

**MINUTES
CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT
AGENCY/PUBLIC FINANCING AUTHORITY CONCURRENT
MEETING OF DECEMBER 17, 2013**

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

1. CLOSED SESSION CALL TO ORDER/ROLL CALL (3:30 p.m.)

Roll Call

Present:

Councilmember Burgos Medina

Councilmember Holman

Vice Mayor Canepa

Mayor Silva

Absent:

Councilmember Miller, Councilmember Tubbs, and Councilmember Zapien.

Councilmember Tubbs arrived to Closed Session at 3:40 p.m.

Councilmember Zapien arrived to Closed Session at 3:51 p.m.

2. ADDITIONS TO CLOSED SESSION AGENDA

None.

3. ANNOUNCEMENT OF CLOSED SESSION

3.1 13-1024 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Number of Cases: Five

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)

Name of Case: E. Greg Kent, et al. v. City of Stockton, et al. (San Joaquin County Superior Court Case No. 39-2012-00279803)

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

3.2 13-1025 CONFERENCE WITH LABOR NEGOTIATOR

Agency Designated Representative: Interim 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.

3.3 13-1026 CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Number of Cases: One

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

3.4 13-1028 CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: One

Based on existing facts and circumstances, there is significant exposure to litigation pursuant to Government Code Section 54956.9(c).

3.5 13-1027 CONFERENCE WITH LABOR NEGOTIATOR

Agency Designated Representative: Teresia Zadroga-Haase

City Manager

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

3.6 13-1023 PUBLIC EMPLOYEE APPOINTMENT

Title: City Manager

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

4. PUBLIC COMMENT*

Tocan Nguyen shared her personal political views

5. RECESS TO CLOSED SESSION

The Council recessed to Closed Session at 3:37 p.m. The Council returned from Closed Session and recessed at 4:40 p.m.

6. REGULAR SESSION CALL TO ORDER/ROLL CALL (5:30 p.m.)

Roll Call

Present:

Councilmember Burgos Medina

Councilmember Holman

Councilmember Tubbs

Councilmember Zapien

Vice Mayor Canepa

Mayor Silva

Absent:

Councilmember Miller.

7. INVOCATION/PLEDGE TO FLAG

Chaplain Brian Cochran of Asera Care Hospice provided the Invocation. The Pledge of Allegiance was led by Vice Mayor Canepa.

8. REPORT OF ACTION TAKEN IN CLOSED SESSION

City Attorney John M. Luebberke announced that there were two reportable actions taken during Closed Session this evening.

Kent v. City of Stockton, San Joaquin Superior Court Case No. 39-2012-0279803. The City Council voted 4-0 with Councilmembers Miller, Tubbs, and Zapien absent to approve a final settlement of this matter. Pursuant to the settlement the City will pay \$65,000 to the plaintiffs for a full release and the

dismissal of the case. This matter arose out of the I-5/French Camp Interchange Project and the payment will be made from the state grant funds set aside for that project.

The City Council voted 4-0 with Councilmembers Miller, Tubbs, and Zapien absent to accept a final settlement of the City's claim against the County of San Joaquin for recovery of certain Property Tax Administration Fees, which were improperly collected. The County has previously paid to the City the sum of \$3,093,428 and the parties have agreed to an additional payment by the County of \$401,352 to resolve this matter in its entirety without the need for litigation.

9. ADDITIONS TO REGULAR SESSION AGENDA**

10. PROCLAMATIONS, COMMENDATIONS, OR INVITATIONS

10.1 PROCLAMATION: Dress the Homeless Day December 18, 2013
RECIPIENT: Drake Gomez

10.2 PROCLAMATION: Arbor Day December 20, 2013
RECIPIENT: Gordon MacKay, Public Works Director

ANNOUNCEMENTS BY CITY CLERK:

1. Item 16.3 is removed and will be heard at a later date.
2. Statement from Councilmember Miller read into record:

To The Mayor and Members of the Council,
I am sorry to miss our last Council Meeting of 2013. My 87 year old step-dad was hospitalized over the weekend with double pneumonia and I am in Southern California providing badly needed support to my mom and brothers. I would not miss this meeting if it was not, truly, a family emergency. I have spoken with Interim City Manager, Kurt Wilson, and am aware that several items were pulled for additional staff work or rescheduling. I have complete confidence that you will ably deal with the remaining agenda items. To all of you, our City staff and to the residents of Stockton, I wish you a Merry Christmas, Happy Hanukkah, Joyous Kwanzaa and the most blessed of holiday seasons.

