

City of Patterson  
City Council Special Meeting  
September 1, 2015  
Minutes  
(Closed Session)

**1. Call to Order**

The special meeting (Closed Session) of the City Council of the City of Patterson was called to order in the City Council Chambers 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 (2)

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:

EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE  
Pursuant to California Government Code Section 54957

**2. Statements of Conflict** – none.

**3. Items from the Public** – none.

**4. Adjourn to Closed Session**

At 6:06 p.m. there being no public comments, the Patterson City Council adjourned to Closed Session.

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

There were no item to report out from Closed Session.

**6. Adjournment**

There being no further business, the special meeting (Closed Session) of the City Council of the City of Patterson of September 1, 2015 was adjourned at 7:04 p.m.

Approved by the Patterson City Council on October 20, 2015.

City of Patterson  
City Council Regular Meeting  
West Patterson Financing Authority Meeting  
September 1, 2015  
Minutes

**1. Call to Order**

The regular meeting of the City Council of the City of Patterson of September 1, 2015 was called to order in City Hall, City Council Chambers, 1 Plaza at 7:04 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, Public Works Director Willett, Deputy Public Works Director Andrade, City Planner Andrews, Capital Project Manager Jorritsma, Public Works Management Analyst Encinas, Basalusalu, Recreation & Community Services Director Flanders, Fire Chief Hall, Police Sgt. Clayton, Building Official Mike Brinkman and City Clerk Vela (14)

Excused: Finance Director Moreno (1)

**2. Pledge of Allegiance**

**3. Statements of Conflict** – none.

**4. Items from the Public** - none.

**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 July 7, 2015, July, 10, 2015, July 14, 2015, July 21, 2015 (Closed & Open Session) and August 11, 2015.

Councilmember Lustgarten asked for the minutes of July 10, 2015, July 14, 2015 and July 21, 2015 to be amended to add the following language:

*July 10, 2015 meeting minutes to reflect that the reason Councilmember Lustgarten rescinded her vote from Closed Session and voted no on the item was because the manner*

*on which the item was presented to the Council in Closed Session was not how it was reported out in open session.*

*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.*

*For the record, Councilmember Lustgarten stated she was not in attendance at the July 14, 2015 City Council meeting and therefore would be abstaining on her vote regarding these meeting minutes.*

*For the record, Councilmember Novelli stated she was not in attendance at the July 7, 2015 City Council meeting and therefore would be abstaining on her vote regarding these meeting minutes.*

- 5.3 Adopt Resolution No. 2015-49, Adopting the Urban Level of Flood Protection Summary Report Prepared by Storm Water Consulting, Inc. and Stantec.

*Councilmember Lustgarten stated she would be abstaining on her vote regarding this Consent Calendar Item 5.3, adoption of Resolution No. 2015-49.*

- 5.4 Approve Resolution No. 2015-50, Authorizing City Staff to Apply for the Public Benefit Grant Program in the Amount of \$40,000 for the Purchase of a New Alternative Fuel Vehicle and Two Charging Stations via the Electric Vehicle Incentive Program through the San Joaquin Valley Air Pollution Control District (SJVAPCD)

- 5.5 Approve Resolution No. 2015-51, to Apply for and Accept a Grant from the San Joaquin Valley Air Pollution Control District to Accept Funds to Purchase Three Zero Electric Motorcycles.

- 5.6 Approve Resolution No. 2015-52, Rejecting the Claim of Eva Christine Leshar in an Amount of \$6,420 for Alleged Damages.

Mayor Pro Tem Farinha moved to approve Consent Calendar Items 5.1 through 5.6 with the notations (amendments) as listed below to Consent Calendar Items 5.2 and 5.3. The motion was seconded by Councilmember McCord and approved as follows:

- *The July 7, 2015 Meeting Minutes were approved by a 4-0 roll call vote. Councilmember Novelli abstained.*
- *The July 14, 2015 Meeting Minutes were approved by a 4-0 roll call vote. Councilmember Lustgarten abstained.*
- *Consent Calendar Item 5.3 Adopt Resolution No. 2015-49 were approved by a 4-0 roll call vote. Councilmember Lustgarten abstained.*
- *All other Consent Calendar Items not noted (not amended) above were approved by a 5-0 unanimous roll call vote.*

## 6. Presentations and Public Hearings

- 6.1 Presentation:** Notification of the City of Patterson's Violation of the Hexavalent Chromium (Chromium 6) Maximum Contaminant Level-Compliance Order No. 01\_10\_15R\_001. Public Water System No. 5010017

Public Works Director Willett reviewed his staff report.

