

**MINUTES
CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT
AGENCY/PUBLIC FINANCING AUTHORITY/PARKING AUTHORITY CONCURRENT
MEETING OF MAY 10, 2016**

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

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

Roll Call

Present:

Michael Blower
Christina Fugazi
Elbert Holman
Susan Lofthus
Anthony Silva

Absent:

Michael Tubbs, and Daniel Wright.

NOTE: Councilmember Tubbs arrived to Closed Session at 4:02 PM

2. ADDITIONS TO CLOSED SESSION AGENDA

None

3. ANNOUNCEMENT OF CLOSED SESSION

3.1 16-2610 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: Julita Tamargo, et al. v. City of Stockton (San Joaquin County Superior Court Case No. STK-CV-UAT-2012-0012137)

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

Legislation Text

3.4 16-2613 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).

Legislation Text

3.3 16-2612 PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

City Manager

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

Legislation Text

3.2 16-2611 CONFERENCE WITH LABOR NEGOTIATOR

Agency Designated Representative: City Manager Kurt Wilson

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

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

Legislation Text

4. PUBLIC COMMENT

Sandy Huber- invited Councilmembers to the Dedication Ceremony of the University Park World Peace Rose Garden on May 26, 2016 at 12:30 PM

(document filed); presented a rose to all Councilmembers

Document filed by Sandy Huber - University Park Rose Garden Dedication Ceremony Invitation

Mayor Silva - recognized Sandy Huber for her time, effort and resources she has contributed to the community

Tocan Nguyen - spoke to mental health and abuse; shared personal political views

5. RECESS TO CLOSED SESSION - 4:13 PM

The Council recessed to Closed Session at 4:13 PM. The Council returned from Closed Session and recessed at 5:10 PM

6. REGULAR SESSION CALL TO ORDER/ROLL CALL - 5:35 PM

Roll Call

Present:

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

7. INVOCATION/PLEDGE TO FLAG

Pastor Bud Locke of the Stockton Covenant Church provided the Invocation. The Pledge of Allegiance was led by Councilmember Blower.

8. REPORT OF ACTION TAKEN IN CLOSED SESSION

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

9. ADDITIONS TO REGULAR SESSION AGENDA

None

10. PROCLAMATIONS, COMMENDATIONS, OR INVITATIONS

10.1 Proclamation: Stroke Awareness Month May 2016

Recipients:

Mary Nicholson, Healings in Motion

Jim Chong, Board Member, Healings in Motion

12. CONSENT AGENDA

Approve the Consent Agenda with a single vote.

Moved by: Elbert Holman, 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 16-2647 APPROVAL OF CITY COUNCIL MINUTES

Motion 2016-05-10-1201 approving the minutes from the February 23, 2016, March 29, 2016, April 26, 2016 City Council meetings and minutes from the March 26, 2016 Special City Council meeting.

Legislation Text

2016-02-23 Minutes for Approval

2016-03-29 Minutes for Approval

2016-04-26 Minutes for Approval

2016-03-26 Special Minutes for Approval

12.2 16-2403 APPROVE FINDINGS AND PURCHASE OF ONE LONG REACH BOOM CRANE TRUCK

Motion 2016-05-10-1202 to approve:

1. findings which support and justify an exception to the competitive bid process.
2. the purchase of one Freightliner M2-106 long reach boom crane truck through a National Joint Powers Alliance (NJPA) contract with Altec Industries, Inc., of Dixon, CA, in the amount of \$206,970.29.

Legislation Text

Attachment A - Quote from Altec

Attachment B - Altec NJPA Contract

12.3 16-2447 APPROVE FINDINGS AND PURCHASE OF ONE HIGH-CAPACITY CRANE TRUCK

Motion 2016-05-10-1203 to approve:

1. findings supporting an exception to the competitive bid process, and
2. the purchase of one Peterbilt 365 high-capacity crane truck through a National Joint Powers Alliance (NJPA) contract with Altec Industries, Inc., of Dixon, CA, in the amount of \$349,350.45.

