

City of Patterson  
City Council Special Meeting  
(Includes Closed Session)  
March 30, 2016  
Minutes

**1. Call to Order**

The special meeting of the City Council of the City of Patterson was called to order in City Hall, City Council Chambers, 1 Plaza, Patterson, at 6:03 p.m. by Mayor Molina.

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

Staff: City Manager Irwin, City Attorney Hallinan, Recreation & Community Services Director Flanders, Public Works Director Willett, Interim Human Resources Manager Smith, City Engineer Ulloa, Capital Projects Manager Rodriguez, Associate Planner Rodriguez, Police Deputy Briggs, Acting Division Chief Donald Armario, Finance Director Ryan and City Clerk Vela (12)

Excused: City Planner Andrews, Police Chief Dirkse, Interim Fire Chief Gregory (3)

**2. Pledge of Allegiance**

**3. Statements of Conflict**

Mayor Pro Tem Novelli recused herself from voting/discussing Consent Calendar Item No. 5.8.

**4. Items from the Public**

Dominic Speno, Patterson – addressed the City Council about the receipt of two letters; one from Mr. Doug White and one from Mr. Speno - response letter from Mr. Speno in regards to Transportation Occupancy Tax (TOT). Mr. Speno addressed his concerns about Deputy City Attorney White. Mr. Speno requested for Council to appoint two members of the Council to review his issue or place his item on the agenda for an open debate. Mr. Speno stated he did not want to deal with Mr. White. Mr. Speno addressed an example of Mr. White's disingenuous.

City Attorney Hallinan addressed Mr. Speno's statements.

Councilmember McCord suggested for Mr. Speno to write the City Council a proposal, include in his letter his request of requesting two councilmembers to address his issues.

The City Council was in consensus.

Mr. Speno requested for his letter to be place on the next agenda in order to have an open debate. Mayor Molina suggested for item to be place on a subsequent agenda. City Manager Irwin to provide communication between Mr. Speno to City Council.

## 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 August 2015 through February 2016 (Community Development, Engineering, Building & Capital Projects, Fire, Police, Public Works and Recreation & Community Services)

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

The City Council was in consensus for staff to correct the membership of the Parks, Recreation & Beautification Commission of Elias Ratliff to Elias Funez.

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

(Item No. 5.4 was pulled from the Agenda, not coming back to City Council for review/approval)

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.

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

5.7 Approve City Manager First Amended Employment Agreement.

City Manager Irwin addressed his report – one page, power point presentation

5.8 Approve Resolution No. 2016-25, Employer Paid Member Contributions for the California Public Employees' Retirement System.

Mayor Pro Tem Novelli recused herself from voting/discussing Item No. 5.8.

Paul Borchardt, AFSCME Local 10 Job Stewart, Patterson – addressed the City Council on Consent Calendar Item No. 5.8. Mr. Borchardt addressed the wording/language in the resolution.

Interim Human Resources Manager Smith addressed Mr. Borchardt's concerns.

Councilmember Farinha moved to approve Consent Calendar Item No. 5.8. The motion was seconded by Councilmember Lustgarten and approved by a 4-0 roll call vote. Mayor Pro Tem Novelli abstained.

Councilmember Farinha moved to approve Consent Calendar Item No. 5.7. The motion was seconded by Councilmember McCord and approved by a 4-1 roll call vote. Councilmember Lustgarten voted no.

Councilmember Lustgarten moved to approve Consent Calendar Item Nos. 5.1 through 5.6 omitting Consent Calendar Item No. 5.4. The motion was seconded by Councilmember Farinha and unanimously approved by a 5-0 roll call vote.

**6. City Manager Report**

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.

City Manager Irwin reviewed his staff report – power point presentation.

At 7:08 p.m. Mayor Molina opened the item to public comments, there were no public comments.

Elias Funez, Patterson – addressed the City Council asking about the master plans and if this item would be used in the process.

City Manager Irwin stated yes.

