

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

Due to lack of quorum (only Councilmember McCord and Mayor Pro Tem Novelli being present), Mayor Pro Tem Novelli announced that Closed Session would start at 6:30 p.m. or shortly thereafter.

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 at 6:37 p.m. by Mayor Pro Tem Novelli.

Present: Councilmembers McCord, Lustgarten and Mayor Pro Tem Novelli (3)

Staff: City Attorney Hallinan, Acting City Manager Willett (2)

Excused: City Manager Irwin, Councilmember Farinha, Mayor Molina (3)

At this time, Mayor Pro Tem Novelli announced the items to be discussed in Closed Session and opened the items to public comments.

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

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** – 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 at 6:38 p.m.
- 5. Report from Closed Session (if any)** - There were no items to report out from Closed Session.
- 6. Adjournment**

There being no further business, the special (Closed Session) meeting of the City Council of the City of Patterson of April 19, 2016 was adjourned at 7:05 p.m.

Approved by the Patterson City Council on May 17, 2016.

City of Patterson
City Council Regular Meeting
April 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 7:05 p.m. by Mayor Pro Tem Novelli.

Present: Councilmembers McCord, Farinha (arrived at 7:24 p.m.), Lustgarten, Mayor Pro Tem Novelli and Mayor Molina (arrived at 7:37 p.m.) (5)

Staff: City Attorney Hallinan, Public Works Director Willett, Public Works Management Analysts Encinas and Basalusalu, Recreation & Community Services Director Flanders, Interim Human Resources Manager Smith, Finance Director Ryan, City Planner Andrews, City Engineer Ulloa, Interim Fire Chief Gregory, Police Chief Dirkse and City Clerk Vela (12)

Excused: City Manager Irwin (1)

2. Pledge of Allegiance

3. Statements of Conflict – none.

4. Items from the Public

George MacMaster, Patterson – addressed the City Council stating he had a problem with district elections.

Mayor Pro Tem Novelli addressed Mr. MacMaster's question stating item was on the Agenda, Public Hearing Item No. 6.3 and would be addressed later in the meeting.

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 Approval of City Council Meeting Minutes of February 29, 2016, March 14, 2016 and March 30, 2016.

5.3 Approve City Department Reports for the Months of January 2016 and March

2016 (Community Development, Fire, Police, Public Works and Recreation & Community Services)

- 5.4 Approve City Commission Reports for the Month of March 2016 (Economic Strategic Commission, Parks, Recreation & Beautification Commission and Planning Commission)
- 5.5 Approve Resolution No. 2016-28, Employer Paid Member Contributions for the California Public Employees' Retirement System.
- 5.6 Authorize Submittal of an Application for the FEMA SAFER Grant (Staffing for Adequate Fire and Emergency Response) and a Letter from the Mayor of the City Council Explaining its Support for the Same, all names listed on the letter.

Councilmember Lustgarten asked for all Councilmembers to be included in signing the letter of support similar to the Letter of Support in Consent Calendar Item 5.7. The City Council was in consensus.
- 5.7 Approve a Letter of Support from the Patterson City Council for Livingston Community Health - Change in Scope (CIS) Patterson.
- 5.8 Accept all Bids for the Ward Avenue Overlay Project and Award Construction to Knife River Construction and Authorize Staff to Execute the Contract.
- 5.9 Approve Street Closures for Meet Me at The Park Event and Car Show –The River of Life Christian Fellowship – May 7, 2016.
- 5.10 Approve Street Closures for Patterson FDES Annual Festa Parade on June 11-12, 2016.
- 5.11 Approve Street Closures for Car Show – Adventure Christian Church June 25, 2016.

Mayor Pro Novelli moved to approve Consent Calendar Items 5.1 through 5.11 with changes to Consent Calendar Item 5.6 to include all Councilmembers signatures in the letter of support. The motion was seconded by Councilmember Lustgarten and approved by a 3-0 roll call vote.

The City Council was in consensus to discuss and move Public Hearing Item No. 6.3 regarding District Elections after City Staff Report Item 7.2.

