

**MINUTES**  
**CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY/PUBLIC FINANCING**  
**AUTHORITY/PARKING AUTHORITY CONCURRENT**  
**MEETING OF JULY 11, 2017**

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

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

Roll Call

Present:

Jesús Andrade

Christina Fugazi

Elbert Holman

Susan Lenz

Susan Lofthus

Michael Tubbs

Absent:

Daniel Wright.

Note: Councilmember Wright arrived to the meeting at 4:04 PM

**2. ADDITIONS TO CLOSED SESSION AGENDA**

None

**3. ANNOUNCEMENT OF CLOSED SESSION**

**3.1 17-3796 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: Sylvia Haynes, et al. v. Robert Johnson, et al. (United States District Court, Eastern District Case No. 2:15-CV-00565-WBS-DB)

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

Legislation Text

**3.2 17-3798 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

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

Legislation Text

**3.3 17-3800 PUBLIC EMPLOYEE PERFORMANCE EVALUATION:**

City Manager

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

Legislation Text

**3.4 17-3802 CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION**

Number of Cases: Two

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

Legislation Text

**3.5 17-3812 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

**3.6 17-3822 PUBLIC EMPLOYEE APPOINTMENT**

Title: City Clerk

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**

The Council recessed to Closed Session at 4:02 PM. The Council returned from Closed Session and recessed at 4:40 PM

**6. REGULAR SESSION CALL TO ORDER/ROLL CALL - 5:30 PM**

Roll Call

Present:

Jesús Andrade

Christina Fugazi

Elbert Holman

Susan Lenz  
Susan Lofthus  
Michael Tubbs  
Daniel Wright

**7. INVOCATION/PLEDGE TO FLAG**

Pastor Lyn Morlan of Episcopal Church of St. Anne provided the Invocation. The Pledge of Allegiance was led by Vice Mayor Holman.

**8. REPORT OF ACTION TAKEN IN CLOSED SESSION**

City Attorney John Luebberke reported out on two matters from Closed Session. The first matter, the City Council authorized the initiation of litigation of which further information will be available upon inquiry once the matter has been filed and served. On a separate matter, in the case of Sylvia Haynes, et al v. Robert Johnson, et al (United States District Court, Eastern District Case No. 2:15-CV-00565-WBS-DB) the City Council unanimously approved settlement of the matter in its entirety for \$90,000.

**9. ADDITIONS TO REGULAR SESSION AGENDA**

None

**10. PROCLAMATIONS, COMMENDATIONS, OR INVITATIONS**

**10.1 COMMENDATION**

Recipient: Bonnie Paige, City Clerk, in recognition of her dedication and valuable service to the City of Stockton for 28.5 years.

**10.2 17-3820 PRESENTATION - COMMUNITY PIPELINE SAFETY INITIATIVE - STOCKTON**

This item is information only.

Legislation Text

Dylan George, Local Government Relations Representative, Pacific Gas and Electric Company - provided presentation on gas pipeline safety and Community Pipeline Safety Initiative- Stockton dated May 23, 2017 (document filed)

Document filed by Dylan George - Pacific Gas and Electric Community Pipeline Safety Initiative

**11. CONSENT AGENDA**

Approve on the Consent Agenda with a single vote, save item 11.5 which was considered separately

**Moved by:** Elbert Holman, seconded by Jesús Andrade.

**Vote:** Motion carried 7-0

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

**11.1 17-3656 RESCIND CITY COUNCIL RESOLUTION 09-0147 AND REPLACE WITH RESOLUTION AUTHORIZING THE REVISED CITYWIDE RECORDS RETENTION SCHEDULE AND INCLUDING A BIENNIAL UPDATE PROVISION**

**Resolution 2017-07-11-1101** updating and revising the Citywide Records Retention Schedule

and include a biennial update provision. (Note: a hard copy of the revised Records Retention Schedule including a red-line version is on file in the Office of the City Clerk for review.)

