

**MINUTES**  
**CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY/PUBLIC**  
**FINANCING AUTHORITY/PARKING AUTHORITY CONCURRENT**  
**MEETING OF OCTOBER 6, 2015**

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

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**1. CLOSED SESSION CALL TO ORDER/ROLL CALL - 4:30 PM**

Roll Call

Present:

Elbert Holman

Susan Lofthus

Anthony Silva

Michael Tubbs

Daniel Wright

Absent:

Christina Fugazi , and Moses Zapien.

Vice Mayor Fugazi arrived to Closed Session at 4:40 PM

Councilmember Zapien arrived to Closed Session at 5:05 PM

**2. ADDITIONS TO CLOSED SESSION AGENDA**

None

**3. ANNOUNCEMENT OF CLOSED SESSION**

**3.1 15-1758 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 15-1770 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 15-1823 PUBLIC EMPLOYEE PERFORMANCE EVALUATION:**

City Manager

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

**3.4 15-2089 CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Number of Parcels: Two

Address: 248 W. Fremont Street

APN: 137-410-14

Owner: City of Stockton

Address: 405 N. Edison Street

APN: 135-460-06

Owner: City of Stockton

Agency Negotiators: Micah Runner, Economic Development Director

Under Negotiation: Price and terms of potential lease.

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

**4. PUBLIC COMMENT\***

None.

**5. RECESS TO CLOSED SESSION**

The Council recessed to Closed Session at 4:33 PM. The Council returned from Closed Session and recessed at 5:10 PM.

**6. REGULAR SESSION CALL TO ORDER/ROLL CALL**

Roll Call

Present:

Christina Fugazi

Elbert Holman

Susan Lofthus  
Anthony Silva  
Michael Tubbs  
Daniel Wright  
Moses Zapien

**7. INVOCATION/PLEDGE TO FLAG**

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

**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 CERTIFICATE OF RECOGNITION: Leadership and Contribution to the City of Stockton

RECIPIENT: Bob Gutierrez

Bob Gutierrez - thanked Council for the recognition

10.2 PROCLAMATION: Domestic Violence Awareness Month

RECIPIENT: Joelle Gomez

Joelle Gomez - spoke to domestic violence statistics, invited community to Domestic Violence Vigil on October 22nd.

10.3 SPECIAL AWARD: Key to the City

RECIPIENT: Coach Darren Arbet, Head Coach of the San Jose Sabercats

Coach Darren Arbet, Head Coach of the San Jose Sabercats - spoke to positive personal history with Stockton; holding San Jose Sabercats game at the Stockton Arena

**12. CONSENT AGENDA**

Approve the consent calendar with a single vote, save items 12.7 and 12.8 which were pulled for individual discussion and 12.1 which was removed for further Staff review.

**Moved by:** Moses Zapien, seconded by Michael Tubbs.

**Vote:** Motion carried 7-0

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

**~~12.1 15-1954 RESOLUTION APPROVING FINDINGS, APPROVING THE PURCHASE OF FORTY-SEVEN POLICE INTERCEPTOR UTILITY VEHICLES FROM BIG VALLEY FORD IN THE AMOUNT OF \$1,416,152.30~~**

This item was removed from the agenda for further Staff review and will be rescheduled for a later date.

Legislation Text

Attachment A - List of Replacement Vehicles

Attachment B - Big Valley Ford Quote

Proposed Resolution

**12.2 15-1985 MOTION ADOPTING THE PLANS AND SPECIFICATIONS FOR TREE PRUNING AT VARIOUS LOCATIONS AND AWARDED A SERVICE CONTRACT TO WEST COAST ARBORISTS, PROJECT NO. O&M-16-001**

**Motion 2015-10-06-1202** adopting the plans and specifications for Tree Pruning at Various Locations, Project No. O&M-16-001, and authorizing the City Manager to execute a Service Contract in the amount of \$163,975 to West Coast Arborists, Inc. of Stockton, CA.

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

Legislation Text

Attachment A - Project Zone Map

Attachment B - Street Listing

Attachment C - Service Contract with West Coast Arborists

**12.3 15-1993 DISPOSITION OF REAL PROPERTY OWNED BY THE CITY OF STOCKTON AND THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF STOCKTON**

City Council Action:

**Resolution 2015-10-06-1203** authorizing actions related to the disposition of real property owned by the City of Stockton -

1. Deeming twenty-seven (27) City-owned properties, included as Exhibit 1 to the



Resolution, as excess and authorizing the sale of those properties.

