

**MINUTES**  
**CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY/PUBLIC**  
**FINANCING AUTHORITY/PARKING AUTHORITY CONCURRENT**  
**MEETING OF FEBRUARY 24, 2015**

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Council Chamber - City Hall  
425 N. El Dorado Street, Stockton CA

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**1. CLOSED SESSION CALL TO ORDER/ROLL CALL (3:16 PM)**

Roll Call

Present:

Christina Fugazi

Susan Lofthus

Anthony Silva

Michael Tubbs

Moses Zapien

Absent:

Elbert Holman, and Daniel Wright.

Councilmember Holman arrived to Closed Session at 3:16 p.m.

Councilmember Wright arrived to Closed Session at 3:35 p.m.

**2. ADDITIONS TO CLOSED SESSION AGENDA**

None

**4. PUBLIC COMMENT\***

None

**3. ANNOUNCEMENT OF CLOSED SESSION**

**3.1 15-1356 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Number of Cases: Four

Name of Case: Wells Fargo Bank v. City of Stockton (San Joaquin County Superior Court Case No. 39-2012-00277662)

Name of Case: Wells Fargo Bank, National Association, as Indenture Trustee v. City of Stockton (San Joaquin County Superior Court Case No. 39-2012-00280741)

Name of Case: In re City of Stockton, California - Debtor (United States Bankruptcy Court, Eastern District of California Case No. 2012-32118)

Name of Case: Richard Price, et al. v. City of Stockton, Redevelopment Agency, et al. (United States District Court, Eastern District Case No. CIV.S-02-0065 LKK JFM)

This Closed Session is authorized pursuant to Section 54956.9(a) of the Government Code.

Legislation Text

**3.2 15-1357 CONFERENCE WITH LABOR NEGOTIATOR**

Agency Designated Representative: City Manager Kurt Wilson

Employee Organizations: Unrepresented Units, Stockton City Employees' Association, Operating Engineer's Local 3, Mid-Management/Supervisory Level Unit, Unrepresented Management/Confidential, Law Department, Stockton Police Management Association, Stockton Firefighters Local 456 International Association of Firefighters, Stockton Fire Management, Stockton Police Officers' Association (SPOA)

This Closed Session is authorized pursuant to Section 54957.6(a) of the Government Code.

Legislation Text

**3.3 15-1358 CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION**

Number of Cases: Three Based on existing facts and circumstances, there is significant exposure to litigation pursuant to Government Code Section 54956.9 (b).

Legislation Text

**3.4 15-1393 PUBLIC EMPLOYEE PERFORMANCE EVALUATION:**

City Manager

This Closed Session is authorized pursuant to Government Code Section 54957.

Legislation Text

**3.5 15-1458 CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Number of Parcels: One

Address: 2370 East Main Street

APN: 155-360-08

Owner: City of Stockton

Agency Negotiators: Micah Runner, Economic Development Director Joe Mulligan, Senior Real Property Agent Under Negotiation: Price and Terms

This Closed Session is authorized pursuant to Section 54956.8 of the Government Code.

Legislation Text

**5. RECESS TO CLOSED SESSION**

The Council recessed to Closed Session at 3:19 PM. The Council returned from Closed Session and recessed at 5:09 PM.

**6. REGULAR SESSION CALL TO ORDER/ROLL CALL (5:39 PM)**

Roll Call

Present:

Christina Fugazi  
Elbert Holman  
Susan Lofthus  
Anthony Silva  
Michael Tubbs  
Daniel Wright  
Moses Zapien

**7. INVOCATION/PLEDGE TO FLAG**

Senior Chaplain of the Stockton Police Department, Jim Reid provided the Invocation. The Pledge of Allegiance was led by Councilmember Wright

**8. REPORT OF ACTION TAKEN IN CLOSED SESSION**

City Manager Kurt Wilson announced that the sale of the former Fair Oaks Library site has been suspended pending further review and analysis and until that time no irrevocable action will be taken