6. Presentations and Public Hearings

- 6.1 Public Hearing:** Wastewater Master Plan - the City of Patterson has undertaken preparation of a series of Master Plans addressing infrastructure and public service needs. One of these Master Plans, for Wastewater, has been completed by City consultants, and will be presented to the City Council for adoption. The Wastewater Master Plan addresses wastewater infrastructure needs based on long-term plans

for City development under its adopted General Plan, including plans for sewer conveyance and wastewater treatment through community buildout. As part of this action, the City has also prepared an Addendum to the 2010 General Plan Environmental Impact Report pursuant to the provisions of CEQA (Verbal Report)

Public Works Director Willett reviewed his report.

At 7:12 p.m. Mayor Pro Tem Novelli opened the Public Hearing to public comments. There were no public comments.

Mayor Pro Tem Novelli motion to continue the Public Hearing to May 3, 2016. The motion was seconded by Councilmember McCord and approved by a 3-0 roll call vote.

6.2 Public Hearing: Properties to be Liened for Unpaid Weed Abatements, Resolution No. 2016-29.

Finance Director Ryan reviewed her staff report.

At 7:15 p.m. Mayor Pro Tem Novelli opened the Public Hearing to public comments.

Sergio Perez, Patterson – addressed the City Council asking questions about the process of liens.

Public Works Director Willett addressed Mr. Perez’s questions.

At 7:16 p.m. there being no further public comments, Mayor Pro Tem Novelli closed the Public Hearing from further public comments.

Councilmember Lustgarten moved to approve Resolution No. 2016-29. The motion was seconded by Councilmember McCord and approved by a 3-0 roll call vote.

6.3 Public Hearing: **a.** Conduct the Third Public Hearing to Consider and Select a Council Member District Boundaries Map, and Adopt Resolution No. 2016-30, A Resolution of the City Council of the City of Patterson, Establishing the Council Member District boundaries to Implement a “By-District” Based Electoral System Beginning with the November 2016 General Municipal Election.

b. First Reading and Introduction of Ordinance 795, An Ordinance of the City Council of the City of Patterson, Amending Title 2, Administration and Personnel, Adding Chapter 2.10: Council Member Elections By-District.

City Attorney Hallinan reviewed his staff report.

Mayor Pro Tem Novelli reviewed her report.

Councilmember Lustgarten reviewed her report.

At 7:58 p.m. Mayor Pro Tem Novelli opened the Public Hearing to public comments.

George Mac Master, Patterson – addressed the City Council on their choice of 4 districts v. 5 districts. Mr. Mac Master request an at large Mayor election. Mr. Mac Master requested for City Council to reconsider 4 districts and mayor at large election.

Annette Smith, Patterson – addressed the City Council on the item of stating name and address for the record, stating the Brown Act didn't require for a person to identify themselves and state their name/address. Mrs. Smith addressed the City Council stating she was not in support of District Elections. Mrs. Smith addressed the Latino Community Roundtable. Mrs. Smith stated her support for repealing this law.

Mayor Pro Tem Novelli addressed the Mrs. Smith concerns, suggesting for the public to write letters to their legislative representatives; Adam Gray and Assembly Member Anthony Canella and voice their concerns.

Mayor Pro Tem Novelli addressed the item of District Elections.
Councilmember Farinha addressed the item of District Elections.

Howard Sword, Patterson – addressed the City Council stating his support for 4 districts v. 5 districts. Mr. Sword addressed the City Council stating the Council had options. Mr. Sword stated his disenfranchise from having 100% participation to getting 20% participation if Council decides on a 5 district election. Mr. Sword addressed the City Council asking for Council to respect the vote of the people from 2010, to be able to elect a mayor at large and be able to select the mayor every two years.

Chi Jack, Patterson – addressed the City Council stating she was not in support of district elections. Mrs. Jack suggested for City Council to not rush the issue. Mrs. Jacks addressed the City Council asking questions about rotating mayor seat – yearly.

Mayor Pro Tem Novelli addressed the item of the Mayor's seat/title/decisions.

