

City of Patterson  
City Council Special Meeting  
February 2, 2016  
Minutes  
(Closed Session)

**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 6:05 p.m. by Mayor Molina.

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

Staff: City Manager Irwin, City Attorney Hallinan, Deputy City Attorney White, AIMS Claims Adjuster Robert Smoke (4)

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, Anticipated Litigation Significant exposure to litigation pursuant to paragraph (2) of subsection (d) of California Government Code Section 54956.9 (3 cases)
  - b. Public Employment – City Manager Performance Evaluation (Pursuant to Government Code Section 54957)
  - c. 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.
- 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 6:06 p.m.

**5. Report from Closed Session (if any)**

At 7:32 p.m. the Patterson City Council came out of Closed Session.

Mayor Molina reported that City Council provided direction to staff. There were no other items reported 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 February 2, 2016 was adjourned at 7:35 p.m.

Approved by the Patterson City Council on March 1, 2016.

City of Patterson  
City Council Regular Meeting  
February 2, 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 7:35 p.m. by Mayor Molina.

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

Staff: City Manager Irwin, City Attorney Hallinan, Public Works Director Willett, City Planner Andrews, Recreation & Community Services Director Flanders, Interim Fire Chief Gregory, Police Chief Dirkse, Finance Director Ryan, Deputy Public Works Director Andrade, Interim Human Resources Smith, Public Works Management Analyst Basalusalu, City Accountant Callum, City Engineer Ulloa and City Clerk Vela (14)

Excused: Public Works Director Willett (1)

**2. Pledge of Allegiance**

**3. Statements of Conflict**

Councilmember Novelli stated she had a Conflict of Interest with Consent Calendar Item 5.3 and therefore would not be discussing or voting on the item.

Councilmember Lustgarten stated she had a Conflict of Interest with Consent Calendar Item 5.9 and therefore would not be discussing or voting on the item.

**4. Items from the Public**

Armin Arrambide, Patterson (Representing the Knights of Columbus) – addressed the City Council on the item of funeral processions. Mr. Arrambide requested to work something out soon with the City in regards to funeral processions. Mr. Arrambide addressed the item of training and getting the CERT people involved.

Pastor Benefield, Patterson – addressed the City Council speaking in supports of the City having a funeral procession ordinance. Pastor Benefield stated this would be very helpful to the family.

Peter LaTorre, Patterson – addressed the City Council speaking in support of the City having a funeral procession ordinance. Mr. LaTorre stated it would make a big different to get people across to Hwy 33 safely.

Mark Kuhn, Patterson (Hillview Funeral Chapel) – addressed the City Council speaking in support of the City having a funeral procession ordinance.

Elias Funez, Patterson – addressed the City Council for an update regarding the recent shootings in Patterson.

Police Chief Dirkse updated the public and council on the recent shootings in Patterson.

Daniel Cruz, Patterson – addressed the City Council asking questions about the recent shootings in Patterson. Mr. Cruz asked if the City was going to get their own police department. Mr. Cruz stated the need for more police officers.

Police Chief Dirkse addressed Mr. Cruz's questions/concerns.

Councilmember Novelli addressed AB109. Councilmember Novelli suggesting for the public to write letters to the legislature for change.

Armin Arrambide, Patterson – addressed the City Council on the item of talking to people on the streets, work with them on what is needed in Patterson. Mr. Arrambide stated it was up to the citizens to help their community.

Bill Oxenrider, 852 Orkney Drive, Patterson – addressed the City Council about the recent shootings in Patterson. Mr. Oxenrider suggested for Police Chief Dirkse to update the public in general when these types of things happened.

Police Chief Dirkse addressed the Patterson Police Department, police officers staffing and social media.

Amanda Hillsdale, Patterson Neighborhood Watch – addressed the City Council and Police Chief Dirkse on the item of the City contracting with the Stanislaus County Sheriff's Department v. the City having their own Patterson Police Department.

## **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 Council Meeting Minutes of December 1, 2015, December 15, 2015 and January 19, 2016.

Elias Funez, Patterson – addressed the City Council on the minutes of December 15, 2015 requesting to correct the minutes by striking out/removing (deleting) the last sentence of his statement under Item No. 4, Items from the Public. The City Council was in consensus. The City Clerk to correct the minutes as stated.

Councilmember Lustgarten addressed her concerns about the City Council's report out from Closed Session with regards to the City of Patterson v. Sheree Lustgarten, Case No. 2015853:

City Council Closed Session meeting of December 1, 2015, Item No. 1. d.  
City Council Closed Session meeting of January 19, 2016, Item No. 1. e.

Councilmember Lustgarten addressed the City Sunshine Ordinance she brought to City Council recently for review.