Legislation Text

Attachment A - Quote from Altec

Attachment B - Altec NJPA Contract

12.4 16-2487 APPROVE RESOLUTION AUTHORIZING EXECUTION OF MASTER AGREEMENT ADMINISTERING AGENCY - STATE AGREEMENT FOR FEDERAL-AID PROJECTS AND ALL FUTURE PROGRAM SUPPLEMENT AGREEMENTS

Resolution 2016-05-10-1204 authorizing the City Manager to:

1. Execute a revised Master Agreement Administering Agency - State Agreement for Federal-Aid Projects (Master Agreement) with the California Department of Transportation (Caltrans).
2. Execute all future Program Supplement Agreements to the Master Agreement, including any amendments.

Legislation Text

Proposed Resolution - Master Agreement for Federal-Aid Projects

Exhibit 1 - Master Agreement

Approved Resolution 2016-05-10-1204

12.5 16-2496 APPROVE RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL CALIFORNIA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY CERTIFICATIONS

Resolution 2016-05-10-1205 authorizing the City Manager or his designee to sign all California Department of Transportation (Caltrans) Right-of-Way Certifications.

Legislation Text

Proposed Resolution - CalTrans Right-of-way Certifications

Approved Resolution 2016-05-10-1205

12.6 16-2506 APPROVE RESOLUTION AMENDING THE BUDGET AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH R3 CONSULTING GROUP, INC. FOR THE PERFORMANCE REVIEW AND BILLING AUDIT OF THE FRANCHISED WASTE HAULERS

Resolution 2016-05-10-1206 authorizing the City Manager to execute a Professional Services Contract with R3 Consulting Group, Inc. of Roseville, CA, in the amount of \$120,000, for the Performance Review and Billing Audit of the Franchised Waste Haulers.

Legislation Text

Proposed Resolution - R3 Consulting Group

Exhibit 1 - Contract with R3

Approved Resolution 2016-05-10-1206

12.7 16-2512 APPROVE A PROFESSIONAL SERVICES CONTRACT WITH KITCHELL CORPORATION FOR A FACILITIES CONDITION ASSESSMENT, PROJECT NO. O&M 16-018

Motion 2016-05-10-1207 authorizing the City Manager to execute a Professional Services Contract with Kitchell Corporation (Kitchell), of Sacramento, CA, in the amount of \$174,198, to prepare a Facilities Condition Assessment, Project No. O&M 16-018 for various City buildings and structures.

Legislation Text

Attachment A - Facility Inventory Index

Attachment B - Contract with Kitchell

13. ADMINISTRATIVE MATTERS

None

14. UNFINISHED BUSINESS

None

15. NEW BUSINESS

15.1 16-2579 APPOINTMENT TO THE STOCKTON CIVIL SERVICE COMMISSION

Legislation Text

Attachment A - Redacted Applications

Proposed Resolution - CSC Appointment

Approved Resolution 2016-05-10-1501

Council appointed two Commissioners to fill the vacancies created by term expirations on June 30, 2016.

Approve **Resolution 2016-05-10-1501** appointing Pamela Sloan and Sarbjeet Singh to the Civil Service Commission/Equal Employment Commission for terms commencing July 1, 2016 and ending June 30, 2019.

Moved by: Anthony Silva, seconded by Michael Tubbs.

Vote: Motion carried 7-0

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

15.2 16-2580 APPOINTMENT TO THE STOCKTON PORT COMMISSION

Legislation Text

Attachment A - Redacted Applications

Proposed Resolution - Stockton Port Commission Appointment

Approved Resolution 2016-05-10-1502

Council appointed one Commissioner to fill the vacancy created by a term expiration on June 30, 2016

Approve **Resolution 2016-05-10-1502** appointing R. Jay Allen to fill the vacancy on the Stockton Port Commission for a term commencing July 1, 2016 and ending June 30, 2020.

Moved by: Christina Fugazi , seconded by Susan Lofthus.

Vote: Motion carried 7-0

Yes: Michael Blower, Christina Fugazi , Elbert Holman, Susan Lofthus, Anthony

Silva, Michael Tubbs, and Daniel Wright.

