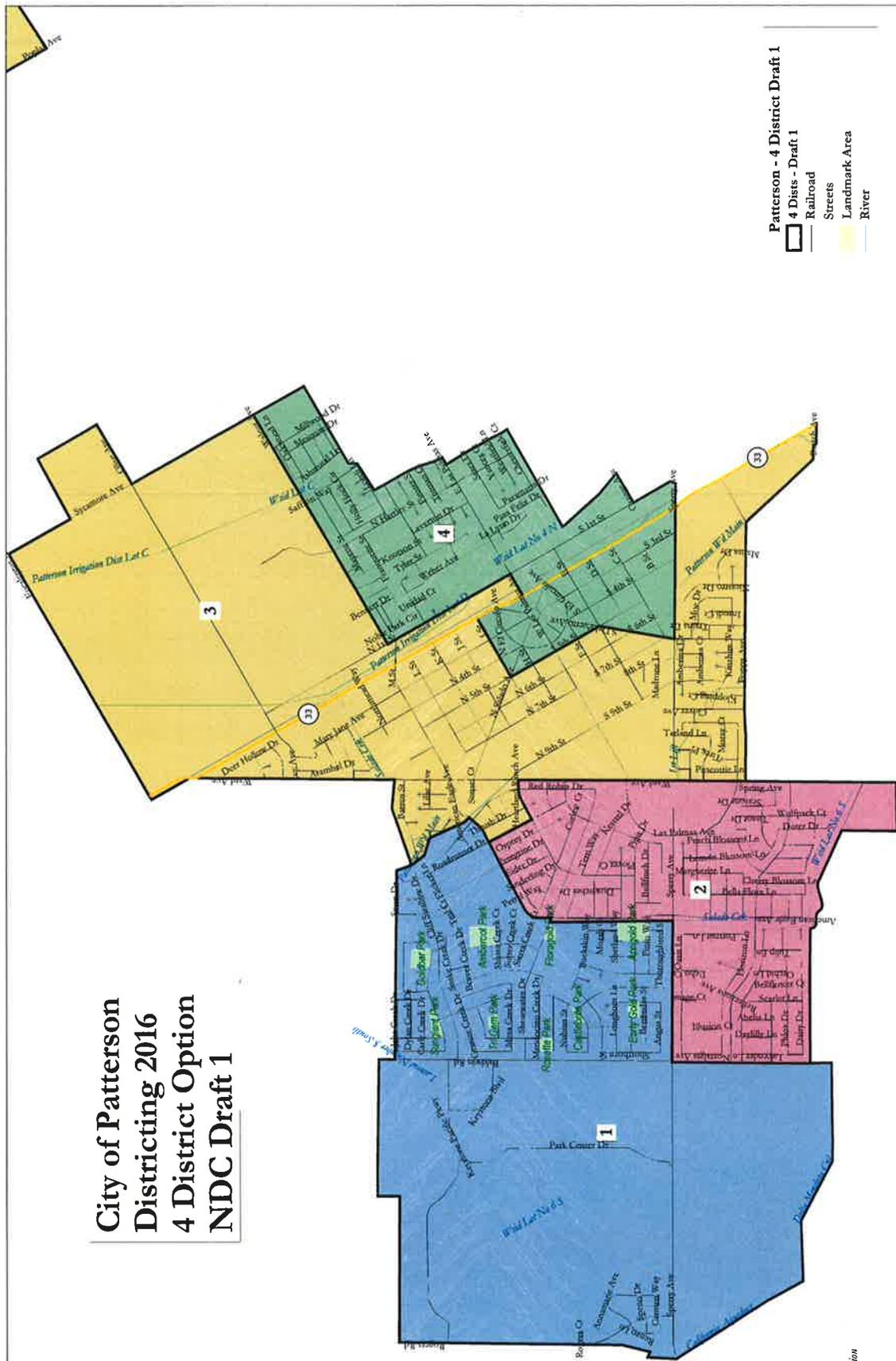
NDC 4 District Option 1: <http://arcg.is/1UgUdCz>

NDC 4 District Option 2: <http://arcg.is/1phImcr>

NDC 5 District Option 1: <http://arcg.is/1Wb0IWL>

NDC 5 District Option 2: <http://arcg.is/1YAhRdZ>

City of Patterson Districting 2016 4 District Option NDC Draft 1



City of Patterson - 4 District Option - NDC Draft 1

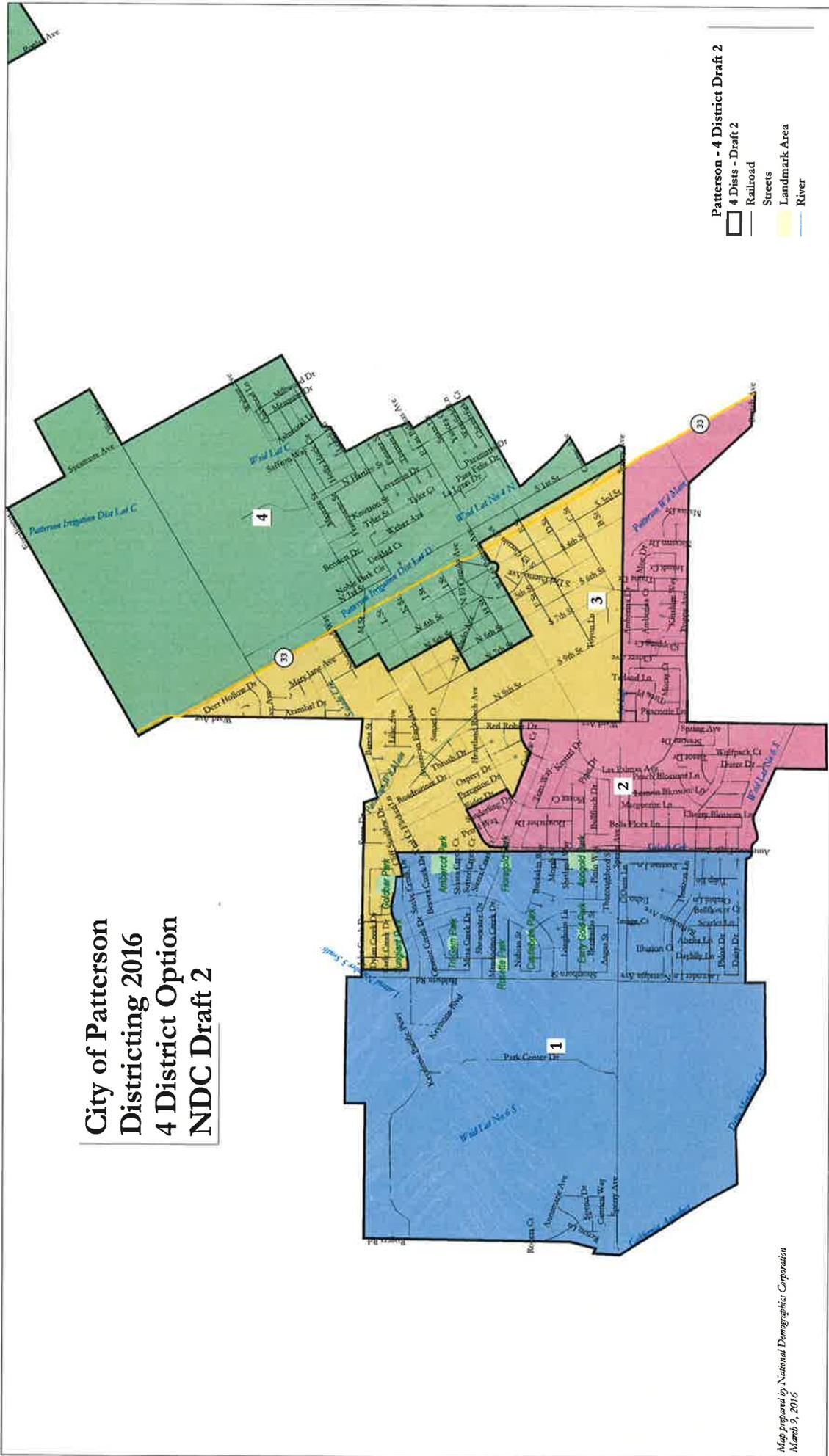
District		1	2	3	4	Total
	Total Pop	5,083	5,097	5,128	5,105	20,413
	Deviation from ideal	-20	-6	25	2	45
	% Deviation	-0.39%	-0.12%	0.49%	0.04%	0.88%
Total Pop	% Hisp	46%	52%	56%	80%	59%
	% NH White	27%	26%	36%	16%	26%
	% NH Black	12%	9%	3%	1%	6%
	% Asian-American	12%	9%	2%	1%	6%
Voting Age Pop	Total	3,194	3,312	3,633	3,384	13,523
	% Hisp	42%	48%	51%	77%	55%
	% NH White	30%	30%	42%	19%	30%
	% NH Black	12%	9%	3%	2%	6%
	% Asian-American	12%	9%	2%	1%	6%
Citizen Voting Age Pop	Total	2,639	2,879	2,906	2,231	10,654
	% Hisp	42%	39%	34%	70%	45%
	% NH White	37%	32%	54%	24%	38%
	% NH Black	14%	11%	4%	4%	8%
	% Asian/Pac.Isl.	4%	8%	3%	1%	4%
Voter Registration (Nov 2014)	Total	1,813	1,978	2,006	1,371	7,168
	% Latino	42%	43%	48%	67%	49%
	% Asian-Surnamed	3%	3%	1%	1%	2%
	% Filipino-Surnamed	3%	2%	1%	1%	2%
Voter Turnout (Nov 2014)	Total	667	827	955	508	2,957
	% Latino	34%	35%	35%	56%	39%
	% Asian-Surnamed	2%	2%	1%	0%	1%
	% Filipino-Surnamed	3%	2%	1%	1%	2%
Voter Turnout (Nov 2012)	Total	1,209	1,247	1,639	783	4,878
	% Latino	37%	40%	43%	58%	43%
	% Asian-Surnamed	3%	3%	1%	0%	2%
	% Filipino-Surnamed	3%	2%	1%	1%	2%
ACS Pop. Est.	Total	5,097	5,107	5,184	5,340	20,728
Age	age0-19	38%	38%	38%	36%	38%
	age20-60	51%	51%	51%	53%	51%
	age60plus	11%	11%	11%	11%	11%
Immigration	immigrants	21%	20%	23%	33%	24%
	naturalized	10%	10%	9%	9%	9%
Language spoken at home	english	55%	55%	51%	34%	48%
	spanish	39%	39%	43%	63%	46%
	asian-lang	4%	4%	4%	1%	3%
	other lang	2%	2%	2%	2%	2%
Language Fluency	Speaks Eng. "Less than Very Well"	15%	15%	18%	30%	20%
Education (among those age 25+)	hs-grad	66%	66%	64%	55%	63%
	bachelor	8%	8%	8%	6%	7%
	graduatedegree	3%	3%	3%	2%	3%
Child in Household	child-under18	47%	47%	48%	53%	49%
Work (percent of pop age 16+)	employed	56%	56%	55%	55%	55%
	Commute on Public Transit	0%	0%	0%	0%	0%
Household Income	income 0-25k	16%	16%	18%	23%	18%
	income 25-50k	24%	24%	26%	32%	27%
	income 50-75k	22%	22%	22%	22%	22%
	income 75-200k	36%	36%	33%	21%	32%
	income 200k-plus	2%	2%	2%	1%	1%
Housing Stats	single family	98%	98%	97%	94%	97%
	multi-family	2%	2%	3%	6%	3%
	vacant	6%	6%	6%	5%	6%
	occupied	94%	94%	94%	95%	94%
	rented	31%	31%	33%	39%	34%
	owned	69%	69%	67%	61%	66%

Total and Voting Age population data from the 2010 Decennial Census.

Voter Registration and Turnout data from the California Statewide Database.

Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2010-2014 American Community Survey 5-year data.

