

MINUTES
CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY/PUBLIC FINANCING
AUTHORITY/PARKING AUTHORITY CONCURRENT
MEETING OF AUGUST 8, 2017

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

1. CLOSED SESSION CALL TO ORDER/ROLL CALL - 4:01 PM

Roll Call

Present:

Jesús Andrade

Christina Fugazi

Elbert Holman

Susan Lofthus

Michael Tubbs

Absent:

Susan Lenz, and Daniel Wright.

2. ADDITIONS TO CLOSED SESSION AGENDA

None

3. ANNOUNCEMENT OF CLOSED SESSION

3.1 17-3861 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 17-3863 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)

Legislation Text

3.3 17-3867 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).

Legislation Text

3.4 17-3878 CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: Two

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

Legislation Text

3.5 17-3908 CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Number of Parcels: 59

Address, APN, and Owner listed respectively:

525 N. Center Street, Stockton, California 95202, 137-190-29, City of Stockton; 546 N. Madison Street, Stockton, California 95202, 137-190-30, Stockton Unified School District; 120 W. Oak Street, Stockton, California 95202, 137-190-33, City of Stockton; 445 W. Weber Ave J, Stockton, California 95203, 137-260-12, Riverrock Properties LLC; 605 and 517 W. Weber Ave, Stockton, California 95203, 137-260-16, and 17, City of Stockton Redevelopment Agency; 627 W. Weber Ave, Stockton, California 95203, 137-260-35, Waterfront Office Towers Owners et al.; 321 W. Weber Ave, Stockton, California 95203, 137-270-23, Patricia A. and Patrick J. Kennedy Trust et al.; -No Addresses on Property- Stockton, California 95202, 137-360-58, Regent Weber LLC; 501 W. Weber Ave, 102, 105, 500, 113, and 117, Stockton, California 95203, 137-380-14, thru 137-330-18, Butterfield Weber LLC et al.; 509 W. Weber Ave, 101, 202, 203, 204, 205, 209, 213, and three unassigned units, Stockton, California 95203, 137-390-01, thru 137-390-11, Sierra Vista Apartments II LP, et al.; 509 W. Weber Ave 217, and one unassigned unit, Stockton, California 95203, 137-390-12, and 13. Dockside One; 555 N. El Dorado Street, Stockton, California 95202, 139-060-30, City of Stockton; 121 E. Lindsay Street, Stockton, California 95202, 139-070-03, Francisco Villalobos, et al.; 128 E. Fremont Street, Stockton, California 95202, 139-070-04, Jason Duran; 441 N. Hunter Street, Stockton, California 95202, 139-070-05, Joseph S. Escove Trust; 135 E. Lindsay Street, Stockton, California 95202, 139-070-07, Rosa Flores Trust; 400 N. El Dorado Street, Stockton, California 95202, 139-070-09, Joseph Quang and Diana Tho Nguyen; 425 N. El Dorado Street, Stockton, California 95202, 139-070-10, City of Stockton; 436 N. El Dorado Street, Stockton, California 95202, 139-070-13, Dennis Erardi; 6 and 20 E. Lindsay Street, Stockton, California 95202, 139-080-01, and 02, City of Stockton; 305 N. El Dorado Street 301, Stockton, California 95202, 139-080-03, A T C Building Co.; Address: 345 N. El Dorado Street, Stockton, California 95202, 139-080-04, City of Stockton; 31 Channel Street, Stockton, California 95202, 139-100-01, State of California; 1 N. El Dorado Street, Stockton, California 95202, 149-020-14, Eduardo and Ximena D. Araya; 9 S. El Dorado Street, Stockton, California 95202, 149-030-08, Pellarin Enterprises; 35 S. El Dorado Street, Stockton, California 95202, 149-030-10, Bank of Tokyo; 400 E. Main Street 504, Stockton, California 95202, 149-150-24, City of Stockton; 343 E. Main Street 329, Stockton, California 95202, 149-160-08, Cort Tower LLC; 311 E. Main Street 202, Stockton, California 95202, 149-160-12, Stockton Building Co.; 317 E. Main Street, Stockton, California 95202, 149-160-13, County of San Joaquin; 42 N.