Mayor's announcements: Congratulations to City Clerk, Bonnie Paige on her 25th anniversary of dedicated service to the City; informed the residence of the City about the various Warming centers for those in need

Interim City Manager Kurt Wilson introduced Fire Chief Piechura who explained

that the warming centers are currently in standby mode; shared that due to the freezing temperatures last week the County opened up warming centers

10.3 PROCLAMATION: Covered Stockton Month RECIPIENT: Drew Kyler

11. CITIZENS' COMMENTS, ANNOUNCEMENTS, OR INVITATIONS*

Tocan Nguyen expressed personal political views

Fernando Medina and Edgar Huizar, Hispanic Youth Leadership Council (HYLC), presented information regarding the group's efforts to preserve the Tuolumne River Regional Park

James Young reported that the sidewalks on Pershing Avenue between March Lane and Quail Lakes Drive are in need of repair; requested that a traffic camera be installed at the intersection of Pershing Avenue and Swain Road; would like to see more speed limit signs be installed on Pershing Avenue; shared that his birthday is December 19, and requested that the Council wish him a happy birthday; wished the Council happy holidays

Patti Doll invited the Council to the 25th anniversary of the Cleveland School Remembers event on January 17, 2014, at the APSARA center, 3830 Alvarado Avenue, from 5:30-7:00 p.m.

Sothea Ung, Project Manager APSARA also extended an invitation to the Cleveland Elementary School/APSARA event in January

Steven Bojorquez spoke to the hiring of more police officers and suggested the Narcotics Unit in Stockton Police Department be reintroduced

Ted Gonzales (translated by Jose Cruz Diaz), Mexican American Human Rights Organization requested that more police officers be assigned to the Park/Sierra Nevada/Wilson Way area to end the continued prostitution and drug trafficking problems; would like for the City to revive the Narcotics Unit as well as have officer presence in the Jr. High and High Schools; asked that Councilmember Zapien notify the motel owners that illegal activity will not be tolerated; requested that Chief Jones speak to the officers about appropriate conduct in public; commended Councilmembers Holman and Miller for their work in the City; shared contact information for persons interested in volunteering time with their organization

Reverend James French, OG Ministries/Prison Fellowship invited everyone to an event to help children of incarcerated parents at the Oak Park Ice Arena, December 21st, from 6:00-9:00 p.m.

Jewel Faye Abraham complained about excessive trash in the neighborhood surrounding 1219 S. Stanislaus; has spoken to Councilmember Burgos Medina and Mayor Silva about the problem; efforts need to be made to address the trash problem

Roy Hoggard noted that Mayor Silva and his son won trophies at the December 7th Chess Tournament held at University of the Pacific; would like to establish chess clubs at various locations throughout the City to encourage youth involvement; wished everyone a Merry Christmas

Ramiro Reyes provided a brief history of his life and activism in the City; refuted false comments and stories made against him in the newspaper and by other persons; would like to see the City in better condition and will continue to work to get it there; wished all a Merry Christmas and Happy New Year

Antwoine Guyton spoke to the need for more jobs in Stockton; shared his story of overcoming gang involvement; wishes to form a group to help make youth accountable for their actions; shared that he volunteers his time to the motel at American and El Dorado Streets in hope that it will provide housing for those who need it

12. CONSENT AGENDA

Council passed a Motion to adopt the Consent Agenda with a single vote, save items 12.1, 12.3, 12.7, 12.11, and 12.13 which were considered separately.

Moved by: Vice Mayor Canepa, seconded by Councilmember Holman .

Vote: Motion carried 6-0

Yes: Councilmember Burgos Medina, Councilmember Holman , Councilmember Tubbs, Councilmember Zapien, Vice Mayor Canepa, and Mayor Silva.