City of Patterson Districting 2016 4 District Option NDC Draft 2

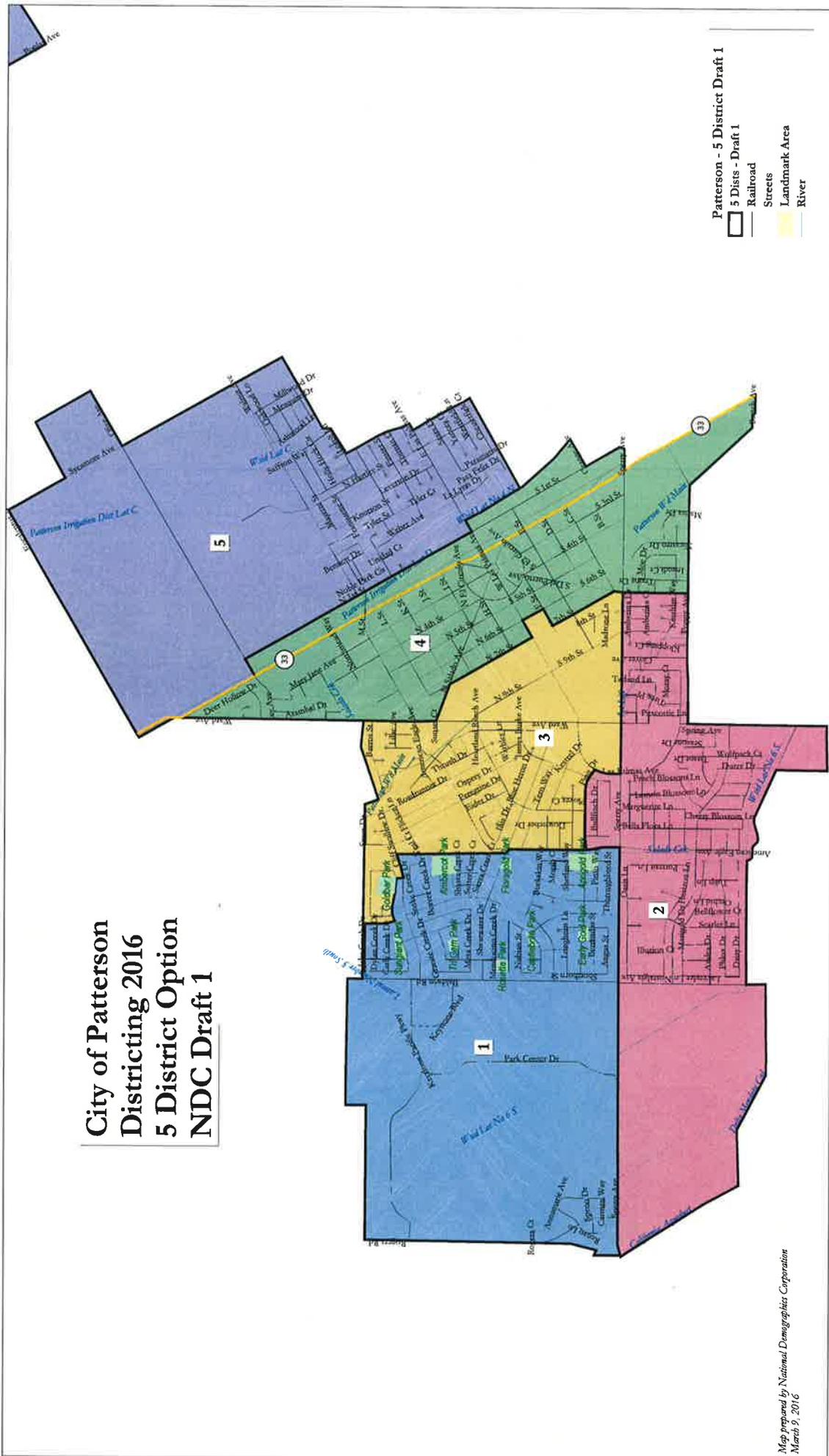


- Patterson - 4 District Draft 2**
- 4 Dist - Draft 2
 - Railroad
 - Streets
 - Landmark Area
 - River

City of Patterson - 4 District Option - NDC Draft 2

District		1	2	3	4	Total
	Total Pop	5,073	5,033	5,202	5,105	20,413
	Deviation from ideal	-30	-70	99	2	169
	% Deviation	-0.59%	-1.37%	1.94%	0.04%	3.31%
Total Pop	% Hisp	44%	54%	62%	74%	59%
	% NH White	27%	30%	27%	21%	26%
	% NH Black	12%	6%	5%	1%	6%
	% Asian-American	13%	6%	3%	1%	6%
Voting Age Pop	Total	3,157	3,396	3,497	3,473	13,523
	% Hisp	40%	50%	58%	70%	55%
	% NH White	30%	34%	31%	26%	30%
	% NH Black	12%	6%	5%	2%	6%
	% Asian-American	14%	6%	3%	1%	6%
Citizen Voting Age Pop	Total	2,660	2,741	2,813	2,440	10,654
	% Hisp	35%	39%	51%	55%	45%
	% NH White	35%	39%	40%	37%	38%
	% NH Black	15%	9%	6%	4%	8%
	% Asian/Pac.Isl.	7%	6%	2%	2%	4%
Voter Registration (Nov 2014)	Total	1,846	1,956	1,773	1,593	7,168
	% Latino	39%	46%	50%	61%	49%
	% Asian-Surnamed	4%	2%	1%	1%	2%
	% Filipino-Surnamed	3%	2%	1%	1%	2%
Voter Turnout (Nov 2014)	Total	718	826	763	650	2,957
	% Latino	33%	36%	39%	48%	39%
	% Asian-Surnamed	3%	2%	1%	0%	1%
	% Filipino-Surnamed	3%	2%	2%	1%	2%
Voter Turnout (Nov 2012)	Total	1,157	1,365	1,255	1,102	4,878
	% Latino	35%	40%	42%	57%	43%
	% Asian-Surnamed	3%	2%	1%	1%	2%
	% Filipino-Surnamed	3%	2%	2%	1%	2%
ACS Pop. Est.	Total	5,087	5,043	5,234	5,365	20,728
Age	age0-19	38%	38%	38%	36%	38%
	age20-60	51%	51%	51%	53%	51%
	age60plus	11%	11%	11%	11%	11%
Immigration	immigrants	21%	20%	22%	33%	24%
	naturalized	10%	10%	10%	8%	9%
Language spoken at home	english	55%	55%	52%	32%	48%
	spanish	39%	39%	41%	65%	46%
	asian-lang	4%	4%	4%	1%	3%
	other lang	2%	2%	2%	1%	2%
Language Fluency	Speaks Eng. "Less than Very Well"	15%	15%	17%	31%	20%
Education (among those age 25+)	hs-grad	66%	66%	65%	55%	63%
	bachelor	8%	8%	8%	5%	7%
	graduatedegree	3%	3%	3%	2%	3%
Child in Household	child-under18	47%	47%	48%	53%	49%
Work (percent of pop age 16+)	employed	56%	56%	56%	55%	55%
	Commute on Public Transit	0%	0%	0%	0%	0%
Household Income	income 0-25k	16%	16%	17%	24%	18%
	income 25-50k	24%	24%	25%	33%	27%
	income 50-75k	22%	22%	22%	22%	22%
	income 75-200k	36%	36%	34%	21%	32%
	income 200k-plus	2%	2%	2%	1%	1%
Housing Stats	single family	98%	98%	97%	94%	97%
	multi-family	2%	2%	3%	6%	3%
	vacant	6%	6%	6%	5%	6%
	occupied	94%	94%	94%	95%	94%
	rented	31%	31%	32%	40%	34%
	owned	69%	69%	68%	60%	66%
Total and Voting Age population data from the 2010 Decennial Census.						
Voter Registration and Turnout data from the California Statewide Database.						
Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2010-2014 American Community Survey 5-year data.						

**City of Patterson
 Districting 2016
 5 District Option
 NDC Draft 1**



City of Patterson - 5 District Option - NDC Draft 1

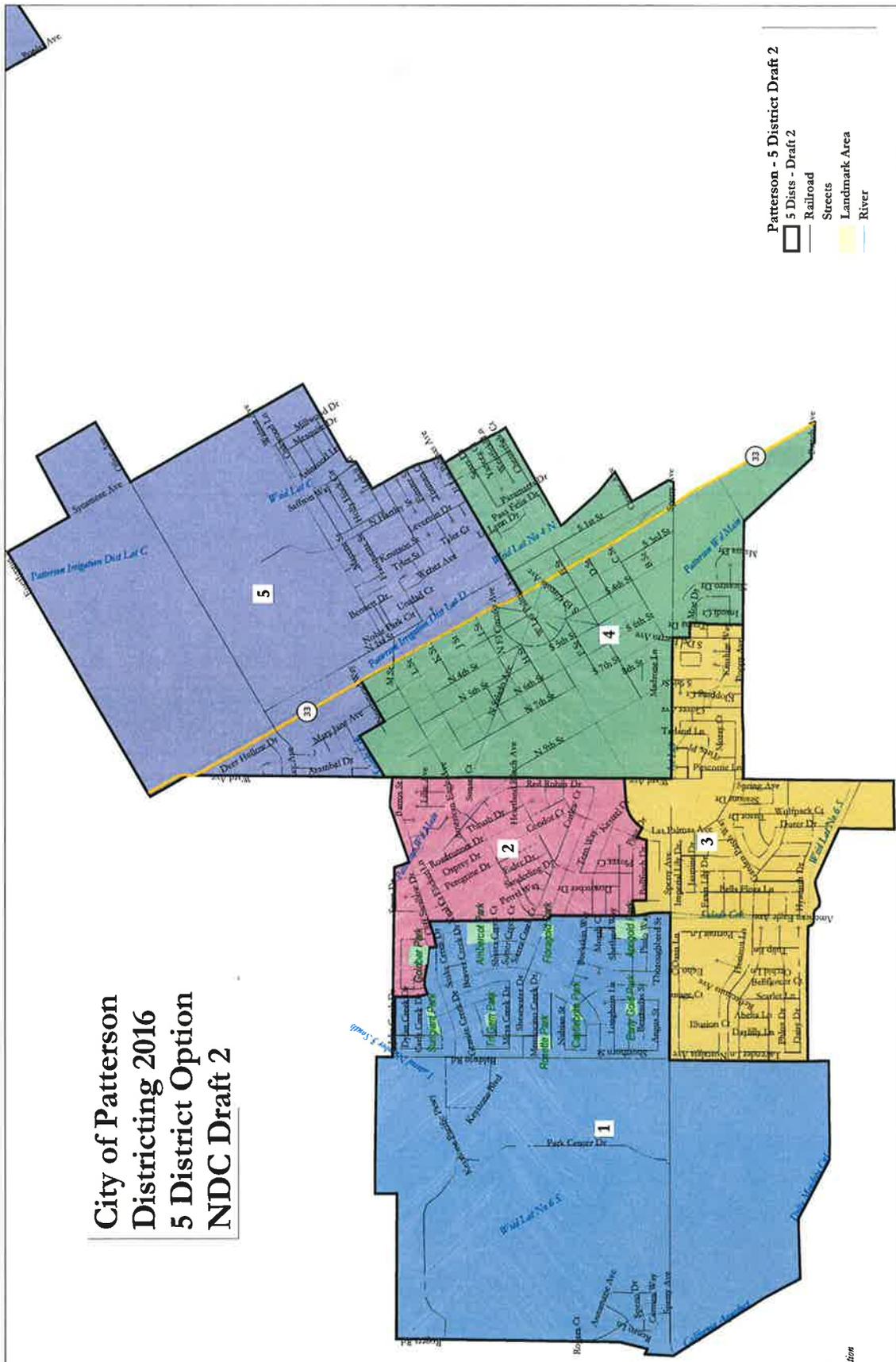
District		1	2	3	4	5	Total
	Total Pop	4,147	4,091	4,091	3,999	4,085	20,413
	Deviation from ideal	64	8	8	-84	2	148
	% Deviation	1.57%	0.20%	0.20%	-2.06%	0.05%	3.62%
Total Pop	% Hisp	45%	46%	58%	67%	77%	59%
	% NH White	25%	31%	28%	28%	18%	26%
	% NH Black	13%	9%	6%	1%	2%	6%
	% Asian-American	13%	10%	4%	1%	1%	6%
Voting Age Pop	Total	2,550	2,687	2,737	2,814	2,735	13,523
	% Hisp	41%	43%	53%	62%	73%	55%
	% NH White	29%	36%	32%	33%	22%	30%
	% NH Black	13%	8%	7%	1%	2%	6%
	% Asian-American	14%	10%	4%	2%	1%	6%
Citizen Voting Age Pop	Total	2,092	2,232	2,351	2,156	1,823	10,654
	% Hisp	41%	27%	50%	42%	65%	45%
	% NH White	36%	38%	38%	49%	28%	38%
	% NH Black	16%	12%	8%	1%	5%	8%
	% Asian/Pac.Isl.	4%	10%	1%	4%	1%	4%
Voter Registration (Nov 2014)	Total	1,417	1,655	1,536	1,344	1,216	7,168
	% Latino	43%	37%	48%	52%	68%	49%
	% Asian-Surnamed	3%	4%	2%	1%	1%	2%
	% Filipino-Surnamed	3%	3%	2%	1%	1%	2%
Voter Turnout (Nov 2014)	Total	523	728	622	635	449	2,957
	% Latino	35%	30%	39%	37%	58%	39%
	% Asian-Surnamed	2%	3%	1%	1%	0%	1%
	% Filipino-Surnamed	3%	3%	2%	1%	1%	2%
Voter Turnout (Nov 2012)	Total	913	1,129	1,069	953	814	4,878
	% Latino	37%	34%	45%	43%	62%	43%
	% Asian-Surnamed	3%	3%	1%	0%	1%	2%
	% Filipino-Surnamed	3%	2%	2%	1%	1%	2%
ACS Pop. Est.	Total	4,159	4,099	4,099	4,046	4,325	20,728
Age	age0-19	38%	38%	38%	38%	36%	38%
	age20-60	51%	51%	51%	51%	53%	51%
	age60plus	11%	11%	11%	11%	11%	11%
Immigration	immigrants	21%	20%	20%	23%	35%	24%
	naturalized	10%	10%	10%	9%	8%	9%
Language spoken at home	english	55%	55%	55%	50%	29%	48%
	spanish	39%	39%	39%	45%	69%	46%
	asian-lang	4%	4%	4%	3%	1%	3%
	other lang	2%	2%	2%	2%	1%	2%
Language Fluency	Speaks Eng. "Less than Very Well"	15%	15%	15%	19%	33%	20%
Education (among those age 25+)	hs-grad	66%	66%	66%	63%	53%	63%
	bachelor	8%	8%	8%	8%	5%	7%
	graduatedegree	3%	3%	3%	3%	1%	3%
Child in Household	child-under18	47%	47%	47%	48%	54%	49%
Work (percent of pop age 16+)	employed	56%	56%	56%	55%	54%	55%
	Commute on Public Transit	0%	0%	0%	0%	0%	0%
Household Income	income 0-25k	16%	16%	16%	18%	25%	18%
	income 25-50k	24%	24%	24%	26%	35%	27%
	income 50-75k	22%	22%	22%	22%	21%	22%
	income 75-200k	36%	36%	36%	32%	18%	32%
	income 200k-plus	2%	2%	2%	1%	1%	1%
Housing Stats	single family	98%	98%	98%	97%	94%	97%
	multi-family	2%	2%	2%	3%	6%	3%
	vacant	6%	6%	6%	6%	5%	6%
	occupied	94%	94%	94%	94%	95%	94%
	rented	32%	31%	31%	33%	41%	34%
	owned	68%	69%	69%	67%	59%	66%

Total and Voting Age population data from the 2010 Decennial Census.