Legislation Text

Proposed Resolution

Approved Resolution 2017-07-11-1101

## **11.2 17-3810 APPROVAL OF MINUTES**

**Motion 2017-07-11-1102** approving the minutes from the City Council meeting of May 23, 2017.

Legislation Text

2017-05-23 - Minutes for Approval

## **11.3 17-3819 APPOINTMENT TO WATER ADVISORY GROUP**

**Resolution 2017-07-11-1103** authorizing the appointment of Donald Strongman to the Council Water Committee's Water Advisory Group (WAG) for a term commencing immediately and expiring January 31, 2019.

Legislation Text

Attachment A - Redacted Application

Proposed Resolution - Appointment to the Water Advisory Group

Approved Resolution 2017-07-11-1103

## **11.4 17-3612 APPROVE RESOLUTION TO APPOINT RENEE PUIG-HINK TO THE DEVELOPMENT OVERSIGHT COMMISSION**

**Resolution 2017-07-11-1104** appointing Renee Puig-Hink to the Development Oversight Commission as the Builders Exchange of Stockton Executive representative, for a term that will expire on October 20, 2019.

Legislation Text

Proposed Resolution - Approve Appointment

Approved Resolution 2017-07-11-1104

## **11.5 17-3817 RESCIND RESOLUTION OF INTENTION TO RENEW THE MIRACLE MILE PROPERTY AND BUSINESS IMPROVEMENT DISTRICT**

Legislation Text

Proposed Resolution - Rescind MMPBID

Exhibit 1 - Resolution 2017-05-23-1402

2017-07-25 Notice

Approved Resolution 2017-07-11-1105

Charles Hastings, Attorney at Law - spoke against the Miracle Mile Property Improvement District process

**Approve Resolution 2017-07-11-1105:**

1. Rescinding the Resolution of Intention to Renew the Miracle Mile Property and Business Improvement District adopted by the City Council on May 23, 2017, and

2. Providing identification of initiating party and validation of signatures prior to resubmission to Council, and

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

**Moved by:** Christina Fugazi , seconded by Susan Lenz.

**Vote:** Motion carried 7-0

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

**11.6 17-3681 APPROVE MOTION TO AUTHORIZE PURCHASE OF REPLACEMENT PHONE SYSTEM FOR CITY FACILITIES THROUGH A COOPERATIVE PURCHASING AGREEMENT AND ACCEPT FINDINGS FOR AN EXCEPTION TO THE COMPETITIVE BIDDING PROCESS**

**Motion 2017-07-11-1106:**

1. Authorizing the purchase of a cloud-based Cisco Voice Over Internet Protocol phone system to replace the current phone system used at City facilities, utilizing a San Joaquin County cooperative purchasing agreement with Telcion, at the cost not to exceed \$200,000 for the initial purchase (Attachments A and B), with future annual cost estimated at \$168,720 for the ongoing subscription to be included in the annual budget appropriation process;

2. Approving findings for an exception to the competitive bidding process; and

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

Legislation Text

Attachment A - San Joaquin Cooperative Agreement with Telcion

Attachment B - Agreement - Telcion Communications Group

**11.7 17-3749 APPROVE AN AMENDMENT TO PROFESSIONAL SERVICES CONTRACT FOR INTERIM MANAGEMENT SERVICES WITH INTERWEST CONSULTING GROUP, INC.**

**Motion 2017-07-11-1107:**

1. Authorizing the City Manager to execute Contract Change Order #2 to the agreement with Interwest Consulting Group, Inc. for assistance in the capacity of Interim Deputy Director of Water Resources for \$100,000, and

2. Authorizing the City Manager to take appropriate and necessary actions to carry out the purpose and intent of this motion. The total contract amount is not to exceed \$174,999.

Legislation Text

Attachment A - Contract

Attachment B - Contract Change Order #1

Attachment C - Contract Change Order #2

**11.8 17-3788 AWARD A CONTRACT FOR GOODS AND SERVICES TO CALCHEM ENTERPRISES FOR THE PURCHASE OF ALUMINUM CHLOROHYDRATE FOR WATER TREATMENT**

**Motion 2017-07-11-1108:**

1. Awarding a five-year contract with CalChem Enterprises of Modesto, CA for the purchase of aluminum chlorohydrate for water treatment, and
2. Authorizing the City Manager to take appropriate actions to carry out the purpose and intent of this motion.

