

MINUTES
CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT
AGENCY/PUBLIC FINANCING AUTHORITY/PARKING AUTHORITY
CONCURRENT
MEETING OF APRIL 12, 2016

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

1. CLOSED SESSION CALL TO ORDER/ROLL CALL - 4:00 PM

Roll Call

Present:

Michael Blower
Christina Fugazi
Elbert Holman
Susan Lofthus
Michael Tubbs

Absent:

Anthony Silva, and Daniel Wright.

NOTE: Councilmember Wright arrived to Closed Session at 4:10 PM

2. ADDITIONS TO CLOSED SESSION AGENDA

None

3. ANNOUNCEMENT OF CLOSED SESSION

3.1 16-2532 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).

3.2 16-2533 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.

3.3 16-2534 PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

City Manager

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

3.4 16-2535 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.

4. PUBLIC COMMENT

Tocan Nguyen - shared personal political views

5. RECESS TO CLOSED SESSION

The Council recessed to Closed Session at 4:04 PM. The Council returned from Closed Session and recessed at 4:25 PM

6. REGULAR SESSION CALL TO ORDER/ROLL CALL - 5:31 PM

Roll Call

Present:

Michael Blower

Christina Fugazi

Elbert Holman

Susan Lofthus

Anthony Silva

Michael Tubbs

Daniel Wright

7. INVOCATION/PLEDGE TO FLAG

Bill Brown, CEO of the Gospel Center Rescue Mission provided the Invocation. Pledge of Allegiance was led by Councilmember Wright.

8. REPORT OF ACTION TAKEN IN CLOSED SESSION

City Attorney John M. Luebberke announced that there was one reportable action taken by City Council.

City Council voted 6-0, with Mayor Silva absent, to authorize the commencement of litigation. Further information regarding this matter will be available upon inquiry once the matter has been filed and served.

9. ADDITIONS TO REGULAR SESSION AGENDA

None

10. PROCLAMATIONS, COMMENDATIONS, OR INVITATIONS

10.1 Certificate of Recognition: Serving People with Disabilities in the City of Stockton

Recipient: Matt Beckwith

10.2 Proclamation: Earth Day Festival at Victory Park on Sunday April 24, 2016 from 10 AM to 4 PM

Recipients: Matt Beckwith and Christie Kelley

10.3 Proclamation: Sexual Assault Awareness Month April 2016

Recipient: Lilian Lazaro, representing Women's Center - Youth and Family Services

10.4 Proclamation: National Public Safety Telecommunications Week
April 10-16 2016

Recipients: Stockton Fire Department -

Erik Newman, Fire Chief

Certificates of Recognition:

Mark Duerr, Fire Captain, Emergency Communications Division (ECD)
Director

Mary Ruvalcaba

Virginia Ruiz

Stacy Schafer

Audrey Meyers

Karen Delucchi

Marina King

Candi Price

Jolene Gibson

Suzanne Stone

Linda Mager

Maria Macias

Sheila Wall

Virginia Cardoza

Jim Maggiora

Proclamation: National Public Safety Telecommunications week April 10-
16 2016

Recipient: Robert Applegate, Police Telecommunications
Supervisor, Stockton Police Department Dispatch

10.5 Proclamation: Cambodian Genocide Memorial Week April 13-17
2016

Recipient: Sophy Reese, Savong Lam and team

12. CONSENT AGENDA

Public Comment

Ned Leiba - spoke to item 12.1; remove item from consent calendar and
bring it before Measure W Committee

Scott Carney, Deputy City Manager - addressed Measure W audit
coming before Council; appropriate course of action

Approve the Consent Agenda with a single vote

Moved by: Michael Blower, seconded by Daniel Wright.

