

**MINUTES
CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT
AGENCY/PUBLIC FINANCING AUTHORITY/PARKING AUTHORITY
CONCURRENT
MEETING OF JULY 7, 2015**

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

Note: the Closed Session scheduled for 4:00 PM was canceled.

~~1. CLOSED SESSION CALL TO ORDER/ROLL CALL~~

~~2. ADDITIONS TO CLOSED SESSION AGENDA~~

~~3. ANNOUNCEMENT OF CLOSED SESSION~~

~~3.1 15-1752 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.~~

~~3.2 15-1764 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.~~

~~3.3 15-1817 PUBLIC EMPLOYEE PERFORMANCE EVALUATION:~~

~~City Manager~~

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

**~~3.4 15-1854 CONFERENCE WITH LEGAL COUNSEL - POTENTIAL
LITIGATION~~**

~~Number of Cases: Three~~

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

~~4. PUBLIC COMMENT*~~

~~5. RECESS TO CLOSED SESSION~~

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

Roll Call

Present:

Christina Fugazi

Elbert Holman

Susan Lofthus

Anthony Silva

Michael Tubbs

Daniel Wright

Absent:

Moses Zapien.

7. INVOCATION/PLEDGE TO FLAG

Pastor Willie Lopez of West Coast World Church provided the
Invocation. The Pledge of Allegiance was led by Councilmember
Holman.

8. REPORT OF ACTION TAKEN IN CLOSED SESSION

Closed Session was cancelled for this evening.

9. ADDITIONS TO REGULAR SESSION AGENDA**

None.

10. PROCLAMATIONS, COMMENDATIONS, OR INVITATIONS

10.1 CERTIFICATE OF RECOGNITION: Contributor to the Movie Industry

RECIPIENT: Om Puri

11. CITIZENS' COMMENTS, ANNOUNCEMENTS, OR INVITATIONS*

Vincent Sayles - shared personal religious beliefs

Gary Malloy - spoke in support of the Stockton Police Department

Virginia Jacques, American Postal Workers Union 320 member - spoke to a planned United States Postal Service community meeting regarding the potential sale of a post office in Stockton (document filed)

Document Filed - Virginia Jacques

Mary Martinez - spoke to the sale of a post office in Stockton

Tocan Nguyen - shared personal political beliefs

Steven Bojorques - spoke on behalf of Ted Gonzalez, operator of the Community Action Center, in support of Fair Oaks library

Ramiro Reyes - spoke to police officer presence at a McDonald's in South/Central Stockton

Michael Moor - spoke to returning to churches and the Stockton community

Jasmine Dellatesse - invited Councilmembers to the Back2BAC teen leadership break camp July 7th-13th

Yolanda Huang, attorney representing residents of Gateway Court - introduced speakers against the Neighborhood Blitz program

Kathie Summel - spoke against the Neighborhood Blitz

April Ford - spoke against the Neighborhood Blitz

Larry Liebel - spoke against the Neighborhood Blitz

Ms. Cale - spoke against the Neighborhood Blitz

Aaron Paradiso - spoke against the Neighborhood Blitz

Anthony Burgher - spoke in support of the efforts of City Council

Leora Perkowski, attorney representing landlord of Gateway Court - spoke against the Neighborhood Blitz

Kathleen Gapusan - shared opinion regarding the state of Stockton and the Police Department

12. CONSENT AGENDA

Motion to approve the Consent Agenda with a single vote, save item 12.2 which was considered separately.

Moved by: Christina Fugazi , seconded by Susan Lofthus.

Vote: Motion carried 6-0

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

Absent: Moses Zapien.

12.1 15-1628 RELINQUISHMENT OF RESTRICTED ACCESS ALONG PORTIONS OF PROPERTY FRONTAGE AT 2133 ZEPHYR STREET, INCLUDING ZEPHYR STREET AND B STREET

Resolution 2015-07-07-1201:

1. Approving the relinquishment of restricted access along portions of property frontage at 2133 Zephyr Street, including Zephyr Street and B Street to allow driveway access from the public street for the project; and

2. Authorizing the City Manager, or his designee, to take whatever actions are necessary and appropriate to carry out the purpose and intent of the resolution.

