

**MINUTES  
CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT  
AGENCY/PUBLIC FINANCING AUTHORITY/PARKING AUTHORITY  
CONCURRENT  
MEETING OF JUNE 7, 2016**

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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 - 4:36 PM**

Roll Call

Present:

Michael Blower  
Christina Fugazi  
Elbert Holman  
Daniel Wright

Absent:

Susan Lofthus, Anthony Silva, and Michael Tubbs.

**NOTE:** Councilmember Tubbs arrived to Closed Session at 4:37 PM  
Councilmember Lofthus arrived to Closed Session at 4:38 PM

**2. ADDITIONS TO CLOSED SESSION AGENDA**

None

**3. ANNOUNCEMENT OF CLOSED SESSION**

**3.1 16-2734 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: R.T. Nuu, et al. v. City of Stockton, et al. (United States District Court, Eastern District Case No. 2:15-CV-00430-TLN-KJN)

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

**3.4 16-2737 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).

**3.3 16-2736 PUBLIC EMPLOYEE PERFORMANCE EVALUATION:**

City Manager

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

**3.2 16-2735 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.

**4. PUBLIC COMMENT**

None

**5. RECESS TO CLOSED SESSION - 4:37 PM**

The Council recessed to Closed Session at 4:37 PM. The Council returned from Closed Session and recessed at 4:45 PM.

**6. REGULAR SESSION CALL TO ORDER/ROLL CALL - 5:31 PM**

Roll Call

Present:

Michael Blower

Christina Fugazi

Elbert Holman  
Susan Lofthus  
Anthony Silva  
Michael Tubbs  
Daniel Wright

**7. INVOCATION/PLEDGE TO FLAG**

The Pledge of Allegiance was led by Vice Mayor Fugazi. The Invocation was given by Reverend DeWitt Brown.

**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 - National Alzheimer's and Brain Awareness Month  
June 2016

RECIPIENT: Mark McDonald

**12. CONSENT AGENDA**

Approve the Consent Agenda with a single vote, save items 12.2 and 12.10 which were considered separately.

**Moved by:** Susan Lofthus, 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 .

Public Comment

Jamal Guillory - expressed concern that Council meetings are held too early; McNair Soccer Field needs fences so facilities are used properly; language drafted in the budget for Fair Oaks Library is ambiguous

Tom Zannotto - spoke to item 12.9; asked that the Council direct Human Resources to conduct their own in house salary survey (documents filed)

Documents filed by Tom Zannotto - City of Stockton Salary Survey



Kurt Wilson, City Manager - clarified agenda item 12.9, noting process followed to present proposal to Council

Gaylen Barber - spoke to item 12.5; against buying chloramines for 365 days; suggested putting together a task force to address the issue

Robert Granberg, Acting Director Municipal Utilities - clarified chemicals being purchased

Marsha Boyd - spoke to item 12.5; concerned with cost of Proposition 218 water rate increase protest mailer; questioned who completed the water rate study

**12.1 16-2578 REJECT BID FOR PURCHASE OF SIX ONE-TON SERVICE BODY PICKUP TRUCKS (PUR 15-031)**

Approve **Motion 2016-06-07-1201** rejecting the single bid that was received for the purchase of six one-ton service body pickup trucks (PUR 15-031).

Legislation Text

Attachment A - Chase Chevrolet Bid

**12.2 16-2587 APPROVE MOTION AUTHORIZING A SECOND AMENDMENT TO AGREEMENT WITH FAMILY RESOURCE AND REFERRAL CENTER OF SAN JOAQUIN FOR OPERATION OF THE GARY AND JANICE PODESTO TEEN IMPACT CENTER**

Legislation Text

Attachment A - 2011 Operations Agreement Podesto Teen Center - FRRC

Attachment B - Operations Agreement Podesto Teen Center

Attachment C 2nd Amenment

Approve **Motion 2016-06-07-1202** to postpone item until the following meeting on June 21, 2016 in order to allow the Mayor time to further review the staff report and contract.

**Moved by:** Anthony Silva, seconded by Susan Lofthus.

**Vote:** Motion carried 6-1

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

**No:** Michael Tubbs.

**12.3 16-2592 AWARD A CONSTRUCTION CONTRACT TO MOZINGO CONSTRUCTION, INC. FOR THE 2014 SANITARY SEWER REHABILITATION PROJECT, PHASE 1 (PROJECT NO. M14006)**



**Resolution 2016-06-07-1203** authorizing the City Manager to:

1. Approve the filing of Notice of Exemption No. CE001-16 under the California Environmental Quality Act (CEQA) for the 2014 Sanitary Sewer Rehabilitation Project, Phase 1 (Project No. M14006).
2. Adopt the plans and specifications for the 2014 Sanitary Sewer Rehabilitation Project, Phase 1 (Project No. M14006).
3. Award a Construction Contract in the amount of \$572,885 to Mozingo Construction, Inc., of Oakdale, CA, for the 2014 Sanitary Sewer Rehabilitation Project, Phase 1 (Project No. M14006).