**9. ADDITIONS TO REGULAR SESSION AGENDA\*\***

None

**10. PROCLAMATIONS, COMMENDATIONS, OR INVITATIONS**

10.1 PROCLAMATION: John Demshar Appreciation Day

RECIPIENT: John Demshar

John Demshar - spoke to efforts to help The City

10.2 PROCLAMATION: Congenital Heart Defect Awareness Week, February 7-14, 2015

RECIPIENT: Carla Whitescarver and son Aiden

Carla Whitescarver - thanked the Council

10.3 PROCLAMATION: Rotary Day in Stockton, February 26, 2015

RECIPIENT: Dave Tygett, District Rotary Day Chair

Dave Tygett, District Rotary Day Chair - introduced persons with him; thanked the Council; spoke to Rotary Day; Rotary Read In Day February 26, 2015; thanked Rotary Read In Day volunteers

In attendance: Chad Sublet, Stockton Rotary President; Jim Dugoni, North Stockton Rotary; Darlene Henson, Stockton Sunrise Rotary; Patrick Valasquez, Stockton Sunrise Rotary; and Graham Tweedy, Assistant District Governor

10.4 CERTIFICATE OF RECOGNITION: Susan B. Anthony Award Recipients for February 15, 2015

RECIPIENTS: Dr. Bridget Norman-Malme for Healthcare, Jane Wagner-Tyack for Education, Essie Gilchrist for Women's Rights

Beverly Fitch McCarthy - spoke to Susan B Anthony Woman of Achievement Awards; presented recipients

Dr. Bridget Norman-Malme - spoke to reasons recognized; thanked the Council for recognition

Jane Wagner-Tyack - thanked the Council for recognition

Essie Gilchrist - thanked the Council for recognition; spoke to Women's organizations.

Susan B Anthony Awards

10.5 CERTIFICATE OF RECOGNITION: California Correctional Peace Officers Association

RECIPIENTS: L.C. Collins, Tom Camper, Sam Selga, Lupe Aguilera

Darrell Lee, Vice President of Correctional Facilities - spoke to the Letters to Santa program; introduced recipients; presented with special award in gratitude

L.C. Collins, Chairman of Letters to Santa - spoke to need for donations and participation in fundraisers, October 12, 2015 fundraiser at Brookside Country Club

10.6 CERTIFICATE OF RECOGNITION: National Girl Scouts Cookie Weekend, February 27 through March 1, 2015

RECIPIENT: Grace

Grace - thanked the City Council; spoke to Cookie Weekend

## 12. CONSENT AGENDA

Bobby Bivens - spoke to Item 12.9 consider minority and local businesses during construction phase

Tocan Nguyen - spoke to item 12.9 use of bankruptcy funds

Gary Malloy - requested Council pull item 12.5 from Consent Agenda

Approve the Consent Agenda in a single motion, save items 12.3, 12.5, 12.8, and 12.9 which were voted on separately.

**Moved by:** Moses Zapien, seconded by Elbert Holman.

**Vote:** Motion carried 7-0

**Yes:** Christina Fugazi , Elbert Holman, Susan Lofthus, Anthony Silva, Michael Tubbs, Daniel Wright, and Moses Zapien.

### 12.1 14-1194 MOTION AUTHORIZING THE CITY MANAGER TO AWARD A BID AND EXECUTE A CONTRACT WITH P&A GROUP FOR FLEXIBLE SPENDING ACCOUNT, DEPENDENT CARE FLEXIBLE SPENDING ACCOUNT, AND PRE-TAX TRANSPORTATION SERVICES, AND REJECT THE BID RECEIVED FOR VOLUNTARY BENEFIT SERVICES

#### **Motion 2015-02-24-1201:**

1. Authorizing the City Manager to award a bid and execute a contract with P&A Group for Flexible Spending Account ("FSA"), Dependent Care Flexible Spending Account ("DC FSA"), and pre-tax transportation services bid number: PUR-14-022

2. Authorizing the City Manager to reject the bid submitted for Voluntary Benefit Services.

[Legislation Text](#)