Legislation Text

Attachment A - Vicinity Map

Proposed Resolution - Relinquishment of Restricted Access

Exhibit 1 to the Resolution

Approved Resolution 2015-07-07-1201

12.2 15-1658 RESOLUTION APPROVING THE FILING OF NOTICE OF EXEMPTION NO. CE006-15, APPROVING THE PLANS AND SPECIFICATIONS, ACCEPTING AND APPROPRIATING GRANT FUNDS, REJECTING THE LOW BID FROM BAY CITIES PAVING & GRADING, INC. AND AWARDING A CONSTRUCTION CONTRACT TO A. TEICHERT & SON, INC. DOING BUSINESS AS TEICHERT CONSTRUCTION IN THE AMOUNT OF \$2,369,718.72 FOR THE FEDERAL FISCAL YEAR 2013-14 STREET RESURFACING (PROJECT NO. PW1429/FEDERAL PROJECT NO. STPL-5008(132))

Legislation Text

Attachment A - Vinicity Map

Attachment B - Request for Bid Review

Attachment C - Response to Bay Cities

Proposed Resolution - Street Resurfacing Project

Exhibit 1 - Notice of Exemption

Exhibit 2 - RSTP FY 2013-14 Funding Authorization

Exhibit 3 - Construction Contract

Approved Resolution 2015-07-07-1202

Resolution 2015-07-07-1202 authorizing the City Manager to:

1. Approve the filing of Notice of Exemption No. CE006-15 under the California Environmental Quality Act (CEQA) for the Federal Fiscal Year (FFY) 2013-14 Street Resurfacing (Project No. PW1429/Federal Project No. STPL-5008(132)). (Exhibit 1 to Resolution.)

2. Approve the plans and specifications for the FFY 2013-14 Street Resurfacing (Project No. PW1429/Federal Project No. STPL-5008(132)).
3. Accept a Federal Transportation Grant funding adjustment of \$839,443 from the Regional Surface Transportation Program (RSTP) and appropriate funds to the FFY 2013-14 Street Resurfacing (Project No. PW1429/Federal Project No. STPL-5008(132)). (Exhibit 2 to Resolution.)
4. Reject the low bid from Bay Cities Paving & Grading, Inc. of Concord, CA, as non-responsive.
5. Award a Construction Contract in the amount of \$2,369,718.72 to the second lowest bidder, A. Teichert & Son, Inc. doing business as Teichert Construction (Teichert Construction) of Stockton, CA, for the subject project. (Exhibit 3 to Resolution.)

It is also recommended that the City Manager or his designee be authorized and directed to execute these grant documents, including, but not limited to, agreements, amendments, and requests for payment necessary to secure grant funds.

It is further recommended that the City Manager be authorized to take appropriate actions to carry out the purpose and intent of this resolution.

Moved by: Elbert Holman, seconded by Christina Fugazi .

Vote: Motion carried 6-0

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

Absent: Moses Zapien.

12.3

15-1661 AWARD A CONSTRUCTION CONTRACT FOR THE MCKINLEY AVENUE/FRENCH CAMP BRIDGE SCOUR REPAIR, PROJECT NO. PW6722/FEDERAL PROJECT NO. BRLO-5008(099) AND APPROVE THE PLANS AND SPECIFICATIONS

Motion 2015-07-07-1203 adopting the plans and specifications and authorizing the City Manager to execute a Construction Contract in the amount of \$474,330 to American Civil Constructors West Coast, Inc. of Benicia, CA, for the McKinley Avenue/French Camp Bridge Scour Repair project (Project No. PW6722/Federal Project No. BRLO-5008(099)). It is further recommended that the City Manager be authorized to take appropriate actions to carry out the purpose and intent of this motion.

Legislation Text

Attachment A - Vicinity Map

Attachment B - Construction Contract

12.4 15-1714 AUTHORIZATION OF THE SUBMITTAL OF HIGHWAY SAFETY IMPROVEMENT PROGRAM GRANT APPLICATIONS - CYCLE 7 2015-16 HIGHWAY SAFETY IMPROVEMENT PROGRAM TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR FUNDING CONSIDERATION

Motion 2015-07-07-1204 authorizing the submittal of Highway Safety Improvement Program (HSIP) grant applications to the California Department of Transportation (Caltrans) for funding consideration. It is further recommended that the motion authorize the City Manager to execute associated agreements and undertake any other actions that may be appropriate to carry out the purpose and intent of this motion.

Legislation Text

12.5 15-1781 STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL GRANT

Resolution 2014-07-07-1205 authorizing the acceptance of grant funding from the State of California Department of Alcoholic Beverage Control ("ABC") in the amount of \$90,000, for the Grant Assistance to Local Law Enforcement Agencies Project; 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 contract.