2. Authorizing the City Manager to review and approve individual sales transactions within predetermined criteria, execute a Master Sales Listing Agreement with CBRE, INC. (Exhibit 2 to the Resolution), and take all other necessary and appropriate actions to carry out the purpose and intent of the Resolution.

Successor Agency Action:

**Resolution SRD 2015-10-06-1203** authorizing actions related to the disposition of real property owned by the Successor Agency to the former Redevelopment Agency of the City of Stockton -

1. Deeming six (6) Successor Agency-owned properties, included as Exhibit 1 to the Resolution, as excess and authorize the sale of those properties.

2. Authorizing the Executive Director to review and approve individual sales transactions within predetermined criteria, execute a Master Sales Listing Agreement with CBRE, INC. (Exhibit 2 to the Resolution), and take all other necessary and appropriate actions to carry out the purpose and intent of the Resolution.

[Legislation Text](#)

[Attachment A - Maps and Photos of City-owned Properties](#)

[Attachment B - Maps and Photos of Successor Agency-owned Properties](#)

[Proposed Resolution - City Excess Property](#)

[Approved Resolution 2015-10-06-1203](#)

[Exhibit 1 - City-owned Excess Property](#)

[Exhibit 2 - CBRE Master Sales Listing Agreement City](#)

[Proposed Resolution - SA Excess Property](#)

[Approved Resolution SRD 2015-10-06-1203](#)

[Exhibit 1 - Successor Agency Excess Property](#)

[Exhibit 2 - CBRE Master Sales Listing Agreement SA](#)

## **12.4 15-2020 GRANT AND SALE OF A UTILITY EASEMENT TO PACIFIC GAS AND ELECTRIC COMPANY LOCATED AT 3805 POCK LANE**

**Resolution 2015-10-06-1204** approving the grant and sale of a permanent underground utility easement to Pacific Gas and Electric Company (PG&E) over a portion of a parcel owned by the City of Stockton located at 3805 Pock Lane (APN 179-490-63) for a new fiber optic line to be extended to PG&E's new regional office facility.

Legislation Text

Attachment A - Vicinity Map

Attachment B - Aerial Map

Attachment C - Easement location

Attachment D - Letter Agreement

Proposed Resolution - 2015-10-06 - Pock Lane - PG&E

Approved Resolution 2015-10-06-1204

Approved Resolution 2015-10-06-1204 SJC Doc 2015-123930 2015-10-14

Exhibit 1 - Easement Deed

**12.5 15-2039 RESOLUTION APPROVING THE FILING OF THE NOTICE OF EXEMPTION NO. MUD-CE-4-15, APPROVING SPECIFICATIONS AND ADDENDUM AND AWARDING A CONSTRUCTION CONTRACT TO GOES AND NOCETI CONSTRUCTION, INC. DBA G&N CONSTRUCTION OF STOCKTON, FOR THE 2015 ON-CALL WATER REPAIR SERVICES**

**Resolution 2015-10-06-1205:**

1. Authorizing the City Manager to approve the filing of the Notice of Exemption No. MUD-CE-4-15 under the California Environmental Quality Act ("CEQA") for the 2015 On-Call Water Repair Services (Exhibit 1 to Resolution).

2. Approving the specifications and addendum for the 2015 On-Call Water Repair Services.

3. Awarding a Construction Contract to Goes and Noceti Construction, Inc. dba G&N Construction in the amount of \$231,325 for the 2015 On-Call Water Repair Services (Exhibit 2 to Resolution).

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

Legislation Text

Proposed Resolution - 2015 On-Call Water Repair Services M15015

Approved Resolution 2015-10-06-1205

Exhibit 1 - Notice of Exemption MUD-CE-4-15

Exhibit 2 - Contact - 2015 On-Call Water Repair Services M15015

**12.6 15-2040 APPROVE FINDINGS AND AUTHORIZE AN AMENDMENT TO THE**

# PROFESSIONAL SERVICES AGREEMENT WITH THE CALIFORNIA WATER SERVICE COMPANY TO PROVIDE TEMPORARY CHIEF PLANT OPERATOR SUPPORT FOR THE DELTA WATER TREATMENT PLANT

## **Motion 2015-10-06-1206:**

1. Approving findings pursuant to SMC Section 3.68.070 in support of an exception to the competitive bidding process for the amendment to the Professional Services Agreement with the California Water Service Company of San Jose for temporary Chief Plant Operator services.

2. Authorizing the City Manager to execute an Amendment to the Professional Services Agreement not to exceed \$225,000 with the California Water Service Company to provide a temporary Chief Plant Operator for operational support and oversight at the Delta Water Treatment Plant.

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.