Voter Registration and Turnout data from the California Statewide Database.

Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2010-2014 American Community Survey 5-year data.

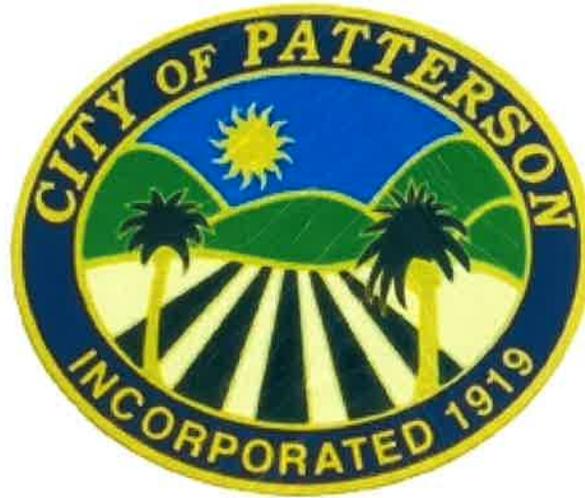
City of Patterson Districting 2016 5 District Option NDC Draft 2



Patterson - 5 District Draft 2
 5 Dists - Draft 2
 Railroad
 Streets
 Landmark Area
 River

City of Patterson - 5 District Option - NDC Draft 2

District		1	2	3	4	5	Total
	Total Pop	4,160	4,008	4,049	4,125	4,071	20,413
	Deviation from ideal	77	-75	-34	42	-12	152
	% Deviation	1.89%	-1.84%	-0.83%	1.03%	-0.29%	3.72%
Total Pop	% Hisp	45%	58%	46%	65%	79%	59%
	% NH White	25%	27%	31%	31%	17%	26%
	% NH Black	13%	7%	9%	1%	2%	6%
	% Asian-American	13%	4%	10%	1%	1%	6%
Voting Age Pop	Total	2,560	2,658	2,680	2,896	2,729	13,523
	% Hisp	41%	54%	43%	58%	76%	55%
	% NH White	29%	31%	35%	37%	20%	30%
	% NH Black	13%	7%	8%	1%	2%	6%
	% Asian-American	14%	5%	10%	2%	1%	6%
Citizen Voting Age Pop	Total	2,099	2,310	2,206	2,218	1,820	10,654
	% Hisp	41%	51%	27%	42%	65%	45%
	% NH White	36%	36%	38%	48%	29%	38%
	% NH Black	16%	8%	12%	3%	3%	8%
	% Asian/Pac.Isl.	4%	1%	10%	3%	1%	4%
Voter Registration (Nov 2014)	Total	1,420	1,501	1,644	1,355	1,248	7,168
	% Latino	43%	49%	37%	50%	69%	49%
	% Asian-Surnamed	3%	2%	4%	1%	1%	2%
	% Filipino-Surnamed	3%	2%	3%	1%	1%	2%
Voter Turnout (Nov 2014)	Total	525	598	723	652	458	2,957
	% Latino	35%	40%	30%	36%	58%	39%
	% Asian-Surnamed	2%	1%	3%	1%	0%	1%
	% Filipino-Surnamed	3%	2%	3%	1%	1%	2%
Voter Turnout (Nov 2012)	Total	916	1,043	1,123	950	847	4,878
	% Latino	37%	45%	34%	46%	57%	43%
	% Asian-Surnamed	3%	2%	3%	0%	1%	2%
	% Filipino-Surnamed	3%	2%	2%	1%	1%	2%
ACS Pop. Est.	Total	4,172	4,016	4,057	4,191	4,293	20,728
Age	age0-19	38%	38%	38%	38%	36%	38%
	age20-60	51%	51%	51%	51%	53%	51%
	age60plus	11%	11%	11%	11%	11%	11%
Immigration	immigrants	21%	20%	20%	24%	34%	24%
	naturalized	10%	10%	10%	9%	8%	9%
Language spoken at home	english	55%	55%	55%	48%	31%	48%
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	other lang	2%	2%	2%	2%	1%	2%
Language Fluency	Speaks Eng. "Less than Very Well"	15%	15%	15%	20%	32%	20%
Education (among those age 25+)	hs-grad	66%	66%	66%	62%	54%	63%
	bachelor	8%	8%	8%	7%	5%	7%
	graduatedegree	3%	3%	3%	3%	2%	3%
Child in Household	child-under18	47%	47%	47%	49%	54%	49%
Work (percent of pop age 16+)	employed	56%	56%	56%	55%	55%	55%
	Commute on Public Transit	0%	0%	0%	0%	0%	0%
Household Income	income 0-25k	16%	16%	16%	19%	25%	18%
	income 25-50k	24%	24%	24%	27%	34%	27%
	income 50-75k	22%	22%	22%	22%	21%	22%
	income 75-200k	36%	36%	36%	31%	19%	32%
	income 200k-plus	2%	2%	2%	1%	1%	1%
Housing Stats	single family	98%	98%	98%	97%	94%	97%
	multi-family	2%	2%	2%	3%	6%	3%
	vacant	6%	6%	6%	6%	5%	6%
	occupied	94%	94%	94%	94%	95%	94%
	rented	32%	31%	31%	34%	41%	34%
	owned	68%	69%	69%	66%	59%	66%
Total and Voting Age population data from the 2010 Decennial Census.							
Voter Registration and Turnout data from the California Statewide Database.							
Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2010-2014 American Community Survey 5-year data.							



7. CITY STAFF REPORTS



CITY COUNCIL AGENDA REPORT

TO: Mayor Molina and Members of the City Council

FROM: Ken Irwin, City Manager *KI*

BY: Peni Basalusalu, Management Analyst

MEETING DATE: March 15, 2016

ITEM NO: 7.1

SUBJECT: Approve Staff to Enter Into a Contract with Moss-Adams LLP and Award them a Service Agreement to Facilitate the City of Patterson's Strategic Planning Process

RECOMMENDATION

Approve Staff to enter into a contract with Moss-Adams LLP and award them a service agreement to facilitate the City of Patterson's Strategic Planning process.

BACKGROUND

As the City enters into another growth arena, having a good strategic plan will become more essential. A strategic plan will help the City determine where it will be going, how it will get there and will help track the progress of our City's vision and goals over the next several years.

Having a strategic plan will provide:

- A better understanding by citizens and staff of the City Council's plans for the future of the City
- More priority projects to be completed successfully
- Staff more focused and effective directions in addressing City Council priorities
- Accountability of staff to the City Council to assure the achieving of City Council Goals
- Clear directions for both City Council and staff to be focused, and are less inclined to be side-tracked by less important activities or projects
- Provide staff, official direction to plan and organize resources to ensure their completion of the formally adopted City Council Goals

Toward the end of calendar year (CY) 2015, staff prepared and solicited from various professional firms request for proposals for services to facilitate a Strategic Planning process. Staff used a few sources such as the League of California Cities City Clerks, the City's web page for bid postings and local newspapers legal advertising. Many notifications for interest were

shown in the process, up to 20 firms indicated that they were going to be considering the City's request for proposal. The bidding time-line was left open until 5 p.m. on January 6th, 2016. By closing time, 8 firms had submitted their proposals, expressing their interest in providing their services of facilitating the City's Strategic Planning Process.

Submitting Firms:

Ascent Advisor

Klerigi Group

Management Partners

Moss-Adams, LLP

Pennino Management Group

Regional Government Services Authority
(RGS)

Resource Development Associates

Strategy Matters

ANALYSIS

Three senior members of the City's management staff along with a mid-manager were tasked with assessing and rating the proposals on the following:

- Understanding of the work to be done
- Quality of staff for work to be done – Percentage of time for Project Manager and other staff
- Cost
- Demonstration of technical ability
- Experience with similar projects
- Priority Placed on the Project / Tight Timeline

As expected, the quality of proposals submitted were impressive. Staff screened out submitted proposals that were not within the scope of the request as well as those that were way north of the intended budget for this project. Based on the screening and qualifications, the top three (3) were:

- Moss- Adams
- Management Partners
- RGS

In contrasting the evaluations and assessment of the top three (3) proposals, it was noted that all evaluators were impressed with the qualifications of the staff at Moss-Adams LLP, their commitment to follow through and see that the strategic plan is implemented, their experience, coaching, and qualifications in providing the same service for other municipalities, and other public and private sectors, and their cost. Due to these qualifications and the lack of qualifications from other firms, staff strongly recommends to the Council that approval be given to move forward with establishing a service contract with Moss-Adams LLP.

FISCAL IMPACT

Moss-Adams LLP, has a stellar reputation for providing high value for reasonable costs. They have proposed a total not to exceed cost of \$29,440, including fees and expenses. Fees are based on hours and billing rates. This total falls within the \$30,000 that was budgeted for this project.

Account No. 100-100-6240



CITY COUNCIL AGENDA REPORT

TO: Mayor Molina and Members of the City Council

FROM: Ken Irwin, City Manager 

BY: Mike Willett, Public Works Director

MEETING DATE: March 15, 2016

ITEM NO: 7.2

SUBJECT: Review Discount Rate Options Presented per Council's Request and Provide Staff with Direction on How to Proceed

RECOMMENDATION

Review Discount Rate Options presented per Council's request and provide staff with direction on how to proceed.

BACKGROUND

At the 12/1/2015 Council meeting, staff from Bartle Wells Associates presented the completed Sewer Rate Study that analyzed current and future operating/maintenance costs and needs including personnel, equipment, and supplies; capital improvement program (CIP) projects for sewer; and debt service/coverage obligations and came up with rates for the next five years (FY 2015/16 through 2019/20). The study and analyses conducted on the sewer rates on behalf of the City were initially presented to Council at the 10/6/2015 City Council meeting, where Council approved and authorized staff to proceed with the development and issuance of Proposition 218 notice to property owners regarding a public hearing on December 1, 2015, to consider the new sewer fee adjustment.

At the public hearing on December 1, 2015, with only 65 protests (out of 6,300) regarding the proposed rate increases, Council voted 4-1 and approved the new sewer rates. Council also queried staff about reduced rate opportunities for low income individuals and families and directed staff to return with options.

ANALYSIS

Attached is a copy of the Sewer Discount Rate Study prepared by Bartle Wells and Associates. The rate study identifies four (4) optional scenarios that offer reduced rates to benefit those in the low income bracket. As with preexisting discounted services, the determination and results of the presented options were derived from the numbers supplied to the City by TID, whose CARES program is used as the qualification tool to receiving the benefit of a discounted rate.

The set-up presented in the chart below describes whether the City is going to meet its Reserve Target or not through 2020 if a \$10 discount is given to benefit 650 sewer account holders who qualify through the TID CARES program or Seniors only who also meet the TID CARES qualification and qualify for the discount. Staff recommends to Council Option 2 for it mirrors closely the current discount option the City uses with the Garbage service.

City of Patterson - Sewer Rate Study 2015					
Projected Ending Fund Balances with Senior Discount					
	Proposed				
	2015/16	2016/17	2017/18	2018/19	2019/20
Sewer Reserve Fund Target <i>20% of Operating Expenses + \$250,000 for Capital</i>	\$813,524	\$816,750	\$848,474	\$877,899	\$923,832
Adopted 6% Annual Rate Increases	\$1,896,601	\$1,810,953	\$1,480,175	\$1,310,169	\$1,011,407
Reserve Target Met?	yes	yes	yes	yes	yes
Option 1: \$10 Discount for All Low Income (650 Customers)	\$1,857,601	\$1,693,660	\$1,283,709	\$1,033,739	\$652,831
Reserve Target Met?	yes	yes	yes	yes	no
Option 2: \$10 Discount for Senior Low Income (65 Customers)	\$1,892,701	\$1,799,223	\$1,460,528	\$1,282,526	\$975,550
Reserve Target Met?	yes	yes	yes	yes	yes
Option 3: \$5 Discount for All Low Income (650 Customers)	\$1,877,101	\$1,752,306	\$1,381,942	\$1,171,954	\$832,119
Reserve Target Met?	yes	yes	yes	yes	no
Option 4: \$5 Discount for Senior Low Income (65 Customers)	\$1,894,651	\$1,805,088	\$1,470,351	\$1,296,348	\$993,479
Reserve Target Met?	yes	yes	yes	yes	yes

It is important to note that the Council approved sewer rate adjustments that take into consideration both the City's ongoing operating costs and necessary capital improvements to our sewer infrastructure. From an operating perspective, the approved rates takes into consideration existing system deficiencies, capital improvement projects, and personnel/equipment needed to maintain regulatory compliance.

FISCAL IMPACT

The granting of some type of discount will have a minor effect on meeting the City's Reserve Target. Option 2 minimizes the impact and stays consistent with the current approach used for monthly Garbage service.