[Attachment A - Agreement](#)

### 12.2 14-1296 APPROVE APPLICATION TO THE STATE REVOLVING FUND PROGRAM FOR A GRANT TO EXTEND CITY WATER SERVICE TO THE CENTURY MOBILE HOME PARK

#### **Motion 2015-02-24-1202**

1. Authorizing the City Manager to apply to the State Water Resources Control Board Drinking Water State Revolving Fund Program for a grant to fund the construction of a water main to connect the Century Mobile Home Park to the

City's water system; and

2. Approving all environmental findings

Legislation Text

- 12.3 **14-1319 APPROVE AMENDMENT TO PROFESSIONAL SERVICES MASTER CONTRACT WITH WEST YOST ASSOCIATES FOR THE DESIGN OF THE SEWER TRUNK LINE REHABILITATION PROJECT (ALEXANDRIA PLACE, PROJECT NO. M15001, BLACK OAK PUE, PROJECT NO. M15002, AND NAVY DRIVE 48-INCH, PROJECT NO. M15003)**

Legislation Text

Attachment A - Vicinity Map

Attachment B - Amendment

Approve **Motion 2015-2-24-1203** to table item 12.3 to March 10, 2015 meeting; requesting staff to provide council with additional information.

**Moved by:** Christina Fugazi , seconded by Daniel Wright.

**Vote:** Motion carried 7-0

**Yes:** Christina Fugazi , Elbert Holman, Susan Lofthus, Anthony Silva, Michael Tubbs, Daniel Wright, and Moses Zapien.

- 12.4 **14-1344 DOWNTOWN STOCKTON ALLIANCE PROPOSED 2015 ANNUAL OPERATING BUDGET, ASSESSMENT AND 2014 ANNUAL REPORT**

**Resolution 2015-02-24-1204** approving the proposed 2015 Operating Budget, Assessment, and 2014 Annual Report for the Property and Business Improvement District commonly known as the Downtown Stockton Alliance, a non-profit corporation, which operates the Downtown Stockton Management District.

Legislation Text

Attachment A - SRD\_2014-09-23-1204

Attachment B - SRD\_2014-06-24-1501

Proposed Resolution - DSA Budget

Exhibit 1 - DSA 2015 Budget

Exhibit 2 - DSA 2015 Assessments.pdf

Exhibit 3 - Annual Report & Work Plan

Approved Resolution 2015-02-24-1204

## 12.5 15-1347 CRIME ANALYSIS SERVICES CONTRACT

Legislation Text

Attachment A - Stockton Contract Renewal

Gary Malloy - supported local jobs; expressed concern using non-local consultants

Tocan Nguyen - victim of crime; opposed contract

Aaron Paradiso - opposed contract; use of funds

Approve **Motion 2015-02-24-1205** adopting findings and approving a Professional Services Contract with BAIR Analytics, Inc. for crime analysis supervision and services.

**Moved by:** Elbert Holman, seconded by Daniel Wright.

**Vote:** Motion carried 6-1

**Yes:** Elbert Holman, Susan Lofthus, Anthony Silva, Michael Tubbs, Daniel Wright, and Moses Zapien.

**No:** Christina Fugazi .

## 12.6 15-1365 ADOPTION OF A RECOGNIZED OBLIGATION PAYMENT SCHEDULE

**Resolution SRD 2015-02-24-1206** adopting the Recognized Obligation Payment Schedule ("ROPS") for the period of July 1, 2015 through December 31, 2015, (Exhibit 1 to the Resolution) as required under Health and Safety Code Section 34177 (m).

Legislation Text

Attachment A - Resolution 11-0251

Attachment B - Resolution SRD 2013-09-24-1503

Attachment C - City Council Resolution 2013-09-24-1503

Attachment D - Resolution SA 2014-06-24-1601

Proposed Resolution - Payment Schedule July-December

Exhibit 1 - ROPS 15-16A

Approved Resolution SRD 2015-02-24-1206

## 12.7

### 15-1366 RESOLUTION APPROVING THE APPOINTMENT OF MICHAEL DONALDSON TO THE DEVELOPMENT OVERSIGHT COMMISSION

**Resolution 2015-02-24-1207** approving the appointment of Michael Donaldson to fill the vacant position on the Development Oversight Commission for the Local Architect/Designer representative, for a term that will expire on October 20, 2019.