Vote: Motion carried 7-0

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

12.1 16-2510 MEASURE W PUBLIC SAFETY TAX FUND AUDIT FOR THE YEARS ENDED JUNE 30, 2015 AND 2014, PROPOSITION 111 APPROPRIATION LIMIT (GANN LIMIT) FOR THE YEAR ENDED JUNE 30, 2015, SINGLE AUDIT FOR THE YEAR ENDED JUNE 30, 2015, REPORT ON INTERNAL CONTROLS FOR THE YEAR ENDED JUNE 30, 2015 AND CORE REVENUES FOR THE YEAR ENDED JUNE 30, 2015.

Approve **Motion 2016-04-12-1201** accepting the Measure W Public Safety Tax Fund Audit for the years ended June 30, 2015 and 2014, Agreed-Upon Procedures Report on Compliance with Proposition 111 Appropriation Limit (GANN Limit) for the year ended June 30, 2015, Single Audit for the year ended June 30, 2015, Report on Internal Controls for the year ended June 30, 2015 as approved and recommended by the Audit Committee of the City Council and Agreed-Upon Procedures Applied to Core Revenues for the year ended June 30, 2015.

Legislation Text

Attachment A - 2015 Measure W Audit

Attachment B - 2015 Prop 111 Approp AUP

Attachment C - 2015 Single Audit

Attachment D - 2015 Internal Control Audit

Attachment E - 2015 Core Revenues

12.2 16-2350 TERMINATE CONSTRUCTION CONTRACT NO. 2014-12-16-1209, WITH MCI ENGINEERING, INC. FOR THE 2014 ON-CALL LARGE DIAMETER SEWER REPAIR SERVICES PROJECT - RE-BID

Approve **Motion 2016-04-12-1202** terminating Contract No. 2014-12-16-

1209, for the 2014 On-Call Large Diameter Sewer Repair Services Project Re-Bid with MCI Engineering, Inc. of Stockton, in the amount of \$1,118,450.

Legislation Text

Attachment A - Construction Contract No 2014-12-16-1209

12.3 16-2375 RESOLUTION APPROVING THE FILING OF NOTICE OF EXEMPTION NO. CE007-15, APPROVING THE PLANS AND SPECIFICATIONS, AND AWARDING A CONSTRUCTION CONTRACT TO GEORGE REED, INC. FOR THE MONTAUBAN AVENUE AND SWAIN ROAD ROUNDABOUT (PROJECT NO. PW1315/FEDERAL PROJECT NO. CML-5008(129))

Approve **Resolution 2016-04-12-1203** authorizing the City Manager to:

1. Approve the filing of Notice of Exemption No. CE007-15 under the California Environmental Quality Act (CEQA) for the Montauban Avenue and Swain Road Roundabout (Project No. PW1315/Federal Project No. CML-5008(129)).
2. Approve the plans and specifications for the Montauban Avenue and Swain Road Roundabout (Project No. PW1315/Federal Project No. CML-5008(129)).
3. Appropriate \$110,000 from Public Facilities Fee (PFF) Street Fund balance to the Montauban Avenue and Swain Road Roundabout (Project No. PW1315/Federal Project No. CML-5008(129)).
4. Award a Construction Contract in the amount of \$599,708 to George Reed, Inc., of Stockton, CA, for the Montauban Avenue and Swain Road Roundabout (Project No. PW1315/Federal Project No. CML-5008(129)).

Legislation Text

Attachment A - Vicinity Map

Attachment B - Roundabout Design

Proposed Resolution - Contract George Reed

Exhibit 1 - Notice of Exemption

Exhibit 2 - Construction Contract

Approved Resolution 2016-04-12-1203

12.4 16-2404 AUTHORIZE SUBMITTAL OF REQUESTS FOR STATE FUNDS FROM CALRECYCLE

Approve **Resolution 2016-04-12-1204** authorizing the City Manager to submit applications to the Department of Resources Recycling and Recovery (CalRecycle) for any and all payment programs offered.