CITY COUNCIL AGENDA REPORT

TO: Mayor Molina and Members of the City Council

FROM: Ken Irwin, City Manager *KI*

BY: City Attorney,
Police Chief Dirkse

MEETING DATE: March 15, 2016

ITEM NO: 7.3 a.

SUBJECT: Ordinance No. 792 (Second Reading and Adoption)

Ordinance No. 792, An Ordinance of the City Council of the City of Patterson, Amending Chapters 1.44 and 1.36 of Title 1 of the Patterson Municipal Code to Establish Procedures for Issuing Administrative Citations.

RECOMMENDATION

Council: Read Ordinance No. 792, Title Only As Listed Above

Council: Motion to Approve Second Reading of Ordinance No. 792,
Reading by Title Only, Waiving Further Reading

Council: Motion to Adopt Ordinance No. 792,
Reading by Title Only, Waiving Further Reading

ORDINANCE NO. 792

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF PATTERSON, AMENDING CHAPTERS 1.44 AND 1.36
OF TITLE 1 OF THE PATTERSON MUNICIPAL CODE**

WHEREAS, Government Code sections 36901 and 53069.4 authorize cities to provide an administrative enforcement mechanism for violations of the city's municipal code as an alternative to state civil and criminal remedies; and

WHEREAS, the city council finds that implementing an alternative enforcement mechanism for municipal code violations allows the city to efficiently enforce the laws of the city which are in place to ensure the health, safety, and welfare of the public; and

WHEREAS, under the authority provided by Government Code sections 36901 and 53069.4, the city council desires to streamline an alternative enforcement mechanism to allow municipal code violations to be processed through the issuance of an administrative citation; and

WHEREAS, under the authority provided by Government Code section 38771 *et seq.* and Civil Code sections 3479 and 3480, the city council desires to prohibit the occurrence of municipal code violations throughout the city and to provide a procedure whereby the city's staff may enforce the city's code.

THE CITY COUNCIL OF THE CITY OF PATTERSON, CALIFORNIA DOES ORDAIN AS FOLLOWS:

Section 1.44.010 of Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to read as follows:

1.44.010 Declaration of purpose.

- A. The council finds that there is a need for an alternative method of enforcement for minor violations of this code and applicable state codes. The council further finds that an administrative citation program is an appropriate alternative method of enforcement for violations as authorized by Government Code section 53069.4.
- B. The procedures established in this chapter shall be in addition to other legal remedies established by law which may be pursued to address violations of this code or applicable state codes.
- C. The council hereby finds and determines that the enforcement of the code and other ordinances adopted by the city is a matter of local concern and serves an important public purpose.
- D. Use of this chapter for the enforcement of code provisions shall be at the sole discretion of the city, its officers, agents and employees.

Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to add section 1.44.015 which shall read as follows:

1.44.015 Definitions.

“Code” shall mean the Patterson Municipal Code.

“Correction period” shall mean the period of time designated in the notice of violation within which a responsible party may correct or abate the violation.

“Days” shall mean calendar days.

“Enforcement officer” shall mean any officer or employee authorized by ordinance or resolution of the council to enforce the code, or his or her designee.

“Hearing officer” shall mean any person appointed by the city manager to preside at administrative hearings pursuant to Chapter 1.36.020 of the code.

“Responsible party” shall mean any individual, owner, or occupant of real property, or owner or authorized agent of any business, company, or entity, or the parent or legal guardian of any person under the age of eighteen years, who causes or maintains or allows to continue, by his or her action or failure to act, a violation of the code.

Section 1.44.020 of Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to read as follows:

1.44.020 Authority.

Any person violating any provision of this code or applicable state law may be issued an administrative citation by an enforcement officer as provided in this chapter. A violation of this code includes, but is not limited to, a violation of the code, a violation of any uniform code adopted by the council, a violation of any uncodified city ordinance, or failure to comply with any condition imposed by any entitlement, permit, or license issued or approved under this code.

- A. Each and every day a violation of the code or applicable state code exists constitutes a separate and distinct offense.
- B. A civil penalty shall be assessed by means of an administrative citation issued by the enforcement officer which shall be payable directly to the city and deposited in the code enforcement fund established pursuant to section 1.32.110 of this title.
- C. A civil penalty assessed by means of an administrative citation shall be collected in accordance with the procedures specified in this chapter.

Chapter 1.444 of Title 1 of Patterson's Municipal Code shall be amended to add section 1.44.025 Fine Schedule which shall read as follows:

1.44.025 Fine Schedule.

Unless otherwise provided in the code, the fine amount for each violation shall be:

- A. A fine not to exceed \$100.00 for the first violation;
- B. A fine not to exceed \$200.00 for the second violation of the same code provision, or condition of a permit, license, or entitlement within the same calendar year of the first violation;
- C. A fine not to exceed \$500.00 for each additional violation of the same code provision, or condition of a permit, license, or entitlement within the same calendar year of the first and second violation.

Section 1.44.030 of Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to read as follows:

1.44.030 Procedures.

Upon discovering any violation of this code or applicable state codes, the enforcement officer may issue an administrative citation to a responsible person in the manner prescribed in this chapter.

Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to add Section 1.44.032 Notice of Violation which shall read as follows:

1.44.032 Notice of Violation.

When a violation is determined to exist or be recurring, the enforcement officer may serve the responsible party with a notice of violation in a manner permitted under section 1.32.090 to give the responsible party the opportunity to correct the violation before an administrative citation is issued. The notice of violation shall contain:

- A. The conditions constituting the violation;
- B. References to the code sections violated and describe how the sections are violated;
- C. All actions required to correct the violations, if any;
- D. A specified time period from the date of service of the notice of violation within which the violation must be corrected or abated;

- E. A statement requiring the responsible person to immediately correct the violations and an explanation of the consequences for failure to correct the violations;
- F. The penalty amount imposed for the violation;
- G. Explanation of how the penalty shall be paid, the time period by which it shall be paid, and the consequences for failure to pay the penalty;
- H. A statement of the fine that will be levied if the violation is not corrected;
- I. A statement that the responsible party may submit in writing to the enforcement officer any information relating to a determination of the existence of a violation;
- J. Identify all rights of appeal; and
- K. Contain the signature of the enforcement officer and the signature of the responsible person if they can be located, as outlined in this chapter.

Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to add section 1.44.035 which shall read as follows:

1.44.035 Correction or Abatement of Violation.

The notice of violation shall provide a responsible party a reasonable period of time from the date of service to correct the violation, except that if the violation creates an immediate danger to the health or safety of persons or property, the notice of violation may require that the violation be corrected immediately. If the enforcement officer determines that a good faith effort is being made to correct or abate the violation, he or she may grant an additional period of time to complete the correction. If the violation cannot be completely corrected, the violation must be abated in the manner described in the notice of violation. Nothing in this chapter limits the city's authority to perform summary abatements when necessary.

When the enforcement officer determines that the violation has been corrected or satisfactorily abated, the enforcement officer shall provide the responsible party with a letter acknowledging that the correction has occurred. If the violation is corrected or satisfactorily abated within the correction period, no administrative citation shall be issued.

Section 1.44.040 of Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to read as follows:

1.44.040 Administrative Citation.

For a one time code violation that cannot be corrected, no notice of violation is necessary. Instead an administrative citation may be issued to impose an immediate fine. If a notice of violation is issued and the violation is not corrected on the date the compliance deadline expires, the enforcement officer may issue an administrative citation. The administrative citation shall refer to the date and location of the violation and the approximate time the violation occurred, and shall include:

- A. A description of the conditions or incident causing the violation;
- B. The name and address of the responsible party and, if applicable, the physical address or description of the location where the violation exists or occurred;
- C. Reference to the code sections violated;
- D. When applicable, the date the notice of violation was served on the responsible party and the specified time period for correction of the violation;
- E. When applicable, a statement that the violation has not been corrected within the correction period;
- F. The amount of the penalty imposed for the violation;
- G. An explanation of how the penalty shall be paid, the time period by which it shall be paid, and the consequences of failure to pay the penalty;
- H. A statement of any late penalty that will be assessed if the fine is not paid on time;
- I. A statement that the responsible party may submit in writing to the enforcement officer any information relating to a determination of the existence of a violation;
- J. A statement of the right to a hearing; and
- K. The signature of the enforcement officer and the signature of the responsible person if they can be located, as outlined in this chapter.

Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to add section 1.44.042 Service under this Chapter which shall read as follows:

1.44.042 Service under this Chapter.

- A. Service under this chapter shall be performed in a manner prescribed in section 1.32.090 of the code.
- B. If an enforcement officer physically issues an administrative citation to a responsible party at the time of the incident resulting in the violation, the physical issuance of the administrative citation shall be sufficient service.
- C. If the responsible person is a business, the enforcement officer shall attempt to locate the business owner or responsible person and issue the business owner or responsible person an administrative citation. If the enforcement officer cannot locate the business owner or responsible person, and can only locate the manager of the business, the administrative citation may be given to the manager of the business. A copy of the administrative citation shall be mailed to the business owner or responsible person as prescribed in section 1.32.090 of this title. The mailing of the administrative citation shall include a request for the business owner or responsible person to sign and return the copy of the administrative citation. Failure of the business owner or responsible party to sign and return the administrative citation shall not affect the validity of any proceeding.
- D. Once the responsible person is located, the enforcement officer shall attempt to obtain the signature of that person on the administrative citation. If the responsible person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the administrative citation and subsequent proceedings.
- E. If the violation relates to property and no one can be located on the property, then the administrative citation shall be posted in a conspicuous place on or near the property and a copy subsequently mailed to the responsible person as prescribed in section 1.32.090 of this title and shall include a request for the business owner or responsible person to sign and return the copy of the administrative citation. If the responsible person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the administrative citation and subsequent proceedings.
- F. Failure of any person with an interest in the property to receive notice of an administrative citation shall not affect the validity of any proceeding taken under this chapter.

Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to add section 1.44.045 Direct Citation which shall read as follows:

1.44.045 Direct Citation.

An enforcement officer may issue an administrative citation without first issuing a notice of violation if:

- A. The enforcement officer personally observes an action by the responsible party that constitutes a violation; or
- B. The violation does not pertain to building, plumbing, electrical, or other similar zoning issues and creates an immediate danger to health or safety; or
- C. The violation occurred within the immediate vicinity of a posted notice of the requirements of the code provision being violated.

Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to add section 1.44.047 Duty to Cooperate which shall read as follows:

1.44.047 Duty to Cooperate.

Any person who does not possess photo identification, refuses to identify himself or herself to an enforcement officer or who gives a false identity or address to an enforcement officer, shall be guilty of a misdemeanor.

Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to add Section 1.44.049 Satisfaction of Administrative Citation which shall read as follows:

1.44.049 Satisfaction of Administrative Citation.

- A. If the payment of a fine is not received by the city within thirty (30) days of service of the administrative citation, then the city may assess a late fee in the amount of fifty percent (50%) the total amount of the fine.
- B. Payment of the fine shall not excuse the failure to correct the violation nor shall it bar further enforcement action by the city.
- C. If the responsible party fails to correct the violation, subsequent administrative citations may be issued for maintaining, continuing, or repeating the same or similar violation or allowing the same or similar violation to be maintained, continued, or repeated.
- D. The city may collect any past due administrative citation fines and late payment charges by the use of small claims court or through any other permissible available legal means and may collect all costs and attorney fees pursuant to code section 1.44.080.

Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to add section 1.44.070 Parental Responsibility which shall read as follows:

1.44.070 Parental Responsibility.

Any parent or legal guardian having care, custody, control, or charge of a minor child shall be responsible for paying any fines or fees resulting from a violation of the code pursuant to Welfare and Institutions Code sections 730.5 and 730.6.

Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to add section 1.44.080 Attorney's Fees which shall read as follows:

1.44.080 Attorney's Fees.

In addition to the cost of enforcement and incidental expenses incurred as a result of the enforcement proceeding, pursuant to section 3877.5 of the Government Code, in any proceeding brought to enforce any administrative citation order or recover any fine, the prevailing party shall be entitled to recover attorney's fees, provided that, pursuant to section 38773.5, attorney's fees shall only be available in those proceedings in which the city has provided notice at the commencement of such proceedings that it intends to seek and recover attorney's fees.

Chapter 1.44 of Title 1 of Patterson's Municipal Code shall be amended to add section 1.44.090 Severability which shall read as follows:

1.44.090 Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The council declares that it would have adopted such section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 1.36.010 of Chapter 1.36 of Title 1 of Patterson's Municipal Code shall be amended to read as follows:

1.36.010 Administrative remedies.

- A. The council finds that there is a need for a variety of administrative remedies to enforce violations of this code and applicable state codes. The procedures established by these remedies are in addition to any other legal remedy established by law which may be pursued to address municipal code and applicable state code violations.
- B. Whenever the enforcement officer determines that a violation of this code or applicable state code exists, the enforcement officer may pursue any of the administrative remedies enumerated in this title.

- C. Unless otherwise noted in this chapter, terms and titles shall have the same meaning as defined in Chapter 1.44 of the code.

