

MINUTES
CITY COUNCIL/SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY/PUBLIC
FINANCING AUTHORITY CONCURRENT
MEETING OF OCTOBER 9, 2012

CITY COUNCIL CHAMBER, CITY HALL, STOCKTON, CALIFORNIA

1. CLOSED SESSION CALL TO ORDER/ROLL CALL 03:32 PM

Roll Call

Present:

Councilmember Canepa

Councilmember Fritchen

Councilmember Holman

Councilmember Lowery

Vice Mayor Miller

Absent:

Councilmember Eggman, and Mayor Johnston.

Note: Councilmember Eggman arrived to Closed Session at 3:34 p.m.

Note: Mayor Johnston arrived to Closed Session at 3:40 p.m.

2. ADDITIONS TO CLOSED SESSION AGENDA

None.

3. ANNOUNCEMENT OF CLOSED SESSION 03:32 PM

3.01

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Number of Cases: Six

Name of Case: Stockton Police Officers' Association v. City of Stockton, et al.
(San Joaquin County Superior Court Case No. 39-2010-00245197)

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: City of Stockton v. Marina Towers LLC, et al. San Joaquin
County Superior Court Case No. CV022054)

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.

3.02 CONFERENCE WITH LABOR NEGOTIATOR

Agency Designated Representative: Bob Deis

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.

3.03 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).

4. PUBLIC COMMENT* 03:32 PM

None.

5. RECESS TO CLOSED SESSION 03:33 PM

The Council recessed to Closed Session at 3:33 p.m. The Council returned from Closed Session and recessed at 4:35 p.m.

6. REGULAR SESSION CALL TO ORDER/ROLL CALL 05:29 PM

Roll Call 05:29 PM

Present:

Councilmember Canepa
Councilmember Eggman
Councilmember Fritchen
Councilmember Holman
Councilmember Lowery
Vice Mayor Miller
Mayor Johnston

7. INVOCATION/PLEDGE TO FLAG 05:30 PM

Pastor Tony June, Jr. of New Greater Love Church provided the Invocation. The Pledge of Allegiance was led by Councilmember Elbert Holman.

8. REPORT OF ACTION TAKEN IN CLOSED SESSION 05:31 PM

City Attorney John Luebberke announced that there was no reportable action taken during Closed Session this evening.

9. ADDITIONS TO REGULAR SESSION AGENDA* 05:31 PM**

None.

10. PROCLAMATIONS, COMMENDATIONS, OR INVITATIONS 05:31 PM

10.01 PROCLAMATION: TEDxSanJoaquin Day - October 10, 2012 05:31 PM

RECIPIENTS: Karelli Cabral, Co-Organizer, TEDxSanJoaquin and Jerry Hildebrand, Director, Global Center for Social Entrepreneurship

Jerry Hildebrand - spoke to TEDx San Joaquin; introduced Karelli Cabral; history of TED

Karelli Cabral - thanked Council and Community; spoke to TEDx San Joaquin

10.02 PROCLAMATION: Domestic Violence Awareness Month - October 2012 05:36 PM

RECIPIENT: Joelle Gomez, Executive Director, Women's Center Youth and Family Services

Joelle Gomez, Executive Director - introduced Board Member Teresa Mandella; spoke to education and awareness; 10th Annual Walk-a-Thon

Teresa Mandella, Board Member - spoke to history future of Women's Center Youth and Family Services

10.03 PROCLAMATION: American Pharmacists Month - October 2012 05:39 PM

RECIPIENT: UOP Student Pharmacists

Amy Vue, Student Pharmacist - spoke to services provided by pharmacists; thanked the Mayor

11. CITIZENS' COMMENTS, ANNOUNCEMENTS, OR INVITATIONS* 05:42 PM

Presentation of awards to the City for its Healthy Eating Active Living City Campaign from the following organizations and legislators:

- Healthy San Joaquin Collaborative

- Assembly member Kathleen Galigiani
- Senator Lois Wolk
- Assembly member Alyson Huber
- Assembly member Bill Berryhill