Sony Wong with RMC Water Environment reviewed his staff report – power point presentation.

Deputy Public Works Director Andrade reviewed his staff report – power point presentation.

At 7:50 p.m. Mayor Molina opened the item up to public comments. There were no public comments.

- 6.2 Presentation/  
Action Item:** Authorize the City of Patterson to Lease a Temporary Portable Office Building to Provide Needed Office Space for Recreation & Community Services Full Time Staff and Part Time Specialist.

Recreation and Community Services Director Flanders reviewed her staff report – power point presentation.

Recreation and Community Services Director Flanders addressed the item of office space for community groups, veteran groups, etc.

At 8:13 p.m. Mayor Molina opened the item up to public comments.

Alfred Parham, Sanderling Drive, Patterson (Member of the Hammon Senior Center Board of Directors) – addressed the City Council speaking in support of the proposal.

At 8:15 p.m. there being no further public comments, Mayor Molina closed the item from further public comments.

Councilmember Lustgarten moved to Authorize the City of Patterson to Lease a Temporary Portable Office Building to Provide Needed Office Space for Recreation & Community Services Full Time Staff and Part Time Specialist (Phase 1: Temporary facility set up cost, annual lease \$9,840 Total \$85,310). The motion was seconded by Mayor Pro Tem Farinha and unanimously approved by a 5-0 roll call vote. Councilmember Lustgarten moved to amend her motion to include the use WPPFA Bond Proceeds Fund Acct. 250. The motion was seconded by Mayor Pro Tem Farinha and unanimously approved by a 5-0 roll call vote.

**6.3 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. 2015-53) Clean - Up Process.

Fire Chief Hall reviewed his staff report.

At 8:21 p.m. Mayor Molina opened the item up to public comments. There were no public comments.

Mayor Pro Tem Farinha moved to approve Resolution No. 2015-53. The motion was seconded by Councilmember Novelli and unanimously approved by a 5-0 roll call vote.

**7. Adjourn to the West Patterson Financing Authority**

a. Call to Order

At 8:23 p.m. Chair Molina call the WPFA meeting to order.

b. Roll Call

At this time, WPFA Secretary Vela called roll call.

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

c. Staff Report:

Approve Resolution Confirming the Issuance and Sale of Special Tax Bonds, and Approving Official Statement, Bond Purchase Agreement, Joint Facilities Agreement and Acquisition Agreement (**CFD 2015-1**)

West Patterson Financing Authority, CFD No. 2015-1  
(Arambel-KDN)

Resolution No. 2015-13, A Resolution Confirming the Issuance and Sale of Special Tax Bonds, and Approving Official Statement and Bond Purchase Agreement.

d. Staff Report:

Approve Resolution Confirming the Issuance and Sale of Special Tax Bonds, and Approving Official Statement, Bond Purchase Agreement, Joint Facilities Agreement and Acquisition Agreement (**CFD 2005-1**)

West Patterson Financing Authority, CFD No. 2005-1  
(Patterson Business Park)

Resolution No. 2015-14, A Resolution Confirming the Issuance and Sale of Special Tax Bonds, and Approving Official Statement and Bond Purchase Agreement.

WPFA Deputy Attorney reviewed his staff report.

Ken Dieker, Principal with Del Rio Advisors, LLC reviewed his staff report – power point presentation.

At 8:45 Chair Molina opened the item to public comments. There were no public comments.

- e. Staff Report: Approve Resolutions Determining the Application of the Special Tax to Public Properties within (1) Community Facilities District (“CFD”) No. 2005-1 (West Patterson Business Park) and (2) CFD No. 2015-1 (Arambel/KDN)

West Patterson Financing Authority, CFD No. 2005-1 (West Patterson Business Park)

Resolution No. 2015-15, A Resolution Determining Application of the Special Tax within Community Facilities District No. 2005-1 (West Patterson Business Park) to Public Property Used for Educational Purposes.