Legislation Text

Attachment A - Vicinity Map

Proposed Resolution - 2014 Sanitary Sewer Rehabilitation

Exhibit 1 - 2014 Sanitary Sewer Rehabilitation Exemption

Exhibit 2 - Mozingo Construction Contract

Approved Resolution 2016-06-07-1203

**12.4 16-2595 APPROVE THE COOPERATIVE PRICING AGREEMENT WITH E-Z GO TEXTRON FOR GOLF CARTS LEASED THROUGH WELLS FARGO FINANCIAL LEASING, INC.**

**Motion 2016-06-07-1204** approving findings that support an exception to the competitive bidding process and authorize the City Manager to utilize a national cooperative agreement issued by the city of Tucson Arizona, and administered by the National Intergovernmental Purchasing Alliance Company (NIPA), to lease 100 E-Z Go Textron electric golf carts for 36 months in the amount of \$357,123 using the E-Z Go lease agent, and approve an agreement with Wells Fargo Financial Leasing, Inc., and to take appropriate actions necessary to carry out the purpose and intent of the motion.

Legislation Text

Attachment A - Contract EZGO

Attachment B - City of Stockton NIPA Registration

Attachment C - EZ Go Quote

Attachment D - Lease Docs Packet

**12.5 16-2645 EXECUTE CONTRACT AGREEMENTS TO PURCHASE WATER AND WASTEWATER TREATMENT CHEMICALS THROUGH THE BAY AREA CHEMICAL CONSORTIUM**

**Motion 2016-06-07-1205:**

1. Authorizing the City Manager to execute contracts for the purchase of chemicals for water and wastewater treatment for Fiscal Year 2016-2017, and
2. Approve findings of an exception to the competitive bidding process.

Legislation Text

Attachment A - Contract - Univar-Citric Acid

Attachment B - Contract - Thatcher-Ferric Chloride

Attachment C - Contract - Univar-Sodium Bisulfite

Attachment D - Contract - Brenntag-Sodium Hydroxide

Attachment E - Contract - Univar-Sodium Hypochlorite

Attachment F - Contract - Sierra Chemical-Sulfur Dioxide

Attachment G - Contract - Pacific Coast-Sulfuric Acid

Attachment H - Contract - Polydyne WE-906

Attachment I - Contract - Polydyne NW-127

Attachment J - Contract - CalChem CC2000

**12.6 16-2660 AMENDMENTS TO LOANS FOR THE GRAND VIEW VILLAGE, ANCHOR VILLAGE, AND CAL WEBER 40 PROJECTS**

**Resolution 2016-06-07-1206:**

- 1) Approving an amendment to the loans for the Anchor Village and Grand View Village housing projects to allow the expenditure of a portion of previously approved loans;
- 2) Approving an amendment to the loan to the Cal Weber 40 project to increase the loan by \$525,000 using Low-Moderate Income Housing Funds; and
- 3) Authorizing the City Manager, or his designee, to execute all documents, including loan documents and subordination agreements, and to take actions necessary and appropriate to carry out the purpose and intent of the resolution.

Legislation Text

Attachment A - Resolution 2015-06-09-1202

Attachment B - Vicinity Map

Attachment C - Resolution 2014-06-24-1506

Attachment D - Resolution 2014-12-16-1211

Attachment E - Miner Avenue Streetscape

Attachment F - Resolution 2015-07-07-1208

Attachment G - Cal Weber Rendering

Attachment H - Anchor Village Loan Agreement

Attachment I - Grand View Village Construction Loan Agreement

Attachment J - Cal Weber 40 Loan Agreement Amd

Proposed Resolution - Amendment of Loans

Approved Resolution 2016-06-07-1206

**12.7 16-2661 AUTHORIZE FACADE IMPROVEMENT FORGIVABLE LOAN OF \$99,500 TO PINK OCEAN HOSPITALITY, LLC FOR THE PROPERTY LOCATED AT 33 NORTH CENTER STREET**

**Resolution 2016-06-07-1207:**

1. Authorizing a Facade Improvement Forgivable Loan to Pink Ocean Hospitality, LLC, for the commercial property located at 33 North Center Street in the amount of \$99,500; and
2. Authorizing the City Manager, or his designee, to take all actions necessary and appropriate to carry out the purpose and intent of the resolution.

Legislation Text

Attachment A - Vicinity Map

Attachment B - Property Photos

Attachment C - Color Rendering of Proposed Improvements

Proposed Resolution - 33 North Center Facade Improvement Loan

Approved Resolution 2016-06-07-1207

**12.8 16-2671 SAN JOAQUIN COUNCIL OF GOVERNMENTS' ANNUAL FINANCIAL PLAN FOR FISCAL YEAR 2016-17**

**Motion 2016-06-07-1208** ratifying the San Joaquin Council of Governments' Annual Financial Plan for Fiscal Year 2016-17.