Absent: Councilmember Miller.

12.1 13-0889 AWARD A CONSTRUCTION CONTRACT AND APPROVE THE FILING OF A NOTICE OF EXEMPTION (CE014-13) FOR THE 2013-14 CURB, GUTTER, AND SIDEWALK REPAIR AND CURB-RAMP INSTALLATION, PROJECT NO.13-28

Vice Mayor Canepa inquired if James Young's requests for sidewalk and gutter repair are on the list

Gordon MacKay, Public Works Director explained that Pershing and Swain along with wheelchair ramps at Bianchi and Claremont are included along with several hundreds of other locations; location was

annexed to City

Councilmember Tubbs asked how the locations were selected

Gordon Mackay, Public Works Director shared with the Council that they are selected in chronological order based on the complaints received, access requests from persons with disabilities

Motion 2013-12-17-1201 adopting the plans and specifications, and authorizing the City Manager to execute a Construction Contract in the amount of \$595,416 to Nor-Cal Concrete for the 2013-14 Curb, Gutter, and Sidewalk Repair and Curb-Ramp Installation, Project No. 13-28

Resolution 2013-12-17-1201 authorizing the filing of Notice of Exemption No. CE014-13 under the California Environmental Quality Act (CEQA) for the 2013-14 Curb, Gutter, and Sidewalk Repair and Curb Ramp Installation, Project No. 13-28

It is further recommended that the City Manager be authorized to take appropriate actions to carry out the purpose and intent of this motion and resolution.

Moved by: Councilmember Holman , seconded by Councilmember Burgos Medina.

Vote: Motion carried 6-0

Yes: Councilmember Burgos Medina, Councilmember Holman , Councilmember Tubbs, Councilmember Zapien, Vice Mayor Canepa, and Mayor Silva.

Absent: Councilmember Miller.

12.2

13-0893 AWARD A CONSTRUCTION CONTRACT AND APPROVE THE FILING OF A NOTICE OF EXEMPTION (CE013-13) - 2013 ADJUSTMENT OF LOW UTILITIES, PROJECT NO. 13-29

Motion 2013-12-17-1202 adopting the plans and specifications, and authorizing the City Manager to execute a Construction Contract in the amount of \$82,715 to United Pavement Maintenance for the 2013 Adjustment of Low Utilities, Project No. 13-29.

Resolution 2013-12-17-1202 authorizing the filing of Notice of Exemption No. CE013-13 under the California Environmental Quality Act (CEQA) for the 2013 Adjustment of Low Utilities, Project No. 13-29.

It is further recommended that the City Manager be authorized to take appropriate actions to carry out the purpose and intent of this motion and resolution.

12.3 13-0906 CONTRACT AWARD - TREE AND STUMP REMOVAL SERVICES FOR FISCAL YEAR 2013/2014, PROJECT NO. 13-30

Mayor Silva thanked staff for their efforts to hire a local company; would like to keep taxpayers dollars in Stockton

Motion 2013-12-17-1203 adopting specifications and authorizing the City Manager to execute a Construction Contract in the amount of \$207,550 to West Coast Arborists, Inc. for the Tree and Stump Removal Services for Fiscal Year 2013/2014, Project No.13-30.

It is further recommended that the City Manager be authorized to take appropriate actions to carry out the purpose and intent of this motion.

Moved by: Vice Mayor Canepa, seconded by Councilmember Burgos Medina.

Vote: Motion carried 6-0

Yes: Councilmember Burgos Medina, Councilmember Holman , Councilmember Tubbs, Councilmember Zapien, Vice Mayor Canepa, and Mayor Silva.

Absent: Councilmember Miller.

12.4 13-0957 APPROVE AN AMENDMENT TO THE PROFESSIONAL SERVICES MASTER AGREEMENT WITH HDR ENGINEERING, INC. FOR THE WASTEWATER CONNECTION FEE REVIEW AND UPDATE STUDY

Motion 2013-12-17-1204 amending the Professional Services Master Contract with HDR Engineering, Inc. of Bellevue, Washington for a contract amount not-to-exceed \$69,750 for the Wastewater Connection Fee Review and Update Study. It is further recommended that the City Manager be authorized to take appropriate actions to carry out the purpose and intent of this motion.