Sutter Street 503, Stockton, California 95202, 149-170-01, 42NSUTTER LLC; 401 E. Main Street, Stockton, California 95202, 149-170-04, United Way of San Joaquin County Corporation; 20 N. Sutter Street, Stockton, California 95202, 149-170-05, Kress Building LLC; 415 E. Main Street, Stockton, California 95202, 149-170-06, Yik Hwan and Lois Eunjoo Oh; 417 E. Main Street, Stockton, California 95202, 149-170-07, Disco Azteca PTP; 435 and 445 E. Main Street, Stockton, California 95202, 149-170-08, and 09, City of Stockton; 440 E. Weber Ave, Stockton, California 95202, 149-170-11, Weber LLC, 37 N. California Street, Stockton, California 95202, 149-170-12, City of Stockton Redevelopment Agency; 27 N. California Street, Stockton, California 95202, 149-170-25, City of Stockton; 420 and 430 E. Main Street, Stockton, California 95202, 149-170-29, and 30; Weber LLC

Agency Negotiators: Kurt Wilson, City Manager

Under Negotiation: Price and Terms

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

Legislation Text

3.6 17-3865 PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Two

City Manager and City Attorney

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

Legislation Text

4. PUBLIC COMMENT

None

5. RECESS TO CLOSED SESSION - 4:02 PM

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

7. INVOCATION/PLEDGE TO FLAG

Roll Call

Present:

Jesús Andrade
Christina Fugazi
Elbert Holman
Susan Lenz
Susan Lofthus
Michael Tubbs
Daniel Wright

The Pledge of Allegiance was led by Councilmember Fugazi. Pastor Pat McClanahan of the Gravity Church provided the Invocation.

8. REPORT OF ACTION TAKEN IN CLOSED SESSION

City Attorney John M. Luebberke announced that during Closed Session the Council authorized the City Attorney to initiate litigation of which the particulars will be available upon inquiry once the matter is filed and served.

9. ADDITIONS TO REGULAR SESSION AGENDA

None

10. PROCLAMATIONS, COMMENDATIONS, OR INVITATIONS

10.1 17-3912 CERTIFICATE OF RECOGNITION: GROCERY OUTLET

Recipients: Bobby and Ronica McGhee, Store Owners and Ronald Hill, Night Manager

Legislation Text

Certificate - Stockton Grocery Outlet

Bobby McGhee - thanked Mayor Tubbs for the support and recognition of fundraising efforts during the "Feed the Need" campaign to fight hunger

11. CONSENT AGENDA

Approve the Consent Agenda with a single vote.

Moved by: Elbert Holman, seconded by Michael Tubbs.

Vote: Motion carried 7-0

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

11.1 17-3881 APPROVAL OF CITY COUNCIL MINUTES

Motion 2017-08-08-1101 approving the minutes from the City Council Meetings of June 20, 2017 and July 11, 2017.

Legislation Text

2017-06-20 Minutes for Approval

2017-07-11 Minutes for Approval

11.2 17-3851 APPROVE MOTION AUTHORIZING AN AGREEMENT WITH CALIFORNIA GRAPETTES GIRLS FASTPITCH SOFTBALL FOR THE MANAGEMENT OPERATION, REPAIR, AND MAINTENANCE OF ARNAIZ SOFTBALL COMPLEX

Motion 2017-08-08-1102:

1. Approving findings that support an exception to the competitive bidding process and;
2. Authorizing the City Manager to execute a five-year agreement with California Grapettes Girls Fastpitch Softball, also known as California Grapettes Girls Softball, Inc., for the operation and maintenance of Arnaiz Stadium.
3. Authorizing the City Manager to take appropriate actions to carry out the purpose and intent of the motion.