Wes Rhea, Stockton Convention and Visitors Bureau - spoke to Agenda Item 15.03 regarding B and M Building; history and future of project

Vincent Sayles - spoke to politician Jose Hernandez; exercise and health

Matthew Rizzie, Visionary Homebuilders - spoke to Housing Expo on October 27, 2012 at Hilton Hotel

Dennis Cochran - spoke to revitalizing downtown; graffiti at 515 E. Main Street; state enterprise zone; graffiti abatement service

Anthony Burgher - spoke to Agenda Item 12.02; software contract and costs; future life of the software

Bill Maxwell, Chair, Stockton Arts Commission - invited community to Stockton Arts Awards October 20, 2012 at Haggin Museum; spoke to event details

Anthony Silva, Mayoral Candidate - spoke to Agenda Item 15.01 regarding internal auditor; Stockton Thunder opening night on Friday; state audit findings; declared if elected he would not take a salary until the City was out of bankruptcy

Tocan Nguyen - spoke to City bankruptcy; crime against humanity; personal security; crime

Greg Pitsch - spoke to crime in Stockton; non-profit foundation Motivating Entrepreneurs

Matthew Hurst - spoke to inmate voting rights

Ramiro Reyes - spoke to the Marshall Plan; lane striping on El Dorado Street

12. **CONSENT AGENDA 06:17 PM**

Approve the Consent Agenda with a single vote, save items 12.02 which was considered separately, and item 12.08 which was pulled from the agenda for further Staff review.

Moved by: Councilmember Fritchen , seconded by Councilmember Holman .

Vote: Motion carried 7-0

Yes: Councilmember Canepa , Councilmember Eggman , Councilmember Fritchen , Councilmember Holman , Councilmember Lowery , Vice Mayor Miller, and Mayor Johnston .

12.01 **CC - AGREEMENT BETWEEN THE CITY OF STOCKTON, FIRST INDUSTRIAL REALTY TRUST, INC. AND MONTEZUMA RURAL FIRE PROTECTION DISTRICT REGARDING ANNEXATION OF PROPERTY FROM THE DISTRICT TO THE CITY OF STOCKTON 06:48 PM**

Resolution 2012-10-09-1201 authorizing the City Manager to execute an Agreement between the City of Stockton, First Industrial Realty Trust, Inc. and Montezuma Rural Fire Protection District regarding annexation of property from the Fire District to the City of Stockton. (CDD)

[Staff Report \(PDF\)](#)

[Resolution 2012-10-09-1201 \(PDF\)](#)

12.02 **CC - APPROVAL OF CONTRACT WITH GRANICUS INC. FOR AN AGENDA MANAGEMENT SOLUTION 06:18 PM**

Approve **Motion 2012-10-09-1202** approving a contract with Granicus Inc., of San Francisco, California for an agenda management solution.

Moved by: Councilmember Eggman , seconded by Councilmember Holman .

Vote: Motion carried 7-0

Yes: Councilmember Canepa , Councilmember Eggman , Councilmember Fritchen , Councilmember Holman , Councilmember Lowery , Vice Mayor Miller, and Mayor Johnston .

[Staff Report \(PDF\)](#)

12.03 **CC - REVISION TO COUNCIL POLICY 100-2 CITY COUNCIL AND MAYORAL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES 06:49 PM**

Resolution 2012-10-09-1203 adopting the proposed revisions to Council Policy 100-2 City Council and Mayoral Appointments to Boards, Commissions, and Committees regarding term limits to specified Boards and Commissions, excused absences, and additional clarifying language. (CLERK)

[Staff Report \(PDF\)](#)

[Resolution 2012-10-09-1203 \(PDF\)](#)

12.04 **CC - PROFESSIONAL SERVICES CONTRACT FOR MEDICAL SERVICES WITH SMG**

Motion 2012-10-09-1204 authorizing the City Manager to execute a professional services contract between the City of Stockton and SMG, a Pennsylvania general partnership, for the Stockton Fire Department to provide emergency medical services for various events held at the Stockton Arena and other venues managed by SMG. (FD)