Legislation Text

Attachment A - SJCOG 2016-17 Annual Financial Plan

**12.9 16-2693 MEMORANDA OF UNDERSTANDING BETWEEN THE CITY OF STOCKTON AND THE STOCKTON CITY EMPLOYEES' ASSOCIATION, TRADES AND MAINTENANCE UNIT, OPERATIONS AND**



**MAINTENANCE UNIT, WATER SUPERVISORY UNIT, AND  
MODIFICATIONS TO THE UNREPRESENTED  
MANAGEMENT/CONFIDENTIAL AND LAW EMPLOYEES'  
COMPENSATION PLAN**

**Resolution 2016-06-07-1209** adopting the attached successor Memoranda of Understanding (MOU's) effective July 1, 2016 through June 30, 2019, and amended Unrepresented Compensation Plan, with the following groups:

1. Stockton City Employees' Association (SCEA);
2. Trades and Maintenance Unit (T&M);
3. Operations and Maintenance Unit (O&M);
4. Water Supervisory Unit; and
5. Unrepresented Management/Confidential and Law Employees'

Legislation Text

Attachment A - SCEA MOU- redlined

Attachment B - Trades & Maintenance MOU - redlined

Attachment C - Operations & Maintenance MOU- redlined

Attachment D - Water Supervisory Unit MOU- redlined

Attachment E - Unrepresented Employee Compensation Plan - redlined

Proposed Resolution - 2016-19 Bargaining Unit MOU

Exhibit 1 - SCEA MOU

Exhibit 2 - Trades & Maintenance MOU

Exhibit 3 - Operations & Maintenance MOU

Exhibit 4 - Water Supervisory Unit MOU

Exhibit 5 - Unrepresented Employee Compensation Plan

Exhibit 6 - Budget Amendment

Approved Resolution 2016-06-07-1209

**12.10 16-2702 MOTION AUTHORIZING A CONTRACT FOR LIBRARY  
SOFTWARE, EQUIPMENT, AND SUPPORT BY SIRSIDYNIX  
CORPORATION**

Legislation Text

Attachment A - SirsiDynix Agreement

Attachment B - Library 4-Year SirsiDynix Expenditure Projection

John Alita, Community Services Director - clarified upgrades and why cost will vary over four year term

Approve **Motion 2016-06-07-1210** approving findings that support an exception to the competitive bidding process and authorize the City Manager to execute a four-year agreement with SirsiDynix Corporation, for applications, hardware, installation, maintenance, and support for a total of \$702,503. It is further recommended that this motion authorize the City Manager to take appropriate actions necessary to carry out the purpose and intent of this motion.

**Moved by:** Daniel Wright, seconded by Anthony Silva.

**Vote:** Motion carried 7-0

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

## **12.11 16-2711 APPROVAL OF CITY COUNCIL MINUTES**

**Motion 2016-06-07-1211** approving minutes from the Special City Council meetings of April 6, 2016 and May 18, 2016 and the minutes from the April 12, 2016 and May 10, 2016 regularly scheduled City Council meetings.

Legislation Text

2016-04-06 Special Minutes for Approval

2016-05-18 Special Minutes for Approval

2016-04-12 Minutes for Approval

2016-05-10 Minutes for Approval

## **12.12 16-2748 ADOPT RESOLUTION MAKING MINOR AMENDMENTS TO A FUNDING PROPOSAL FOR CITY OF STOCKTON LIBRARY AND RECREATION SERVICES ON THE NOVEMBER 8, 2016 BALLOT**

**Resolution 2016-06-07-1212** making minor amendments to the ballot measure seeking voter approval of a special transactions and use sales tax of one-quarter cent for 16 years, for the provision of library and recreation services.

Legislation Text

Attachment A - Redline Library and Recreation TUT Ordinance

Proposed Resolution - Library Tax Ballot Measure

Exhibit 1 - Library and Recreation TUT Ordinance

Approved Resolution 2016-06-07-1212

Approved Ordinance 2016-06-07-1212

## 11. CITIZENS' COMMENTS, ANNOUNCEMENTS, OR INVITATIONS

James Young - needs a ride Friday night to movie night; would like to help the Mayor; crack in sidewalk on Pershing and Miner; need sidewalks near Delta College, there are too many rocks

Vincent Sayles - shared experience smoking cigarettes for 34 years; described how rebounding as well as purging his body of all waste and toxins has saved his health

Ramiro Reyes - spoke to parking issues at St. Joseph's Hospital; concerned that contract for ticket collection fees is held by company in Southern California