16. HEARINGS

16.2 16-2604 APPEAL OF THE PLANNING COMMISSION'S DENIAL OF A USE PERMIT TO UPGRADE FROM THE OFF-SALE OF BEER AND WINE TO THE OFF-SALE OF GENERAL ALCOHOLIC BEVERAGES IN AN EXISTING CONVENIENCE STORE AT 7906 N. EL DORADO STREET (P15-0453)

NOTE: Public Hearing continued to the July 12, 2016 City Council meeting

Legislation Text

Attachment A - Appeal Letter

Attachment B - Location Map and Aerial Photograph

Attachment C - Locations of Active On-Sale and Off-Sale Alcohol Licenses

Attachment D - Attorney's Letter to Planning Commission

Attachment E - Petition of Support

Proposed Resolution - Use Permit Appeal - 7906 North El Dorado Street

Exhibit 1 - Site and Floor Plans

Note: Subsequent to distribution of the agenda packets, staff was advised that Attachment A, "Appeal Letter," and Attachment E, "Petition of Support," were not properly attached to the staff report and, therefore, could not be viewed. These attachments were distributed to Council in an Around the Bench Memo (filed)

Around the Bench Memo - 16.2 Transmittal of Attachments

Document filed by Brett S. Jolley - Request for Continuance of item 16.2

Approve **Motion 2016-05-10-1602** continuing item to July 12, 2016 City Council meeting

Moved by: Anthony Silva, seconded by Elbert Holman.

Vote: Motion carried 6-1

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

No: Christina Fugazi .

16.3 16-2605 APPEAL OF THE PLANNING COMMISSION'S DENIAL OF A USE

PERMIT TO ESTABLISH A TRANSITIONAL HOUSING FACILITY FOR A MAXIMUM OF 16 RESIDENTS IN AN EXISTING STRUCTURE AT 801 S. CALIFORNIA STREET (P15-0275)

Public Hearing continued to the July 12, 2016 City Council meeting

Legislation Text

Attachment A - Appeal Letter

Attachment B - Location Map

Attachment C - Site/Floor Plan

Attachment D - Project Description

Proposed Resolution - Use Permit Appeal - 801 South California Street

Document filed by Richard Larrouy - Request for Continuance of item 16.3

NOTE: Two letters of opposition were received for item 16.3. They have been filed in the Clerk's office for the continuation to the City Council meeting on July 12, 2016

Approve **Motion 2016-05-11-1603** continuing item to July 12, 2016 City Council meeting

Moved by: Daniel Wright, seconded by Elbert Holman.

Vote: Motion carried 6-1

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

No: Christina Fugazi .

15.3 16-2628 ADOPT A RESOLUTION CANCELING AND RESCHEDULING THE MAY 24, 2016 PUBLIC HEARING TO CONSIDER ADOPTION OF PROPOSED WATER RATE INCREASES

Legislation Text

Proposed Resolution - Rescheduling Water Rate Increases Public Hearing

Exhibit 1 - Prop 218 Notice

Approved Resolution 2016-05-10-1503

Scott Carney, Deputy City Manager - provided the staff report to Council with

the aid of a PowerPoint presentation (filed)

PowerPoint Presentation - Revised Water Rate Proposal

Laura Lazzelle - shared opinion on current proposal implementation; opposes rate increase

Tocan Nguyen - shared personal political views; opposes rate increase

Jemal Guillory - opposes rate increase; spoke to need to get legal and economic risk management opinion before going forward

Approve **Resolution 2016-05-10-1503**:

1. Cancelling the May 24, 2016 Public Hearing to consider adoption of proposed water rate increases, previously set by City Council Resolution 2016-03-29-1506,
2. Authorizing and directing the City Manager to schedule a new Public Hearing to consider the adoption of a revised schedule of maximum allowable rates, and
3. Authorizing and directing the City Manager to mail notice of the Public Hearing to all record owners of parcels subject to the proposed rate increases as well as tenants who are directly responsible for the payment of water service charges.

Moved by: Michael Blower, seconded by Elbert Holman.

Vote: Motion carried 6-1

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

No: Anthony Silva.

