

City of Patterson
City Council Special Meeting
January 19, 2016
Minutes
(Closed Session)

1. Call to Order

The special (Closed Session) meeting of the City Council of the City of Patterson was called to order in City Hall, City Council Chambers, 1 Plaza, Patterson at 6:01 p.m. by Mayor Molina.

Present: Councilmembers Novelli, McCord, Lustgarten and Mayor Molina (4)

Staff: City Manager Irwin, Deputy City Attorney White (2)

Excused: Mayor Pro Tem Farinha, City Attorney Hallinan (2)

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

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

- a. Conference with Legal Counsel, Existing Litigation Pursuant to Subdivision (d) of Paragraph (1) of California Government Code Section 54956.9. Name of Case: City of Patterson v. Sheree Lustgarten, Case No. 2015853.
- b. 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)
- c. Conference with Legal Counsel, Existing Litigation, Pursuant to Government Code § 54956.9(d)(1). Name of Case: City of Patterson v. Patterson Hotel Associates, LLC et al. Stanislaus County Superior Court Case No. 670042.
- d. Finance Director Appointment – Pursuant to Government Code Section 54957.
- e. Conference with Real Property Negotiator per Government Code Section 54956.8. Negotiation Parties: City Manager Ken Irwin & Thrust Properties LLC (property owner). Properties: APN No. 0480-048-001 (15349 N. 9th Street, Patterson) and APN No. 048-048-010 (15421 N. 9th Street, Patterson). Under Negotiation: Price and Terms of Payment.

2. Statements of Conflict – none.

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

4. Adjourn to Closed Session

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

5. Report from Closed Session (if any)

Mayor Molina reported that regarding Item Nos. 1. b. through thru 1. e., the City Council provided direction to staff.

Mayor Molina reported that regarding Item No. 1. a., the City Council would continue discussions later tonight in Closed Session after the regular open City Council meeting.

6. Adjournment

At 8:10 p.m. the City Council adjourned to the regular open City Council meeting.

At 10:23 p.m. the Patterson City Council reconvened to Closed Session to continue discussions in Closed Session regarding Item No. 1. a.

At this time City Attorney White reported that as it relates to Item 1. a. the Council by unanimous vote (3-0 vote) decided first the restraining order and quo warranto actions as it relates to Ms. Lustgarten that she was acting in her individual capacity, and two because Ms. Lustgarten was found by the Council to be acting in her own individual capacity, the Council directed staff to not provide any funding for her defense.

There being no further business, the special (Closed Session) meeting of the City Council of the City of Patterson of January 19, 2016 was adjourned at 10:24 p.m.

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

City of Patterson
City Council Regular Meeting
January 19, 2016
Minutes

1. Call to Order

The regular meeting of the City Council of the City of Patterson was called to order in City Hall, City Council Chambers, 1 Plaza, Patterson at 8:17 p.m. by Mayor Molina.

Present: Councilmembers Novelli, McCord, Lustgarten and Mayor Molina (4)

Staff: City Manager Irwin, Deputy City Attorney White, Public Works Director Willett, City Planner Andrews, City Engineer Ulloa, Recreation & Community Services Director Flanders, Interim Fire Chief Gregory, Police Chief Dirkse, Tiffany Rodriguez, Public Works Management Analyst Peni and Encinas, Interim Finance Director Burke and City Clerk Vela (13)

Excused: Mayor Pro Tem Farinha, City Attorney Hallinan (2)

2. Pledge of Allegiance

At this time Mayor Molina called for a Moment of Silence for Jeff Lustgarten who recently passed away.

3. Statements of Conflict – none.

4. Items from the Public

Karen Garcia and Deja Nair (Youth Action Commission) – Patterson High School Sophomores – addressed the City Council inviting them to their event of “FED UP” Wednesday, February 24, 2016 at the Hammon Senior Center from 5:30 to 8 p.m.

Sandra McDowell, Patterson – addressed the City Council speaking about the lack of morality and integrity from the City Council and City Attorneys. Mrs. McDowell stated the City Council and City Attorneys were implicit in the death of Councilmember Sheree Lustgarten husband Jeff Lustgarten. Mrs. McDowell spoke against the City Council and City Attorneys.

Pat Maisetti, Patterson – addressed the City Council updating the City Council on the activities taking place at the Hammon Senior Center.

Elias Funez, Patterson – addressed the City Council on the Recreation Department’s Guide, January thru April 2016, the Hikes and Bikes program. Mr. Funez stated the program was going on its 6th year. Mr. Funez addressed the City Council stating his concerns regarding the death of Jeff Lustgarten.

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 Months of April 2015 through December 2015 (Community Development, Fire, Police, Public Works and Recreation & Community Services)
- 5.3 Approve City Commission Reports for the Months of November and December 2015 (Economic Strategic Commission, Parks, Recreation & Beautification Commission and Planning Commission)
- 5.4 Approve (Resolution No. 2016-01) the Recommended Use of the Supplemental Law Enforcement Services Fund (SLESF)
- 5.5 Approve CalPERS Employer Contribution Resolution (No. 2016-02)

Item 5.5 was pulled from the Consent Calendar, to be brought back at a future City Council meeting for review/approval.

- 5.6 Approve Resolution No. 2016-03, Accepting as Complete the Patterson Generator Project, Authorizing Staff to File the Notice of Completion and Commence the One-Year Warranty Period.
- 5.7 Approve Resolution No. 2016-04, Accepting the Safe Routes to School Project as Complete, Authorizing Staff to File the Notice of Completion and Commence the One-Year Warranty Period.
- 5.8 Approve Resolution No. 2016-05, Accepting the Non-Potable Phase III Project as Complete, Authorizing Staff to File the Notice of Completion and Commence the One-Year Warranty Period.