West Patterson Financing Authority, CFD No. 2015-1 (Arambel/KDN)

Resolution No. 2015-16, A Resolution Determining Application of the Special Tax within Community Facilities District No. 2015-1 (Arambel/KDN) to Public Property Used for Educational Purposes.

CFD Deputy Attorney White reviewed his staff report.

Dave Fama with Jones Hall, City’s Bond Attorney reviewed his staff report.

At 8:54 p.m. Chair Molina opened the item to public comments. There were no public comments.

Chair Molina moved to approve WPFA Resolution Nos. 2015-13 and 2015-14. The motion was seconded by Member McCord and approved by a 4-1 roll call vote. Member Lustgarten voted no.

Chair Molina moved to approve WPFA Resolution Nos. 2015-15 and 2015-16. The motion was seconded by Member McCord and approved by a 4-0 roll call vote. Member Lustgarten abstained.

- f. Adjourn

There being no further business, the WPFA meeting was adjourned at 8:58 p.m.

## 8. Staff and Committee Reports

### 8.1 City Attorney

Review/Approve – Response to the 2014-2015 Stanislaus County Civil Grand Jury Report.

City Attorney Hallinan reviewed his staff report

Councilmember Lustgarten addressed her concerns regarding the City response to the 2014-2015 Stanislaus County Civil Grand Jury Report.

At 9:11 p.m. Mayor Molina opened the item up to public comments. There were no public comments.

Mayor Pro Tem Farinha addressed his support for the City's response to the 2014-2015 Stanislaus County Civil Grand Jury Report.

Councilmember McCord stated his support for the City's response as presented.

Councilmember Lustgarten stated her opposition to the City's response to the 2014-2015 Stanislaus County Civil Grand Jury, and read her own response for the record:

September 1, 2015

The Honorable Marie Sovey Silveira  
Presiding Judge  
Superior Court of Stanislaus County  
P.O. Box 3488  
Modesto, CA 95353

In Re: Sheree Lustgarten & Response to Stanislaus County Civil Grand Jury Findings

Dear Judge Silveira,

This letter is intended to provide a dissenting opinion regarding the response provided to the Stanislaus County Grand Jury on Case #15-01GJ involving the City of Patterson.

I strongly disagree with multiple elements of the response prepared by Patterson City Attorney Tom Hallinan, and as such, wanted to take the opportunity to make you and the Civil Grand Jury fully aware of those objections and disagreements. As a member of the public, as a member of the public, I began closely following the City's purchase of the property at 21/25 S. Del Puerto Avenue after it was first announced publicly on May 1, 2012, particularly since there had been no public discussion prior to the City Council's direction via closed session to execute the purchase that evening. Following my election to the Patterson City Council in November 2012, I became even more concerned after being provided additional information regarding how the purchase of the 100-year-old building

was consummated "as is" without the conduct of any significant structural inspection of the property. I was also concerned to learn of the rushed 7-day escrow that was conducted regarding the transaction between August 7 and August 14, 2012.

I strongly believe that this mammoth waste of taxpayer dollars was entirely avoidable had the 2012 Patterson City Council been more forthright in its decision-making and had insisted upon the proper due diligence PRIOR TO the city assuming ownership of the 21/25 S. Del Puerto Avenue building in August 2012. Finally, I am very troubled by the lack of a purchase agreement for the property, despite the Council's direction to execute that very document, as well as the lack of City Attorney involvement in the execution of said documentation.

I appreciate the opportunity to provide this response and would be happy to answer any additional questions you might have regarding this subject matter.

Sincerely,

Sheree Lustgarten  
Patterson City Council

I. Finding F1 and Recommendation R1

- a. Finding- the city of Patterson City Council is in violation of the Brown Act.
- b. Recommendation: R1- The city of Patterson needs to consistently follow the Brown Act in order to ensure transparency to the public and remain compliant with the law.
- c. Response to Finding: This Respondent agrees with this finding. As previous Grand Jury reports have demonstrated, the City of Patterson has had long-standing issues as it relates to compliance with the Brown Act. In this particular instance, the Brown Act was violated through the failure to disclose the roll call vote of the City Council's closed session act directing the City Manager to execute a purchase agreement in the amount of \$650,000. This Respondent is also aware that the SCCGJ made similar findings regarding violations of the Brown Act in its reports from 2013-2014 and 2010-2011.