Legislation Text

Proposed Resolution - CalRecycle Grants

Approved Resolution 2016-04-12-1204

12.5 16-2429 APPROVE MOTION TO ENTER INTO A CONTRACT WITH AMERICAN FIDELITY ASSURANCE COMPANY FOR VOLUNTARY INSURANCE PRODUCTS

Approve **Motion 2016-04-12-1205** authorizing the City Manager to execute an Agreement with American Fidelity Assurance Company ("American Fidelity") to provide employees with access to purchase voluntary insurance products. It is also recommended that this motion authorize the City Manager to take actions necessary and appropriate to carry out the purpose and intent of this motion.

Legislation Text

Attachment A - Voluntary Benefits Services

13. ADMINISTRATIVE MATTERS

None

14. UNFINISHED BUSINESS

None

11. CITIZENS' COMMENTS, ANNOUNCEMENTS, OR INVITATIONS

Tocan Nguyen - spoke to agenda item 16.1

Bonnie Paige, City Clerk - read comment from James Young inviting community to the First Church of the Nazarene at 915 Rosemarie Lane in Stockton on Saturday April 16, 2016 from 8 AM to 12 PM for a Pancake Breakfast; cost is \$5.00 per ticket

Greg Lawson, Public Information Officer for CalTrans District 10 - gave presentation to Council regarding scheduled closures of State Route 4 with the aid of a PowerPoint presentation (filed)

PowerPoint Presentation - Crosstown Big Fix

Kathleen Gapusan - shared employment and personal history living in Stockton; spoke to Special City Council Goal Setting meeting on April 6, 2016

Ned Leiba - spoke to Audit Committee meeting on April 11, 2016; needing a Financial Statement Audit of Measure A funds

Vincent Sayles - shared personal religious beliefs

Laura Lazzelle - former Stockton Municipal Utilities Department (MUD) employee; opposed water rate increase; provided letter and charts for the Council (document filed)

Document filed by Laura Lazzelle - Opposition to Water Increase Letter

Stacey C. - shared personal experience with police

Pamela Makelke - expressed concern with weeds and debris in her neighborhood; voting rights in Stockton

Stephen Bentley, Deacon at St. John the Evangelist Episcopal Church - spoke to transportation and employment issues; invited Councilmembers and public to the Helping Urban Bicyclists (HUB) Bicycle Repair grand opening event on Saturday April 16, 2016 from 12 PM to 3 PM (document filed)

Document filed by Stephen Bentley - Grand Opening and Blessing of the HUB event flyer

Michael Molamphy - shared experience with tree damage to his vehicle; police unlawfully towing his vehicle; fourth amendment rights

15. NEW BUSINESS

15.4

16-2514 BODY CAMERA POLICY

Legislation Text

Mayor Silva - asked questions regarding existing body camera policy: asked how it was decided which officers were selected to wear cameras; what is the available access to footage; how is footage handled and downloaded; is data gathered all day; have the cameras helped the Police Department

Eric Jones, Chief of Police - responded to Mayor Silva: initial rollout of body cameras was to all uniformed personnel; recently has been expanded to include code enforcement, does not include administrative staff; body camera footage would be documentary evidence in an investigation but not available to outside parties until investigation is complete; camera footage is downloaded by IT personnel, safeguards are in place so officers cannot alter footage; body cameras are not on all the time, officers must turn them on when needed; footage managed by sworn officers and civilian IT staff; cameras have helped the Police Department

Item for discussion. No action required

15.5 16-2515 DASH CAMERAS

Legislation Text

Mayor Silva - asked questions regarding dash camera usage and policy: what different angles/views does the camera pick up; are agencies moving away from dash cameras; if funding were available would Stockton PD still use dash cameras; how many dash cameras currently in use; how much would it cost to install dash cameras

Eric Jones, Chief of Police - responded to Mayor Silva: provided history around dash camera use, noting policy shift to body worn cameras and the significant difference between the two; no dash cameras are currently in use in Stockton; provided cost estimate for installation and maintenance of dash cameras

Public Comment

Aaron Paradiso - spoke to death of James Rivera; dash cameras not obsolete when Detectives don't wear body cameras or they aren't operating properly

Shamaya Slaughter - spoke to having cameras in patrol cars for proper review of police activities

Item for discussion. No action required.