City Attorney Hallinan addressed the item of repercussion if the City did not move forward with District Elections. City Attorney Hallinan stated item could not wait until 2018 elections. City Attorney Hallinan stated item needed to be submitted to the Stanislaus County Registrar's Office by Monday, May 9, 2016.

Mayor Pro Tem Novelli addressed the item of a rotating Mayor seat.

Howard Sword, Patterson – addressed the City Council on the item of the Mayor seat/title. Mr. Sword addressed the City Council stating that the City had a City Manager form of government and an elected at large (every two-years) mayor, which was a different situation. Mr. Sword stated an elected Mayor provided consistency. Mr. Sword stated his support for the public to have control over the City Council. Mr. Sword stated his support for a Mayor at large, elected every two years.

Joyce Buehner, Patterson – addressed the City Council stating her support for an elected at large mayor. Mrs. Buehner addressed the City Council asking if item of 4 districts v. 5 district could be placed on the ballot for the people to decide.

City Attorney Hallinan addressed Mrs. Buehner's concerns.
Councilmember Farinha addressed Mrs. Buehner's concerns.

Councilmember Farinha addressed the Latino Community Roundtable, letters written threatening to sue cities who did not comply.

Mayor Pro Tem Novelli addressed the item of a letter writing campaign to Senator Cannella and Adam Gray to voice their concerns. Mayor Pro Tem Novelli addressed the item of the City of Modesto being sued and losing.

Graciela Molina, Patterson – addressed the City Council on the item of the Latino Community Roundtable, when was the first public opportunity to discuss item. Mrs. Molina asked if the City Council as a whole had addressed the public's concerns to members of the Latino Community Roundtable. Mrs. Molina stated her support for an elected Mayor at large. Mrs. Molina addressed the City Council requesting for Council to listen to the community, request for a Mayor at large.

Mayor Pro Tem Novelli addressed Mrs. Molina's concerns.

Larry Phillips, Patterson – addressed the City Council on the 5 district process. Each member would have to live in that district. If no one in that district runs for office, someone would get appointed by the City Council that resides in that district.

Mayor Molina addressed Mr. Phillip's concerns about the City's appointment process.

Elias Funez, Patterson – addressed the City Council on the item of 4 districts v. 5 districts. Mr. Funez addressed the City Council asking for clarification in the Ordinance as to how the Mayor is chosen. Mr. Funez addressed the City Council stating his support for 4 districts and elected Mayor at large election.

Councilmember Lustgarten addressed Mr. Funez concerns.

Graciela Molina, Patterson – addressed the City Council on the appointment process restricted to that appointment district. Mrs. Molina addressed the item of the community's need to be educated about the process for district elections.

Councilmember Farinha addressed Mrs. Molina's concerns. Councilmember Farinha stated funds could be spent on education no advocacy.

Ken Buehner, Patterson – addressed the City Council asking questions about the methodology of choosing a Mayor if 5 districts chosen, if rotating would be based on seniority. Rotating throughout everyone. Mr. Buehner suggested for Council to consider.

At 8:47 p.m. there being no further public comments, Mayor Molina closed the Public Hearing from further public comments.

Mayor Molina stated his support for 4 districts and Mayor at large election.

Councilmember McCord stated his support for 4 districts and Mayor at large election.

Councilmember Farinha addressed his report.

Councilmember Lustgarten addressed her report. Councilmember Lustgarten addressed the item of the City Council seats not up for re-election, would they automatically be representing their respecting districts.

City Attorney Hallinan stated yes.

Mayor Pro Tem Novelli stated her support for 4 districts and Mayor at large election.

Justin Levitt, National Demographics Corporation reviewed his report, stating Council needed to hold the required Public Hearing meetings, it being okay to change from 5 districts to 4 districts. Mr. Levitt's addressed the item of adopting something now to meet the deadline of May 9, 2016 and then changing it in the future.

Justin Levitt, National Demographics Corporation addressed the item of Cities being forced to go through this process, there being no cities or school district winning this decision.