In large part due to the City's chronic issues with adherence to the Brown Act, this Respondent has introduced a comprehensive Sunshine Ordinance designed to provide greater transparency and public deliberation regarding real estate purchases and other key matters of city business. Respondent introduced the ordinance in March of 2015 for initial consideration by the City Council, but the ordinance has yet to be brought back for further consideration.

II. Finding F1(a) and Recommendation R1(a)

- a. Finding: The City Council did not properly notify the public as to closed session meeting content.
- b. Recommendation: Agendas for closed session meetings must be included in the open session meeting agendas and announced verbally in open session prior to adjourning to closed session. Closed session items discussed must be limited to Brown Act requirements.



- c. Response to Finding: This Respondent agrees with this finding. While closed session meeting notification on May 1, 2012 regarding the proposed purchase appears to have met the minimum Brown Act requirements, the Grand Jury pointed out that there were at least two meetings subsequent to the city's purchase of 21/25 S. Del Puerto Avenue property in which a closed session item was listed indicating the city property negotiator met with the "property owners" referring to the Seller, to discuss the price and terms of payment for the property. The Brown Act stipulates that only the terms and conditions of a real estate transaction can be discussed in closed session, and yet these two meetings were held after the purchase in question had been made.

This Respondent has introduced a comprehensive Sunshine Ordinance for the City Council's consideration, which among other things includes more formalized provisions regarding the conduct and reporting requirements associated with closed session meetings. Respondent introduced the ordinance in March of 2015 for initial consideration by the City Council, but the ordinance has yet to be brought back for further consideration.

### III. Finding F1(b) and Recommendation R1(b)

- a. Finding: In regard to closed sessions, the City Council did not consistently report actions taken nor record individual votes of councilmembers concerning this property acquisition.
- b. Recommendation: Pursuant to California Government Code Section 54959.1(a) (element of the Brown Act), the City Council is required to publicly report any action taken in closed session and the vote or abstention on that action of every member present.
- c. Response to Finding: This Respondent wholly agrees with this finding. At the May 1, 2012 meeting, it was reported out that the Council had voted 3-0 directing the City Manager to enter into a purchase agreement for 21/25 S. Del Puerto Avenue property. However, the votes of the individual City Council members who participated in the vote were not included in the report out to the public.

As stated in the response to Finding F1 and R1, this Respondent has introduced a comprehensive Sunshine Ordinance for the City Council's consideration, which among other things includes more formalized provisions regarding the conduct and reporting requirements associated with closed session meetings. Respondent introduced the ordinance in March of 2015 for initial consideration by the City Council, but the ordinance has yet to be brought back for further consideration.

### IV. Finding F2 and Recommendation R2

- a. Finding: The City of Patterson demonstrated disregard for the law and did not exercise due diligence in the acquisition of the property at 21/25 S. Del Puerto Avenue.

- b. Recommendation: The city needs to comply with applicable laws concerning the acquisition of property by a public entity, including but not limited to, the California Government Code and Public Resources Code.
- c. Response to Finding: This Respondent wholly agrees with this finding. As demonstrated by the SCCGJ, the city's building official performed a courtesy walk-through of the property under negotiation on April 16, 2012. The City Building Official then subsequently provided the City Manager with a written recommendation that the facility be reviewed by an architect or a CASp (Certified Access Specialist Program) inspector PRIOR TO the purchase. The CASp inspection, however, was never conducted prior to the close of escrow on August 14, 2012, and the City Council approved the purchase anyway despite the lack of such CASp inspection. Given the age and condition of the property in question, this lack of inspection, and the lack of insistence of the City Council to conduct such an inspection prior to purchase, demonstrated a massive lack of due diligence on the part of the City Council. As the final decision-makers, it was the City Council's responsibility to ensure that all proper inspections of the property had been conducted prior to the close of escrow. But in this case, that simply did not happen, and as a result, it was only after the city assumed ownership that the building's extensive seismic and other deficiencies were identified.