15.6 16-2516 POLICE ANNEXES

Legislation Text

Council asked questions and discussed possible deterrents to crime in Stockton.

Public Comment

Gary Malloy - favored community policing; relayed success of pilot project in his neighborhood

Item for discussion. No action required.

NOTE:

Meeting went into Recess - 7:43 PM

Meeting Reconvened - 7:53 PM

Mayor Silva left the meeting at 7:43 PM

15.1 16-2326 ACCEPT FISCAL YEAR 2015-16 FIRST AND SECOND QUARTER BUDGET STATUS UPDATE

Legislation Text

Attachment A - 2015-16 2nd Quarter Budget Update General Fund

Attachment B - FY 2015-16 2nd Quarter General Fund Revenue Summary

Proposed Resolution - FY2015-16 1st and 2nd Quarter

Approved Resolution 2016-04-12-1501

Scott Carney, Deputy City Manager - gave the report to Council with the aid of a PowerPoint presentation (filed)

Public Comment

Gary Malloy - asked for clarification regarding possible sunset clause in Measure A; possibility of renegotiating the lease for City Hall's new location at 400 East Main; concerned that City Hall will have to move again once lease expires

Approve **Resolution 2016-04-12-1501**

1. Accepting this budget status report on the results of the first and second quarters of Fiscal Year (FY) 2015-16 for the City's General Fund, and selected other funds, and
2. Authorizing the recommended budget amendments to the FY 2015-16 Annual Budget in the General Fund, Storm Drainage Basin Maintenance Assessment District Fund, Public Facility Fee Street Improvement Street Light fund, Police Special Revenues Fund, and the Bankruptcy Fund.

Moved by: Elbert Holman, seconded by Daniel Wright.

Vote: Motion carried 6-0

Yes: Michael Blower, Christina Fugazi , Elbert Holman, Susan Lofthus, Michael Tubbs, and Daniel Wright.

Absent: Anthony Silva.

15.2 16-2471 APPROVE BY MOTION TO ENTER INTO A CONTRACT WITH SUTTER HEALTH PLUS AS AN ADDITIONAL MEDICAL PLAN OPTION OFFERED TO CITY EMPLOYEES

NOTE: This item was heard and voted on concurrently with agenda item 15.3

Legislation Text

Attachment A - Sutter Plan

Deanna Solina, Human Resources Director - gave the report to Council with the aid of a PowerPoint presentation (filed)

PowerPoint Presentation - City of Stockton's Health Plans, Rates, and Annual Actuarial Report

Approve **Motion 2016-04-12-1502** authorizing the City Manager to execute

an Agreement with Sutter Health Plus as an additional medical plan option offered to City employees and their eligible dependents. It is also recommended that this motion authorize the City Manager to take actions necessary and appropriate to carry out the purpose and intent of this agreement.

Approve **Motion 2016-04-12-1503** accepting the Annual Actuarial Report (Attachment A) for the City's self-funded medical, dental, and vision plans for the period ending June 30, 2015, as presented in the Segal Company report dated March 31, 2016, and adopt by motion the recommended monthly premium rates for the City's current self-funded health plans and the fully-insured Kaiser High Deductible medical plan for fiscal year 2016-2017. Additionally, accept proposed rates for two (2) additional plan options, a second Kaiser plan and a Sutter Health Plus plan (effective July 1, 2016) for medical coverage offered to City employees. The Sutter Health Plus option is pending City Council approval and is being considered on this same Council Agenda.

Moved by: Michael Tubbs, seconded by Susan Lofthus.

Vote: Motion carried 6-0

Yes: Michael Blower, Christina Fugazi, Elbert Holman, Susan Lofthus, Michael Tubbs, and Daniel Wright.