[Legislation Text](#)

[Proposed Resolution - Commission Appointment](#)

[Approved Resolution 2015-02-24-1207](#)

12.8 **15-1371 RESOLUTIONS AMENDING THE \$2.5 MILLION FEDERAL AND STATE FUNDED LOAN FOR THE CAL WEBER 40 PROJECT, AMENDING THE AIR RIGHTS LEASE, AND APPROVING A LICENSE AGREEMENT FOR THE USE OF THE LOT K PARKING LOT LOCATED AT 25 NORTH AMERICAN STREET**

[Legislation Text](#)

[Attachment A - Vicinity Map](#)

[Attachment B - Resolution 2014-06-24-1506](#)

[Attachment C- Rendering](#)

[Proposed Resolution- Council](#)

[Exhibit 1 to Council Resolution - Amended Loan Agreement](#)

[Proposed Resolution- Parking Authority](#)

[Exhibit 1- Amended Air Lease Agreement](#)

[Exhibit 2- License Agreement](#)

Susan Rodriguez - spoke to prevailing wage

Steve Lopez - supports the project as prevailing wage

Matt Richard - spoke to prevailing wage

Sal Rotolo - supports project as prevailing wage

Lisa Vigil - spoke to prevailing wage

Tocan Nguyen - spoke in opposition

Nate Tucker - spoke to prevailing wage

Bobby Bivens - spoke to prevailing wage

David Kroot - spoke in support of the project; in support of the developer

Danny Fred, Project Partner - spoke to the use of local contractors, prevailing wage

Mike Hakeem, representing the developer - spoke to prevailing wage verbiage of original documents

David Kroot - spoke to terms of prevailing wage

Nate Tucker - stated project is prevailing wage

Sal Rotolo - urged the City to review prevailing wage does not increase cost of project

Approve **Motion 2015-02-24-1208** to table item 12.8 to March 3, 2015 Special Council meeting; requesting Staff to provide Council with additional information

**Moved by:** Moses Zapien, seconded by Daniel Wright.

**Vote:** Motion carried 7-0

**Yes:** Christina Fugazi , Elbert Holman, Susan Lofthus, Anthony Silva, Michael Tubbs, Daniel Wright, and Moses Zapien.

12.9 **15-1383 AUTHORIZE A CONTRACT WITH LDA PARTNERS FOR ARCHITECTURAL SERVICES AND APPROPRIATION OF FUNDS RELATING TO THE DESIGN OF TENANT IMPROVEMENTS FOR THE RELOCATION OF CITY HALL TO 400 EAST MAIN STREET**

Legislation Text

Resolution - CH Architect Contract

Exhibit 1 - LDA Partners Contract

Approved Resolution 2015-02-24-1209

Approve **Resolution 2015-02-24-1209:**

1. Approving the findings and authorizing the execution of a contract with LDA Partners in the amount of \$420,000 for architectural services relating to the design of tenant improvements for the relocation of City Hall to 400 East Main Street; and
2. Appropriating funds in the amount of \$500,000 from Bankruptcy Fund and transferring them into a newly created capital improvement project for payment of the architectural services contract, associated project management, external services, and contingency costs; and

3. Authorizing the City Manager to take necessary and appropriate actions to carry out the purpose and intent of this resolution.