V. Finding F2(a) and Recommendation R2(a)

- a. Finding: The City of Patterson neglected to subject its plan to acquire property to the Planning Commission as required by the California Government Code Section 65402(a).
- b. Recommendation: The City of Patterson needs to adopt and approve a written policy and check list for the acquisition of real property, assuring compliance with all applicable laws and regulations.
- c. Response to Finding: The Respondent wholly agrees with this finding. There is no record of the city submitting the project to the Planning Commission to ensure conformity with the City's General Plan. The response prepared by City Attorney Tom Hallinan makes reference to the City's retention of the Sword Company to perform a "needs assessment/available real estate analysis." But the city's retention of the Sword Company does not substitute for the City's legal obligation to submit its property acquisition plan to the Planning Commission. Additionally, the purpose of the Sword Company's retention in December 2011 was solely to identify and assess potential properties for purchase by the city. It was not the Sword Company's job to make determinations regarding whether any of the assessed properties would be in conformity with the City's General Plan.

VI. Finding F2(b)

- a. Finding: There was no CEQA documentation prepared by the City, informing the public of the environmental consequences of this purchase
- b. Response to Finding: This Respondent wholly agrees with this finding. There was in fact no CEQA documentation prepared by the city, nor was there any type of environmental assessment of the environmental consequences associated with the purchase. Even if the specific final project in question was

still a "work in progress" as inferred by the City response prepared by City Attorney Tom Hallinan, the fact is that with the purchase of a 100-year-old building, there were absolutely going to be environmental consequences associated with the purchase, including such issues as asbestos and lead paint abatement, as well as traffic impacts. Additionally, in the early stages of the property negotiation and acquisition (before the true extent of the building's deficiencies were identified), the City concedes that there had been discussions with the Seller about undertaking more than \$100,000 in "tenant improvements." That fact on its own represents acknowledgement by both the city and the Seller that extensive improvements were going to be needed to the property.

VII. Finding F2(c)

- a. Finding - No hazardous materials assessment was performed prior to, or during, the acquisition process despite being required for the same reason as in F2(b)
- b. Response to Finding: This Respondent wholly agrees with this finding, for all of the reasons explained above in the response for Finding F2(b).

VIII. Finding F3

- a. Finding: The building purchased by the city cannot be used as intended without extensive remodeling and repair at significant cost.
- b. Response to Finding: This Respondent wholly agrees with this finding. As it was determined subsequent to the city's acquisition of the 21/25 S. Del Puerto property, structural inspections revealed that the building's seismic and other deficiencies were so severe that the building needed to be condemned and its tenants needed to be relocated. It was also determined that the costs to repair and remodel the existing structure were so extensive that it would be more prudent and cost-effective for the City to demolish and rebuild the structure at a cost of up to \$2,400,000 rather than to undertake the needed repairs.

IX. Finding F4 and Recommendation R4

- a. Finding: The lack of due diligence has resulted in the waste of approximately \$2,400,000 in public funds based upon estimates supplied by the City of Patterson
- b. Recommendation: The City of Patterson needs to adopt and approve a written policy and check list for the acquisition of real property, assuring compliance with all applicable laws and regulations
- c. Response to Finding: This Respondent wholly agrees with this finding. In addition to the significantly inflated purchase price of \$650,000, the additional costs incurred by the city to date (including multiple structural inspections, consultant costs, tenant relocation costs and legal costs) are now over \$900,000. Since the City Council's July 2013 consideration of the project and its recommendation to demolish the dilapidated building at an additional cost of up to \$2,400,000, no action has been taken and the building has now become a blighted structure, as well as a physical and financial black-eye for the city. In addition to agreeing with the recommendation for the city to develop a formal written real estate purchase policy, the respondent strongly believes that the city should adopt a comprehensive Sunshine Ordinance to ensure proper

Adherence to the Brown Act as well as ample public deliberation over such proposed purchases in the future.