12.5 13-0960 CESAR CHAVEZ LIBRARY - EMERGENCY PURCHASE OF HEATING SYSTEM EQUIPMENT

Motion 2013-12-17-1205 to approve findings and ratify the Deputy City Manager's approval of an emergency purchase order issued on October

29, 2013, and payment to Center State Pipe and Supply Company, for a combined purchase value of \$34,943.65 for supply of a new boiler and tank for the heating system at Cesar Chavez Library. It is also recommended that the motion authorize the City Manager to take such other actions as are appropriate to carry out the intent of this motion.

12.6 13-0961 REJECT CONSTRUCTION BID SUBMITTED AND AUTHORIZE RE-BID OF THE SMITH CANAL WET WELL REHABILITATION AND MISCELLANEOUS SITE IMPROVEMENTS

Motion 2013-12-17-1206 to approve rejecting the submitted construction bid and authorize the re-bid of the Smith Canal Wet Well Rehabilitation and Miscellaneous Site Improvements Project, M09093. This motion will also authorize the City Manager to take appropriate actions to carry out the purpose and intent of this motion.

12.7 13-1001 APPROVING THE 2014 STATE AND FEDERAL LEGISLATIVE PROGRAMS

Councilmember Burgos Medina asked for clarification of the City's stance on SB 7

Assistant to City Manager, Christian Clegg provided explanation to City Council that based on legislative principles and priorities based on strategic initiative opportunities the City did not take a stance due to controversial issues of local control

Councilmember Burgos Medina proposed a recommendation that lobbyist brings quarterly reports to Legislative Environmental Committee regarding State and Federal programs

Interim City Manager, Kurt Wilson mentioned the cost associated to bringing lobbyists from Sacramento

Councilmember Burgos Medina clarified that her request for quarterly reporting from staff to be in written form for review by the Legislative Environmental Committee

City Attorney John Luebberke explained how action taken tonight will help future efforts

Councilmember Tubbs agreed with Councilmember Burgos Medina's suggestion; believes the City's positions on issues and upcoming legislation should be in the best interest of the citizens

Councilmember Zapien shared his support in having quarterly reports be provided to Legislative Environmental Committee

Assistant to City Manager, Christian Clegg explained that the purpose of the State and Legislative programs is to have the issues that Council has consensus on; pointed out that in some instances of fast moving legislation decisions would be made prior to quarterly reporting; for more substantial matters, staff would seek guidance from Council.

Marcie Bayne thanked Councilmember Burgos Medina for pulling this item for discussion; expressed her opinion of local control; spoke to collective bargaining terminology in item number 6: appears that the City desires to eliminate collective bargaining

Councilmember Zapien asked Assistant to City Manager, Christian Clegg to clarify priority 6

Assistant to City Manager Christian Clegg explained that language has not changed; prevailing wage has not been addressed; the position of the City is that bargaining will be done in good faith; the City respects the collective bargaining process

Gene Davenport shared opinion towards SB7; shared frustration with Councilmembers Miller and Holman's opposition to SB7; believes that was disingenuous

Motion 2013-12-17-1207 to adopt the 2014 State and Federal Legislative Programs and authorize the City Manager to pursue the objectives outlined in these programs through advocacy efforts in Sacramento and Washington, D.C. and to provide guidance to staff on addressing the Legislative/Environmental Committee with quarterly reports

Moved by: Councilmember Burgos Medina, seconded by Councilmember Zapien.

Vote: Motion carried 6-0

Yes: Councilmember Burgos Medina, Councilmember Holman , Councilmember Tubbs, Councilmember Zapien, Vice Mayor Canepa, and Mayor Silva.

Absent: Councilmember Miller.