Section 1.36.020 of Chapter 1.36 of Title 1 of Patterson's Municipal Code shall be amended to read as follows:

1.36.020 Administrative enforcement hearings.

- A. The council finds that there is a need to establish uniform procedures for administrative enforcement hearings conducted pursuant to this code. It is the purpose and intent of this council to afford due process of law to any person who is directly affected by an administrative action. Due process of law includes adequate notice, an opportunity to participate in the administrative hearing and an adequate explanation of the reasons justifying the administrative action. These procedures are also intended to establish a forum to effectively, expeditiously and fairly resolve issues raised in any administrative enforcement hearing. Any person charged with an administrative violation who has been served with a notice of violation or administrative citation and who wishes to contest the violation or penalty may request a hearing.
- B. The city manager is authorized to develop policies and procedures relating to the qualification, disqualification and appointment of enforcement hearing officers, hearing officer powers, hearing procedures, scope of the hearing, and other matters relating to administrative enforcement hearings. Any person designated to serve as an enforcement hearing officer is subject to disqualification for bias, prejudice, interest or for any other reason for which a judge may be disqualified in a court of law.
- C. The council or city manager shall appoint independent hearing officers for administrative enforcement hearings or contract with an organization that provides independent hearing officers.
- D. Written notice of the time and place of the hearing shall be served at least ten (10) calendar days prior to the date of the hearing to the responsible person. The format and contents of the hearing notice shall be in accordance with the rules and policies developed by the city manager. The notice of hearing shall be served by any of the methods of service listed in section 1.32.090 of this title.
- E. The hearing officer may continue a hearing based on good cause shown by one of the parties to the hearing or if the hearing officer independently determines that due process has not been adequately afforded. The hearing officer has continuing jurisdiction over the subject matter of an administrative enforcement hearing for the purposes of granting a continuance, ensuring compliance with an administrative enforcement order, modifying an administrative enforcement order, or where extraordinary circumstances exist, granting a new hearing. The hearing officer has the authority to require a responsible person to post a code enforcement bond to ensure compliance with an administrative enforcement order.

F. Administrative enforcement hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply. The city bears the burden of proof to establish the existence of a violation of this code or applicable state code. In the case of an abatement hearing, the city bears the burden of proof to establish the existence of a public nuisance. The standard of proof to be used by the hearing officer in deciding the issues at an administrative hearing is by a preponderance of the evidence. Each party shall have the opportunity to present evidence in support of his or her case.

- (1) No hearing to appeal an administrative citation shall be held unless and until a request for hearing form has been completed and filed with a deposit of the citation fine, unless a hardship form has been filed and approved.
- (2) The person requesting the hearing shall be notified of the time and place of the hearing at least ten (10) days prior to the hearing via first class mail to the address stated on the hearing request form.
- (3) The hearing officer shall only consider evidence that is relevant to whether the violation(s) occurred and whether the responsible party caused or maintained the violation of the code.
- (4) The responsible party contesting the administrative citation shall be given the opportunity to testify and present witnesses and evidence concerning the administrative citation, and to cross-examine witnesses and question evidence.

G. Any party whose property or actions are the subject of an administrative enforcement hearing and who fails to appear at the hearing is deemed to waive the right to the hearing and the adjudication of the issues related to the hearing, provided that proper notice of the hearing was provided.

Chapter 1.36 of Title 1 of Patterson's Municipal Code shall be amended to add section 1.36.025 which will read as follows:

1.36.025 Advanced Hearing Deposit.

If a person requests a hearing under this chapter regarding an administrative citation fine, the person must also pay a deposit to the city for the amount of the fine upon filing the hearing request with the city. If the person has a financial hardship, he or she may file a financial hardship form to avoid paying the deposit to the city. The advanced hearing deposit requirement will only be waived if city approves a timely submitted financial hardship form. Approving a financial hardship in lieu of a fine deposit in no way abrogates the city's right to collect the fine once an administrative enforcement order has been issued.

Section 1.36.030 of Chapter 1.36 of Title 1 of Patterson's Municipal Code shall be amended to read as follows:

1.36.030 Administrative enforcement order.

The decision of the hearing officer shall be entitled "administrative enforcement order." Within ten (10) days of the hearing, the hearing officer will serve an administrative enforcement order, briefly stating the reasons for the decision. The administrative enforcement order shall become final on the date of service of the order, and shall be served on all parties by any one of the methods listed in section 1.32.090 of this Chapter. Once the administrative enforcement order becomes final, the time in which judicial review of the order must be sought shall be governed by the Code of Civil Procedure section 1094.6.

Section 1.36.040 of Chapter 1.36 of Title 1 of Patterson's Municipal Code shall be amended to read as follows:

1.36.040 Judicial review.

It is unlawful for a party to an administrative enforcement hearing who has been served with a copy of the final administrative enforcement order pursuant to section 1.32.090 of the code, to fail to comply with the order. Any person aggrieved by an administrative enforcement order may obtain review of the administrative decision in the appropriate court in accordance with the timelines and provisions set forth in Government Code section 53069.4.

Section 1.36.060 of Chapter 1.36 of Title 1 of Patterson's Municipal Code shall be amended to read as follows:

1.36.060 Hearing Procedures.

- A. A person served with one of the following documents may file a request for a hearing within ten (10) calendar days from the service of notice:
1. An administrative abatement notice issued pursuant to Chapter 1.52 of the code;
 2. An administrative citation issued pursuant to Chapter 1.44 of the code;
 3. A letter from the enforcement officer indicating intent to record a notice of violation pursuant to section 1.40.030 of the code.

- B. The hearing request shall be made in writing and filed with the city clerk. As soon as practicable after receiving the written notice of hearing, the city clerk shall request the council or city manager to appoint, or cause to be appointed, a hearing officer and schedule a date, time and place for an administrative enforcement hearing pursuant to the procedures and policies set forth in section 1.36.020. Failure to attend the administrative enforcement hearing by the persons appealing a notice of violation or administrative citation shall constitute a waiver of his or her rights to an administrative enforcement hearing and adjudication of the notice of violation or administrative citation or any portion of the notice of violation or administrative citation.

Chapter 1.36 of Title 1 of Patterson's Municipal Code shall be amended to add section 1.36.070 Extension of Appeal Deadline which shall read as follows:

1.36.070 Extension of Appeal Deadline.

- A. In the event that a person files a financial hardship form, the person shall have an additional ten (10) calendar days from the date the city mails notice to the person of whether the advanced deposit waiver request has been accepted to file a hearing request form and, if required, provide an advanced deposit.

If the city denies the financial hardship waiver request, the person may file a written appeal of the denial with the council within ten (10) calendar days of the date notice was mailed that the advanced deposit waiver request has been denied. If a person files a timely appeal of a advanced deposit waiver request with the council, the council shall hear the request at its next regularly scheduled meeting. The person shall have five (5) calendar days from the date of the council's decision on their request to file his or her hearing request form and, if necessary, provide an advanced deposit.

- B. If the deadline for filing any request with the city under this chapter falls on a day that the city's offices are closed, then the deadline shall be extended to the first day that the city's offices are open after the initial deadline lapses.
- C. Requests and other documents filed with the city pursuant to this chapter shall be deemed filed on the day the document is personally delivered to the city or the date the document is postmarked after being deposited in the United States mail.

Chapter 1.36 of Title 1 of Patterson's Municipal Code shall be amended to add section 1.36.080 Severability which shall read as follows:

1.36.080 Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article. The council declares that it would have adopted such section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

This Ordinance shall be published by one insertion in The Patterson Irrigator, a newspaper of general circulation, printed and published in the City of Patterson, within fifteen (15) days after its final passage, and shall take effect and be in force thirty (30) days after its final passage.

Introduced at a regular meeting of the City Council of the City of Patterson, held on the 1st day of March, 2016, and given its first reading and introduction at said meeting. Said Ordinance was given a second reading and adopted at a meeting of the City Council held on the 15th day of March, 2016, and after such reading, _____, who moved its adoption, seconded by _____, and said ordinance was thereupon adopted by the following roll call vote:

AYES:
NOES:
EXCUSED:
ABSTAINED:

APPROVED:

Luis I. Molina
Mayor of the City of Patterson

ATTEST:

Maricela L. Vela
City Clerk of the City of Patterson

**CITY OF PATTERSON POLICY REGARDING QUALIFICATIONS
AND APPOINTMENT OF HEARING OFFICERS**

Pursuant to Patterson Municipal Code (the “P.M.C.”) Section 1.36.020, the city council or the city manager (“City Officials”) are responsible for appointing independent hearing officers (“Hearing Officers”) for the City of Patterson (the “City”) to conduct administrative hearings. Under the P.M.C. the City Official is also responsible for developing procedures for the qualifications, disqualification and appointment of Hearing Officers. The policies related to the qualifications, disqualification, and appointment of Hearing Officers are as follows:

Qualifications:

- (1) A Hearing Officer shall be an impartial person who is an attorney who is licensed to practice law in the State of California.
- (2) A Hearing Officer shall have a minimum of twenty (20) hours of training related to administrative hearings with options of topics including but not limited to: (1) due process, (2) evaluation of evidence, (3) hearing procedures, (4) effective oral and written communication; and (5) interpretation of municipal and state laws. Up to twelve (12) hours of training may be substituted by twelve (12) hours of actual experience in conducting administrative hearings.
- (3) A Hearing Officer must have the ability to render fair and unbiased decisions.

Appointment Procedure:

Any individual interested in becoming a Hearing Officer for the City may submit an application with the City stating his or her qualifications. If the minimum qualifications are met, and the individual agrees to all of the terms and conditions of employment, the individual shall be added to the City’s list of Hearing Officers.

Additionally, the City may at any time enter into a contract with an organization that supplies Hearing Officers for the exclusive provision of Hearing Officers for its administrative hearings. If the City elects to enter into an exclusive contract with an organization that provides trained Hearing Officers, then the City will not be required to accept applications from individuals.

Reappointment:

Every two (2) years a Hearing Officer will be required to reapply with the City. The application must represent and warrant that the applicant is in good standing with the California bar and has not been convicted of a felony or misdemeanor involving moral turpitude. If the applicant is in good standing with the California bar, has not been convicted of a felony or misdemeanor of moral turpitude, and is not otherwise disqualified under these requirements, then the application will be granted and the Hearing Officer will be placed on the list for another two (2) years.

If the City contracts with an organization that provides Hearing Officer's, the terms of the contract shall include that the organization agrees to only provide Hearing Officer's that meet the City's qualifications. Additionally, the contract shall include that the City has a right to demand and the organization has an obligation to provide, proof that each of its Hearing Officer's meets the City's qualifications.

List of Hearing Officers:

The City shall maintain a list of qualified Hearing Officers. Once a person is determined to be qualified and added to the list as a Hearing Officer, that individual shall not be removed from the list unless and until:

- (1) The individual indicates they would like to be removed from the list;
- (2) The City is unable to contact the individual after at least three attempts are made for three separate hearings;
- (3) The City finds that the individual no longer meets the required qualifications to be a Hearing Officer;
- (4) The City finds that the individual has engaged in misconduct normally sufficient to justify termination of employment that is unrelated to the amount of administrative fines upheld or the decisions rendered by the person during administrative hearings.

If the City enters into an exclusive contract with an organization to supply Hearing Officers, then the organization shall have the responsibility of maintaining a list of eligible Hearing Officers and the City will not be required to maintain such a list.

Selection of a hearing officer for a hearing:

When the City Official, is informed that a hearing must be scheduled, he or she, or a person designated by him, will call a person on the Hearing Officer list on a rotating basis, starting with the name below the person who was scheduled for the last hearing. If a person cannot be reached or is unavailable for the hearing date, the next name shall be called until a Hearing Officer is found. The Hearing Officer last scheduled for a hearing shall not be called again unless or until everyone else on the list has been called and, either could not be reached, or found to be unavailable.

The selection of a Hearing Officer will in no way be affected by the outcome of hearings or the amount of fines upheld by a Hearing Officer.

If the City Official determines that a case requires expertise in a particular area, the City Manager may employ an ad hoc Hearing Officer or panel to hear the case provided that the employment is only for one hearing and future employment is not conditioned upon the outcome of the hearing.

At any time and for any reason the City Official can elect to contact an organization that provides trained Hearing Officers to supply Hearing Officers for a hearing. The City Officer may do this prior to calling any member on the Hearing Officer list, even if the organization has been selected to hear the last scheduled hearing. If the City has an exclusive contract with an organization for these services, then the organization will have the responsibility of objectively selecting a Hearing Officer to preside over any given administrative hearing and the City will not be involved in the selection.

Disqualification:

Any Hearing Officer may be disqualified from a hearing based on bias, prejudice, conflict of interest, or for any other reason for which a judge may be disqualified in a court of law. Each person on the list of Hearing Officers shall be informed of their duty to disqualify themselves as soon as they learn that they may have bias, conflict of interest or prejudice in a hearing outcome.

When a person receives notice of the date of an administrative hearing, the notice shall also contain the name of the selected Hearing Officer and shall state that the person has a right to challenge a Hearing Official by submitting a written petition prior to the hearing. If the City receives a petition, the City Official shall randomly select another Hearing Officer from the pool and inform the person of the new Hearing Officer.

If a person challenges the second Hearing Officer selection prior to the hearing, the City Official will evaluate the reasons given for the petition, make a determination of whether bias exists, and inform the person of his decision. The petition for a different Hearing Officer shall not extend the date of the hearing and a new Hearing Officer may be appointed the day of the hearing without notice.

A person may also lodge a petition for a new Hearing Officer at the beginning of the hearing. If such a petition is made, the Hearing Officer will make a determination as to whether disqualification is appropriate. If the Hearing Officer disqualifies himself or herself, the hearing will be continued to allow for the appointment of a new Hearing Officer. If the Hearing Officer determines that disqualification is not necessary, the petition will be recorded and the hearing will move forward. After the hearing, a person may appeal the Hearing Officer's determination to the city council by submitting a petition stating why the Hearing Officer should be disqualified. The city council shall hold a public hearing on the matter at the next regularly scheduled meeting and make a determination.