X. Finding F5 and Recommendation R5

- a. Finding: The City of Patterson failed to comply with the 2014-2015 SCCGJ request for the purchase agreement for the properties at 21/25 S. Del Puerto Avenue. The SCCGJ was led to believe, based upon review of City documentation and council agendas that a purchase agreement existed.
- b. Recommendation: The City must cooperate with the Stanislaus County Civil Grand Jury and the Stanislaus County Superior Court in their lawful attempts to obtain public documents.
- c. Response to Finding: This Respondent wholly agrees with this finding. Respondent is deeply troubled that, despite the May 1, 2012 City Council action directing the City Manager to enter into a purchase agreement for the 21/25 S. Del Puerto property, apparently no such purchase agreement was ever developed. Further, Respondent is equally troubled by the City Attorney's assertion to the SCCGJ describing the purchase as an "arm's length real estate transaction." It is the responsibility of the City Attorney to ensure that the city's legal interests are being protected, and the Respondent believes that the purported lack of direct involvement by the City Attorney in the consummation of the purchase agreement represents a dereliction of duty.

XI. Finding F5(a)

- a. Finding: The City of Patterson did not respond to the written request for information by the 2014-15 SCCGJ as required by law California Penal Code 925(a).
- b. Response to Finding: This Respondent agrees with this finding. While the respondent was not directly involved in the written request for information sought by the SCCGJ, it appears that the need for the issuance of a subpoena by the Stanislaus County Superior Court indicates a lack of responsiveness to the SCCGJ's informational requests.

XII. Finding F5(b)

- a. Finding: The City of Patterson failed to fully comply in delivering all requested documents by February 17, 2015 as requested under the Freedom of Information Act in order to provide proof of the purchase agreement.
- b. Response to Finding: This Respondent agrees with this finding, for the same reasons expressed in the response to Finding F5(a)

XIII. Finding F5(c)

- a. Finding: The City of Patterson failed to comply with the subpoena served on the City Manager, issued February 2, 2015, by the Stanislaus County Superior Court, concerning information related to the purchase agreement.
- b. Response to Finding: This Respondent agrees with this finding, for the same reasons expressed in the response to F5(a). While the City Manager,

and not this Respondent, was the subject of the subpoena in question, this Respondent has no reason to dispute this finding.

XIV. Finding F5(d)

- a. Finding: The Stanislaus Superior Court issued the City Manager an Order to Show Cause, dated March 13, 2015
- b. Response to Finding: This Respondent agrees with this finding. While the City Manager, and not this Respondent, was the individual provided with the Order to Show Cause, this Respondent has no reason to dispute this finding.

XV. Finding F5(e)

- a. Finding: The City Manager and City Attorney appeared before a Superior Court Judge on April 13, 2015 and agreed to appear before the 2014-2015 SCCGJ to testify under oath concerning the existence of a purchase agreement.
- b. Response to Finding: This Respondent agrees with this finding. While the City Manager and City Attorney, and not this respondent, were the individuals who appeared before the Superior Court Judge on April 13, 2015, this Respondent has no reason to dispute this finding.

XVI. Finding F6 and Recommendation R6

- a. Finding: The 2014-2015 SCCGJ is resigned to the fact that a formal purchase agreement did not exist.
- b. Response to Finding: This Respondent agrees with this finding. Unfortunately, for reasons that may never be fully disclosed, a formal purchase agreement appears to have never been consummated as part of this ill-fated real estate purchase. The lack of a purchase agreement is but one of a multitude of poor decisions, lack of transparency and lack of due diligence that came into play regarding the City's purchase of the property at 21/25 S. Del Puerto Avenue.

At this time, Mayor Molina addressed his support of the City's response and his concerns of Councilmember Lustgarten's disagreement with the City's response. Mayor Molina asked to receive a copy of Councilmember Lustgarten's response to the Grand Jury. Mayor Molina asked for the full Council to receive a copy of Councilmember Lustgarten's response to the Grand Jury.