12.8

13-1005 APPROVE FINDINGS AND ADOPT A RESOLUTION AUTHORIZING THE PURCHASE OF MOBILE DATA COMPUTERS AND

**TABLETS, SOFTWARE AND APPLICATIONS, AND MOUNTING
HARDWARE FOR FIRE DEPARTMENT VEHICLES UTILIZING \$220,000
IN MMRS 2011 GRANT FUNDS AND \$28,139.05 FROM OTHER CITY
FUNDING SOURCES**

Approve findings and adopt **Resolution 2013-12-17-1208**:

1) authorizing the purchase of Mobile Data Computers (MDCs) and mounting hardware from CDW-G for installation in front-line fire apparatus and specialty units by participating in a cooperative purchasing agreement between National Intergovernmental Purchasing Alliance (NIPA) and CDW Government, Inc. (CDW-G);

2) authorizing the purchase of FireHouse Report Management Software (FH-RMS) and entering a service agreement with Xerox Government Systems, LLC, and purchase of FireHouse Mobile Response software from ACS Government Systems for installation on MDCs;

3) authorizing the purchase of Tablet Command software for installation on iPads and entering a service agreement with Simple-Track, LLC; and,

4) authorizing the purchase of application software and licenses for hardware and software connectivity from Logisys.

**12.9 13-1010 ADOPTION OF A RESOLUTION DECLARING THE NEED FOR
THE PARKING AUTHORITY OF THE CITY OF STOCKTON TO
FUNCTION IN THE CITY WITHIN PRESCRIBED BOUNDARIES,
APPOINTING MEMBERS OF THE PARKING AUTHORITY, SELECTING
A CHAIRPERSON OF THE PARKING AUTHORITY AND AUTHORIZING
THE TAKING OF ALL OTHER ACTIONS NECESSARY IN CONNECTION
THEREWITH**

Resolution 2013-12-17-1209 declaring the need for the parking authority of the City of Stockton to function in the city within prescribed boundaries, appointing members of the parking authority and authorizing the City Manager, City Attorney, Chief Financial Officer, City Clerk, and other appropriate officers of the City to take all other actions necessary in connection therewith.

**12.10 13-1019 PLANNING COMMISSION RECOMMENDATION TO APPROVE
A PROPOSED AMENDMENT TO TITLE 16 OF THE MUNICIPAL CODE
TO ALLOW ANIMAL SERVICES IN THE CO (COMMERCIAL, OFFICE)
ZONING DISTRICT**

Ordinance 2013-12-17-1210 approving the proposed amendment to Title

16 of the Municipal Code to allow animal services to be permitted with an Administrative Use Permit within the Commercial, Office zoning district, as recommended by the Planning Commission.

12.11 13-1036 COUNCIL AUDIT COMMITTEE MEETING OF SEPTEMBER 23, 2013

Mayor Silva requested that updates from the Audit Committee be reported to the City Council at the next scheduled meeting

Ned Leiba spoke to the Audit Committee Charter; believes the charter is a strong and effective document; expressed the importance of his opinion that it is important to review audit reports prior to regulatory bodies

Ralph White expressed his beliefs of how the City Auditor is supposed to report to the Council; pointed out that the Auditor does not report to the City Manager

Vice Mayor Canepa expressed his pride in the Audit Committee; believes that the Committee has taken great strides in shortening the turnaround on audit reporting

Mayor Silva appreciates the hard work from the Audit Committee and staff on getting financial house in order

Tocan Nguyen shared her personal political views

Motion 2013-12-17-1211 to accept for filing the Council Audit Committee minutes of September 23, 2013.

Moved by: Councilmember Burgos Medina, seconded by Councilmember Zapien.

Vote: Motion carried 6-0

Yes: Councilmember Burgos Medina, Councilmember Holman , Councilmember Tubbs, Councilmember Zapien, Vice Mayor Canepa, and Mayor Silva.

Absent: Councilmember Miller.

12.12 13-1040 EXCHANGE OF PROPERTY RELATING TO THE JOAN DARRAH PROMENADE ON THE STOCKTON WATERFRONT

Resolution 2013-12-17-1212-01 approving the summary vacation and

abandonment of a portion of West Weber Avenue between Tuleburg Levee and Madison Street and reserving a public utility easement

Resolution 2013-12-17-1212-02 authorizing the City Manager to execute the agreement for the exchange of a portion of City property along West Weber Avenue for a portion of property located along the Joan Darrah Promenade on the Stockton Waterfront at 321 West Weber Avenue.