Legislation Text

Attachment A - Arnaiz Stadium 2017 Agreement

11.3 17-3895 EMERGENCY BYPASS PUMPING FOR THE FOURTEEN MILE SANITARY SEWER PUMP STATION

Motion 2017-08-08-1103:

1. Accepting findings and justifying an exemption to the competitive bidding process for emergency bypass pumping at the Fourteen Mile Sanitary Sewer Pump Station located on Wright-Elmwood Tract.

2. Retaining Rain-for-Rent Inc. of Stockton by the Municipal Utilities Department (MUD) to provide emergency bypass pumping. Final costs are not yet known; however, staff will return to the City Council for ratification of final expenditures.

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

Legislation Text

11.4 17-3793 AWARD A CONTRACT FOR GOODS AND SERVICES TO VALLEY LANDSCAPING & MAINTENANCE, INC. FOR LANDSCAPE SERVICES AT DELTA WATER TREATMENT PLANT

Motion 2017-08-08-1104:

1. Awarding a five-year goods and services contract to Valley Landscaping & Maintenance, Inc. of Lodi, CA, in the amount of \$104,700 for landscape services at the Delta Water Treatment Plant.

2. Authorizing the City Manager to take appropriate actions to carry out the purpose and intent of this motion.

Legislation Text

Attachment A - Landscape Services Contract

11.5 17-3831 EXECUTION OF A CONTRACT WITH ROBERTSON-BRYAN, INC. FOR PROJECT MANAGER SERVICES

Motion 2017-08-08-1105:

1. Awarding a Professional Services Contract to Robertson-Bryan, Inc. of Elk Grove, CA in the amount of \$991,362, for a period of three (3) years with one (1) year extension through the completion of Phase 2 of the Regional Wastewater Control Facility Progressive Design-Build Project for professional engineering services as a Project Manager for the City of Stockton, (Project No. M16022).

2. Authorizing the City Manager to take appropriate actions to carry out the purpose and intent of this motion.

Legislation Text

Attachment A - Professional Services Contract - Robertson-Bryan

11.6 17-3599 APPROVE RESOLUTION TO AUTHORIZE THE PURCHASE OF FOURTEEN VARIOUS PICKUP TRUCKS

Resolution 2017-08-08-1106:

1. Approving the purchase of 14 pickup trucks from Big Valley Ford of Stockton, CA, in the amount of \$563,557.90.

2. Appropriating funds in the amount of \$254,883.60 from the Wastewater Utility Fund fund balance (431-0000-287.00-00) to purchase of six of the 14 pickup trucks from Big Valley Ford.

3. Appropriating funds in the amount of \$308,674.30 from the Fleet Internal Service Fund fund balance (501-0000-101.00-00) to purchase of eight of the 14 pickup trucks from Big Valley Ford.
4. Authorizing the City Manager to take appropriate and necessary actions to carry out the purpose and intent of this resolution.

Legislation Text

Attachment A - Big Valley Ford Bid

Attachment B - Pickup Truck Replacement List

Proposed Resolution - Purchase of Fourteen Pickup Trucks

Approved Resolution 2017-08-08-1106

11.7 17-3697 APPROVE MOTION TO AUTHORIZE THE PERSHING AVENUE SEWER TRUNK LINE REHABILITATION

Motion 2017-08-08-1107:

1. Awarding a Professional Services Contract to West Yost Associates of Davis, CA, in the amount of \$123,204, for design services for the Pershing Avenue Sewer Trunk Line Rehabilitation (Project No. M17023).
2. Approving findings pursuant to Stockton Municipal Code section 3.68.070 in support of an exception to the competitive bidding process.
3. Authorizing the City Manager be authorized to take appropriate and necessary actions to carry out the purpose and intent of this motion.