Legislation Text

Attachment A - Aluminum Chlorohydrate Contract

**11.9 17-3789 APPROVE RECOMMENDATION TO REJECT BID BY AIR PRODUCTS & CHEMICALS AND AWARD A CONTRACT TO MATHESON TRI-GAS FOR THE PURCHASE OF LIQUID OXYGEN FOR WATER TREATMENT**

**Motion 2017-07-11-1109:**

1. Rejecting the bid submitted by Air Products & Chemicals, of Allentown, PA as nonresponsive pursuant to Stockton Municipal Code Section 3.68.160(B).
2. Awarding a five (5) year contract to Matheson Tri-Gas, Inc. of Lisle, IL, the next lowest bidder, for the purchase of liquid oxygen for water treatment.
3. Authorizing the City Manager to take appropriate actions to carry out the purpose and intent of this motion.

Legislation Text

Attachment A - Exceptions from Air Products & Chemicals

Attachment B - Liquid Oxygen Contract

**11.10 17-3736 APPROVE RESOLUTION ACCEPTING A LAW ENFORCEMENT ASSISTANCE PROGRAM GRANT FROM THE STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL, AUTHORIZE THE EXECUTION OF STANDARD AGREEMENT 17G-LA51 AND AMEND THE FISCAL YEAR 2017-18 ANNUAL BUDGET**

**Resolution 2017-07-11-1110:**

1. Authorizing the acceptance of grant funding from the State of California Department of Alcoholic Beverage Control, in the amount of \$100,000, for the Grant Assistance to Local Law Enforcement Agencies Project for the Police Department's ABC public education and enforcement program;
2. Amending the Fiscal Year 2017-18 Annual Budget to increase the Police Grants & Special Programs expenditure and revenue appropriation by \$100,000; and
3. Authorizing the City Manager to execute, on behalf of the City of Stockton, all required contracts or agreements with the granting agency, provide additional information and furnish such documents as may be required, execute all documents and amendments or extensions pertaining to the grant project, and make all required appropriations in compliance with and for the purposes stated in the project agreement.

Legislation Text

Proposed Resolution - ABC Grant

Approved Resolution 2017-07-11-1110

Exhibit 1 - 2017-18 Dept of ABC grant agreement - unsigned

**12. ADMINISTRATIVE MATTERS**

None

**13. UNFINISHED BUSINESS**

None

**14. NEW BUSINESS**

**14.1 17-3785 CONSIDER APPEAL OF THE COMMUNITY DEVELOPMENT DIRECTOR'S DECISION TO ISSUE A HISTORIC DEMOLITION OR RELOCATION PERMIT FOR 625 E. MARKET STREET**

Legislation Text

Attachment A - Architects Letter

Attachment B - Directors Decision

Attachment C - Wesley Swanson Letter

Attachment D - Tod Ruhstaller Historical Significance Report

Councilmember Andrade - recused from voting on this item due to possible conflict of interest

PowerPoint Presentation - 625 E. Market Street

Correspondence received from Rudi Amedeus Blondia was provided to the Clerk's Office on July 11, 2017 and circulated to Council prior to the start of the Council meeting (document filed)

Document filed by Rudi Amedeus Blondia - 625 E. Market Street

The following people spoke in favor of the demolition of the building located at 625 E. Market Street:

Doug Walker

Amanda Ibarra

Tacho Zavala

Robert Oakes

Mahala Burns

Kitty Ruhstaller (documents filed)

Documents filed by Kitty Ruhstaller - 625 E. Market Street

Amy Hepperle

Noel Krogh

Michelle Munoz

Tom Bowe

The following people spoke in opposition to the demolition of the building located at 625 E. Market Street:

Jared Rusten

Dr. Wesley Swanson

Linda Derivi (document filed)