Legislation Text

Proposed Resolution - 2015 ABC Grant

Exhibit 1 - ABC Grant Agreement

Exhibit 2 - ABC Award Letter

Approved Resolution 2015-07-07-1205

12.6 15-1784 APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH THE SAN JOAQUIN PARTNERSHIP TO ASSIST WITH ECONOMIC DEVELOPMENT ACTIVITIES

Motion 2015-07-07-1206:

1. Approving a 12-month professional services agreement in the amount of \$76,500 for fiscal year 2015-16 with the San Joaquin Partnership; and
2. Authorizing the City Manager to take necessary and appropriate actions to carry out the purpose and intent of the motion.

Legislation Text

Attachment A - 2015 Objectives

Attachment B - 2014-15 Annual Report

Attachment C - Professional Services Agreement

Attachment D - Sample Report May 2015

12.7 15-1790 RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF STOCKTON AND THE STOCKTON CITY EMPLOYEES' ASSOCIATION

Resolution 2015-07-07-1207 approving the attached Stockton City Employees' Association (SCEA) successor Memorandum of Understanding (MOU) effective July 1, 2014 through June 30, 2016:

1. Authorizing the City Manager to execute the MOU,
2. Amending the Fiscal Year (FY) 2015/2016 budget to appropriate additional funds, and
3. Taking actions appropriate to carry out the implementation of the MOU.

Legislation Text

Attachment A - SCEA MOU- redlined

Proposed Resolution - SCEA MOU

Exhibit 1 - SCEA MOU

Approved Resolution 2015-07-07-1207

12.8 15-1798 APPROVING THE EXPENDITURE OF \$287,500 OF A PREVIOUSLY APPROVED LOAN FOR THE ACQUISITION OF PROPERTY LOCATED AT 250 NORTH HUNTER STREET FOR THE GRAND VIEW VILLAGE PROJECT

Resolution 2015-07-07-1208:

1. Approving the expenditure of \$287,500 of bond proceeds from a previously approved \$3,485,000 loan for the purpose of acquiring property located at 250 North Hunter Street for development of the Grand View Village affordable housing project; and
2. Authorizing the City Manager, or his designee, to take whatever actions are necessary and appropriate, including the execution of loan documents, to carry out the purpose and intent of the resolution.

Legislation Text

Attachment A - Resolution 2014-12-16-1211

Attachment B - Resolution 2015-06-09-1202

Attachment C - Site Map

Attachment D - Conceptual Plan

Attachment E - Loan Agreement Grand View

Proposed Resolution - Acquisition Grand View Village

Approved Resolution 2015-07-07-1208

12.9 15-1811 RESOLUTION ACCEPTING AND APPROPRIATING REGIONAL SURFACE TRANSPORTATION PROGRAM AND CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY TRANSPORTATION GRANT FUNDS

Resolution 2015-07-07-1209 authorizing the City Manager to:

1. Accept federal Regional Surface Transportation Program (RSTP) grant funding of \$2,500,786 from the San Joaquin Council of Governments (SJCOG); and

2. Appropriate \$2,500,786 of RSTP funds to the Federal Fiscal Year (FFY) 2014-15 Street Resurfacing project (PW1446) (Exhibit 1 to Resolution); and
3. Accept a grant award from the California Department of Resources Recycling and Recovery (CalRecycle) in the amount of \$112,850; and
4. Appropriate CalRecycle funds to the FFY 2013-14 Street Resurfacing project (PW1429) in the amount of \$63,600 (Exhibit 2 to Resolution); and
5. Appropriate CalRecycle funds to the FFY 2014-15 Street Resurfacing project (PW1446) in the amount of \$49,250 (Exhibit 2 to Resolution); and
6. Execute these grant documents, including, but not limited to, program supplements, agreements, amendments, and requests for payment necessary to secure grant funds, and deliver the approved grant funded projects; and
7. Take all necessary and appropriate actions to carry out the purpose and intent of this resolution.

Legislation Text

Attachment A - Vicinity Map

Proposed Resolution

Exhibit 1 to Resolution

Exhibit 2 to Resolution

Approved Resolution 2015-07-07-1209

13. ADMINISTRATIVE MATTERS

None.

14. UNFINISHED BUSINESS

None.