12.13 13-1048 REVISIONS TO COUNCIL POLICIES CONCERNING APPOINTMENTS TO BOARDS AND COMMISSIONS, RULES OF CONDUCT OF MEETINGS INCLUDING COUNCIL DECORUM, CLOSED SESSIONS AND A NEW COUNCIL POLICY CONCERNING CENSURE

Mayor Silva supported Exhibit 1 which talked about attendance records, spoke to Exhibit 2 the switch from Robert's Rules of Order to Rosenberg's Rules of Order; inquired about possible upcoming training

City Clerk, Bonnie Paige confirmed that there will be annual training sponsored by the City Clerk's and City Attorney's Office that will include Rosenberg's training

Councilmember Zapien pointed out that the City is currently operating very closely to Rosenberg's Rules of Order

Mayor Silva questioned the limited use of electronic devices; shares his concern that the capabilities of the iPad are similar to that of a cellular phone; shared belief that no texting should be done during Council Meetings

Vice Mayor Canepa questioned the accessibility that citizens have on private and public electronic devices via public information request

City Attorney, John Luebberke clarified that because the iPad is a public device there would be more exposure to public records requests; explained that switching to electronic agendas has saved the City money; realizes that not all electronic devices may not be able to be limited

Mayor Silva shared the idea of self-policing

City Attorney, John Luebberke spoke to the need to have updated agendas available electronically; shared that his belief is that the purpose of the iPad usage is primarily for agenda accessibility; further limitations are the prerogative of the Council

Councilmember Tubbs agreed that sometimes technology can be used during Council Meetings but is comfortable with the rules

Councilmember Zapien weighed benefits of accessing agenda materials electronically via iPad; spoke to concern of the communication with your device; importance of researching information during meetings

Councilmember Burgos Medina spoke to the perception of using your iPad against using cellular devices during Council meetings

Ralph White spoke about requesting information from public and personal devices; shared his personal belief that he has right to personal devices used during certain times

Antoine Guyton shared his opinion that it is disrespectful while citizens are addressing the Council

Gary Malloy shared personal thoughts that iPads should be used for agenda only that there should be no internet while sitting at the dais

Ramiro Reyes expressed his opinion that there should either be no electronic devices at all or leave things as is

Tocan Nguyen spoke to the use of technology

Councilmember Holman asked what is so hard about policing one another; cell phones are unnecessary during Council Meetings

Councilmember Zapien offered separate consideration for further clarification of usage of electronic devices during Council Meetings

Ted Gonzales shared that cell phones and iPads are not allowed in his line of work and feels that the same rule should apply to the City Council

Councilmember Zapien offered further discussion by the Legislative Environmental Committee on the topic of electronic devices

Vice Mayor Canepa shared his preference to usage of the iPad for agenda purposes; opposes paper copy

Mayor Silva shared support for Exhibit 2 #7: Citizen Presentations; expressed his indifference to Censure Council Policy

Councilmember Burgos Medina thanked the Mayor for the topic of electronic devices; expanded on the Mayor's "fire extinguisher" comment shared her opinion that it is just one of many tools that is available

Councilmember Tubbs pointed out other pressing matters on the agenda

Gary Malloy shared his indifference with the proposed Council Policy that takes power away from the Office of the Mayor

Tocan Nguyen shared personal political views

Ralph White spoke to his history on the City Council; shared his personal opinion that the proposed Council Policy of Censorship is violating the City Charter

Mayor Silva asked for clarification from City Attorney John Luebberke regarding the reference to the proposed Council Policy superseding the City Charter

City Attorney John Luebberke explained that it does not supersede the City Charter, the proposed Council Policy addresses the situation where the presiding officer fails to uphold responsibility

Councilmember Zapien pointed out that the City is following best practices of other cities across the state; shared his belief that this is an example of good governance; stated that this is an opportunity to bring current policies up to date

Mayor Silva asked that the Legislative Environmental Committee list topics individually for easier discussion in the future

Resolution 2013-12-17-1213 adopting the revised Council Policies 100-2, 100-3 and 100-6 and the newly created Council Policy 100-11, as recommended by the Council Legislative/Environmental Committee.