**Moved by:** Moses Zapien, seconded by Elbert Holman.

**Vote:** Motion carried 7-0

**Yes:** Christina Fugazi , Elbert Holman, Susan Lofthus, Anthony Silva, Michael Tubbs, Daniel Wright, and Moses Zapien.

**12.10 15-1387 ADOPT A MOTION APPROVING AN AMENDMENT TO AN AGREEMENT WITH STEVE PETRUSKA AND DIANA PUMPELLY BATES FOR COMMISSIONED PUBLIC ART AT DEAN DECARLI SQUARE**

**Motion 2015-02-24-1210** approving an amendment to an agreement with Steve Petruska and Diana Pumpelly Bates for Public Art at Dean DeCarli Square and authorizing the City Manager to take appropriate actions to carry out the purpose and intent of the resolution.

Legislation Text

Attachment A - DeCarli Square Artist Agreement

Attachment B - DeCarli Square Amendment 1

Attachment C - DeCarli Square Anchored Art Rendering

**12.11 15-1459 APPROVAL OF CITY COUNCIL MINUTES**

**Motion 2015-02-24-1211** approving the minutes of October 7, 2014, November 18, 2014, December 2, 2014, January 13, 2015, and February 3, 2015 City Council meetings and the minutes of the January 6, 2015 Special City Council meeting.

Legislation Text

2014-10-07 City Council

2014-11-18 City Council

2014-12-02 City Council

2015-01-13 City Council

2015-02-03 City Council

2015-01-6 Special City Council

**13. ADMINISTRATIVE MATTERS**

None

**14. UNFINISHED BUSINESS**

None

**11. CITIZENS' COMMENTS, ANNOUNCEMENTS, OR INVITATIONS\***

Bud Locke - spoke to upcoming Promise Keepers event May 15th and 16th; introduced leaders of Promise Keepers

Victoria Thornton - shared thoughts on community garden off French Camp Road

Derek Graves - spoke to Bridge to the Youth Foundation

Kathleen Gapusan - expressed opinion regarding accountability policies

James Young - expressed desire to help; requested slow down signs on Pershing; removal of mattress and shopping cart behind his apartments

Dennis Phillips - moment of silence for Rashawn Harris; shared religious beliefs

Richard Smith - spoke to Free Weston Ranch; crime in Weston Ranch

Andre Johnson - spoke to Free Weston Ranch; Police Department community involvement

David Jackson - spoke to Free Weston Ranch; big box ordinance

West Walker - spoke to Free Weston Ranch; land use issues

Anne Smith - asked to show a video

Approve **Motion 2015-02-24-1101** waiving the Council Policy regarding timely submission of outside presentations and show the video provided by Free Weston Ranch.

**Moved by:** Anthony Silva, seconded by Christina Fugazi .

**Vote:** Motion carried 7-0

**Yes:** Christina Fugazi , Elbert Holman, Susan Lofthus, Anthony Silva, Michael Tubbs, Daniel Wright, and Moses Zapien.

Julie Marquez - spoke to Free Weston Ranch video

Dale Fritchen - spoke to Free Weston Ranch; maintenance fees

Ramrio Reyes - shared experience as a victim of crime in Stockton

Peter Kilpatrick - spoke to local soccer facilities

Benjamin Gonzalez - spoke to local soccer facilities

Kirimasi Nuu - spoke to shooting of Matautu Nuu

Rose Talivaa - spoke to shooting of Matautu Nuu

Jasmine - inquired about getting items on the agenda; assistance with funding for mental illness programs

Angelann Flores - spoke to shooting of Matautu Nuu

Matauao Nuu - spoke to shooting of Matautu Nuu

Dionne Smith - spoke to shooting of Matautu Nuu

Carey Downs - spoke to Police Department involvement in the community

Lam Bun - spoke to personal knowledge of Matautu Nuu

Vincent Sayles - spoke to personal medical experience

Andre Reekie - spoke to experience as a resident of Weston Ranch; Free Weston Ranch movement does not speak for all residents of Weston Ranch

Motecuzoma Sanchez - thanked the City Council for removing the Fair Oaks Library from the sale list; importance of library services to the community

Tocan Nguyen - shared personal political beliefs

## 15. NEW BUSINESS

### 15.1 15-1382 MOTION APPROVING AND ACCEPTING PUBLIC ART FOR CITY UTILITY BOXES

Legislation Text

Attachment A - Designs

Attachment B - Map

Approve **Motion 2015-02-24-1501** approving and accepting public art for City utility boxes