Legislation Text

Attachment A - Vicinity Map

Attachment B - Professional Services Contract with West Yost Associates

11.8 17-3727 APPROVE RESOLUTION TO AUTHORIZE THE FREMONT SQUARE SIDEWALK RECONSTRUCTION PATH

Resolution 2017-08-08-1108:

1. Approving the plans and specifications for the Fremont Square Sidewalk Reconstruction Path (Project No. PW1438/ATPL-5008(140)).
2. Awarding a Construction Contract in the amount of \$480,971.20 to A.M. Stephens Construction Co., Inc. of Lodi, CA, for the Fremont Square Sidewalk Reconstruction Path (Project No. PW1438/ATPL-5008(140)).
3. Authorizing the City Manager to take appropriate and necessary actions to carry out the purpose and intent of this resolution.

Legislation Text

Attachment A - Vicinity Map

Attachment B - Resolution 2015-01-13-1201

Proposed Resolution - Fremont Square Sidewalk Reconstruction Path

Exhibit 1 - Construction Contract

11.9 17-3741 APPROVE MOTION TO AUTHORIZE THE HIGH FRICTION SURFACE TREATMENT PROJECT

Motion 2017-08-08-1109:

1. Awarding a Professional Services Contract to CSG Consultants, Inc. of Pleasanton, CA, in the amount of \$93,884, for design services for the High Friction Surface Treatment (Project No. PW1622/Federal Project No. HSIPL-5008(153)).
2. Approving findings pursuant to Stockton Municipal Code section 3.68.070 in support of an exception to the competitive bidding process.
3. Authorizing the City Manager to take appropriate and necessary actions to carry out the purpose and intent of this motion.

Legislation Text

Attachment A - Vicinity Map

Attachment B - Public Interest Finding - PW1622

Attachment C - Professional Services Contract

11.10 17-3747 APPROVE RESOLUTION TO AUTHORIZE THE BLACK OAK PUBLIC UTILITY EASEMENT SANITARY SEWER REHABILITATION PROJECT

Resolution 2017-08-08-1110:

1. Approving the Notice of Exemption No. CE017-17 under the California Environmental Quality Act for the Black Oak Public Utility Easement Sanitary Sewer Rehabilitation (Project No. M15002).
2. Approving the plans and specifications for the Black Oak Public Utility Easement Sanitary Sewer Rehabilitation (Project No. M15002).
3. Rejecting the low bid from SAK Construction, LLC of O'Fallon, Missouri, for the Black Oak Public Utility Easement Sanitary Sewer Rehabilitation (Project No. M15002).
4. Awarding a Construction Contract in the amount of \$1,702,029 to Insituform Technologies, LLC of Chesterfield, Missouri for the Black Oak Public Utility Easement Sanitary Sewer Rehabilitation (Project No. M15002).
5. Authorizing the City Manager to take appropriate and necessary actions to carry out the purpose and intent of this resolution.

Legislation Text

Attachment A - Vicinity Map

Proposed Resolution - Black Oak Sanitary Sewer Rehabilitation

Approved Resolution 2017-08-08-1110

Exhibit 1 - Notice of Exemption

Exhibit 2 - Construction Contract

12. ADMINISTRATIVE MATTERS

None

13. UNFINISHED BUSINESS

None

14. NEW BUSINESS

14.1 17-3902 ALLOCATION OF FUNDS TO SUPPORT HOMELESSNESS INITIATIVES

Legislation Text

PowerPoint Presentation - Item 14.1 Supporting Homelessness Initiatives

Approve **Motion 2017-08-08-1401:**

1. Allocating the \$100,000 of FY 2016-17 general funds programmed for homelessness towards clean-up efforts; and
2. Allocating the use of \$300,000 in Community Development Block Grant (CDBG) funds in the FY 2017-18 Budget towards permanent housing for homeless households; and
3. Allocating the additional \$607,521 in Emergency Solutions Grant (ESG) funds on a proportionate basis to emergency shelter, homelessness prevention, and rapid re-housing providers in accordance with the adopted FY 2017-18 Annual Action Plan; and
4. Authorizing the City Manager, or his designee, to take necessary and appropriate actions to carry out the purpose and intent of the motion.

Moved by: Michael Tubbs, seconded by Daniel Wright.

Vote: Motion carried 7-0.