Document filed by Linda Derivi - 625 E. Market Street

Robert Holzer

William Maxwell

Kathleen Gapusan

Matthew Craig

Approve **Motion 2017-07-11-1401** affirming the Community Development Director's decision to issue a historic demolition or relocation permit for 625 E. Market Street

**Moved by:** Michael Tubbs, seconded by Elbert Holman.

**Vote:** Motion carried 5-1

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

**No:** Christina Fugazi .

**Recuse:** Jesús Andrade.

#### **14.2 17-3661 FOOD AND AGRICULTURE ACTION PLAN**

Information only. No Council action is required.

Legislation Text

Attachment A - Stockton Food and Ag Action Plan 2017

PowerPoint Presentation - Stockton Food & Agriculture Action Plan

Jeremy Terhune - supports efforts in building workforce around the good food revolution coming to Stockton; commended Micah Runner and Economic Development staff efforts

#### **14.3 17-3707 APPROVE RESIDENTIAL NEIGHBORHOOD REINVESTMENT PROGRAM**

Legislation Text

Proposed Resolution

Approved Resolution 2017-07-11-1403

Exhibit 1 - Program Guidelines

PowerPoint Presentation - Residential Neighborhood Reinvestment Program

Tristan Escove - spoke to property code violations delaying escrows

Approve **Resolution 2017-07-11-1403:**

1. Approving the Residential Neighborhood Reinvestment Program Guidelines;
2. Authorizing the City Manager to execute Residential Neighborhood Reinvestment Agreements in accordance with the terms of the Residential Neighborhood Reinvestment Program Guidelines; and



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

**Moved by:** Christina Fugazi , 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.

**14.4 17-3746 APPROVE RESOLUTION TO APPROVE THE ELECTION TO JOIN AND PARTICIPATE IN THE EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY JOINT EXERCISE OF POWERS AGREEMENT, AUTHORIZE EXECUTION OF THE AGREEMENT AND APPOINT REPRESENTATIVES TO THE BOARD OF DIRECTORS**

Legislation Text

Attachment A - GSA Boundary Map

Proposed Resolution

Approved Resolution 2017-07-11-1404

Exhibit 1 - Joint Powers Agreement

Exhibit 2 - JPA Designation Form

PowerPoint Presentation - Eastern San Joaquin Groundwater Basin

**Approve Resolution 2017-07-11-1404:**

1. Approving the election to join and participate in the Eastern San Joaquin Groundwater Authority and the Joint Exercise of Powers Agreement.
2. Authorizing execution of the Eastern San Joaquin Groundwater Authority Joint Exercise of Powers Agreement on behalf of the City of Stockton to include future amendments.
3. Appointing City of Stockton representatives to the Board of Directors of the Eastern San Joaquin Groundwater Authority pursuant to the Joint Exercise of Powers Agreement and execute the designation form.
4. Authorizing the City Manager to issue payment of \$5,000 for membership and administrative costs in the Eastern San Joaquin Groundwater Authority Joint Exercise of Powers Agreement.
5. Authorizing the City Manager to take all appropriate actions to carry out the purpose and intent of this motion including future modifications and amendments to the Joint Exercise of Powers Agreement.

**Moved by:** Elbert Holman, seconded by Susan Lenz.

**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 17-3700 APPROVAL OF A REZONING OF A 0.90-ACRE SITE FROM INDUSTRIAL, GENERAL TO INDUSTRIAL, LIMITED FOR THE ESTABLISHMENT OF A PLANNED RELIGIOUS FACILITY AT 6343 TAM O'SHANTER DRIVE**

Legislation Text

Attachment A - Location Map and Aerial Photograph

Attachment B - Rezoning Map

Attachment C - Community Outreach Meeting Information

Proposed Ordinance - Recommend Approval to Rezone

Approved Ordinance 2017-07-11-1501

PowerPoint Presentation - 6343 Tam O'Shanter Drive

Adopt **Ordinance 2017-07-11-1501** approving the rezoning of a 0.90 acre site from Industrial, General to Industrial, Limited for the establishment of a religious facility, in accordance with the findings of fact detailed herein.