Ted Gonzales - shared his condolences with families who have recently lost loved ones in Stockton; shared that the Mexican American Human Rights Organization endorses Mayor Silva for re-election

Steven Turner - shared views on national debt eradication and elimination

## 13. ADMINISTRATIVE MATTERS

None

## 14. UNFINISHED BUSINESS

None

## 15. NEW BUSINESS

### 15.1 16-2706 APPOINTMENT TO SAN JOAQUIN REGIONAL TRANSIT DISTRICT BOARD

Legislation Text

Attachment A - Redacted Applications

Proposed Resolution - SJRTD Appointment

Approved Resolution 2016-06-07-1501

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

Approve **Resolution 2016-06-07-1501** appointing Gary Giovanetti to fill the vacancy on the San Joaquin Regional Transit District Board for a term commencing July 1, 2016, and ending June 30, 2020.

**Moved by:** Anthony Silva, seconded by Michael Blower.

**Vote:** Motion carried 7-0



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

**15.2 16-2744 ADOPT AN ORDINANCE PROMOTING HEALTHY COMMUNITIES FOR HEALTHY KIDS**

Legislation Text

Attachment A - May 3 Healthy Communities Presentation.pdf

Attachment B - Support Letters for Health Communities Ordinance.pdf

Proposed Ordinance - Amending Title 5, and Adding Chapter 5.70

Approved Ordinance 2016-06-07-1502

Kanat Tibet, Director of Local Policy, California Center for Public Health - addressed Council and gave a report on the specifics of the Healthy Communities Ordinance

The following people spoke in support of the Ordinance:

Joaquin Diaz Deleon  
Andrew Watkins  
Irene Calimlim  
Nikki Chan  
Javon Lofton  
Mike, Weston Ranch High School  
Roslyn Burse  
Sorprisela Martinez  
Hernan Soto  
Erika Mendez  
Don Aguillard  
Bobby Bivens

Approve **Ordinance 2016-06-07-1502** amending Title 5 of the Stockton Municipal which promotes healthy communities for healthy kids by establishing default beverages offered with restaurant children's meals.

**Moved by:** Michael Tubbs, seconded by Christina Fugazi .

**Vote:** Motion carried 7-0

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

**15.3 16-2749 CONSIDER PLACING ON THE NOVEMBER 8, 2016 GENERAL ELECTION BALLOT AN INITIATIVE AMENDING THE STOCKTON MUNICIPAL CODE TO ALLOW MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION**

Legislation Text

Attachment A - Ballot Title and Summary

Attachment B - Proposed Ordinance Purpose and Intent

Howard Seligman, Attorney providing representation for proponents of Initiative - introduced initiative to Council with a video presentation; stated that the opponents have no opposition to any technical changes the city may place on the Ordinance so long as the intent of the Initiative is upheld

Dorothy Hillbrant, proponent - thanked Council for this opportunity; shared her medical history

Gary Winuk, Kaufman Legal Group - gave report to Council with the aid of a PowerPoint presentation (filed)

PowerPoint Presentation - Medical Cannabis Initiative

Dorothy Hillbrant - rebutted concerns expressed by Council; stated again that this Initiative is only for medical use

Public Comment

Zach Drivon - spoke in support; spoke to potential economic gain for the City; noted perceived flaws in language of proposed Ordinance and suggested that Council change licensing structure to align with the state of California

Adam Pressler-Smith, General Manager of the Stockton Patient Clinic - spoke in support; shared costs to run his legal clinic; noted that there are three illegal clinics in operation in Stockton

Don Aguillard - spoke in support; noted non-permitted stores operating in Stockton and shared concern that there is not proper regulation in place; money received could go into agriculture programs

Bobby Bivens, President of the Stockton branch of the National Association for the Advancement of Colored People (NAACP) - spoke in support; shared involvement with the NAACP cannabis task force; would like Council to put this Ordinance on the ballot

Marc Bay - spoke in support; shared wife's medical history; concerned that there is not education for doctors written into the Ordinance; extra income could be spent on Downtown Waterfront

Move forward to place this initiative on the November 8, 2016 General Election ballot and directing the City Attorney to return to Council within the next 30 days with his best analysis.

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

**Vote:** Motion carried 5-2

**Yes:** Michael Blower, Christina Fugazi , Anthony Silva, Michael Tubbs, and Daniel Wright.

**No:** Elbert Holman, and Susan Lofthus.

**16. HEARINGS**

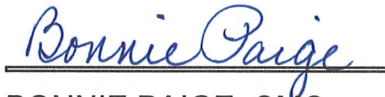
None

**17. COUNCIL COMMENTS**

None

**18. ADJOURNMENT - 8:07 PM**

**INFORMATIONAL ITEMS**



BONNIE PAIGE, CMC  
CITY CLERK, CITY OF STOCKTON