If city council finds that the Hearing Officer should have been disqualified, the person shall have the opportunity of another hearing before a different Hearing Officer. If the city council determines that there was no reason to disqualify the Hearing Officer, then the administrative order will be upheld unless overturned for other reasons.

CITY OF PATTERSON



PO BOX 667
PATTERSON, CA 95363
Web Page: www.ci.patterson.ca.us

Phone: (209) 895-8000
Fax: (209) 895-8019

REQUEST FOR HEARING ON ADMINISTRATIVE CITATION

Name: _____	Address: _____
Home Phone: () _____	Work Phone: () _____
Citation Number: _____	Date Issued: _____

Any appeal must be filed within ten calendar (10) days of the date the citation was issued. The time requirement for filing a request for hearing shall be deemed jurisdictional and may not be waived.

Reason for appeal (attach additional pages if necessary):

Requested action: _____

Do you or a witness need an interpreter?* Yes / No If yes, please explain: _____

Do you or a witness need reasonable accommodations?** Yes / No If yes, please explain: _____

Amount of administrative fine: \$ _____

Prepayment of the full amount of the fine is required to file this appeal. Payment may be made by of cashier's check, money order, or personal check payable to the City of Patterson. You may submit a "Financial Hardship Form: Advanced Hearing Deposit Waiver Request" along with this form to request a waiver of the advanced deposit requirement. However, if granted, the advanced hearing deposit waiver in no way waives the city's right to later collect any fine owed.

The city may issue a deposit waiver if the city is satisfied that you are unable to deposit the full amount of the fine prior to the hearing. If the city denies the request, a written determination will be provided. You have ten (10) calendar days from the date a decision is mailed to file a request for hearing with the required hearing deposit, or file a written appeal of the decision to the city council. If you appeal to city council, you have five (5) calendar days from the date of the city council decision to file a request for hearing with any hearing deposit required. Pursuant to Patterson Municipal Code section 1.36.070.

Any administrative citation fine that has been deposited **shall be refunded** if it is determined, after a hearing, that the person or entity charged with the violation was not responsible for the violation or that there was no violation as charged in the administrative citation.

I here request a hearing before a hearing officer on this citation.

Dated: _____

Signed: _____

Return this form to either of the following addresses:

**City of Patterson
c/o Citations
PO Box 667
Patterson, CA 95363**

**City of Patterson
City Hall
1 Plaza
Patterson, CA 95363**

Notice of the date and time of your hearing shall be mailed to you at least ten (10) days prior to the hearing.

* The hearing officer shall have the discretion to determine how the cost of providing an interpreter shall be allocated between the city and the party requesting the interpreter. In making such determination, the hearing officer shall give equitable consideration to all circumstances in the case, including the ability of the party needing the interpreter to pay for the service pursuant to the guidance provided in Government Code section 11435.25.

** The City of Patterson complies with the Americans with Disabilities Act.



Administrative Citation Hearing Information:

The City of Patterson administrative citation program, as created in the city's municipal code permits city staff and law enforcement to issue administrative citations in response to code violations. If you have received an administrative citation but are not responsible for the code violation, you may request an administrative hearing before an independent hearing officer. The city's policies and procedures for administrative hearings are provided in more detail in chapters 1.36 and 1.44 of the city's municipal code. You can access copies of the city's code online at: <http://codepublishing.com/ca/patterson/> or by visiting the city clerk's office at 1 Plaza, Patterson, California 95363 during regular business hours.

Filing a Request for Hearing:

You must file a request for a hearing on an administrative citation within ten (10) calendar days of the date the citation was issued. To file a request for a hearing, complete the attached form, with any additional information you wish to provide, and return the form to the city clerk's office with a deposit for the full amount of the fine in the form of: (1) a personal check; (2) credit card; (3) cashier's check; or (4) money order made payable to: City of Patterson. Please write the citation number on the memo line of your check or money order. **DO NOT SEND PAYMENT IN CASH.** A \$25.00 charge will be added for any returned checks.

To return this form and the required payment, either (1) mail all documents to: **City of Patterson, c/o Citations, PO Box 667, Patterson, CA 95363**; or (2) deliver all documents to **City Hall, 1 Plaza, Patterson, CA 95363** during normal business hours. To inquire about the city clerk's business hours, call (209) 895-8000. Requests will be deemed filed on the date they are personally delivered to, and received by, the city clerk's office or the date they are postmarked. In the event that the deadline to request a hearing falls on a date when the city's offices are closed for business, the deadline shall be extended to the next date that the city is open.

If you are unable to pay the deposit of the administrative fine at the time you wish to request a hearing, you may qualify for an advanced hearing deposit hardship waiver. To request an advanced hearing deposit hardship waiver, complete a financial hardship form and return it to the city with this hearing request. The city will evaluate the financial hardship form and mail or make available to you otherwise, a written decision to you regarding whether or not it is granting you an advanced hearing deposit waiver. You have ten (10) calendar days from the date a decision is mailed to file a request for hearing with the hearing deposit, if required, or file a written appeal of the decision to the city council. If you appeal to the city council, you have five (5) calendar days from the date of the city council decision to file a request for hearing with any hearing deposit required. P.M.C. section 1.36.070.

Written notice of the time and place of the hearing and the name of the hearing officer will be mailed to you at the address indicated on this form.

What to Expect at the Hearing:

The administrative hearing shall be conducted by a trained and independent hearing officer. The hearing shall be informal in nature. You will be required to take an oath and have the right to present testimony or evidence either written or verbal concerning the violation. You may bring witnesses to your hearing who can answer questions regarding the violation or your own culpability. You will also have the opportunity to cross examine any witnesses who are present at the hearing on behalf of the city. If you are a minor, you have a right to have a parent or guardian present at the hearing. You may also, but are not required to, be represented by an attorney at the hearing.

The hearing officer shall make findings based on the record of the hearing and all evidence received and testimony heard. The hearing officer shall make a written decision based on the findings and mail you the within ten (10) calendar days after the hearing. The decision of the hearing officer is final and conclusive, subject to review by the superior court in accordance with state law.

If the hearing officer dismisses the administrative citation the penalty and the deposit will be returned to you. If the hearing officer upholds the administrative citation the city shall retain the advanced deposit to satisfy the administrative fine and you will be required to correct any outstanding violation or face criminal prosecution or the imposition of additional administrative penalties. If the hearing officer upholds the administrative citation and you have not deposited the amount of the fine with the city due to an advanced hearing deposit waiver, the amount of the fine shall be due within twenty (20) days of the hearing officer's decision being mailed.

Should you have any questions regarding the administrative hearing procedure, you may contact the city clerk's office by calling (209) 895-8011 during normal business hours.

CITY OF PATTERSON

Phone: (209) 895-8000

Fax: (209) 895-8019



PO BOX 667

PATTERSON, CA 95363

Web Page: www.ci.patterson.ca.us

**CITY OF PATTERSON ADMINISTRATIVE CITATION
FINANCIAL HARDSHIP FORM: ADVANCED HEARING
DEPOSIT WAIVER REQUEST**

Name: _____ Address: _____

Home Phone: () _____ Work Phone: () _____ Amount of Fine \$ _____

Citation Number: _____ Date Issued: _____

If you intend to request a hearing to contest an administrative citation on the basis that no violation of the Patterson Municipal Code ("P.M.C.") occurred or that you are not the responsible party, you are required to deposit the full amount of the administrative citation fine at the time the request for the hearing is made pursuant to P.M.C. section 1.36.025. You may request a waiver of this deposit requirement by filing this form. The city may issue an advanced deposit hardship waiver if the city is satisfied that you are unable to deposit the full amount of the fine prior to the hearing. The city will mail, or make available to you otherwise, a written decision regarding whether it is granting your request. You have ten (10) calendar days from the date a decision is mailed to file a request for hearing with the hearing deposit, if required, or file a written appeal of the decision to the city council. If you appeal to the city council, you have five (5) calendar days from the date of the city council decision to file a request for hearing with any hearing deposit required. P.M.C. section 1.36.070.

REASON(S) FOR HARDSHIP WAIVER (attach additional pages if needed):

Please provide copies of documentation verifying sources of income. Documents may include Social Security, general assistance, Aid to Families with Dependent Children (AFDC), current paychecks, etc.

I declare, under penalty of perjury, that the foregoing statement and information provided by me is correct.

Signature (Contesting Party)

Date

You will be notified by first-class mail if the request has been approved or denied. Please mail or deliver this form with the attached documentation to either:

City of Patterson
c/o Citations
PO Box 667
Patterson, CA 95363

City of Patterson
City Hall
1 Plaza
Patterson, CA 95363

CITY OF PATTERSON
ADMINISTRATIVE CITATION

ADMINISTRATIVE CITATION NO. _____

PO Box 667, Patterson, CA 95363
 Phone: (209) 895-8000 Fax (209) 895-8019
 www.ci.patterson.ca.us

DATE ISSUED:		TIME:		AM		PM	
LOCATION OF VIOLATION:							
RESPONSIBLE PARTY: (name-first, middle, last)						DOB	
DRIVER LICENSE #:							
MAILING ADDRESS:							
CITY				STATE		ZIP CODE	
DESCRIPTION OF VEHICLE: (make, model, year, license plate #)							
<input type="checkbox"/> Property Owner		<input type="checkbox"/> Occupant		<input type="checkbox"/> Contractor		<input type="checkbox"/> Individual	
		<input type="checkbox"/> Business Owner				<input type="checkbox"/> Other	
The violation(s) listed below exist or occurred at the location, date and time identified above.							
City of Patterson Code Section	Description of Violation	Notice of Violation /Warning Only*	Base Violation Fine Amount**				
		<input type="checkbox"/>					
		<input type="checkbox"/>					
		<input type="checkbox"/>					
*For Notice of Violation or WARNING: No fine applies if the violation(s) is corrected by the date described below. If you have any questions regarding how to correct the violation(s), contact the enforcement officer at (209)_____. Additional citations and fines may be issued for continuing or repeating the violations. A fine of \$ will be assessed if the violation(s) is not corrected by ___/___/___.						**Total Fines \$	
**The Base Violation Amount only lists the fine amount for a first offense. If the responsible party has committed the violation more than once, the total fine amount will be increased accordingly after a review of the party's record. If the City determines that a greater fine is due, it shall mail an amended citation with the new amount.							
IF THE RESPONSIBLE PARTY IS A MINOR COMPLETE 1-3:							
(1) NAME OF PARENT OR GUARDIAN:							
(2) PHONE NUMBER:							
(3) WAS THE PARENT CONTACTED?							
DESCRIPTION OF INCIDENT:							
<input type="checkbox"/> Prior Notice of Violation/WARNING was issued on ___/___/___. Corrections were required before ___/___/___ but were not completed on time. Fines are now due.							
Enforcement Officer:				Issue Date:		Badge/ID No. (if applicable)	
				Photos: <input type="checkbox"/>			

Payment Information: Payment of fine must be made within thirty (30) calendar days. Make your check or money order payable to: City of Patterson. DO NOT MAIL CASH. For proper credit please write the Citation No. on your check or money order. LATE PAYMENT FEE - If the payment is not received within thirty (30) calendar days, an additional late fee of twenty percent (20%) of the total amount will be added to the amount owed. Deliver payment by either of the following methods:

Mail to:	Deliver to:
City of Patterson	City Hall
Attn: Citations	1 Plaza
PO Box 667	Patterson, CA 95363
Patterson, CA 95363	

See Below for Payment Information and Appeal Procedures.

I Hereby Acknowledge Receipt of this Citation

Date:

(Signature is not required for citation to be valid).

FAILURE TO IDENTIFY.

- | | | |
|---|------------|-----------|
| (1) Was the responsible party informed that refusing to identify himself or giving a false identity to the enforcement officer is a misdemeanor offense under Patterson Municipal Code section 1.44.047? | YES | NO |
| (2) Did the responsible party refuse to give a true and correct identify? | YES | NO |

Enforcement Officer

Signature

Date

ADMINISTRATIVE CITATIONS - Each and every day a violation of the City of Patterson Municipal Code ("P.M.C.") or other city ordinances exists constitutes a separate and distinct offense and is subject to citation. Additional administrative citations may be issued to you for the same violation(s) if the violation(s) is not corrected within the time specified. Fines incurred are \$100 - 1st Violation; \$200 - 2nd Violation; \$500 - for each subsequent violation(s). These are civil not criminal fines. Administrative fines may be imposed for each individual violation deemed to violate the P.M.C. or other city ordinances.

TO APPEAL THIS CITATION - Within ten (10) calendar days of the date of this citation, you may file an appeal by depositing with the city the total fine amount as shown on the citation along with a Request for Appeal of Administrative Citation form. Forms may be picked up at City Hall, 1 Plaza, Patterson, CA. Fill out the form in its entirety, mail or deliver with payment to either of the following addresses:

**City of Patterson
Attn: Citations
PO Box 667
Patterson, CA 95363**

**City of Patterson
City Hall
1 Plaza
Patterson, CA 95363**

Appeals received without the full deposit will not be accepted. Upon acceptance of your appeal, you will be notified of your hearing date. If your appeal is successful, the amount designated by the hearing officer will be refunded to you. The city complies with the Americans with Disabilities Act. If you or a witness require reasonable accommodations, you should inform the city at the time you file the appeal.