**Moved by:** Daniel Wright, seconded by Jesús Andrade.

**Vote:** Motion carried 7-0

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

## **16. CITIZENS' COMMENTS, ANNOUNCEMENTS, OR INVITATIONS**

The following citizens spoke to topics not on the agenda:

### Police:

Diana Buettner

### Homeless:

Brenda Vazquez

Karen Anderson

### Violence Prevention:

Lorne Truscott

Brian Muhammad

David

Haley Lucero - (document filed)

Document filed by Haley Lucero - Life After Life Movie

### Miscellaneous:

Ted Gonzales

Patricia Brown

Constance Carter

Elizabeth Jara

## **17. COUNCIL COMMENTS**

Councilmember Lenz - thanked all involved in bringing the Vietnam Moving Wall to Stockton; spoke to 4th of July Celebration experience shared by Stockton citizen; illegal firework usage within the city and prevention efforts; public misinformation regarding Miracle Mile business closures and the city's efforts to work with business owners to reopen

Councilmember Wright - spoke to trash/blight issues and reactivating community service programs to assist with clean up; consider modeling efforts after Sacramento's reward program and partnering with business community to help sponsor; thanked staff for reduction of illegal fireworks in most neighborhoods; shared information gained while attending two separate sessions discussing broadband technology and earthquake preparedness at the League of California Cities Mayor and Councilmember Forum

Councilmember Fugazi - apologized to Councilmembers Lofthus and Wright for previous comments; constituents in District 5 noticed reduction of fireworks prior to July 4th; attended Vietnam Moving Wall display in Stockton; thanked Mr. Muhammed and Pastor Curtis Smith for their efforts organizing the Walk for Peace; spoke to District 5 events: Mid-Town Magnolia meeting, 10:00-11:00 AM, First Presbyterian Church 31 E. Vine Street; Second Annual Veteran's Benefit and Information Fair, Friday, July 14, 2017, 10:00 AM - 2:00 PM, Robert J. Cabral Agricultural Center; Stockmarket, Saturday, July 15, 2017, Caldwell Park; free Cal Water 90th Anniversary event, Sunday, July 16, 2017; Cultural Heritage Board should be utilized more when considering applicants for historical building use or rehabilitation efforts

Councilmember Lofthus - thanked members of community for staying the entire Council meeting, important to hear from citizens and for citizens to hear about the work accomplished by Councilmembers, non-profits and other businesses within the community

Vice Mayor Holman - noted public concern regarding trash dumping in the community, efforts to coordinate a Community Improvement Public Safety Committee meeting are underway and information to be announced soon

Councilmember Andrade - spoke to business closures on the Miracle Mile and the city's efforts in reopening the building; apologized to Mr. Sammy Nunez and others attending for threat encountered at Council meeting; spoke in support of Mayor Tubb's and fellow Councilmember's efforts to reduce crime

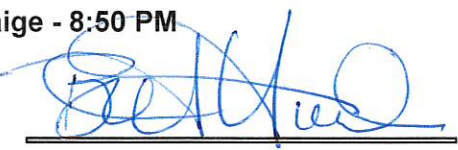
Mayor Tubbs - offered apology to citizen regarding her family's experience while attending the Weber Point 4th of July event; requested explanation regarding occurrences resulting in Miracle Mile business closures

John Luebberke, City Attorney - provided clarification on issues resulting in the Miracle Mile business closures

Kurt Wilson, City Manager - provided additional clarification regarding the city's efforts working with the Miracle Mile property owner to resolve violations

Mayor Tubbs - shared experience attending the United States Conference of Mayors and information received discussing issues such as crime, homelessness and others; adjourned meeting in honor of Bonnie Paige's service to the City of Stockton for 28.5 years

**18. ADJOURNMENT - in honor of Bonnie Paige - 8:50 PM**

  
for **BONNIE PAIGE, CMC**  
**CITY CLERK, CITY OF STOCKTON**