Legislation Text

Attachment A - Professional Services Agreement

Attachment B - Amendment to Professional Services Agreement

## **12.7 15-2076 PUBLIC FACILITY FEE ANNUAL REPORTS FOR FISCAL YEARS 2009-10, 2010-11, 2011-12, 2012-13 AND 2013-14**

Legislation Text

Attachment A - PFF Report FYs 2009-2014

Attachment B - Total Impact Fees Revenues

Attachment C - Total Impact Fees Expenditures

PowerPoint Presentation

Public Comment

Ned Leiba - spoke to fund balances; Development Oversight Committee

John Beckman - spoke to annual reports; timeliness; accountability

Approve **Motion 2015-10-06-1207** accepting the Public Facility Fee Program Annual Reports for Fiscal Years (FY) 2009-10, 2010-11, 2011-12, 2012-13 and 2013-14 (Attachment A) bringing the City up to date on its Mitigation Fee Act reporting requirements under State law.



**Moved by:** Elbert Holman, seconded by Moses Zapien.

**Vote:** Motion carried 7-0

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

**12.8 15-2098 DIRECT THE CITY MANAGER TO ANALYZE AMENDMENTS TO CITY COUNCIL RESOLUTION NO. 97-0094 TO PROVIDE FOR TEMPORARY CLOSURE OF PATHWAYS IN THE CITY OF STOCKTON FOR HEALTH AND SAFETY REASONS**

Legislation Text

Attachment A - Resolution No 97-0094

Attachment B - Abandonment Procedures

Public Comment

Jeanine Farris - shared hope to move forward with project; safety

Anthony Farris - thanked councilmember Zapien and Mayor Silva

Bruce Becker - thanked Council for taking the time to address the problem

John Stearne - spoke in support of item

Approve **Motion 2015-10-06-1208** directing the City Manager to analyze amendments to City Council Resolution No. 97-0094 to provide for temporary closure of pathways in the City of Stockton (City) for health and safety reasons, and report back to Council with recommended amendments and funding options.

**Moved by:** Moses Zapien, seconded by Daniel Wright.

**Vote:** Motion carried 7-0

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

**11. CITIZENS' COMMENTS, ANNOUNCEMENTS, OR INVITATIONS\***

Ramiro Reyes - spoke to public safety at McDonald's in south and central Stockton

Aaron Paradiso - spoke regarding the homeless, Downtown City Alliance; police officers; putting homeless facilities under bridges; dash cameras in police cars

James Young - spoke to areas on Swain Road where he must go out into the street in his wheelchair due to lack of sidewalk; tilted manhole at 1331 Swain; North side of Pershing without sidewalk, south side asphalt and rocky; aesthetic issues



Vincent Sayles - spoke to Record article on dung beetles who navigate by using the Milky Way; Man's potential

Elizabeth Wong Fontana - spoke to pedicab restrictions on the promenade; would like more access on Weber Point during events

Gary Malloy - spoke to agenda item 12.6 professional services agreement with the California Water Service Company; inquired if \$75,000 expenditure was approved by Council

Roy Hoggard - spoke regarding homelessness; Delta Tunnels

Michael Harris - spoke to October, Maafa Awareness Month; institutional racism

Teresa Smith - spoke against Stockton Police Department

### **13. ADMINISTRATIVE MATTERS**

### **14. UNFINISHED BUSINESS**

#### **14.1 15-2095 DISCUSSION TO CONSIDER ACTION ON THE STOCKTON ECONOMIC STIMULUS PLAN**

Legislation Text

Attachment A - Stockton Economic Stimulus Plan

PowerPoint Presentation

Around the Bench - Letter From John Beckman on behalf of the Building Industry Association of the Greater Valley

Public Comment

John Beckman - spoke in support of the plan with the aid of a PowerPoint presentation (filed)

Tom Ruemmler - spoke in support of reducing Public Facilities Fees (document filed)

Copies of presentation posters and speech draft filed by Tom Ruemmler

Bobby Bivens - shared opinion that any action resulting in the reduction of Public Facilities Fees should include a requirement to hire African American contractors and workers

Motecuzoma Sanchez - spoke to the redlining of impoverished areas; shared opinion that more building is not the answer

Ralph White - shared personal opinion about development in South Stockton

John Beckman - presented an estimate that citywide approximately 900 vacant lots are available

Approve **Motion 2015-10-06-1401** setting date for Study Session on October 13, 2015 at 5:30 PM.