City Attorney Hallinan addressed Councilmember Lustgarten's Sunshine Ordinance. Councilmember Lustgarten to forward her original Sunshine Ordinance to City Manager Irwin.

Staff to forward any notes (minutes) and any comments received from Council, Staff and public in regards to the Sunshine Ordinance to the City Council and the City Manager for review.

The City Council was in consensus to schedule a workshop to review the proposed Sunshine Ordinance. City Council, Staff and the public to review the Sunshine Ordinance and forward their comments to the City Manager and/or City Clerk.

The setting of a date/time to hold a workshop to review a City Sunshine Ordinance to be place on the agenda for City Council to schedule.

- 5.3 Approval of the Patterson Management and Mid-Management Employee Association (PMMEA) Memorandum of Understanding (MOU) and Budget Amendment to the Fiscal Year 2015-16 Adopted Budget for the General and Other Funds (Resolution No. 2016-07)
- 5.4 Approve Resolution No. 2016-08, A Budget Amendment to the City of Patterson's Adopted Budget for Fiscal Year 2015/16 General Fund for the City's Recreational Youth Soccer Program.
- 5.5 Consider and Approve the Patterson Youth Softball and Baseball Association Co-Sponsored Agreement for the 2016 Season.
- 5.6 Approve Resolution No. 2016-09, Accepting the Two 10' Storm Drain Easements from Keystone Pacific Business Park, LLC.
- 5.7 Approve Resolution No. 2016-10, Rejecting the Claim of America Lee in an Amount of \$5,577.49 for Alleged Damages.
- 5.8 Approve Resolution No. 2016-11, Rejecting the Claim of Erma England in an Amount of \$130 for Alleged Damages.
- 5.9 Approve Resolution No. 2016-12, Rejecting the Claim of Cynthia Rae Homen in an Unknown Amount for Alleged Damages.

Councilmember Lustgarten moved to approve Consent Calendar Items 5.1 through 5.9, omitting Item No. 5.3. The motion was seconded by Councilmember Farinha and approved by a 5-0 roll call vote.

Councilmember Lustgarten moved to approve Consent Calendar Item 5.1 through 5.9, omitting Item No. 5.9. The motion was seconded by Councilmember Farinha and approved by a 5-0 roll call vote.

## **6. Presentations and Public Hearings**

6.1 Presentation: Introduction of New City Employees  
(City Manager Irwin)

City Manager Irwin introduced the following:

Saadiah Ryan-Awahid – City’s New Finance Director.  
Daniel Rodriguez – Fire Department Paramedic Firefighter.  
Steven Kuchac – Fire Department Paramedic Firefighter.

6.2 Presentation: Proclamation – Javier Gonzalez - Retirement  
(Mayor Molina)

Mayor Molina presented Javier Gonzalez with a proclamation honoring him on his retirement and dedicated 28 years of service to the City of Patterson.

6.3 Public Hearing: Approve the 2015-2023 HCD Draft City of Patterson  
Housing Element.

City Planner Andrews reviewed his staff report.  
Ted Holzem, Senior Planner with Mintier Harnish reviewed his staff report.

At 8:44 p.m. Mayor Molina opened the Public Hearing to public comments.

Elias Funez, Patterson – addressed the City Council asking questions about (NIMBY) Not In My Back Yard and if an extra provision was added to the 2015-2013 HCD Draft City of Patterson Housing Element.

Mayor Molina moved to approve the 2015-2023 HCD Draft City of Patterson Housing Element. The motion was seconded by Councilmember McCord and unanimously approved by a 5-0 roll call vote.

6.4 Public Comment/  
Action Item: Authorize Mistletoe Abatement; Authorize Staff to Enter into a Small Value Contract with the Contractor Selected to Abate the Mistletoe; and Authorize Staff to Bill the Property Owners (Resolution No. 2016-13)

Deputy Public Works Director Andrade reviewed his staff report.

At 8:50 p.m. Mayor Molina opened the item to public comments. There were no public comments.

Councilmember Lustgarten moved to approve Resolution No. 2016-13. The motion was seconded by Councilmember McCord and unanimously approved by a 5-0 roll call vote.

## 7. City Staff Reports

### City Attorney

Consideration of Ordinance No. 789, Amending Chapter 2.08 of the Patterson Municipal Code regarding Rules and Regulations for the City of Patterson's City Council Meetings.

Ordinance No. 789, An Ordinance of the City Council of the City of Patterson, Revising Chapter 2.08 City Council Meetings of Title 2 of the Patterson Municipal Code.

City Attorney Hallinan reviewed his staff report.

Councilmember McCord stated he could not attend the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of each month.