If you wish to appeal but cannot afford to deposit the full amount of the fine you may qualify for an Advanced Deposit Hardship Waiver ("Deposit Waiver"). The Deposit Waiver does not relieve your obligation to pay the fine if the violation is upheld but allows you to appeal the violation without first making a deposit. You can obtain a Deposit Waiver form at City Hall, 1 Plaza, Patterson, CA.

If you submit a Deposit Waiver, the city will mail a written decision of whether it is granting the request. You have ten (10) calendar days from the date a decision is mailed to file a request for hearing with the hearing deposit, if required, or file a written appeal of the decision to the City Council. If you appeal to City Council, you have five (5) calendar days from the date of the City Council decision to file a request for hearing with any required hearing deposit. Pursuant to P.M.C. section 1.36.070.

HOW TO PAY THE FINE - Payment must be received in full within thirty (30) calendar days of the issuance of the citation. Payment should be made by personal check, credit card, cashier's check, or money order payable to the City of Patterson, and either (1) mailed to: City of Patterson, c/o Citations, PO Box 667, Patterson, CA 95363; or (2) delivered to City Hall, 1 Plaza, Patterson, CA 95363 during normal business hours. Please write the citation number on your check or money order. DO NOT SEND CASH. A \$25.00 charge will be added for returned checks.

CONSEQUENCES OF FAILURE TO PAY THE FINE - Failure to pay the fine assessed by the administrative citation within the time specified may result in the City pursuing legal remedies to collect the civil fine(s). If the fine is not received within thirty (30) calendar days of the issuance of the citation, a late penalty of fifty percent (50%) of the total fine amount will be charged. If the City must initiate proceedings to recover the fine or enforce the order, the City may elect to pursue attorney's fees when it initiates the proceeding and the prevailing party shall be entitled to attorney's fees and incidental expenses incurred in enforcing the order or recovering the fine pursuant to P.M.C. Section 1.44.070. Documents are considered filed with the City on the date of delivery or the day they are postmarked. If the last day to file an appeal falls on a day City offices are closed, the deadline shall be the next day City offices are open for business.

IF YOU NEED FURTHER CLARIFICATION about the payment or appeal of this citation, please call (209) 895-8000. If you wish to read the city ordinances they are available on the city's website at www.ci.patterson.ca.us.

IF YOU NEED FURTHER INFORMATION ABOUT HOW TO COMPLY with this citation, contact the enforcement officer listed on the front of this citation.

White Copy (Responsible Party)

Canary Copy (City of Patterson)

Pink Copy (Officer)

NOTICE OF PUBLIC HEARING

CITY OF PATTERSON

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF PATTERSON, AMENDING CHAPTERS 1.36 AND 1.44
OF TITLE 1 OF THE PATTERSON MUNICIPAL CODE**

(TO ESTABLISH PROCEDURES FOR ISSUING ADMINISTRATIVE CITATIONS)

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City Council of the City of Patterson (the “City”) at its next regularly scheduled meeting on Tuesday, March 1, 2016 at 7:00 p.m. at Council Chambers: 1 Plaza, Patterson, California 95363 to consider the adoption of an ordinance (the “Ordinance”) amending Chapter 1.36 and 1.44 of Title 1 of the Patterson Municipal Code (the “P.M.C.”) to establish procedures for issuing administrative citations. If approved by a majority vote of the City Council, the Ordinance will become effective 30 days after adoption.

NOTICE IS ALSO HEREBY GIVEN that this document including the Ordinance is available for public review at the City of Patterson City Hall, City Clerk’s Office during normal business hours, and on the City of Patterson web site www.ci.patterson.ca.us under Popular Links; Legal Notices & Public Hearings and Agenda Center, City Council Agenda of March 1, 2016. The City of Patterson City Hall is located at 1 Plaza, Patterson, California. All interested parties are invited to review these documents prior to the March 1, 2016 Public Hearing.

ALL INTERESTED PARTIES are invited to attend the hearing and express opinions or submit evidence for or against the proposed Ordinance as described above. At the above noted time and place, testimony from interested persons will be heard by the City Council and duly considered prior to taking action on the above proposed Ordinance. Any material submitted to the City Council for consideration (photographs, petitions, letters, etc.) will be retained by the City and cannot be returned. Upon request, the agenda and the documents in the hearing agenda packet can be made available to persons with a disability. In compliance with the Americans with Disabilities Act, the City of Patterson encourages those with disabilities to participate fully in the public hearing process. Any person requiring special assistance to participate in the meeting should call voice (209) 895-8014 or (209) 895-8010 at least forty-eight (48) hours prior to the meeting. If a challenge to the above proposed actions is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council.

FURTHER INFORMATION regarding the described above may be obtained at the City of Patterson City Hall, City Clerk’s Office, 2nd Floor, or by calling (209) 895-8014 or by email cityclerk@ci.patterson.ca.us

BY ORDER OF THE CITY COUNCIL OF THE CITY OF PATTERSON.

DATES ADVERTISED: February 18, 2016
 February 25, 2016

Maricela Vela, City Clerk
City of Patterson, City Hall, Administration Department
1 Plaza, 2nd Floor
Patterson, CA 95363
Direct No. 209-895-8014
Email: cityclerk@ci.patterson.ca.us
Web Site: www.ci.patterson.ca.us



CITY COUNCIL AGENDA REPORT

TO: Mayor Molina and Members of the City Council

FROM: Ken Irwin, City Manager

BY: City Attorney,
Police Chief Dirkse

MEETING DATE: March 15, 2016

ITEM NO: 7.3 b.

SUBJECT: Ordinance No. 793 (Second Reading and Adoption)

Ordinance No. 793, An Ordinance of the City Council of the City of Patterson, Revising Title 10 of the Patterson Municipal Code to Add Chapter 10.42 Funeral Procession Escorts.

RECOMMENDATION

Council: Read Ordinance No. 793, Title Only As Listed Above

Council: Motion to Approve Second Reading of Ordinance No. 793,
Reading by Title Only, Waiving Further Reading

Council: Motion to Adopt Ordinance No. 793,
Reading by Title Only, Waiving Further Reading

ORDINANCE NO. 793

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PATTERSON,
REVISING TITLE 10 OF THE PATTERSON MUNICIPAL CODE TO ADD
CHAPTER 10.42 FUNERAL PROCESSIONS**

WHEREAS, the City Council (“Council”) for the City of Patterson (“City”) recognizes that escorting funeral processions through the City provides respect and decorum for members of the community; and

WHEREAS, the Council is aware that the failure to provide traffic control and escort services for funeral processions has resulted in frustration for members of the community; and

WHEREAS, Vehicle Code Section 21100(e) allows individuals to regulate traffic where that individual has undergone instruction in traffic control procedures approved by local law enforcement; and

WHEREAS, Vehicle Code Section 2817 makes it an infraction to disobey signals or directions from a uniformed police officer conducting a funeral escort; and

WHEREAS, the Council finds that it is important to establish regulations and permitting requirements for individuals conducting traffic control while escorting a funeral procession within the City to protect the health, safety and welfare of the community.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PATTERSON,
CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

Title 10 of the Patterson Municipal Code shall be amended to add Chapter 10.42 Funeral Processions, which shall read as follows:

10.42.010 Purpose.

Local authorities may adopt rules and regulations by ordinance or resolution to regulate traffic at such locations that may require traffic directions for orderly traffic flow. It is the purpose of this chapter to use the power, conferred on the city, pursuant to California Vehicle Code Section 21100(e), to appoint persons other than traffic officers to direct and regulate traffic for a funeral procession.

10.42.020 Funeral procession definition.

“Funeral procession” means a group of two (2) or more vehicles traveling in line from a funeral service whether that funeral service is held at a place of worship or another location, to a transportation facility, cemetery, or crematory.

“Permittee” means the person to whom a funeral escort permit is issued.

10.42.030 Permit required for private funeral escorts.

Motor vehicle funeral processions may be led or escorted by private escorts within the city in accordance with the requirements of this chapter. No person shall stop, obstruct, or otherwise direct traffic in intersections while leading or escorting a motor vehicle funeral procession without first obtaining a valid funeral escort permit pursuant to this chapter.

10.42.040 Rules governing funeral procedures.

A. Each vehicle participating in a funeral procession shall be operated with its headlights and, if so equipped, its emergency flashers, turned on.

B. No operator of any vehicle shall drive between the vehicles comprising a funeral procession, provided that vehicles comprising such procession are conspicuously so designated by having their headlights and, if so equipped, emergency flashers turned on.

C. The directing of all vehicles and traffic on any street over which such funeral procession or parade wishes to pass shall be subject to rules and regulations promulgated by the police department.

10.42.050 Authorized traffic direction.

A. Any person holding a valid funeral escort permit pursuant to this chapter and leading or otherwise escorting a motor vehicle funeral procession shall obey all traffic laws, including all speed laws, except that such person is authorized to stop cross traffic, to enable all vehicles in the funeral procession to proceed together as an unbroken chain, at an intersection controlled by:

1. Stop signs or yield signs, providing that the permittee remains in the intersection until all funeral procession vehicles have cleared the intersection; and
2. Signal lights, providing that the lead vehicle in the procession enters the intersection with a green light and the permittee remains in the intersection at all times when the light is not green until all funeral procession vehicles have cleared the intersection.

B. A permittee is authorized to direct traffic in the manner specified in this section only while using any equipment authorized by the chief of police for this purpose and while carrying a valid funeral escort permit on the permittee's person.

C. The chief of police may order the immediate suspension or revocation of a funeral escort permit if the permittee has not directed traffic in the manner specified in this section.

10.42.060 Official insignia.

The chief of police shall approve an official insignia and any equipment, which shall be used by all permittees while directing traffic in the manner specified in Section 10.42.050. The chief of police shall also approve vehicular equipment regulations including a color or insignia scheme.

10.42.070 Regulations.

A. The chief of police may prepare and issue written regulations for distribution to applicants and permittees regarding the implementation of the provisions of this chapter, including, but not limited to, the safe and lawful conduct of funeral escort services, and the maintenance of insignia, motor vehicles, and equipment used in escorting funeral processions.

B. Such regulations shall be binding upon applicants and permittees. Permittees shall comply with these written regulations as a term and condition of the permit.

10.42.080 Permit application procedures.

A. Applications for a funeral escort permit shall be filed with the chief of police on forms provided by the chief of police and shall contain or be accompanied by the following:

1. Name and address of applicant, and the applicant's funeral escort service employer if the applicant is employed by such a service;
2. Proof of liability insurance in compliance with this chapter;
3. Proof that the applicant holds a valid California driver's license that is properly endorsed for the type of vehicle the applicant intends to use while directing vehicular funeral processions;
4. Proof of satisfactory completion of a traffic safety program of instruction, as described in Section 10.42.180;

5. Proof that the vehicle to be used in the course of conducting escorts has been inspected by the police department to insure that it meets the equipment and safety requirements as set forth by the police department;
6. An indemnification and hold harmless agreement as set forth in Section 10.42.170 of this chapter signed by the applicant and if the applicant is employed by a funeral service escort provider, the applicant's funeral escort service employer;
7. Permit and insignia fees, as established by resolution of the city council;
8. Such other information as may be required by the chief of police.

B. If all the requirements for approval of a funeral escort permit are met, then the chief of police shall issue a permit within fourteen (14) days of submission of the completed application.

10.42.090 Nontransferability of permits and expiration.

Funeral escort permits shall be issued by the chief of police, or authorized designee, in the names of individual persons actually conducting such escorts and shall expire two (2) years from the date of issuance. Permits shall not be transferable or assignable.

10.42.100 Permit fee schedule

At the beginning of each fiscal year, the chief of police shall prepare a funeral escort permit fee schedule, to be approved by the city manager, which sets forth the charges for all city services required to be utilized in connection with any funeral escort permitting services.

10.42.110 Fee exemption for volunteers.

Funeral escort permit applicants who will provide funeral procession escort services on a volunteer basis are exempt from paying the permit and insignia fees, as established by resolution of the city council.

10.42.120 Permit renewal procedures.

A permittee seeking renewal of his or her funeral escort permit shall meet all the requirements of this chapter applicable to first time applicant in order to obtain a renewal of the funeral escort permit.

10.42.130 Denial, suspension, or revocation of permit.

Funeral escort permits issued pursuant to this chapter may be denied, suspended, or revoked by the chief of police upon any of the following grounds:

- A. The application is incomplete or illegible;

- B. The applicant has knowingly made false statements on the application;
- C. The applicant has been convicted of a crime, and the time for appeal has elapsed, provided, however, that the permit may be denied upon this ground only if the crime is substantially related to the qualification, functions, or duties associated with the operating of motor vehicles or with leading or otherwise escorting a motor vehicle funeral procession;
- D. Failure to meet any of the requirements of this chapter;
- E. The applicant's unlawful or negligent operation of a motor vehicle during the three (3) years prior to the date of application;
- F. The applicant's unlawful or negligent direction of traffic while escorting a vehicular funeral procession or other motor vehicle procession.

10.42.140 Notice of decision to deny, suspend, or revoke permit.

- A. Upon determining the existence of any of the grounds for denial, suspension, or revocation in accordance with Section 10.42.130 of this chapter, the chief of police shall issue a notice of decision to deny, suspend, or revoke the permit. The notice of decision shall state the grounds and reasons upon which the denial, suspension, or revocation is based.
- B. The notice of decision shall be mailed to the applicant or permittee at the address stated on the application or permit. Alternatively, the notice of decision may be hand-delivered to the applicant or permittee or to the address given in the application or permit.
- C. The notice of decision shall advise that the denial, suspension, or revocation shall become final unless the applicant or permittee files a written request for hearing before the chief of police within the time period specified in Section 10.42.150 of this chapter.

