

City of Patterson  
City Council Special Meeting  
July 21, 2015  
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 6:13 p.m. by Mayor Molina.

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

Staff: City Manager Irwin, City Attorney Hallinan, Deputy City Attorney White, Interim Human Resource Manager Di Smith and City Human Resources Consultant Patrick Clark (5)

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 Labor Negotiator per Government Code Section 54957.6. Agency Negotiator: Ken Irwin, City Manager. Employee Organization: AFSCME Local 10.
- b. Conference with Labor Negotiator per Government Code Section 54957.6. Agency Negotiator: Ken Irwin, City Manager. Employee Organization: Patterson Management, Mid-Management Employee Association.
- c. Conference with City Attorney, Anticipated Litigation Significant Exposure to litigation pursuant to paragraph (2) of subsection (d) of California Government Code Section 54956.9 (1 case)

The City Council will discuss the Hammon Senior Center investigation and the final results contained in the investigation report. The City Council will consider taking further action and issuing findings based on legal recommendations.

- d. Conference with City Attorney, Anticipated Litigation Initiation of Litigation Pursuant to Paragraph (4) of Subdivision (d) of Section 54956.9 (1 case)

The City Council will discuss a Workplace Violence Restraining Order Filed on Behalf of Members of the City Council, City Administration and Staff.

**2. Statements of Conflict**

Councilmember Novelli stated she had a Conflict of Interest with Item No. 1. a. and therefore would not be discussing/voting on the item.

Councilmember Lustgarten stated she had a Conflict of Interest with Item Nos. 1. a. through 1. d. and therefore would not be discussion/voting on the items.

*(Clarification for the July 21, 2015 meeting minutes for the Closed Session portion of the minutes, Councilmember Lustgarten opted not to participate in the Closed Session discussion items but it was not because of a Conflict of Interest)*

**3. Items from the Public – none.**

**4. Adjourn to Closed Session**

At 6:16 p.m. there being no public comments, the Patterson City Council adjourned to Closed Session.

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

At 7:42 p.m. the Patterson City Council returned from Closed Session and Mayor Molina announced the following:

On items 1. a. and 1. b. Mayor Molina reported that City Council provided direction to staff.

On Items 1. c. and 1. d. Deputy City Attorney White reported:

Regarding (Item No. 1. c.) the City Council by a 4-0 vote directed the City Attorney to pursue a quaranto and other civil actions related to malfeasance in office threatening and intimidation of public officials by Councilmember Lustgarten as it relates to matter (Item No. 1. d.) the Council directed that the City Attorney announce that the court has granted a work place violence restraining order against Councilmember Lustgarten.

**6. Adjournment**

There being no further business, the Special (Closed Session) Meeting of the City Council of the City of Patterson of July 21, 2015 was adjourned at 7:44 p.m.

Approved by the Patterson City Council on September 1, 2015.

City of Patterson  
City Council Regular Meeting  
West Patterson Financing Authority Meeting  
July 21, 2015  
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 7:44 p.m. by Mayor Molina.

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

Staff: City Manager Irwin, City Attorney Hallinan, Deputy City Attorney White, Finance Director Moreno, Public Works Director Willett, Fire Chief Hall, Parks & Recreation Director Flanders, Capital Project Manager Jorritsma, Public Works Management Analyst Basalusalu, Public Works Management Manager Delgado, Police Sgt. Costello, NBS Government Group Consultant Sara Mares, Interim Human Resource Manager Di Smith and City Clerk Vela (14)

Excused: Police Chief Dirske, City Planner Andrews (2)

**2. Pledge of Allegiance**

**3. Statements of Conflict – none.**

**4. Items from the Public**

Dominic Speno, Villa De Lago Developer – addressed the City Council of his 27 years presence before City Council and 7<sup>th</sup> City Mayor Molina. Mr. Speno addressed his Villa De Lago project. Mr. Speno addressed James Burke and John Azevedo and their support. Mr. Speno addressed the City's 2<sup>nd</sup> Quarter of the City's Transportation Occupancy Tax (TOT) being \$38,958.20 Issuing check to the City of Patterson. Mr. Speno stated he would be providing the City (Finance Director Moreno) tonight with a \$90,000 final settlement of the uncollected TOT taxes for the year 2007 due to a criminal act committed against Mr. Speno. Mr. Speno stated that \$86,157.58 was the actual number of tax principal due to the City, but Mr. Speno rounded it up to \$90,000. Mr. Speno asked for City Council to consider on a future Council Agenda, not certain if legally correct on the process - his request for the City to waive exorbitant penalties and interest. Mr. Speno requested to have item on the agenda or the correct process to address his request.