[Staff Report \(PDF\)](#)

12.05 CC - GRANT AWARD FOR AVOID THE 10 DUI CAMPAIGN - SAN JOAQUIN COUNTY

Resolution 2012-10-09-1205 authorizing the City Manager to:

1. Accept the grant award in the amount of \$230,000 and make all necessary appropriations in compliance with and for the purposes stated in the grant application;
2. Execute the grant agreement and all related documents to carry out the purposes and intent of the grant award; and,
3. Execute the Independent Contractor Agreement with Alissa Faith for the required accounting services related to administration of this Grant. (PD)

[Staff Report \(PDF\)](#)

[Resolution 2012-10-09-1205 \(PDF\)](#)

12.06 CC - GRANT AWARD FOR DUI STEP GRANT

Resolution 2012-10-09-1206 authorizing the City Manager to:

1. Accept a grant award from the State of California Office of Traffic Safety in the amount of \$150,000, and make all necessary appropriations in compliance with and for the purposes stated in the grant application; and
2. Execute the grant agreement and all related documents to carry out the purposes and intent of the grant award. (PD)

[Staff Report \(PDF\)](#)

[Resolution 2012-10-09-1206 \(PDF\)](#)

12.07 CC - GRANT AWARD FOR THE SOBRIETY CHECKPOINT GRANT PROGRAM

Resolution 2012-10-09-1207 authorizing the City Manager to:

1. Accept the grant award in the amount of \$98,400 and make all necessary appropriations in compliance with and for the purposes stated in the grant application; and
2. Execute the grant agreement and all related documents to carry out the purposes and intent of the grant award. (PD)

[Staff Report \(PDF\)](#)

[Resolution 2012-10-09-1207 \(PDF\)](#)

12.08 ~~CC - APPROVE FILING OF NOTICE OF EXEMPTION NO. CE014-12 AND AWARD A CONSTRUCTION CONTRACT TO GEORGE REED, INC. FOR THE FFY 2011-12 STREET OVERLAY, PROJECT NO. 11-14/FEDERAL PROJECT NO. STPL 5008(107)~~

~~Resolution authorizing the filing of Notice of Exemption No. CE014-12 under the California Environmental Quality Act (CEQA) for the Federal Fiscal Year (FFY) 2011-12 Street Overlay, Project No. 11-14/Federal Project No. STPL 5008(107):~~

~~Motion adopting the plans and specifications, and authorizing the City Manager to execute a construction contract in the amount of \$1,836,765 to George Reed, Inc. of Modesto, CA, for the FFY 2011-12 Street Overlay, Project No. 11-14/Federal Project No. STPL 5008(107). (PW)~~

Agenda item 12.08 was removed from the consent agenda for further staff review.

[Staff Report \(PDF\)](#)

12.09 **CC - APPROVE FILING OF NOTICE OF EXEMPTION NO. CE003-12 AND AWARD A CONSTRUCTION CONTRACT TO WINGARD ENGINEERING, INC. FOR THE EL DORADO STREET/DR. MARTIN LUTHER KING JR. BOULEVARD INTERSECTION IMPROVEMENT AND TRAFFIC SIGNAL UPGRADE, PROJECT NO. 10-22/FEDERAL PROJECT NO. HSIPL-5008(101)**

Resolution 2012-10-09-1209 authorizing the filing of Notice of Exemption No. CE003-12 under the California Environmental Quality Act (CEQA), and a determination of Categorical Exclusion for the National Environmental Policy Act (NEPA), which was provided by Caltrans on February 29, 2012.