Absent: Anthony Silva.

15.3 16-2472 ADOPT BY MOTION THE RECOMMENDATIONS OF THE SEGAL COMPANY FOR PREMIUM RATES FOR FISCAL YEAR 2016/2017 AND ACCEPT THE ANNUAL ACTUARIAL REPORT ON THE CITY'S SELF-FUNDED MEDICAL PLANS

NOTE: Agenda item 15.3 was heard and voted on concurrently with agenda item 15.2

Legislation Text

Attachment A - Annual Actuary Report as of June 30 2015

16. HEARINGS

16.1 16-2436 GENERAL PLAN AMENDMENT TO APPROVE CITY OF STOCKTON 2015-2023 HOUSING ELEMENT AND INITIAL STUDY/PROPOSED NEGATIVE DECLARATION

Legislation Text

Attachment A - HCD Conditional Approval Letter 2016 Feb 12

Attachment B - PC Resolution

Attachment C - Initial Study and Negative Declaration

Proposed Resolution - General Plan Amendment

Exhibit 1 - Draft 2015-2023 Housing Element

Approved Resolution 2016-04-12-1601

David Kwong, Community Development Director - gave the report to Council with the aid of a PowerPoint presentation (filed)

PowerPoint Presentation - General Plan Amendment to Adopt Housing Element and Ordinance

Approve **Resolution 2016-04-12-1601** authorizing a General Plan Amendment to adopt the City of Stockton 2015-2023 Housing Element and Initial Study/Proposed Negative Declaration.

Moved by: Daniel Wright, seconded by Elbert Holman.

Vote: Motion carried 6-0

Yes: Michael Blower, Christina Fugazi, Elbert Holman, Susan Lofthus, Michael Tubbs, and Daniel Wright.

Absent: Anthony Silva.

16.2 16-2362 AMENDMENT TO TITLE 16 OF THE STOCKTON MUNICIPAL CODE RELATED TO COMPLIANCE WITH STATE HOUSING ELEMENT LAW

Legislation Text

Attachment A - Ordinance - Redline Version

Attachment B - Planning Commission Resolution

Proposed Ordinance - State Housing Element Law

Approved Ordinance 2016-04-12-1602

Approve **Ordinance 2016-04-12-1602** authorizing an amendment to Title 16 of the Stockton Municipal Code, including Section 16.20.020, Table 2-2, "Allowable Land Uses and Permit Requirements;" Section 16.64.060, "Parking Assessment Districts;" Section 16.80.155, "Emergency Shelters;" Section 16.80.350, "Transitional Housing," and Section 16.240.020, "Definitions of Specialized Terms and Phrases," and the addition of Chapter 16.214, "Request for Reasonable Accommodation Under the Fair Housing Amendment Act of 1988 and the California Fair Employment and Housing Act;" related to compliance with state housing element law.

Moved by: Daniel Wright, seconded by Christina Fugazi .

Vote: Motion carried 6-0

Yes: Michael Blower, Christina Fugazi , Elbert Holman, Susan Lofthus, Michael Tubbs, and Daniel Wright.

Absent: Anthony Silva.

16.3 16-2348 ESTABLISHMENT OF THE WINDMILL PARK UNIT 1 AREA OF BENEFIT

NOTE: Councilmember Blower recused himself from agenda items 16.3 and 16.4 due to a possible conflict of interest; leaving the chamber during deliberation and voting.