Deputy City Attorney White addressed Mr. Speno request, stating taking anything less than what is owed per the court order would require Council action, therefore item would have to be agenzied. Deputy City Attorney White suggested that City Finance Director Moreno accept the check on behalf of the City, but not cash it until staff gets Council direction on the request.

Item to be addressed by City Staff and Counsel – item to be placed on a future City

Council Agenda per Deputy City Attorney White.

Craig Saalwaechter, Pittsottie Lane, Patterson – addressed the City Council on his issues regarding Animal Control Services. Mr. Saalwaechter stated his support for Patterson Fire and Stanislaus County Sheriff's Department (Patterson Police Services). Sheriff's Department response time being fantastic.

Joyce Buehner, Patterson – addressed the City Council stating her support for the City helping the Board feel safe and have security. Seniors at the Senior Center would like to have the same safeness and security of incoming/outgoing persons and making sure everyone is accounted for. Request for the City Council to take action to protect Seniors at the Senior Center in case of an emergency, that it is secure so that everyone that enters is identified and accounted for. Mr. Buehner suggested for item to be placed on a future City Council agenda.

Mayor Molina requested for the City Manager to work with the Department Head(s) and addressed item of a safety plan or measure for the Hammon Senior Center including other City facilities.

## 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 June 2015 (Community Development, Fire, Public Works and Recreation & Community Services)
- 5.3 Approve City Committee and Commission Reports for the Month of June 2015 (Beautification Committee, Parks & Recreation Commission and Planning Commission)
- 5.4 Approve Street Closure for Back to School Child Safety Fair on Saturday, August 15, 2015.
- 5.5 Approve Street Closure for Skate the Circle & Movie Night Event on Friday, August 28, 2015.
- 5.6 Approve Street Closure for National Night Out 2015.
- 5.7 Approval of the City's New Paid Sick Leave Policy.

Mayor Pro Tem Farinha moved to approve Consent Calendar Items 5.1 through 5.7. The motion was seconded by Councilmember McCord and unanimously approved by a 5-0 roll call vote.

## 6. Presentations and Public Hearings

**6.1 Presentation:** PRIDE Proclamation (Councilmember McCord and Mayor Molina)

Councilmember McCord presented the PRIDE organization with a Proclamation.

**6.2 Presentation:** Introduce First Responder Advanced Life Support Services (FRALS) Program to the City of Patterson, enabling the City of Patterson Fire Department to Deliver Engine-Based Paramedic Services to Our Community.

Fire Chief Hall reviewed his staff report – power point presentation.

Mike McClaukin, President, Fire Fighters Association reviewed his report.

David Hohl, Patterson Fire Department Paramedic addressed the City Council stating his support for a paramedic(s) on a fire engine.

Paul Willett, Director of Ambulance Services, Patterson District Ambulance reviewed his report.

Richard Murdock, Executive Director, Mountain Valley Emergency Medical Services Agency reviewed his report.

The City Council was in consensus to move forward with staff’s recommendation as presented:

- Obtain consensus from Council on moving forward with First Responder Advanced Life Support (FRALS), engine-based Paramedic program;
- Finalize Cooperative Services Agreement between City of Patterson (Fire Department) and Del Puerto Health Care District (Patterson District Ambulance) – bring back to Council in August;
- Solidify program costs (initial and sustained) – identify these costs in FY 15/16 budget process.

At 7:37 p.m. Mayor Molina opened the item to public comments. There were no public comments.

**6.3 Public Hearing:** Hold Public Hearing, Take Public Comment, and Approve the Resolutions Ordering the Levy and Collection of Assessments for the City’s Benefit Assessment Districts (BADs), Landscape Maintenance Districts (LMDs), and CSA No. 15 for Fiscal Year 2015/16 (Resolution Nos. 2015-40, 2015-41 and 2015-42)

Public Works Director Willett reviewed his staff report.

Councilmember Lustgarten addressed her concerns regarding the City’s Benefit Assessment Districts, Landscape Maintenance Districts and CSA15 District. At 8:45 p.m. Mayor Molina opened the Public Hearing to public comments.

Dominic Speno, Patterson – addressed the City Council of his concerns regarding CSA 15 – boundaries of CSA15, street maintenance issues. Mr. Speno asked if streets and street lights were going to be maintained by the City.

Public Works Director Willett addressed Mr. Speno’s concerns.

The City Council was in consensus for Item to be placed on a future City Council agenda for review.

At 8:55 p.m. there being no further public comments, Mayor Molina closed the item from further public comments.

Mayor Pro Tem Farinha moved to approve Resolution Nos. 2015-40, 2015-41 and 2015-42. The motion was seconded by Councilmember McCord and approved by a 4-1 roll call vote. Councilmember Lustgarten voted no.