Mayor Molina moved to approve the City's Response to the 2014-2015 Stanislaus County Civil Grand Jury Report. The motion was seconded by Mayor Pro Tem Farinha with a provision that the City include comments in the response back to the Civil Grand Jury that they actually violated their own law by revealing content or comments "direct quote" that the Mayor made as part of the report. Also not the entire City Council participated in these discussions, and clarification needs to be made on that. Also the Civil Grand Jury made an error on the amount of money – \$2.4 million was not spent on the project. Only \$650,000 (\$651,962.50) was spent on the project. Mayor Molina accepted the comments as stated by Mayor Pro Tem Farinha to be included with the City's Response to the 2014-2015 Stanislaus County Civil Grand Jury Report. The motion was approved by a 4-1 roll call vote. Councilmember Lustgarten voted no.

Councilmember Novelli stated she did not participate in these discussions (recuse herself) but agrees with fellow Councilmembers and voted yes to the above as stated.

## 8.2 Ordinances (Second Reading and Adoption)

Motion to Approve Second Reading and Adoption of Ordinance No. 780.

Ordinance No. 780, An Ordinance of the City Council of the City of Patterson, California Amending Title 15 Building and Construction of the Patterson Municipal Code, Adding Chapter 15.59 Small Residential Rooftop Solar Permitting Procedures.

Mayor Molina Read Ordinance N. 780, reading by title only, waiving further reading.

City Building Official Mike Brinkman reviewed his report.

At 9:41 p.m. Mayor Molina opened the item up to public comments. There were no public comments.

Mayor Pro Tem Farinha moved to approve Second Reading of Ordinance No. 780, reading by title only, waiving further reading. The motion was seconded by Councilmember Lustgarten and unanimously approved by a 5-0 roll call vote.

Councilmember Novelli moved to Adopt Ordinance No. 780, reading by title only, waiving further reading. The motion was seconded by Councilmember Lustgarten and unanimously approved by a 5-0 roll call vote.

## 9. **Council Items**

### 9.1 Donation from Councilmember McCord to the 50 Plus Club to Support the Senior Center Open House Event (Councilmember McCord)

Councilmember McCord presented Alfred Parham from the 50 plus club with a \$300 check.

Councilmember Lustgarten addressed the issue on the process of how donations are being done/given through the City. Setting legal precedence. Councilmember Lustgarten addressed the City of Chowchilla's policy they adopted in 2008 by resolution in regards to Council stipends.

Deputy City Attorney White addressed Councilmember Lustgarten's concerns. City Attorney's Findings Memo to be sent to the full City Council and staff

### 9.2 City Council Reports

Mayor Molina:

- StanCOG (Councilmember McCord Alternate) – Meeting scheduled for Wednesday, Sept. 16, 2015, 1111 I Street, Court Plaza, Modesto.
- Stanislaus County Mayors Dinner – to be determined.
- 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) – Attending LOCC Conference in San Jose end of month of September.
- 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:

- Westside Health Care Task Force – meeting scheduled for Thursday, September 17, 2015 at 6 p.m. in Newman.

### 9.3 Other Matters

Councilmember Lustgarten addressed the group meetings regarding Garza Park, grant opportunity email she received. Will leave information to anyone working on the project.

Councilmember Lustgarten addressed the following:

- Response to Recall Petition being circulated.
- Form 700 of Councilmember McCord not being able to read the form available online on the City web - staff to review/repair.

Councilmembers Farinha and Novelli addressed the Skate the Circle Movie Night, thanking the City’s Recreation & Community Services Department for their hard work and asking when the event would be coming back again.

Mayor Molina addressed the following:

- Thanked Fire Chief Hall for his year of service to community of Patterson.
- Acknowledge the H.O.S.T. House and Pamela Seacrest.
- Homelessness Summit, Oct. 1, 2015, 8:30-5, Modesto Centre Plaza. Flyer available at City Hall, summit to help address the homelessness issues in Stanislaus County. Staff to place item (flyer) on the City web site.

City Manager Irwin addressed the following:

- September 2, 2015, 3<sup>rd</sup> Workshop on the S. County Corridor, workshop at 6 p.m. at Hammon Senior Center.
- Tuesday, September 8, 2015 at 6:30 p.m. General Fund and Other Funds Wrap Up Special (Budget) City Council meeting in the City Council Chambers.

## **10. Adjournment**

There being no further business, the regular meeting of the City Council of the City of Patterson of September 1, 2015 was adjourned at 10:03 p.m.

Approved by the Patterson City Council on October 20, 2015.