10.42.150 Procedure for hearing before the chief of police.

The written request for a hearing before the chief of police must be received by the chief of police, or authorized designee, within ten (10) days of the date of mailing the notice of decision to deny, suspend, or revoke the permit. The chief of police, or authorized designee, shall schedule a hearing, which shall be held no later than thirty (30) days after receipt of a timely request for hearing. The notice of hearing shall be mailed to the applicant or permittee not later than ten (10) days prior to the scheduled date of the hearing. At the hearing before the chief of police, the applicant or permittee shall be given the opportunity to present witnesses and documentary evidence and to cross-examine witnesses. The hearing will be conducted informally, and the technical rules of evidence shall not apply. Any and all other evidence, which the chief of police deems reliable, relevant, and not unduly repetitious, may be considered. The applicant or permittee may be represented by another person.

10.42.160 Decision of the chief of police after hearing.

Within twenty (20) days after the hearing, the chief of police, or authorized designee, shall mail a written decision sustaining, reversing, or modifying his or her initial decision to the applicant or permittee at the address stated in the application or permit. The decision of the chief of police after the hearing shall be final.

10.42.170 Indemnification.

A. The funeral procession escort permittee on a form acceptable to and approved by the city attorney shall assume all risk associated with the activity of escorting funeral processions and agrees not to sue the city, its elected and appointed councils, boards, commissions, officers, officials, volunteers, agents, employees and representatives for loss or damages suffered by the funeral escort permittee, its agents or successors, arising out of or in connection with any funeral procession escort services conducted by the funeral procession escort permittee or claims by the funeral procession escort permittee or any other person or persons for personal injuries or property damage arising out of or incidental to the funeral procession escort services.

B. In the event that a person or entity brings a claim, action, or proceeding that arises from the funeral procession escort services or any work performed in conjunction with the funeral procession escort services, the funeral procession escort permittee will indemnify, defend and hold harmless the city, its elected and appointed councils, boards, commissions, officers, officials, volunteers, agents, employees and representatives from and against any and all claims, demands, costs, expenses of whatever nature, including court costs, attorney fees, and expenses of litigation awarded to the prevailing party or parties. The city may elect to tender its own defense to any action and receive reimbursement from the funeral procession escort permittee for any costs or expenses it accrues as a result of that defense.

10.42.180 Liability insurance.

A. Insurance shall be in amounts, form, and insurers acceptable to city attorney, but shall have the following minimum requirements

B. During the term of a permit issued pursuant to this chapter, the permittee or his or her funeral escort service employer, should permittee be employed by such a funeral service provider, shall maintain in full force and effect at the permittee's or his or her employer's own cost a comprehensive auto and general liability insurance policy:

1. In an amount not less than two million dollars (\$2,000,000.00) single limit per occurrence; and
2. Issued by an admitted insurer or insurers as defined by the California Insurance Code; and
3. Providing that this city, its officers, employees and agents are to be named as insureds under the policy; and

4. Covering all losses and damages as specified in Section 10.42.170 of this chapter; and
5. Stipulating that the policy will operate as primary insurance and that no other insurance effected by the city or other named insured will be called on to contribute to a loss covered thereunder; and
6. Providing that no cancellation, change in coverage or expiration by the insurance company or the insured shall occur during the term of the funeral escort service permit, without thirty (30) days written notice to the city prior to the effective date of such cancellation or change in coverage.

C. In the event of failure of any permittee to maintain in effect the required insurance policy or policies, the funeral escort permit shall be considered to be suspended as a matter of law from the date of cancellation or a lapse of the required insurance. The chief of police may reinstate the permit when the suspended permittee provides the city with proof of insurance as required by this section.

10.42.190 Traffic safety instruction program.

Each applicant for funeral escort permit shall submit to the chief of police evidence of satisfactory completion of an instructional program of traffic safety. Evidence of successful completion of an instructional program for traffic safety shall include, but not be limited to, instructional materials received by the applicant from the program, test scores, and grades received by the applicant. The chief of police shall review and approve each submitted instructional program if the chief of police reasonably believes that the program provides the applicant with sufficient training to safely direct traffic.

10.42.200 Private processions must obey traffic laws.

Persons participating in private funeral processions or other processions within the city without police escort must obey all state and city traffic laws, except as specifically authorized by this chapter.

This Ordinance shall be published by one insertion in The Patterson Irrigator, a newspaper of general circulation, printed and published in the City of Patterson, within fifteen (15) days after its final passage, and shall take effect and be in force thirty (30) days after its final passage.

Introduced at a regular meeting of the City Council of the City of Patterson, held on the 1st day of March, 2016, and given its first reading and introduction at said meeting. Said Ordinance was given a second reading and adopted at a meeting of the City Council held on the 15th day of March, 2016, and after such reading, _____, who moved its adoption, seconded by _____, and said ordinance was thereupon adopted by the following roll call vote:

AYES:
NOES:
EXCUSED:

APPROVED:

Luis I. Molina
Mayor of the City of Patterson

ATTEST:

Maricela L. Vela
City Clerk of the City of Patterson



City of Patterson
City Hall
1 Plaza
P.O. Box 667
Patterson, CA 95363

FUNERAL ESCORT RELEASE OF LIABILITY AND HOLD HARMLESS AGREEMENT

THIS LIABILITY RELEASE AGREEMENT (the "Agreement") is entered into on this 1st day of March, 2016, by and between the City of Patterson (the "City") and _____ ("Funeral Escort"). From time to time hereafter, the parties to this Agreement may be collectively referred to as the "Parties" and individually as a "Party".

1. Funeral Escort Obligations. Funeral Escort shall comply with all applicable local, state and federal laws, codes and safety procedures and requirements during all funeral procession escorting services.

2. Release of Liability. Funeral Escort assumes all risk associated with the activity of escorting funeral processions and agrees not to sue the City, its elected and appointed councils, boards, commissions, officers, officials, volunteers, agents, employees and representatives ("City's Agents") for loss or damages suffered by the Funeral Escort, its agents or successors, arising out of or in connection with any funeral procession escort services conducted by the Funeral Escort or claims by the Funeral Escort or any other person or persons for personal injuries or property damage arising out of or incidental to the funeral procession escort services.

3. Waiver of Claims. The Parties, and each Party, hereby agrees that the release set forth in Section 2 of this Agreement is a full and final release of all claims related to the terms of this Agreement. The Parties, and each Party, hereto agrees and acknowledges that they may hereafter discover facts different from or in addition to those they now know or believe to be true with respect to the matters released herein, and the Parties, and each Party, agrees that all of the terms of this Agreement shall and will remain effective in all respects, regardless of such different or additional facts which may be learned. The Parties, and each Party, understands and acknowledges that section 1542 of the California Civil Code speaks in terms of general releases. To the extent section 1542 may be applicable to specific or special releases, the Parties, and each Party, hereby expressly waives any and all rights such Party may have under section 1542 and any similar law of any other competent jurisdiction. Civil Code section 1542 provides:

"1542. CERTAIN CLAIMS NOT AFFECTED BY GENERAL RELEASE. A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR."

The Parties specifically do not waive any continuing rights, duties or obligations unrelated to the subject of this Agreement, such as arising from a separate contract or agreement, and do not waive any claims arising from matters outside the scope of this Agreement, or other contract, relationship or obligation between the Parties.

4. Indemnity. In the event that a person or entity brings a claim, action, or proceeding that arises from the funeral procession escort services or any work performed in conjunction with the funeral procession escort services, the Funeral Escort will indemnify, defend and hold harmless the City, and City's Agents from and against any and all claims, demands, costs, expenses of whatever nature, including court costs, attorney fees, and expenses of litigation awarded to the prevailing party or parties. The City may elect to tender its own defense to any action and receive reimbursement from the Funeral Escort for any costs or expenses it accrues as a result of that defense.

5. Term. This Agreement shall continue in effect indefinitely, and may be revoked by Funeral Escort at any time upon the giving of ten (10) days written notice to the City Clerk.

6. Authority. The signatory below warrants and represents that it has the power and authority to bind Funeral Escort to the obligations herein and the names, titles and capacities herein stated on behalf of any entities, persons, states or firms represented or purported to be represented by such entities, persons, states or firms and that all former requirements necessary or required by the state or federal law in order to make the promises herein have been fully complied with.

THE SIGNATORY BELOW HAS CAREFULLY READ THIS WAIVER, RELEASE AND HOLD HARMLESS AGREEMENT AND FULLY UNDERSTANDS ITS CONTENTS. FUNERAL ESCORT VOLUNTARILY AGREES TO EACH OF THE TERMS AND PROVISIONS HEREIN AND SIGNS THIS WAIVER, RELEASE AND HOLD HARMLESS AGREEMENT OF ITS OWN FREE WILL.

(Print Name) _____ (Date) _____

(Signature) _____ (Title) _____



FUNERAL ESCORT PERMIT APPLICATION

City of Patterson
City Hall
1 Plaza
P.O. Box 667
Patterson, CA 95363

APPLICANT INFORMATION

Name		Date of Birth	
Home Address		Phone Number	
City, State		Zip Code	
CDL # and Class		Expiration	

FUNERAL ESCORT BUSINESS INFORMATION (if applicable)

Business Name		Phone Number	
Address			
City, State		Zip Code	

Number and type of funeral escort vehicles to be operated: _____

BACKGROUND QUESTIONS

If you answer "Yes" to any of the questions in this section, for each incident, give the date of occurrence, the reason or offense charged, and the outcome or offense for which you were convicted.

1. Has your driver's license ever been revoked or suspended? _____

2. Have you ever been cited for an accident while operating a motor vehicle? _____

3. Do you have any mental or physical incapacity or infirmity of which you are aware which would in any way interfere with your duties or responsibilities as a Funeral Escort Permittee?

4. Have you been convicted (including convictions by verdict, plea of guilty, or plea of nolo contendere) in the last five (5) years of any crime?

ADDITIONAL REQUIREMENTS

The following items must be turned in with the application:

1. A copy of applicant's liability insurance as required under Patterson Municipal Code Section 10.42.170.
2. A copy of a valid California driver's license that is properly endorsed for the type of vehicle the applicant intends to use while directing vehicular funeral processions.
3. Proof of satisfactory completion of a traffic safety program – evidence of curriculum including instruction materials, skills taught and practiced, or an instructional program of traffic safety.
4. Proof that the vehicle to be used in the course of conducting escorts has been inspected by the police department to insure that it meets the equipment and safety requirements as set forth by the police department.
5. An executed indemnity and hold harmless agreement as provided by the city.
6. Permit and insignia fees, if applicable.

I understand that verification of the accuracy of the above information will be conducted. I further understand and agree that the information is a matter of public record and may be made available to interested parties upon request. I hereby certify under penalty of perjury that the above information on this form or any attachment is true and correct.

Signature

Date

NOTICE OF PUBLIC HEARING

CITY OF PATTERSON

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PATTERSON,
REVISING TITLE 10 OF THE PATTERSON MUNICIPAL CODE TO ADD
CHAPTER 10.42 FUNERAL PROCESSIONS**

(FUNERAL PROCESSION ESCORTS)

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City Council of the City of Patterson (the “City”) at its next regularly scheduled meeting on Tuesday, March 1, 2016 at 7:00 p.m. at Council Chambers: 1 Plaza, Patterson, California 95363 to consider the adoption of an ordinance (the “Ordinance”) revising Title 10 of the Patterson Municipal Code to add Chapter 10.42 Funeral Processions (Funeral Procession Escorts). If approved by a majority vote of the City Council, the Ordinance will become effective 30 days after adoption.

NOTICE IS ALSO HEREBY GIVEN that this document including the Ordinance is available for public review at the City of Patterson City Hall, City Clerk’s Office during normal business hours, and on the City of Patterson web site www.ci.patterson.ca.us under Popular Links; Legal Notices & Public Hearings and Agenda Center, City Council Agenda of March 1, 2016. The City of Patterson City Hall is located at 1 Plaza, Patterson, California. All interested parties are invited to review these documents prior to the March 1, 2016 Public Hearing.

ALL INTERESTED PARTIES are invited to attend the hearing and express opinions or submit evidence for or against the proposed Ordinance as described above. At the above noted time and place, testimony from interested persons will be heard by the City Council and duly considered prior to taking action on the above proposed Ordinance. Any material submitted to the City Council for consideration (photographs, petitions, letters, etc.) will be retained by the City and cannot be returned. Upon request, the agenda and the documents in the hearing agenda packet can be made available to persons with a disability. In compliance with the Americans with Disabilities Act, the City of Patterson encourages those with disabilities to participate fully in the public hearing process. Any person requiring special assistance to participate in the meeting should call voice (209) 895-8014 or (209) 895-8010 at least forty-eight (48) hours prior to the meeting. If a challenge to the above proposed actions is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council.

FURTHER INFORMATION regarding the described above may be obtained at the City of Patterson City Hall, City Clerk’s Office, 2nd Floor, or by calling (209) 895-8014 or by email cityclerk@ci.patterson.ca.us

BY ORDER OF THE CITY COUNCIL OF THE CITY OF PATTERSON.

DATES ADVERTISED: February 18, 2016
February 25, 2016

Maricela Vela, City Clerk
City of Patterson, City Hall, Administration Department
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