**6.4 Public Comment/**

**Action Item:**

Authorize Staff to abate Public Nuisance, by removing Weeds, Dirt, Rubbish, and/or Rank Growth pursuant to the provisions of Ordinance No. 243 and Ordinance No. 704, as defined in Chapter 6.16 of the Patterson Municipal Code - Property Maintenance; Authorize Staff to begin bid process (Resolution No. 2015-43) Clean - Up Process

Fire Chief Hall reviewed his staff report.

At 9:01 p.m. Mayor Molina opened the item to public comments. There were no public comments.

Councilmember Lustgarten moved to approve Resolution No. 2015-43. The motion was seconded by Mayor Pro Tem Farinha and unanimously approved by a 5-0 roll call vote.

**7. ADJOURN TO THE WEST PATTERSON FINANCING AUTHORITY**

**a. Call to Order**

The West Patterson Financing Authority meeting was called to order at 9:03 p.m. by Chair Molina.

**b. Roll Call**

Roll Call was called by Secretary Vela

All (5) Members Present: Farinha, Novelli, Lustgarten, McCord and Chair Molina.

**c. Staff Report: (Second Reading & Adoption)**

West Patterson Financing Authority

Ordinance No. 778, An Ordinance Levying Special Tax  
Within West Patterson Financing Authority Communities  
Facilities District No. 2015-2 (Arambel-KDN Public  
Safety/Fire Protection Services)

Chair Molina Read Ordinance No 778, reading by title only, waiving further reading.

At 9:04 p.m. Chair Molina opened the item for public comments. There were no public comments.

Member Lustgarten addressed her concerns asking for the benefit of the audience for staff to provide the public with the explanation as to why the City had a previous development agreement in place, which all of the parties signed that included a .49 cent a square foot charge upon issuance of the first building permit and the City was now being asked to approve a new CFD for the same development with a tax rate of .052 cents a square foot which is about .5 cents a square foot.

WPFA Deputy Attorney White addressed Member Lustgarten's concerns.

Chair Molina moved to approve Second Reading of Ordinance No. 778, reading by title only, waiving further reading. The motion was seconded by Member Farinha and approved by a 4-1 roll call vote. Member Lustgarten voted no.

Chair Molina moved to Adopt Ordinance No. 778, reading by title only, waiving further reading. The motion was seconded by Member Farinha and approved by a 4-1 roll call vote. Member Lustgarten voted no.

**d. Adjourn**

There being no further business, the West Patterson Financing Authority meeting was adjourned at 9:26 p.m.

**8. Staff and Committee Reports**

8.1 Ordinances (Second Reading and Adoption)

Ordinance No. 775, An Ordinance of the City Council of the City of Patterson, Adding Chapter 6.14 to Title 6 – Health and Safety, of the City of Patterson's Municipal Code Requiring a Mandatory Construction and Demolition Debris Recycling Program (including Penalties)

Mayor Read Ordinance No. 775, reading by title only, waiving further reading.

At 9:27 p.m. Mayor Molina opened the item to public comments. There were no public comments.

Public Works Management Analyst Basalusalu reviewed his report.

Mayor Molina moved to approve Second Reading of Ordinance No. 775, reading by title only, waiving further reading. The motion was seconded by Councilmember McCord and unanimously approved by a 5-0 roll call vote.

Mayor Molina moved to Adopt Ordinance No. 775, reading by title only, waiving further reading. The motion was seconded by Councilmember McCord and unanimously approved by a 5-0 roll call vote.

## 8.2 City Attorney

### a. City of Patterson Civility Code (Ordinance No. 779)

First Reading and Introduction of City Ordinance No. 779, An Ordinance of the City of Patterson Amending Title 2 of the Municipal Code to Add Chapter 2.64 Civility Code.

Ordinance No. 779, An Ordinance of the City Council of the City of Patterson, Amending Title 2 of the Municipal Code to Add Chapter 2.64 Civility Code.

Item No. 8.2. a. was pulled from the Agenda. No Action was taken by City Council on this item.

### b. Consider a Resolution No. 2015-44, to Admonishing Councilmember Sheree Lustgarten for Actions at the Hammon Senior Center Unbecoming of a City Councilmember.

City Attorney Hallinan reviewed his staff report.

Councilmember Lustgarten addressed her issues.

Deputy City Attorney White addressed Councilmember Lustgarten's issues.

At 10:00 p.m. Mayor Molina opened the item to public comments.

Sandy McDowell, Patterson – addressed the City Council stating her support for Councilmember Lustgarten. Mrs. McDowell stated her concerns about the Hammon Senior Center investigation report.