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

15. HEARINGS

15.1 17-3593 APPEAL OF THE PLANNING COMMISSION'S DENIAL OF A USE PERMIT TO ALLOW THE OFF-SALE OF BEER AND WINE AT 2122 S. AIRPORT WAY (P16-0656)

Legislation Text

Attachment A - Location Map and Aerial Photograph

Attachment B - Rancho Market Business License Application

Attachment C - Liquor License Map

Attachment D - Community Outreach

Proposed Resolution - Recommend Denial of Use Permit

Approved Resolution 2017-08-08-1501

Exhibit 1 - Site Plan and Floor Plan

PowerPoint Presentation - Item 15.1 2122 S. Airport Way

The following people spoke in opposition to the Planning Commission denial of the Use Permit for Off-Sale Beer and Wine at 2122 South Airport Way:

Ralph White

The following people spoke in support to the Planning Commission denial of the Use Permit for Off-Sale Beer and Wine at 2122 South Airport Way:

Mary Elizabeth

Bennetta Ortiz

Pamela Jones

Approve **Motion 2017-08-08-1501** upholding the Planning Commission's denial of a Use Permit to allow the off-sale of beer and wine at 2122 S. Airport Way, in accordance with the findings of fact detailed herein.

Moved by: Elbert Holman, seconded by Jesús Andrade.

Vote: Motion carried 6-1

Yes: Jesús Andrade, Elbert Holman, Susan Lenz, Susan Lofthus, Michael Tubbs, and Daniel Wright.

No: Christina Fugazi .

16. CITIZENS' COMMENTS, ANNOUNCEMENTS, OR INVITATIONS

The following comments were made to matters not on the agenda:

James Young - Tree maintenance

David Bregante - Speed limits

Marc Brandes - Bike lanes

Steven Tuner - Health and safety

Kathleen Gapusan - Meeting order and time

Ralph White - 2122 South Airport Way

John Moyhew - Code enforcement violations

Mary Elizabeth - Competitive bidding process; Alpine Road landscape overgrowth east of railroad tracks; liquor license appeal

17. COUNCIL COMMENTS

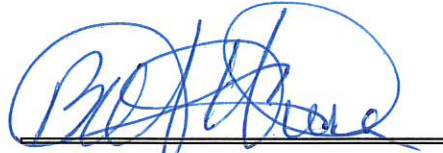
Vice Mayor Holman - thanked neighborhood watch groups in District 1 who participated in National Night Out; special thank you to Kelly Drive resident Brandy, Crime Prevention and Community Improvement Committee colleagues Councilmember Fugazi and Councilmember Lofthus for efforts to help prevent illegal trash dumping; spoke to allocation of funds targeted to clean up trash; shared flyer information on proper garbage disposal through various service providers; thanked community, staff and Council colleagues for the display of democracy shown during General Plan discussions at last council meeting

Councilmember Fugazi - thanked Michelle Reeves for attendance and suggestions given at East Main Street Revitalization meeting; shared results of second "Tune in and Tune up" event, 916 cars attended, \$500.00 vouchers given to 585 participants; shared information on Victory and Praise Church, Community Involvement Town meeting, 2029 East Harding Way, August 13, 2017, 5:00 PM; supports increased posting sites for public meetings; shared Rita's in Stockton, 2829 West March Lane has .99 custard in recognition of National Custard Day

Councilmember Andrade - shared information on partnership with Downtown Stockton Alliance and Centro Community Partners, an Oakland based community organization providing a Spanish speaking entrepreneurship training class this coming fall; ten (10) \$45 scholarships will be given for Spanish speaking course; more information coming via social media

Councilmember Wright - noted Stockton and Lodi Unified schools are back in session; asked for drivers to slow down and drive carefully; spoke to democracy experienced at last Council meeting during General Plan discussion; supports reporting illegal dumping and will share Illegal Dumping flyer at upcoming community forums; announced tentative Legislative Committee for August 30, 2017 at 4:00 PM

18. ADJOURNMENT - 6:46 PM



BRET HUNTER, CMC
INTERIM CITY CLERK, CITY OF STOCKTON