**Moved by:** Anthony Silva, seconded by Christina Fugazi .

**Vote:** Motion carried 7-0

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

## **15. NEW BUSINESS**

### **15.1 15-2061 RECOMMENDATION FROM THE MEASURE A ADVISORY COMMITTEE TO THE COUNCIL FOR FUNDING OF AN INDEPENDENT AUDITOR ON THE USES OF MEASURE A PROCEEDS**

Legislation Text

Attachment A - 2015-05-19 Advisory Committee Minutes

Attachment B - Measure A Supplemental Display

PowerPoint Presentation

Councilmember Holman left the meeting at 7:38 PM

#### Public Comment

Reverend Dwight Williams, Chairman of Measure A Citizens Advisory Committee - agreed with Scott Carney's description, noted decision was not unanimous; stated opinion that without Measure A Committee it is likely Measure A would not have passed

Gary Malloy - spoke in favor of independant auditor

Marcie Bayne, Vice Chair of Measure A Citizens Advisory Committee - spoke in favor of independant auditor; ensuring transparency

Ned Leiba, Measure A Committee Member - advocated for traditional financial statement audit; supported independent auditor

Motecuzoma Sanchez - supported hiring an independant auditor

Reverend Dwight Williams, Chairman of Measure A Citizen's Advisory Committee - stated speed is not great concern, independent auditor is what matters most

Approve **Motion 2015-10-06-1501** starting the process to hire a second independent auditor specifically for the Measure A Committee for a term of one year.

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

**Vote:** Motion carried 6-0

**Yes:** Christina Fugazi , Susan Lofthus, Anthony Silva, Michael Tubbs, Daniel Wright, and Moses Zapien.

**Absent:** Elbert Holman.

Mayor Silva left the meeting at 8:14 p.m.

## 16. HEARINGS\*\*\*\*

### 16.1 15-1880 PUBLIC HEARING: APPROVE AN OFFICE AND INDUSTRIAL SALES TAX INCENTIVE AGREEMENT BETWEEN THE CITY OF STOCKTON AND VALLEY PACIFIC PETROLEUM SERVICE, INCORPORATED

Legislation Text

Attachment A - Resolution 2014-08-12-1601

Proposed Resolution - Industrial Sales Tax Incentive

Approved Resolution 2015-10-06-1601

Exhibit 1 - OAS Tax Incentive Agreement

PowerPoint Presentation

Approve **Resolution 2015-10-06-1601**:

1. Approving the execution of an Office and Industrial Sales Tax Incentive Agreement between the City of Stockton and Valley Pacific Petroleum Service, Inc.; and
2. Authorizing the City Manager or his designee to make appropriations amending the Fiscal Year 2015-16 General Fund Sales Tax budget to recognize net new sales tax revenue and associated rebates per the agreement; and,
3. Authorizing the City Manager to take necessary and appropriate actions to carry out the purpose and intent of the resolution.

**Moved by:** Moses Zapien, seconded by Susan Lofthus.

**Vote:** Motion carried 5-0

**Yes:** Christina Fugazi , Susan Lofthus, Michael Tubbs, Daniel Wright, and Moses Zapien.

**Absent:** Elbert Holman, and Anthony Silva.

## 17. COUNCIL COMMENTS

Councilmember Tubbs - would like to adjourn in memory of Pastor Adams; November 5th is Youth in Government Day; October 8th from 2-4 PM California Right Start Meeting; thanked everyone who came out in support of the Promise Zone

Vice Mayor Fugazi - clarified temporary chief plant manager, not a consultant, must have one to operate water treatment, thanked CalWater for providing one; thanked Councilmember Tubbs for mentioning Promise Zone, commitments made; League of California Cities Annual Conference, parks; Spooktacular on this Friday at Weber Point starting at 5:30pm, parade at 6:00pm; Harvest Festival next Friday at all Stockton Community Centers; called for moment of silence for Pastor Adams

## 18. ADJOURNMENT IN MEMORY OF PASTOR ADAMS - 8:30 PM

### INFORMATIONAL ITEMS

#### 1 15-2094 MEASURE A CITIZENS' ADVISORY COMMITTEE MINUTES

Informational item to review the minutes for the Measure A Citizens' Advisory Committee meetings of May 20, 2014, July 15, 2014, October 3, 2014, and February 3, 2015.

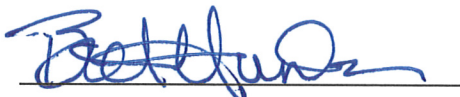
Legislation Text

2014-05-20 Minutes

2014-07-15 Minutes

2014-10-23 Minutes

2015-02-03 Minutes

  
for BONNIE PAIGE, CMC  
CITY CLERK, CITY OF STOCKTON