Donna Miller, Patterson – addressed the City Council expressing her concerns about City politics, the Hammon Senior Center investigation report, if the City had a volunteer program, and Stanislaus Elder Abuse Prevention Alliance (SEAPA). Mrs. Miller stated her support for Councilmember Lustgarten.

Heather Nosek, Patterson – addressed the City Council speaking about Councilmember Lustgarten's behavior with regards to the Neighborhood Watch in February 2015 and the Hammon Senior Center. Mrs. Nosek



stated her support for Council action.

Jeff Nosek, Patterson – addressed the City Council speaking about Councilmember Lustgarten’s behavior, stating his support for Council action.

Jeff Lustgarten, Patterson – addressed the City Council speaking about the Senior Center Meals Task Force. Mr. Lustgarten stated his support for Councilmember Lustgarten. Mr. Lustgarten addressed his concerns about how the issue has been handled.

At 10:22 p.m. there being no further public comments, Mayor Molina closed the item from further public comments.

Mayor Pro Tem Farinha moved to approve Resolution No. 2015-44. The motion was seconded by Mayor Molina and approved by a 4-1 roll call vote. Councilmember Lustgarten voted no.

- c. Consider a Resolution No. 2015-45, to Remove Councilmember Sheree Lustgarten from All City Council Appointed Positions.

City Attorney Hallinan reviewed his report.

At 10:36 p.m. Mayor Molina opened the item to public comments.

Jeff Lustgarten, Patterson – addressed the City Council speaking against Council’s consideration of Resolution No. 2015-45.

At 10:39 p.m. there being no further public comments, Mayor Molina closed the item from further public comments.

Councilmember Lustgarten addressed her concerns.

Councilmember McCord addressed his concerns.

Mayor Molina addressed his concerns.

Mayor Pro Tem Farinha addressed his concerns.

Mayor Molina moved to approve Resolution No. 2015-45. The motion was seconded by Councilmember McCord and approved by a 4-1 roll call vote. Councilmember Lustgarten voted no.

## **9. Council Items**

9.1 Designate One Voting Delegate and Two Alternates to the League of California Cities 2015 Annual Conference, September 30<sup>th</sup> to October 2<sup>nd</sup> 2015 in San Jose. Councilmember Farinha nominated Councilmember Novelli as the League of California Cities designated voting delegate. The City Council voted by a 5-0 roll call vote the appointment of Councilmember Novelli as the League of California Cities Primary Voting Delegate.

Councilmember Novelli nominated Mayor Pro Tem Farinha as the League of California

Cities first alternate. The City Council by a 4-1 roll call vote approved the appointment of Mayor Pro Tem Farinha as the League of California Cities first Alternate. Councilmember Lustgarten voted no.

Councilmember Novelli nominated Councilmember McCord as the League of California Cities second alternate. The City Council by a 4-1 roll call vote approved the appointment of Councilmember McCord as the League of California Cities second Alternate. Councilmember Lustgarten voted no.

## 9.2 City Council Reports

### Mayor Molina:

- StanCOG (Councilmember McCord Alternate) – no meeting scheduled until August.
- Stanislaus County Mayors Dinner – StanCOG in search of an Executive Director. Current CEO Carlos Yamzon is retiring. Mayor to present a Proclamation to Mr. Yamzon in August.
- 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:

- San Joaquin Air Pollution Control District – Valley-wide Special City Selection Committee (Councilmember Novelli Alternate) – nothing to report.
- Stanislaus County Hazardous Waste Advisory Committee (Councilmember McCord Alternate) – has not received any information from this agency. Asked for staff to review when next meeting will take place. Information on Committee Meetings to be forwarded to Councilmember Farinha.

### Councilmember Novelli:

- Patterson Representative – League of California Cities (LOCC) – attended Conference in Monterey in June. Discussed alternate choices for redevelopment funds. Other discussion topics were forwarded to City Manager Irwin (Councilmember Lustgarten Alternate)

### Councilmember Lustgarten – nothing to report on items.

- Stanislaus County Economic Development & Workforce “Alliance” (Councilmember Novelli Alternate)
- Economic Development Action Committee (EDAC) (Councilmember Novelli Alternate)

### Councilmember McCord:

- Westside Health Care Task Force – meeting scheduled for July 30, 2015 at 6 p.m. in Gustine. Looking for a City of Patterson (10) Team Members. (Councilmember Lustgarten Alternate)

## 9.3 Other Matters

Councilmember Novelli addressed the 5<sup>th</sup> Annual Child Safety Fair, Saturday, August 15,

2015 in Downtown Patterson from 9 a.m. to 1 p.m.

**10. Adjournment**

There being no further business, the regular meeting of the City Council of the City of Patterson of July 21, 2015 was adjourned at 11:06 p.m.

Approved by the Patterson City Council on September 1, 2015.