Legislation Text

Attachment A - Windmill Vicinity Map

Attachment B - Windmill Park Resolution No 04-0273

Attachment C - Windmill Utility Improvements

Attachment D - Area of Benefit Report

Proposed Resolution - Windmill Park Area of Benefit

Exhibit 1 - Vicinity Map Area of Benefit

Exhibit 2 - Cost Segregation

Exhibit 3 - Parcel

Approved Resolution 2016-04-12-1603

David Kwong, Community Development Director - gave the report to Council with the aid of a PowerPoint presentation (filed)

PowerPoint Presentation - Windmill Park Unit 1 Area of Benefit

Michael McDowell, Planning Manager, Community Development Department - spoke to Windmill park; unincorporated areas of Stockton

Public Comment

Val Dawang - owns parcel number seven in development area; protesting area of benefit because parcel won't be connected to sewer or water

Louis Dawang - spoke to development; not choosing to annex property and keep it in county; cost for development on their family property

Vicky Stone - expressed concerns about fee being adjusted for inflation

Jeremy White, Grupe Company - infrastructure put in ten years ago, price locked in then; there hasn't been inflation since installation

Approve **Resolution 2016-04-12-1603**

1. Approving the establishment of the Windmill Park Unit 1 Area of Benefit; and
2. Authorizing the City Manager to take appropriate and necessary actions to carry out the purpose and intent of the resolution.

Moved by: Elbert Holman, seconded by Michael Tubbs.

Vote: Motion carried 5-0

Yes: Christina Fugazi , Elbert Holman, Susan Lofthus, Michael Tubbs, and Daniel Wright.

Recuse:Michael Blower.

Absent: Anthony Silva.

16.4 16-2420 ESTABLISHMENT OF THE NORTH STOCKTON PROJECTS PHASE III AREA OF BENEFIT

NOTE: Councilmember Blower recused himself from agenda items 16.3 and 16.4 due to a possible conflict of interest; leaving the chamber during deliberation and voting.

Legislation Text

Attachment A - Vicinity Map

Attachment B - Destinations Resolution

Attachment C - Northbrook Resolution

Attachment D - Area of Benefit Report

Proposed Resolution - North Stockton Projects Area of Benefit

Exhibit 1 - Vicinity Map Area of Benefit

Exhibit 2 - Cost of Segregation

Exhibit 3 - Parcel

Approved Resolution 2016-04-12-1604

David Kwong, Community Development Director - gave the report to Council with the aid of a PowerPoint presentation (filed)

PowerPoint Presentation - North Stockton Projects Phase III Area of Benefit

Public Comment

Louis Dawang - spoke to infrastructure depreciation over time; trigger points to fees are sensitive

Approve **Resolution 2016-04-12-1604**

1. Approving the establishment of the North Stockton Projects Phase III Area of Benefit; and
2. Authorizing the City Manager to take appropriate and necessary actions to carry out the purpose and intent of the resolution.

Moved by: Michael Tubbs, seconded by Daniel Wright.

Vote: Motion carried 5-0

Yes: Christina Fugazi , Elbert Holman, Susan Lofthus, Michael Tubbs, and Daniel Wright.

Recuse:Michael Blower.

Absent: Anthony Silva.

17. COUNCIL COMMENTS

Councilmember Lofthus - requested agenda item on next agenda to discuss moving public comment to the end of agenda - second by Councilmember Tubbs

Councilmember Wright - thanked organizers of Remembrance Rally tonight and members of the Cambodian community

Councilmember Tubbs - thanked organizers of Remembrance Rally; Proposition 47 topic for Legislation/Environmental meeting, supported by Councilmember Wright; addressed meeting decorum; asked for discussion item regarding Councilmembers leaving meeting early on Legislation/Environmental meeting agenda, supported by Councilmember Lofthus

Councilmember Holman - shared information from the Public Safety Policy Committee meeting for the League of California Cities regarding AB1957 and AB2611

Vice Mayor Fugazi - genocide remembrance rally a positive event; asked for presentation with Legislation/Environmental committee regarding California Center for Public Health Advocacy's Healthy Communities for Healthy Children, supported by Tubbs; asked about process for weed abatement in City

Councilmember Holman - attending meetings with Councilmember Blower in Washington D.C. next week; close meeting in honor of Sheriff Deputy Ed Ford

18. ADJOURNMENT - 9:35 PM



BONNIE PAIGE, CMC
CITY CLERK, CITY OF STOCKTON