**Moved by:** Susan Lofthus, seconded by Christina Fugazi .

**Vote:** Motion carried 7-0

**Yes:** Christina Fugazi , Elbert Holman, Susan Lofthus, Anthony Silva, Michael Tubbs, Daniel Wright, and Moses Zapien.

15.2 **14-1186 APPROVE AN ECONOMIC DEVELOPMENT STRATEGIC PLAN FOR THE CITY OF STOCKTON**

Legislation Text

Attachment A - Economic Development Strategic Plan

Bobby Bivens - spoke to development of minority businesses lacking from the plan

Approve **Motion 2015-02-24-1502:**

1. Approving a comprehensive Economic Development Strategic Plan for the City of Stockton;
2. Authorizing the City Manager to take necessary and appropriate actions to carry out the purpose and intent of the motion.

**Moved by:** Anthony Silva, seconded by Daniel Wright.

**Vote:** Motion carried 7-0

**Yes:** Christina Fugazi , Elbert Holman, Susan Lofthus, Anthony Silva, Michael Tubbs, Daniel Wright, and Moses Zapien.

15.3 **15-1450 APPOINTMENTS TO THE STOCKTON PARKS AND RECREATION COMMISSION**

Legislation Text

Attachment A - Parks and Recreation Application Packet - Redacted

Proposed Resolution - Parks and Recreation Appointment

Approved Resolution 2015-02-24-1503

Approve **Resolution 2015-02-24-1503** appointing Aaron Edwards Commissioner to fill a vacancy on the Parks and Recreation Commission for a four year term commencing immediately and ending December 31, 2018.

**Moved by:** Anthony Silva, seconded by Michael Tubbs.

**Vote:** Motion carried 7-0

**Yes:** Christina Fugazi , Elbert Holman, Susan Lofthus, Anthony Silva, Michael Tubbs, Daniel Wright, and Moses Zapien.

15.4 **15-1466 COMMUNITY DEVELOPMENT DEPARTMENT STATEMENT OF POLICY**

Legislation Text

Approve **Motion 2015-02-24-1504** to table item 15.4 to March 10, 2015 Council meeting; requesting Staff to provide Council with additional information

**Moved by:** Anthony Silva, seconded by Christina Fugazi .

**Vote:** Motion carried 7-0

**Yes:** Christina Fugazi , Elbert Holman, Susan Lofthus, Anthony Silva, Michael Tubbs, Daniel Wright, and Moses Zapien.

**16. HEARINGS\*\*\***

None

**17. COUNCIL COMMENTS**

Councilmember Wright - Supported Little Free Libraries; spoke to Bus Baskets by San Joaquin Regional Transit District; Rotary Read In on Thursday, February 26th

Councilmember Tubbs - thanked community members for coming out to speak to the City Council; Free Weston Ranch activists; asked that work being done in Police Department be on next agenda as a community update; protocol for officer involved shootings; asked Council to save the date April 25th 9 a.m.-3 p.m. for event at the San Joaquin County Fairgrounds

Vice Mayor Fugazi - updated Council on activities of Parks & Recreation Commission; making valentines at library; Rotary Read In; SMOG check event; National Association for the Advancement of Colored People event on Saturday

Councilmember Holman - spoke to Community Crime Prevention Committee

Mayor Silva - spoke to the City coming out of bankruptcy

Councilmember Holman - spoke to the City coming out of bankruptcy; thanked Staff

**18. ADJOURNMENT (10:24 PM)**

**INFORMATIONAL ITEMS**

**15- CIVIL SERVICE/EQUAL EMPLOYMENT COMMISSION'S 2014 ANNUAL  
1415 REPORT**

Legislation Text

Annual Report to Council - 2014 - Final Signed Document



BONNIE PAIGE, CMC  
CITY CLERK, CITY OF STOCKTON