Councilmember Lustgarten moved to approve Consent Calendar Items 5.1 through 5.8 Omitting Item No. 5.5. The motion was seconded by Councilmember Novelli and approved by a 4-0 roll call vote.

6. City Staff Reports

6.1 Public Works Department

Approve Resolution No. 2016-06, Acknowledging the Adoption of Recycling Law AB 1826, Requiring Certain Businesses to Arrange for Organic Waste Recycling Services and Authorizing Staff to Implement a Program by January of 2016.

Public Works Director Willett reviewed his staff report.

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

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

Pat Maisetti, Patterson – addressed the City Council asking questions about composting, state law and the banning of plastic bags used for purchases.

Councilmember Lustgarten moved to approve Resolution No. 2016-06. The motion was seconded by Councilmember McCord and approved by a 4-0 roll call vote.

6.2 Recreation & Community Services Department

Proposal for the Recreation & Community Services Department to Provide a Patterson Recreation Youth Soccer Program.

Recreation & Community Services Director Flanders reviewed her staff report – power point presentation.

Mayor Molina addressed the item of cost breakdown to sponsor a family.

City Council was in consensus to move forward with program. Staff to report back with an update on the program.

6.3 Ordinances (Second Reading and Adoption)

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

Mayor Molina Read Ordinance No. 786, reading by title only, waiving further reading.

At 9:20 p.m. Mayor Molina opened the item to public comments – there were no public comments.

Councilmember Lustgarten moved to approve Second Reading of Ordinance No. 786, reading by title only, waiving further reading. The motion was seconded by Mayor Molina and approved by a 4-0 roll call vote.

Councilmember Lustgarten moved to Adopt Ordinance No. 786, reading by title only, waiving further reading. The motion was seconded by Mayor Molina and approved by a 4-0 roll call vote.

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

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

At 9:22 p.m. Mayor Molina opened the item to public comments – there were no public comments.

Mayor Molina moved to approve Second Reading of Ordinance No. 787, reading by title only, waiving further reading. The motion was seconded by Councilmember Lustgarten and approved by a 4-0 roll call vote.

Mayor Molina moved to Adopt Ordinance No. 787, reading by title only, waiving further reading. The motion was seconded by Councilmember Lustgarten and approved by a 4-0 roll call vote.

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

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

At 9:23 p.m. Mayor Molina opened the item to public comments.

Alexis Sturick, Patterson – addressed the City Council stating she was a marijuana medical user. Mr. Sturick spoke against the adoption of Ordinance No. 788.

Justin Danner, Patterson – addressed the City Council requesting that the proposed Ordinance No. 788 be repealed. Mr. Danner requested to meet with staff to add language to address the needs of medical marijuana users.

Elias Funez, Patterson – addressed the City Council asking questions about the changes to Ordinance No. 788

At 9:30 p.m. there being no further public comments, Mayor Molina closed the item from further public comments.

Mayor Molina moved to approve Second Reading of Ordinance No. 788, reading by title only, waiving further reading. The motion was seconded by Councilmember McCord and approved by a 4-0 roll call vote.

Mayor Molina moved to Adopt Ordinance No. 788, reading by title only, waiving further reading. The motion was seconded by Councilmember McCord and approved by a 4-0 roll call vote.

7. Council Items

- 7.1 Appoint Councilmember to Interview with Mayor Applicants for the City’s New “Parks, Recreation & Beautification Commission” (Mayor Molina)
Current List

Planning Commission – Mayor Pro Tem Farinha and Mayor Molina
Senior Center Board of Directors – Mayor Pro Tem Farinha and Mayor Molina
Economic Strategic Commission – Councilmember Novelli and Mayor Molina

~~Beautification Committee~~ – Mayor Pro Tem Farinha and Mayor Molina
~~Parks & Recreation Commission~~ – Councilmember McCord and Mayor Molina

Councilmember Novelli recommended Councilmember McCord to interview with the Mayor applicants for the City's Parks, Recreation & Beautification Commission. The City Council was in consensus.

7.2 City Council Reports

Mayor Molina:

- StanCOG (Councilmember McCord Alternate) – meeting January 20, 2016 at 1111 I Street, 3rd floor at 6 p.m. discussing countywide sales tax initiative for Nov. 2016 Election.
- Stanislaus County Mayors Dinner – meeting February 10, 2016.
- Patterson/West Stanislaus Fire Services Committee – nothing to report. (Councilmember Farinha 1st Alternate, Councilmember Novelli 2nd Alternate)
- Stanislaus County Disaster Council (Councilmember McCord Alternate) – nothing to report.

Mayor Pro Tem Farinha – nothing to report on items.

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

Councilmember Novelli:

- Patterson Representative – League of California Cities (LOCC) – discussing AB21 regarding Marijuana. More information coming.
- Stanislaus County Economic Development & Workforce “Alliance” - (Councilmember Novelli Alternate) – nothing to report.
- Economic Development Action Committee (EDAC) - (Councilmember Novelli Alternate) – nothing to report.

Councilmember Lustgarten – nothing to report.

Councilmember McCord – nothing to report.

- Westside Health Care Task Force

7.3 Other Matters

Councilmember Lustgarten thanked everyone for all the letters/cards of support from the community regarding the loss of her husband Jeff Lustgarten.

Councilmember Lustgarten addressed Tuesday, January 26, 2016 hearing in court in Stanislaus County, the renew workplace violence restraining order and request to extend to 3-years. Councilmember Lustgarten stated she was flabbergasted by this item.

8. Adjournment

There being no further business, the regular meeting of the City Council of the City of Patterson

of January 19, 2016 was adjourned to Closed Session at 9:50 p.m.

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