Moved by: Councilmember Tubbs, seconded by Councilmember Burgos Medina.

Vote: Motion carried 5-1

Yes: Councilmember Burgos Medina, Councilmember Holman , Councilmember Tubbs, Councilmember Zapien, and Vice Mayor Canepa.

No: Mayor Silva.

Absent: Councilmember Miller.

13. ADMINISTRATIVE MATTERS

None.

14. UNFINISHED BUSINESS

None.

15. NEW BUSINESS

15.1 13-1037 ADOPTING A RESOLUTION IN SUPPORT OF THE REVITALIZE OUR CITIES ACT

Interim City Manager Kurt Wilson spoke to the Revitalize our Cities Act, an act introduced by Congressman McNerny

Resolution 2013-12-17-1501 to approve supporting the Revitalize Our Cities Act.

Moved by: Mayor Silva, seconded by Councilmember Holman .

Vote: Motion carried 6-0

Yes: Councilmember Burgos Medina, Councilmember Holman , Councilmember Tubbs, Councilmember Zapien, Vice Mayor Canepa, and Mayor Silva.

Absent: Councilmember Miller.

15.2 13-0993 EXTENSION OF PUBLIC FACILITIES FEE REDUCTION FOR RESIDENTIAL AND NON-RESIDENTIAL PROJECTS

Resolution 2013-12-17-1502

1) Extending the reduction of certain public facilities fees for non-residential projects Citywide until December 31, 2014;

2) Extending the reduction of certain public facilities fees for residential projects within the existing City limits until December 31, 2014; and
Extending the Public Facilities for Residential and Non-Residential Projects

3) Maintaining the Public Facilities Administrative Fee at 3.5% until the applicable sunset dates.

Moved by: Councilmember Zapien, seconded by Councilmember Holman .

Vote: Motion carried 6-0

Yes: Councilmember Burgos Medina, Councilmember Holman ,
Councilmember Tubbs, Councilmember Zapien, Vice Mayor Canepa, and
Mayor Silva.

Absent: Councilmember Miller.

16. HEARINGS***

16.1 13-0835 AMENDMENT TO TITLE 16 OF THE STOCKTON MUNICIPAL CODE TO ALLOW CARD ROOMS IN THE CG (COMMERCIAL, GENERAL) ZONING DISTRICT

Community Development Deputy Director, Forrest Ebbs provided PowerPoint presentation in support of amending card room zoning codes

Mayor Silva spoke in support of the proposed move of the Delta Card Room

Mike Hakeem, attorney spoke to the application to relocate from downtown to Swain and West Lane; pointed out that there would still only be 3 card rooms (4 is allowed in the city)

Councilmember Holman shared his observation of the card room downtown; pointed out that he does not recall seeing anything happening at that location; asked if the card room in question serves alcohol

Turkol spoke in support of the card room relocation and the creation of new jobs

Vice Mayor Canepa inquired if the tenants nearby were supportive of the move

Councilmember Burgos Medina spoke to the zoning change that will occur with the move of the Delta Card Room; shared support for amendment to card room zoning

Ordinance 2013-12-17-1601 amending Title 16 of the Municipal Code to allow card rooms to be permitted within the Commercial, General zoning district, as recommended by the Planning Commission.

Moved by: Councilmember Burgos Medina, seconded by Councilmember Holman .

Vote: Motion carried 6-0

Yes: Councilmember Burgos Medina, Councilmember Holman , Councilmember Tubbs, Councilmember Zapien, Vice Mayor Canepa, and Mayor Silva.

Absent: Councilmember Miller.