Ken Buehner, Patterson – addressed the City Council asking if there was time to have another meeting in order to meet the deadline.

Graciela Molina, Patterson – addressed the City Council stating her support for District 4 map (4 districts and Mayor at large election).

Howard Sword, Patterson – addressed the City Council stating item was a public hearing, that it was not the 11th hour. Mr. Sword stated the City Council was receiving public input in order to make a decision. Mr. Sword stated the City Council should not make a decision first and then listen to the public.

Sergio Perez, Patterson – addressed the City Council stating his support of 4 districts and Mayor at large election.

Justin Levitt, National Demographics Corporation reviewed his staff report - 4 districts v. 5 districts. Each district having to have the same amount in population.

Annette Smith, Patterson – addressed the City Council asking questions about district maps, dissected on population, registered voters, voter turnout, citizen voting age population, if demographics were evenly distributed.

At 9:30 p.m. Mayor Molina called for a short break.

At 9:41 p.m. Mayor Molina called the meeting back to order.

Ms. Claudia, 1505 P Street (Citizen) – addressed the City Council stating the City Council had choices that maybe the public didn't understand.

Annette Smith, Patterson – addressed the City Council on the item of legal aspect, at large mayor and 4 districts v. 5 districts. If Council goes with 4 districts will city still get sued if mayor at large (1 seat at large).

Mayor Molina addressed Mrs. Smith's concerns.

Howard Sword, Patterson – addressed the City Council stating all options were legally defensible. Mr. Sword asked for City Council to respect the will of the people to choose a mayor at large.

Ken Buehner, Patterson – addressed the City Council asking if the City could pick 4 districts map now and redistrict the map later, pick a better map in the future, after the election, City Council can hold a special meeting to pick a map.

Larry Buehner, Patterson – addressed the City Council asking questions about 4 v. 5 districts. Mr. Buehner suggested 4 districts now and redistrict apportionment of area. Mr. Buehner stated his support for a mayor at large.

Chi Jack, Patterson – addressed the City Council asking for Council to not make a hasty decision, the need to fix the item before adoption.

Graciela Molina, Patterson – addressed the City Council asking for Council to take time and listen to the public and make the right decision.

Ken Buehner, Patterson – addressed the City Council asking if Mr. Sergio Perez was from the Latino Community Roundtable. Mr. Perez was no longer present in the audience.

At 10:01 p.m. Mayor Molina closed the Public Hearing from further public comments.

Councilmember Lustgarten moved to approve Resolution No. 2016-30. The motion was seconded by Councilmember McCord and unanimously approved by a 5-0 roll call vote.

Mayor Molina Read Ordinance. No. 795, reading by title only, waiving further reading.

Councilmembers Lustgarten (motioned), McCord (seconded), Novelli, Farinha and Mayor Molina withdrew their previous votes of Reso. 2016-30 (as listed above).

Councilmember Lustgarten moved to adopt Resolution, 2016-30. The motion was seconded by Councilmember McCord and approved by a 5-0 roll call vote.

At this time, Councilmember Lustgarten and Councilmember McCord withdrew their original votes (as listed above) to adopt Resolution No. 2016-30.

Councilmember Lustgarten moved to adopt Resolution No. 2016-30 (5-district base election). The motion was seconded by Councilmember Farinha and motioned failed due to a 3-2 roll call vote. Councilmembers McCord, Novelli and Mayor Molina voted no.

Councilmember McCord motioned to approve Resolution No. 2016-30, a resolution of the City Council of the City of Patterson establishing the council member district boundaries to implement a by-district based electoral system beginning with the November 2016 general municipal election, removing the preferred map and for the City Council to establish that by ordinance. The motion was seconded by Mayor Pro Tem Novelli and approved 3-2 roll call vote. Councilmembers McCord, Novelli and Mayor Molina voted yes. Councilmembers Farinha and Lustgarten voted no.

Councilmember McCord Read Ordinance No. 795, reading by title only, waiving further reading.