Mayor Molina stated he could not attend the 3<sup>rd</sup> Wednesday of each month due to StanCOG meetings on the 3<sup>rd</sup> Wednesday of each month at 6 p.m. (Mayor Molina being the City's Representative on StanCOG, Councilmember McCord being the Alternate)

At 8:58 p.m. Mayor Molina opened the item to public comments.

Chinyere Jack, Patterson – addressed the City Council asking questions about reschedule the meetings and the reasons why the City Council was changing the current City Council meetings schedule.

Elias Funez, Patterson – addressed the City Council suggesting that closed session start an extra ½ hour early, so that it doesn't go into the regular open session agenda.

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

Mayor Pro Tem Farinha Read Ordinance No. 789, reading by title only.

Mayor Pro Tem Farinha motioned to approve First Reading and Introduction of Ordinance No. 789, with the change that City Council meetings take place on the **first and third Wednesday of each month**, reading by title only, waiving further reading.

(There was no second to Mayor Pro Tem Farinha's motion)

Councilmember Novelli asked for discussion on the motion.

City Council clarified that there was a motion on the table by Councilmember Lustgarten, seconded by Councilmember Novelli before Mayor Pro Tem Farinha's motion.

Councilmember Lustgarten motioned to table item to the next City Council meeting.

The motion was seconded by Councilmember Novelli.

Mayor Pro Tem Farinha asked for discussion on the motion.

Councilmember Novelli stated she needed more time to review all options.

Mayor Molina addressed his concerns with regards to the City Council not having a representative on StanCOG.

Councilmember Lustgarten motioned to postpone the item to the next City Council meeting of February 16, 2016. The motion was seconded by Councilmember Novelli and approved by a 4-1 roll call vote. Mayor Pro Tem Farinha voted no.

## **8. Council Items**

- 8.1 Approve the Appointment/Reappointment of three (3) City Representatives to Patterson's Parks, Recreation & Beautification Commission (Terms of May 2015 - May 2017) (Mayor Molina, Councilmember McCord)

Councilmember Lustgarten motion to approve reappointing Vivian Ratliff and appointing Kelvin Love and Chinyere Jack as the City's representatives to the Patterson Parks, Recreation & Beautification Commission (Terms of Office May 2015 – May 2017). The motion was seconded by Mayor Pro Tem Farinha and unanimously approved by a 5-0 roll call vote.

Mayor Molina reported that Elias Funez and Rob Cozart were appointed as the School representatives by the School Board of Trustees on February 1, 2016 (Terms of Office May 2016 – May 2018).

At 9:18 p.m. Mayor Molina opened the item to public comments. There were no public comments.

- 8.2 Selection of Mayor Pro Tem for 2016 (Mayor Molina)

The City Council was in consensus to select Councilmember Novelli as the City's Mayor Pro Tem for 2016.

- 8.3 City Council Reports

Mayor Molina:

- StanCOG (Councilmember McCord Alternate) – meeting scheduled for Feb. 17, 2016 at 6 p.m. 1111 I Street, 3<sup>rd</sup> Floor, Modesto.
- Stanislaus County Mayors Dinner – meeting scheduled for Feb. 10, 2016 in the City of Hughson.
- Patterson/West Stanislaus Fire Services Committee - nothing to report. (Councilmember Farinha 1<sup>st</sup> Alternate, Councilmember Novelli 2<sup>nd</sup> Alternate)
- Stanislaus County Disaster Council (Councilmember McCord Alternate) – nothing to report.

Mayor Pro Tem Farinha – nothing to report on items.

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

Councilmember Novelli:

- Patterson Representative – League of California Cities (LOCC) – addressed the Marijuana Ordinance, City Attorney Hallinan updated the

Council and Public.

- Stanislaus County Economic Development & Workforce “Alliance”  
(Councilmember Novelli Alternate) – nothing to report.
- Economic Development Action Committee (EDAC) – nothing to report.  
(Councilmember Novelli Alternate)

Councilmember Lustgarten – nothing to report.

Councilmember McCord – nothing to report on item.

- Westside Health Care Task Force

#### 8.4 Other Matters

Mayor Molina addressed his last State of the City Address scheduled for Monday, February 29, 2016 in City Hall, City Council Chambers or Hammon Senior Center. Time and location of meeting to be announced at the next regular city council meeting of February 16, 2016.

Councilmember Novelli thanked City staff for all their work with the public with this weather, the flooding, the sandbags, keeping the streets safe, etc.

### **9. Adjournment**

There being no further business, the regular meeting of the City Council of the City of Patterson of February 2, 2016 was adjourned at 9:24 p.m.

Approved by the Patterson City Council on March 1, 2016.