

City of Patterson  
City Council Special Meeting  
February 3, 2015  
Minutes  
(Closed Session)

**1. Call to Order**

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

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

Staff: City Attorney Hallinan and Deputy City Attorney White (2)

Excused: City Manager Irwin (1)

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:

- Conference with City Attorney, Anticipated Litigation pursuant to California Code Section 54956.9 (d) (2) (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.

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

City Attorney Hallinan reported that the City Council voted on a 4-1 roll call vote with Councilmember McCord dissenting (no vote) to provide Mayor Pro Tem Lustgarten with legal representation in relation to the Senior Center Investigation in an amount up to \$5,000.

**6. Adjournment**

There being no further business, the special meeting (Closed Session) of the City Council of the City of Patterson of February 3, 2015 was adjourned at 7:54 p.m.

Approved by the Patterson City Council on March 17, 2015.

City of Patterson  
City Council Regular Meeting  
February 3, 2015  
Minutes

**1. Call to Order**

The regular meeting of the City Council of the City of Patterson was called to order in the City Council Chambers at 8:05 p.m. by Mayor Molina.

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

Staff: City Attorney Hallinan, Deputy City Attorney White, Public Works Director Willett, City Planner Andrews, City Accountant Callum, Fire Chief Hall, Capital Projects Manager Jorritsma, Police Chief Hughes and City Clerk Vela (9)

Excused: City Manager Irwin, Human Resources Manager Tucci, Finance Director Moreno, Recreation & Community Services Director Flanders (4)

**2. Pledge of Allegiance**

**3. Statements of Conflict** – none.

**4. Items from the Public**

Amy Hussar, Patterson (Commander of American Legion Post 168) – addressed the City Council on the item of four Chaplains Day, Feb. 3, 2014, requesting for the City to formally recognize this day next year. Mrs. Hussar requested that a proclamation be issued for this date next year. Mrs. Hussar addressed the item of a Mobile Medical Clinic, March 5, 2015 from 3-5 p.m. flier available in City Hall.

**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 16, 2014 and December 18, 2014.

Councilmember Farinha moved to approve Consent Calendar Items 5.1 through 5.2. The motion was seconded by Councilmember McCord and unanimously approved by a 5-0 roll call vote.

## 6. Presentations and Public Hearings

### 6.1 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. 2015-03)

Public Works Director Willett reviewed his staff report.

At 8:15 p.m. Mayor Molina opened the item to public comments. There were no public comments.

Mayor Pro Tem Lustgarten moved to approve Resolution No. 2015-03. The motion was seconded by Councilmember Farinha and unanimously approved by a 5-0 roll call vote.

### 6.2 Public Hearing:

Approve Properties to be Liened for Unpaid Weed Abatements (Resolution No. 2015-04)

City Accountant Callum reviewed her staff report.

At 8:18 p.m. Mayor Molina opened the Public Hearing to public comments. There were no public comments.

Mayor Pro Tem Lustgarten moved to approve Resolution No. 2015-04. The motion was seconded by Councilmember Novelli and unanimously approved by a 5-0 roll call vote.

## 7. Staff and Committee Report

### City Attorney

- a. Discussion and Direction to Staff Regarding the Hammon Senior Center.

City Attorney Hallinan reviewed his report.  
Deputy City Attorney White reviewed his report.

Mayor Pro Tem Lustgarten stated for the records that she never received a rough draft of item.

At 8:28 p.m. Mayor Molina opened the item to public comments.

Pamela Seacrest, Patterson – addressed the City Council asking when the investigation was going to be over.

City Attorney Hallinan stated within a month.

Pat Maisetti, Patterson – addressed the City Council on the item of an article in the Patterson Irrigator in December signed by a number of seniors including Senior Center Board Members. The Patterson Irrigator on their own placed titles of Board Member to the article – creating a possible Brown Act violation. Mrs. Maisetti addressed the item that a number of things were going on the Hammon Senior Center, threats of suing, etc. Mrs. Maisetti gave examples of what was happening at the Hammon Senior Center.

Mary Bennett, Patterson (Task Force Member) – addressed the City Council on the Task Force’s purpose to serve the seniors. Mrs. Bennett addressed the City Council speaking in support of Mayor Pro Tem Lustgarten. Mrs. Bennett addressed the City Council stating the Task Force on hand was getting the job done. Mrs. Bennett extended an invitation to the City Council to come and visit the Hammon Senior Center and see for themselves.

Sandra McDowell, Patterson – addressed the City Council stating she had worked on many projects with Patterson. Mrs. McDowell stated she was not in support of the character assignment of Mayor Pro Tem Lustgarten. Mrs. McDowell addressed the City Council speaking against Pat Maisetti’s comments. Mrs. McDowell addressed the City Council speaking in support of Mayor Pro Tem Lustgarten. Mrs. McDowell addressed the item of former Councilmember Smith and the Grand Jury’s findings. Mrs. McDowell addressed the City Council speaking against the appointment of the current City Manager.

Zora Arredondo, Crows Landing – addressed the City Council stating that Sandra McDowell does not go to the Hammon Senior Center. Mrs. Arredondo addressed the City Council speaking against Mayor Pro Tem Lustgarten.