Councilmember McCord moved to approve First Reading and Introduction of Ordinance No. 795, reading by title only, waiving further reading, an ordinance of the City Council of the City of Patterson amending title 2, administration and personnel, adding chapter 2.10: council member elections by district and substituting map, the four districts map draft two, for tonight's discussion and then the City Council can have more discussion about changing it later. The motion was seconded by Mayor Pro Tem Novelli and approved by a 3-2 roll call vote. Councilmembers McCord, Novelli and Mayor Molina voted yes. Councilmembers Farinha and Lustgarten voted no.

7. City Staff Reports

7.1 Public Works Department

Receive Overview and Update to the 2015 Urban Water Management Plan

Public Works Director Willett reviewed his staff report.

RMC Consultant Ian Jaffe reviewed his staff report – power point presentation.
RMC Enrique Lopezcalva reviewed his staff report – power point presentation.

The City Council addressed:

- Per Capita Use Calculations and Compliance
- Gallons per Capita per day.
- Required by the State – 25% reduction (State Mandated)
- Deadline to adopt plan July 1, 2016.

At 7:43 p.m. Mayor Pro Tem Novelli opened the item to public comments.
There were no public comments.

7.2 Ordinances (Second Reading and Adoption)

Ordinance No. 794, An Ordinance of the City Council of the City of Patterson, Amending Section 18.82.070(D) Entitled “Freeway Oriented Signs” of the Patterson Municipal Code.

Mayor Molina Read Ordinance No. 794, reading by title only, waiving further reading.

Mayor Pro Tem Novelli addressed the item of adding language to the end of the paragraph D. 2. of the Draft Freeway Oriented Signage Ordinance to read as follows:

In no case, shall signs more than 30 feet tall be located within one-quarter mile of any residentially designated area. The City Council was in consensus.

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

Ken Buehner, Patterson – addressed the City Council stating that the City would not get a Vegas strip because the ordinance requires a minimum 10 acre parcel size. Mr. Buehner stated people would see more lighted signs from a 30 ft. sign.

Sergio Perez, Patterson – addressed the City Council asking questions about the types of signs. Mr. Perez requested for Mayor Molina to be on time. Mr. Perez requested for item to be postponed for further review. Mr. Perez addressed the City Council asking questions about lighted signs.

Mayor Molina addressed Mr. Perez’s questions/concerns about being late.

Councilmember Lustgarten addressed Mr. Perez’s questions/concerns about giving his name and address for the record when addressing the City Council.

Mayor Pro Tem Novelli moved to approve Second Reading of Ordinance No. 794, reading by title only, waiving further reading, adding language to end of paragraph D. 2. to read as follows; in no case, shall signs more than 30 feet tall be located within one-quarter mile of any residentially designated area. The motion was seconded by Councilmember Farinha and unanimously approved by a 5-0 roll call vote.

Mayor Molina moved to Adopt Ordinance No. 794, reading by title only, waiving further reading. The motion was seconded by Mayor Pro Tem Novelli and unanimously approved by a 5-0 roll call vote.

8. Council Items

8.1 City Council Reports

Mayor Molina:

- StanCOG (Councilmember McCord Alternate) – meeting scheduled April 20, 2016 at 6 p.m. at 1111 I Street, Modesto.
- Stanislaus County Mayors Dinner – meeting scheduled May 11, 2016 in the City of Turlock.
- 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 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 – 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 McCord – nothing to report on items.

- Westside Health Care Task Force

Councilmember Lustgarten – nothing to report.

8.2 Other Matters

The City Council announced a Monday, April 25, 2016 at 7 p.m. Special City Council Meeting to review/approve a 4 district map instead of a 5 district map.

Councilmember Lustgarten addressed the item of looking forward to the League of California Cities, Legislative Action Day, April 27, 2016 in Sacramento.

Mayor Molina addressed Mental Health Awareness Month in “May 2016”

9. Adjournment

There being no further business, the regular meeting of the City Council of the City of Patterson of April 19, 2016 was adjourned at 10:28 p.m.

Approved by the Patterson City Council on June 7, 2016.