Mayor Molina moved to approve for 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. The motion was seconded by Councilmember Lustgarten and unanimously approved by a 5-0 roll call vote.

- 7. 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.

Associate Planner Rodriguez reviewed her report.

Attorney Blaine Cox, Representing the Applicant – addressed the City Council speaking in support of staff’s report as presented.

At 7:16 p.m. Mayor Molina opened the Public Hearing to public comments. There were no public comments.

Councilmember Farinha moved to the 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. The motion was seconded by Councilmember Lustgarten and unanimously approved by a 5-0 roll call vote.

**8. Adjourn to Closed Session**

At 7:17 p.m. the Patterson City Council adjourned to Closed Session.

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

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

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

- a. 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)
- b. Conference with Real Property Negotiator per Government Code Section 54956.8. Negotiation Parties: City Manager Ken Irwin & Frank T. Sanchez and Heidiana M. Sanchez (property owners). Property: APN No. 047-031-041 (915 Sycamore Avenue, Patterson). Under Negotiation: Price and Terms of Payment.

8.3 Report from Closed Session (if any)

There were no items to report out from closed session (no reportable action).

8.4 Adjournment from Closed Session to Open Session

At 8:28 p.m. there being no further business, the Patterson City Council adjourned from Closed Session to Open Session.

**9. Discussion Item:** District Elections Boundaries Scheduled for 8:00 p.m.

**10. 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.

City Attorney Hallinan reviewed his staff report.

Douglas Johnson with National Demographics Corporation reviewed his report – power point presentation.

City Council addressed the following:

- Number of households in districts; 4 v. 5 districts.

At 8:53 p.m. Mayor Molina opened the Public Hearing to public comments.

Elias Funez, Patterson – addressed the City Council on discussion in Closed Session, noticed former Councilmember Smith go behind doors with a current Councilmember.

Gordon Barbosa, Patterson – addressed the City Council on the item of 4 districts v. 5 districts and how the Mayor’s seat would be chosen.

At 8:58 p.m. there being no further public comments, Mayor Molina closed the public hearing from further public comments.

## **11. Council Items**

### 11.1 City Council Reports

Mayor Molina:

- StanCOG (Councilmember McCord Alternate) – meeting scheduled for April 20, 2016 at 6 p.m. at 1111 I St. 3<sup>rd</sup> floor, County Offices.
- Stanislaus County Mayors Dinner – meeting scheduled for April 13, 2016 at the City of Waterford.
- Patterson/West Stanislaus Fire Services Committee – nothing to report. (Councilmember Farinha 1<sup>st</sup> Alternate, Councilmember Novelli 2<sup>nd</sup> Alternate)
- Stanislaus County Disaster Council (Councilmember McCord Alternate) – meeting scheduled for May 26, 2016 at Harvest Hall, Modesto.

Mayor Pro Tem Novelli – nothing to report on items.

- 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) – nothing to report on item.
- Stanislaus County Hazardous Waste Advisory Committee – (Councilmember McCord Alternate) – Councilmember Farinha asked to receive information as to when Committee meets. City staff to provide information to Councilmember Farinha.

Councilmember McCord:

- Westside Health Care Task Force – meeting scheduled for Thursday, April 7, 2016 at the Hammon Senior Center at 6 p.m.

Councilmember McCord addressed the City’s Pre-Budget Workshop, scheduled for Saturday, April 9, 2016 from 9 a.m. to 12 p.m. at the Hammon Senior Center.

City Staff to notice Pre-Budget Workshop as a Special City Council Meeting.  
Councilmember Lustgarten – nothing to report.

### 11.2 Other Matters

Councilmember Farinha addressed Patterson’s Relay for Life Event, Saturday, April 30, 2016 starting at 10 a.m. through Sunday, May 1, 2016 at the High School Stadium.

**12. Adjournment**

There being no further business, the special meeting of the City Council of the City of Patterson of March 30, 2016 was adjourned at 9:00 p.m.

Approved by the Patterson City Council on April 19, 2016.