Dorothy Clay, Patterson – addressed the City Council stating she goes to all of the Thursday meals at the Hammon Senior Center. Mrs. Clay addressed all the conflict and intervention from the outside. Mrs. Clay stated she goes to the Hammon Senior Center. Mrs. Clay stated that Mayor Pro Tem Lustgarten did a great job with the Senior Meals Task Force. Mrs. Clay addressed the personality conflicts at the Senior Center. Mrs. Clay stated that the Task Force would not end if Mayor Pro Tem Lustgarten was removed.

Tony Porcela, Patterson – addressed the City Council on the investigation and the paying of money for the legal defense of Mayor Pro Tem Lustgarten. Mr. Porcela addressed his concern about any Council legal issues going under the umbrella of the City to pay legal fees.

Deputy City Attorney White – addressed the City Council/Public stating that former City Manager Rod Butler had authorize the investigation at a cost not to exceed \$25,000.

Betty Carlson, Patterson (long member of Patterson Senior Center) – addressed the City Council on the item of meals served at the Hammon Senior Center by the Howard Training Center. Mrs. Carlson addressed the history of meals served at the Hammon Senior Center. Mrs. Carlson stated that the Area Agency on Aging

could now do meals every day. Mrs. Carlson stated that the service of the Task Force was not needed but was great to have.

Karen Markum, Patterson – addressed the City Council on the 4-1 vote to pay for Mayor Pro Tem Lustgarten defense legal fees. Mrs. Markum addressed the City Council speaking against the City paying attorney fees for Mayor Pro Tem Lustgarten.

Deputy City Attorney White addressed the California Attorney General Opinion in regards to tax payer (City) paying for elected officials defense attorney fees.

Marcine Reed, Patterson – addressed the City Council stating she was here to represent the Seniors at the Hammon Senior Center. Mrs. Reed stated conflicts were not that big, that people were making a mountain out of a mole hill. Mrs. Reed stated she was present when the incident happen with regards to Pat Maisetti and being sued. Mrs. Reed addressed the City Council speaking in support of Councilmember Lustgarten. Mrs. Reed read and presented a petition to the City.

At this time, Mrs. Reed showed a video of Senior's at the Hammon Senior Center.

Vicki Martinez, Patterson – addressed the City Council on the item of the incident of when Mayor Pro Tem Lustgarten interrupted Councilmember McCord's questions. Mrs. Martinez stated that none of these concerns started until Pat Maisetti came back into the Senior Center.

Mary Gong, Patterson – addressed the City Council stating it was a shame of what was going on at the Hammon Senior Center, just talk in the kitchen. Mrs. Gong stated that all that was said was “you have to be careful you can be sued”

Al Parham, Patterson (Vice President 50 plus Club) – addressed the City Council on the item of volunteer vs. councilmember. Mr. Parham stated he was at the meeting of Councilmembers McCord and Lustgarten. Mr. Parham stated it seemed to him to be political motivated. Mr. Parham stated he was not against Mayor Pro Tem Lustgarten or in support of Councilmember McCord. Mr. Parham addressed the item of senior program personality's conflicts. Mr. Parham stated he supported the City Council and Senior Center Board to do better.

Jeff Lustgarten, 1447 Kern Creek Lane, Patterson – addressed the City Council stating there was a campaign orchestrated to smear Mayor Pro Tem Lustgarten. A small handful of trouble makers. Pat Maisetti, Annette Smith not fans of Mayor Pro Tem Lustgarten and Jeff Lustgarten. Dennis McCord also holding a grudge against Mayor Pro Tem Lustgarten. Working against Councilmember Lustgarten to smear her. Former Councilmember Larry Buehner's wife also involved. Mr. Lustgarten stated he was disappointed in Pat Maisetti and Mary Gong who were friends of Mayor Pro Tem Lustgarten and Jeff Lustgarten.

Amanda Hillsdale, Patterson – addressed the City Council on the item of if this issue was a big deal, why there wasn't more information.

Mayor Molina addressed the item of an investigation currently going on. Estimated completion being one month.

Barbara Pereira, Patterson – addressed the City Council speaking in support of Mayor Pro Tem Lustgarten. Mrs. Pereira addressed her complaints against Julienne Flanders, City Recreation & Community Services Director. Not being available. City Manager Rod Butler also ignoring her issues. Mrs. Pereira stated her support to not remove Mayor Pro Tem Lustgarten from the Senior Meals Task Force. Mrs. Pereira stated her disappointment on Councilmember McCord and Mayor Molina for putting this item on the agenda.

Karen Willard, Patterson – addressed the City Council stating it was ridiculous, not behaving like City Council, more like high school. Mrs. Willard addressed the City Council stating she was not being in support of spending \$5,000 for Mayor Pro Tem Lustgarten’s defense.

Deputy City Attorney White and Mayor Pro Tem Lustgarten – addressed the City Council/Public stating that former City Manager Butler had authorize up to \$25,000 to start the investigation and that City Council had no say on the matter.

At 9:33 p.m. Mayor Molina closed the item from further public comments.