Motion 2012-10-09-1209 adopting the plans and specifications, and authorizing the City Manager to execute a construction contract in the amount of \$164,000 to Wingard Engineering, Inc. for the El Dorado Street/Dr. Martin Luther King Jr. Boulevard Intersection Improvement and Traffic Signal Upgrade, Project No. 10-22/Federal Project No. HSIPL-5008(101). (PW)

[Staff Report \(PDF\)](#)

[Resolution 2012-10-09-1209 \(PDF\)](#)

12.10

CC - APPROVE THE FILING OF A NOTICE OF EXEMPTION AND CATEGORICAL EXCLUSION, AND AWARD A CONSTRUCTION CONTRACT TO MODIFY THE TRAFFIC SIGNALS ON AIRPORT WAY AT PARK STREET, OAK STREET, AND FREMONT STREET INTERSECTIONS (PROJECT NO. 08-15, FEDERAL PROJECT NO. HSIPL-5008(093))

Resolution 2012-10-09-1210 authorizing the filing of Notice of Exemption No. CE004-11 under the California Environmental Quality Act (CEQA), and a determination of Categorical Exclusion for the National Environmental Policy Act (NEPA), which was provided by Caltrans on October 27, 2011.

Motion 2012-10-09-1210 adopting the plans and specifications, and authorizing the City Manager to execute a construction contract in the amount of \$804,265 to Tim Paxin's Pacific Excavation, Inc. for the modification of the traffic signals on Airport Way at Park Street, Oak Street, and Fremont Street Intersections, Project No. 08-15, Federal Project No. HSIPL-5008(093). (PW)

[Staff Report \(PDF\)](#)

[Resolution 2012-10-09-1210 \(PDF\)](#)

12.11 CC - LEGISLATION/ENVIRONMENTAL COMMITTEE MEETING MINUTES OF SEPTEMBER 19, 2012

Motion 2012-10-09-1211 accepting for filing the Legislation/Environmental Committee meeting minutes of September 19, 2012. (CLERK)

[Staff Report \(PDF\)](#)

12.12 CC/SRDA/PFA - MINUTES OF THE CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY MEETINGS

Motion 2012-10-09-1212 approving the minutes of the City Council/Successor Agency to the Redevelopment Agency/Public Financing Authority Meetings of July 24, 2012, August 14, 2012, August 28, 2012, September 11, 2012, and September 25, 2012. (CLERK)

[Staff Report \(PDF\)](#)

13. ADMINISTRATIVE MATTERS

None.

14. UNFINISHED BUSINESS

None.

15. NEW BUSINESS 06:20 PM

15.01 CC - CITY AUDIT FUNCTION AND AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSALS FOR AN INTERNAL CONTROL AUDIT 06:20 PM

Gary Malloy - spoke to previous audits; Council monitoring auditors and following up

Anthony Burgher - suggested a mandate for department heads sign financial accountability; compliance by auditor or staff

Approve **Motion 2012-10-09-1501-01** authorizing the City Manager to issue a

Request for Proposal to complete a city-wide risk assessment and internal control audit. It is also recommended that the successful respondent to the Request for Proposal be appointed as Interim City Auditor through the duration of the risk assessment and internal control audit and that this project be funded through vacancy savings in the City Auditor's Office.

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

Vote: Motion carried 7-0

Yes: Councilmember Canepa , Councilmember Eggman , Councilmember Fritchen , Councilmember Holman , Councilmember Lowery , Vice Mayor Miller, and Mayor Johnston .

Approve **Motion 2012-10-09-1501-02** authorizing the transfer of one full-time position and respective personnel budget from the City Auditor's Office to the Administrative Services Department.

Moved by: Vice Mayor Miller, seconded by Councilmember Lowery .

Vote: Motion carried 7-0

Yes: Councilmember Canepa , Councilmember Eggman , Councilmember Fritchen , Councilmember Holman , Councilmember Lowery , Vice Mayor Miller, and Mayor Johnston .

Agenda Item 15.01 Supporting Documents:

[Staff Report \(PDF\)](#)

15.02 CC - DOWNTOWN FINANCIAL INCENTIVE PROGRAM (DFIP) GRANT - 340 AND 348 EAST MAIN STREET 06:45 PM

Approve **Resolution 2012-10-09-1502** approving a Downtown Financial Incentive Program grant in an amount not to exceed \$75,000 for the rehabilitation and reuse of vacant downtown buildings located at 340 and 348 East Main Street, Stockton, California.