15. NEW BUSINESS

15.1 15-1718 APPROVE PROFESSIONAL SERVICES CONTRACT WITH

**FEHR AND PEERS FOR THE CITYWIDE BICYCLE MASTER PLAN
UPDATE (PROJECT PW1436/ FEDERAL PROJECT NO. ATPLNI-5008
(141))**

Legislation Text

Attachment A - Vicinity Map

Attachment B - Professional Services Contract

Powerpoint Presentation

Tocan Nguyen - shared her personal political views

Motion 2015-07-07-1501 authorizing the City Manager to execute a Professional Services Contract with Fehr and Peers of Walnut Creek, California, in the amount of \$370,000, for the Citywide Bicycle Master Plan Update (Project PW1436/Federal Project No. ATPLNI-5008(141)).

It is further recommended that the motion authorize the City Manager to take appropriate actions to carry out the purpose and intent of this motion.

Moved by: Daniel Wright, seconded by Christina Fugazi .

Vote: Motion carried 6-0

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

Absent: Moses Zapien.

**15.2 15-1729 APPROVE THE CITY OF STOCKTON'S DOWNTOWN
INFRASTRUCTURE INFILL INCENTIVE PROGRAM**

Legislation Text

Attachment A - Boundary Map

Proposed Resolution - Downtown Infrastructure Infill Incentive Program

Exhibit 1 - Downtown Infrastructure Incentive Program

Powerpoint Presentation

Approved Resolution 2015-07-07-1502

City Clerk Paige - shared mailed correspondence from Cort Companies (document filed).

Document Filed - Daniel E. Cort

Dan Leavitt, manager of Regional Initiatives for the San Joaquin Regional Rail Commission - spoke in support of the program

Resolution 2015-07-07-1502:

1. Approving the Downtown Infrastructure Infill Incentive Program; and
2. 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 Anthony Silva.

Vote: Motion carried 6-0

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

Absent: Moses Zapien.

15.3 15-1814 DISCUSSION REGARDING FAIR OAKS LIBRARY

This topic was placed on the agenda at the request of Mayor Silva.

Legislation Text

Motecuzoma Sanchez - spoke in support of reopening the Fair Oaks Library and provided a report (document filed).

Document Filed - Motecuzoma Sanchez

Council and staff discussed reopening the Fair Oaks Library.

Motion 2015-07-07-1503 directing City Manager to include a line item for the library in FY 2016-2017 Budget

Moved by: Christina Fugazi , seconded by Anthony Silva.

Vote: Motion failed 3-3

Yes: Christina Fugazi , Anthony Silva, and Daniel Wright.

No: Elbert Holman, Susan Lofthus, and Michael Tubbs.

Absent: Moses Zapien.

Motion 2015-07-07-1503 directing staff to provide analysis and reports on the Fair Oaks Library in the next two months.

Moved by: Michael Tubbs, seconded by Elbert Holman.

Vote: Motion carried 5-1

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

No: Anthony Silva.

Absent: Moses Zapien.

16. HEARINGS****

None.

17. COUNCIL COMMENTS

Councilmember Tubbs - spoke to Council actions taken on Fair Oaks Library; downtown investment; stated good things are happening but take time to be done well

Councilmember Wright - commented on report on homeless services from Stockton Unified School District; stated support for universal preschool for 3 and 4-year-olds; requested that the City Attorney investigate the implementation of a rule regarding speakers that use offensive language and hate speech during Council meetings

Vice Mayor Fugazi - spoke to 4th of July Fireworks and thanked Mayor Silva for raising funds; spoke to Board of Supervisors meeting regarding mental health and homelessness; Next Door app; community centers and jobs for youth; Business Watch meeting; requested report from Chief of Police on body camera policy to be placed on agenda; new bank in South Stockton; requested to adjourn meeting in honor of Primo Orosco who recently passed away

Councilmember Holman - thanked council for vote in reference to Fair Oaks library; spoke to long range financial plan and the state of bankruptcy proceedings; thanked the Stockton Police Department for their work on the crime spree on Martin Luther King Blvd.

Mayor Silva - requested that the City Attorney provide clarification on what speech is appropriate for Council meetings and what speech can

be limited without violating the 1st Amendment

City Attorney Luebberke - offered to create memo regarding speech and decorum at City Council meetings

Mayor Silva - spoke to Fair Oaks Library; requested that staff provide monthly profit and loss statements and actuals; improvements within Stockton; Code Enforcement; crime and homelessness; requested staff place independent auditor item on agenda to review Measure A revenue and expenditures

18. ADJOURNMENT (8:23 PM)

Meeting adjourned in memory of Primo Orosco, co-founder of the Cal-Mex Baseball League.

INFORMATIONAL ITEMS


for BONNIE PAIGE, CMC
CITY CLERK, CITY OF STOCKTON