11. CITIZENS' COMMENTS, ANNOUNCEMENTS, OR INVITATIONS

Vincent Sayles - spoke to article in the Stockton Record; shared personal religious beliefs

James Young - shared voting preferences for the upcoming Primary election; would like to volunteer with the City

Aaron Paradiso - spoke to citizens having an understanding of where their tax dollars are used; water quality issues; police activity and safety in Stockton

Shamaya Slaughter - shared opinion on community leaders striving for justice and accountability

16.1 16-2519 SECOND PUBLIC HEARING REGARDING PROPOSED CHARTER AMENDMENTS TO BE PLACED ON THE 2016 GENERAL ELECTION

BALLOT

Legislation Text

Attachment A - Article II, IV, VI, VII and XI - Current

Attachment B - Article II, IV, VI, VII, XI - Redline

Attachment C - Ordinance - Districts Transition Example

Attachment D - Article IV The City Council - Current

Attachment E - Article IV The City Council - Redline

Attachment F - Article IV Section 410 Compensation - Current

Attachment G - Article IV Section 410 Compensation Redline

Attachment H - Article V Section 510 City Council Actions - Current

Attachment I - Article V Section 510 City Council Actions - Redline

Attachment J - Article XI The Mayor Section 1102 - Current

Attachment K - Article XI The Mayor Section 1102 - Redline

Attachment L - Article XV City Auditor - Current

Attachment M - Article XV City Auditor - CRAC's Redline Version

Attachment N - Article XV City Auditor - Staff's Redline Version

Attachment O - Article XIX Budget and Fiscal Affairs - Current

Attachment P - Article XIX Budget and Fiscal Affairs - Redline

Attachment Q - Proposed Ordinance - Budget and Fiscal

Attachment R - Ballot Measure Timeline

Bonnie Paige, City Clerk - received a letter from Ned Leiba regarding item 16.1 that was shared with Council and will be made a part of the permanent record (document filed)

Document filed by City Clerk Bonnie Paige - Letter from Ned Leiba regarding agenda item 16.1

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

PowerPoint Presentation - Proposed Charter Amendments for 2016 General Election

After discussion Council directed staff to separate district voting and Council expansion. Bring back two versions to Council: one that is complete conformity with the law and second version that covers legal conformity and expansion. Eliminate City Auditor Articles from the ballot; keep current language. Combine all other proposed amendments into one ballot measure. Requested information at next meeting regarding expanding number of districts verses hiring more support staff.

Public Comment

Jemal Guillory - spoke to City Auditor amendment, favored CRAC recommendation; spoke to difference between Auditor and Chief Financial Officer (CFO); favored expanding number of Council Districts and having Councilmembers serve full time

Tocan Nguyen - suggested holding a Council study session to discuss amendments

Bobby Bivens - asked if Charter prohibited reinstating Mayor's salary prior to the adjustment; commented about Council reducing their own salary; urged separating the amendment regarding the Mayor's salary as separate measure; favored expanding the number of Council districts; spoke to City Auditor amendment

Mark Steranka, Moss Adams - clarified that reports are made to Council through the Audit Committee; spoke to there being no ambiguity in reporting process; was going to recommend from RISK assessment that there be regular updates to Council for their work

17. COUNCIL COMMENTS

Councilmember Wright - reported on attending the Funding the Next Generation Conference at San Francisco State University and the San Joaquin County Board of Supervisors meeting; spoke to Council meeting decorum and urged the Mayor to state expectations at beginning of public comments

Councilmember Blower - reported on attendance at the League of California Cities Legislative Action Day and the Legislative Panel Discussion

Councilmember Lofthus - thanked Sandy Huber for bringing Council roses and for all the work she has done

Councilmember Holman - spoke to attendance at San Joaquin County Board of Supervisors meeting; supports Children's Bill of Rights Supervisors are trying to push forward; urged Council to have a future discussion regarding children's welfare in Stockton

Councilmember Tubbs - reported on speaking before the Select Committee on

Boys and Men of Color in Sacramento; congratulated the Children's Alliance and spoke to implementing the Children's Bill of Rights; opening of health clinic at the Community Partnership for Families - Dorothy L. Jones Family Resource Center; thanked Bernie Sanders for visiting Stockton and community for their involvement in the event

18. ADJOURNMENT - 7:54 PM

INFORMATIONAL ITEMS

1 15-2283 COUNCIL COMMITTEE / BOARDS & COMMISSION MINUTES

Information only, no action required.

Legislation Text

2015-06-10 Measure W Oversight Committee Minutes

2 16-2632 UPDATE - BOARDS AND COMMISSIONS TRAINING

Summary of results of the Board and Commission training, provided by the University of the Pacific Eberhardt School of Business in 2015.

Legislation Text

UOP Boards and Commissions Training Update



BONNIE PAIGE, OMC
CITY CLERK, CITY OF STOCKTON