Moved by: Councilmember Fritchen , seconded by Councilmember Lowery .

Vote: Motion carried 5-0

Yes: Councilmember Eggman , Councilmember Fritchen , Councilmember Holman , Councilmember Lowery , and Mayor Johnston .
Abstain: Councilmember Canepa , and Vice Mayor Miller.

Agenda Item 15.02 Supporting Documents:

[Staff Report \(PDF\)](#)

[Powerpoint Presentation \(PDF\)](#)

[Resolution 2012-10-09-1502 \(PDF\)](#)

15.03 **CC/SRDA - DISPOSITION OF SUCCESSOR AGENCY REAL PROPERTY 06:55 PM**

Gary Malloy - spoke to the difference between purchase and sale price of the B & M Building

Successor Agency passed resolutions recommending the Stockton Successor Agency Oversight Board approve actions related to the disposition and valuation of properties owned by the Successor Agency, as follows:

Resolution SRD 2012-10-09-1503-01 approving the sale of the B & M Building located at 125 Bridge Place, to the San Joaquin Real Estate Co., Inc.

Resolution SRD 2012-10-09-1503-02 approving the transfer of properties constructed and used for governmental purpose from the Successor Agency to the City of Stockton.

Resolution SRD 2012-10-09-1503-03 authorizing staff to issue a Request for Qualifications (RFQ) and organize a selection process for real estate advisory/brokerage services to assist with disposal of real property held by the Successor Agency.

City Council passed **Resolution 2012-10-09-1503-04** authorizing the City Attorney to accept the grant deeds from the Successor Agency for properties constructed and used for governmental purpose.

Moved by: Councilmember Lowery , seconded by Councilmember Holman .

Vote: Motion carried 7-0

Yes: Councilmember Canepa , Councilmember Eggman , Councilmember Fritchen , Councilmember Holman , Councilmember Lowery , Vice Mayor Miller, and Mayor Johnston .

Agenda Item 15.03 Supporting Documents:

[Staff Report \(PDF\)](#)

[Powerpoint Presentation \(PDF\)](#)

[Resolution SRD 2012-10-09-1503-01 \(PDF\)](#)

[Resolution SRD 2012-10-09-1503-02 \(PDF\)](#)

[Resolution SRD 2012-10-09-1503-03 \(PDF\)](#)

[Resolution 2012-10-09-1503-04 \(PDF\)](#)

16. **HEARINGS** 07:10 PM**

16.01 **CC - ADOPTION OF A RESOLUTION AMENDING THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN MITIGATION FEE SCHEDULE 07:10 PM**

Approve **Resolution 2012-10-09-1601** amending the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Mitigation Fee Schedule. Findings for the above-recommended action are incorporated into the Resolution. (CDD)

Moved by: Vice Mayor Miller, seconded by Councilmember Fritchen .

Vote: Motion carried 7-0

Yes: Councilmember Canepa , Councilmember Eggman , Councilmember Fritchen , Councilmember Holman , Councilmember Lowery , Vice Mayor Miller, and Mayor Johnston .

Agenda Item 16.01 Supporting Documents:

[Staff Report \(PDF\)](#)

[Powerpoint Presentation \(PDF\)](#)

[Resolution 2012-10-09-1601 \(PDF\)](#)

17. **COUNCIL COMMENTS 07:23 PM**

Councilmember Eggman - asked City Manager to speak to the hyacinth problem in the Channel; Victory Park Rancho San Miguel event this upcoming weekend

Vice Mayor Miller - spoke to Marshall Plan effectiveness; asked City Manager to comment on project; spoke to community citizens and businesses stepping up to make positive change in Stockton

Councilmember Holman - spoke to Marshall Plan; holistic approach; change will take time; Sacramento and Bay Area using Ceasefire model with great results; different approaches over the years; Community Partnership for Families Health Fair, Hammer and West from 10 a.m. this weekend

18. **ADJOURNMENT 07:36 PM**


BONNIE PAIGE
CITY CLERK OF THE CITY OF STOCKTON