At this time Councilmember McCord addressed his statement.  
Mayor Pro Tem Lustgarten addressed her statement.  
Mayor Molina addressed his statement.  
Councilmember Farinha addressed his statement.  
Councilmember Novelli addressed her statement.

Mayor Molina move to continue discussion on this item following completion of the investigation. The motion was seconded by Councilmember Novelli and unanimously approved by a 5-0 roll call vote. Within a month City Council to get an update and provide direction to staff if nothing has happened.

Councilmember McCord addressed the item of speeding up the investigation, having person’s that need to be interviewed get interviewed.

- b. Consideration of Council Appointments to the Hammon Senior Center Board of Directors.

At 10:14 p.m. Mayor Molina opened the item to public comments.

Jeff Lustgarten, Patterson – addressed the City Council on the items of; status/update on the City Council handbook, merging of agenda items, the request of placing an agenda item by a member of the City Council.

Deputy City Attorney White addressed the City Council Handbook almost being complete.

Mel Clemmer, Patterson – addressed the City Council speaking in support of City Council direction to staff in regards to Item No. 7. a.

Tony Porcela, Patterson – addressed the City Council speaking in support to mitigate the issue and not put Mayor Pro Tem Lustgarten in that position.

Mayor Molina addressed the item of the interview process of the City Council when appointing members to the various City Commissions, Committees, Board.

Tony Porcela, Patterson – addressed the City Council stating complaints were done at election time and that Mayor Pro Tem Lustgarten did not know about them until after the election.

At 10:26 p.m. there being no further public comments, Mayor Molina closed the item from further public comments.

Councilmember Novelli addressed the item of the City's process of selecting member(s) to the various City Commissions, Committees, Board.

At this time, the City Council/Pubic viewed the second half of Mrs. Reed's video of Senior's at the Hammon Senior Center. Mrs. Reed stated she had made the video with Seniors on video – with their consensus.

Councilmember Novelli addressed the item of surveillance cameras in the City and Hammon Senior Center. Police Chief Hughes to report back to Council on the issue.

Vicki Martinez, Patterson – addressed the City Council asking about the investigation and asking if Seniors were going to be interviewed.

Deputy City Attorney White stated the investigation was being done by an independent investigator.

Mary Bennett, Patterson – addressed the City Council stating she was glad that City Council was not closing the Senior Meals Task Force and not removing Mayor Pro Tem Lustgarten from the Task Force.

Councilmember Novelli addressed the item of a completion date for an updated City Council Handbook. Deputy City Attorney White stated Handbook was done/ completed and would be presented to the City Council in the near future for review/approval.

## **8. Council Items**

### **8.1 City Council Reports**

Mayor Molina:

- StanCOG (Councilmember McCord Alternate) – next meeting Feb. 15<sup>th</sup>, County Offices, Modesto.

- Stanislaus County Mayors Dinner – next meeting Feb 11<sup>th</sup> in Patterson, El Rosal.
- 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 Lustgarten:

- Stanislaus County Economic Development & Workforce “Alliance” – (Councilmember Novelli Alternate) - attended first meeting, lots of items to come.
- Economic Development Action Committee (EDAC) – nothing to report. (Councilmember Novelli Alternate)

Councilmember Novelli:

- Patterson Representative – League of California Cities (LOCC) (Councilmember Lustgarten Alternate) – planning on attending Conference in May and June.

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:

- Westside Health Care Task Force (Councilmember Lustgarten Alternate) - Getting notices of meeting after the meeting. Spoke with Supervisor DeMartini who will fix and will start attending meetings.

## 8.2 Other Matters

Mark Pressman, City Financial Consultant – reviewed his report (handout).

For the record – Mayor Pro Tem Lustgarten stated she requested to meet with Mr. Pressman and has never been scheduled.

Mr. Pressman’s meetings and documents with Dennis McCord to be sent to City Manager Irwin.

Report (Review of 2013 Bond Refunding Transactions) given to Dennis McCord at meeting with former City Manager Rod Butler and Finance Director Moreno to be made available to Mayor Pro Tem Lustgarten.

Report (Review of 2013 Bond Refunding Transactions) from City’s Financial Consultant to be place on the City web site. Mark Pressman to forward report to City Manager Irwin.

Item to be place on a future City Council agenda for review.



Mayor Pro Tem Lustgarten addressed the change of date of “Walk a Mile in Her Shoes Event (April 25, 2015) Haven Women’s Center of Stanislaus County – raising awareness against domestic violence.

Mayor Pro Tem Lustgarten addressed the City Council/Public of her Town Hall (Open House) meeting February 10, 2015, open to the public at City Hall, Community Meeting Room, 1<sup>st</sup> Floor, available from 6 to 8 p.m. to hear public issues.

Mary Clemmer, Patterson – addressed the City Council on this year’s Relay for Life Event scheduled in Patterson for May 2, 2015.

## **9. Adjournment**

There being no further business, the regular meeting of the City Council of the City of Patterson of February 3, 2015 was adjourned at 11:04 p.m.

Approved by the Patterson City Council on March 17, 2015.