Mayor Silva spoke to card rooms in surrounding locations; pointed out that Lodi and Manteca have the same structural set up, but server can bring alcoholic beverages to the table; current ordinance is that alcoholic beverages are not allowed at the table; offers consideration for the future

16.2 **13-0837 APPEAL OF THE PLANNING COMMISSION'S DENIAL OF THE REQUEST FOR A USE PERMIT TO UPGRADE THE OFF-SALE OF BEER AND WINE TO THE OFF-SALE OF GENERAL ALCOHOLIC BEVERAGES IN AN EXISTING RETAIL OUTLET AT 8024 NORTH EL DORADO STREET (P13-148)**

City Clerk Bonnie Paige shared that the Clerk's Office received a letter sent by Mike Hakeem requesting that this item be continued to a later date in January

Community Development Directory, Steve Chase offers the date of January 14, 2014 for continuance for this public hearing item

Motion 2013-12-17-1602 to table this Public Hearing to be continued to the Council meeting of January 14, 2014

Moved by: Councilmember Zapien, seconded by Councilmember Burgos Medina.

Vote: Motion carried 6-0

Yes: Councilmember Burgos Medina, Councilmember Holman , Councilmember Tubbs, Councilmember Zapien, Vice Mayor Canepa, and Mayor Silva.

Absent: Councilmember Miller.

16.3 **13-0979 CITY-INITIATED MUNICIPAL CODE (SMC) AMENDMENT TO ADOPT AN ORDINANCE AMENDING TITLE 15 OF THE SMC, CHAPTER 15.72, GREEN BUILDING STANDARDS**

This public hearing was noticed for this meeting. Due to additional staff work, the public hearing will not be held and will be rescheduled at a later date.

17. COUNCIL COMMENTS

Vice Mayor Canepa met with City of Riverside officials regarding group homes; thanked Greg Basso and Becky Moffat for inviting him; wished everyone Happy Holidays; congratulated City Clerk Bonnie Paige for her 25 years of service

Councilmember Tubbs congratulated City Clerk Paige for 25 years of service with the City; interns working on a Youth Leadership Conference taking place December 26-28; importance of the Angel Tree Ministries event for children of incarcerated parents; the New York Times mentions Stockton in an article; requested that someone look into the problem at 1219 Stanislaus, regarding maintenance, trash, and dead dog; thanked the Councilmembers for all their work throughout the year and community members for their work during the holidays in assisting the less fortunate

Councilmember Holman observed that Stockton Peace Officers Association (SPOA) and Stockton Fire Department (SFD) purchased a pallet of turkeys and hams at a Food for Less store to donate to the Emergency Food Bank; many difficult issues are dealt with on the dais, personal efforts are made to arrive at consensus with all members in a just and rational manner; wished everyone a Happy Holiday Season and that the less fortunate are also taken care of this holiday season

Councilmember Zapien spoke in reference to the problems on Wilson Way; the Police Department and other community organizations are working to form a Wilson Way Neighborhood Initiative to revitalize the area; kickoff meeting January 4, 10:00 a.m.; will initiate creation of Neighborhood Watch groups in the community; have an ambitious proposal to turn the neighborhood around; to get involved contact district4@stocktongov.com; appreciates the hard work and accomplishments of all the Councilmembers; serving is an opportunity of a lifetime; wishes all a Happy Holiday Season

Councilmember Burgos Medina congratulated City Clerk Paige for 25 years of service; Stockton Symphony concert at Faye Spanos Center tomorrow at 6:00 p.m.; office hour this week will be tomorrow from 5-6 p.m.; serving on the Council has been a rewarding experience; wishes everyone a Happy Holiday Season

Councilmember Holman thanked and commended City of Stockton employees for their continued hard work and effort throughout the tough times; wishes all a

very Merry Christmas and Happy New Year

Mayor Silva concurred with the comments of the Councilmembers; appreciates the Councilmembers as colleagues; thanked Acting City Manager, the department heads and City staff for their service; Christmas Tree lighting event was successful; gift-giving event with Santa at City Hall on Monday, December 23, from 12-2 p.m., call 937-8499 to get on the list

18. ADJOURNMENT (7:47 PM)

INFORMATIONAL ITEMS

**13- 2014 City of Stockton Boards and Commissions Local Appointments
1060 List**

This list is being provided as information only in compliance with the provisions of the Maddy Act.


BONNIE PAIGE, CMC
STOCKTON CITY CLERK