

**MINUTES
CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT
AGENCY/PUBLIC FINANCING AUTHORITY/PARKING AUTHORITY
CONCURRENT
MEETING OF AUGUST 23, 2016**

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

The CLOSED SESSION of the City Council of the City of Stockton 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 16-2902 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 16-2904 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 16-2906 PUBLIC EMPLOYEE PERFORMANCE EVALUATION:**~~

~~City Manager~~

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

~~**3.4 16-2908 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).~~

~~**4. PUBLIC COMMENT**~~

~~**5. RECESS TO CLOSED SESSION**~~

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

Roll Call

Present:

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

Mayor Silva - asked for a moment of silence for a fallen City of Stockton Police Officer, for those involved in a traffic accident on Highway 4 and for a Civil Service Commission member who was a victim of vandalism.

7. INVOCATION/PLEDGE TO FLAG

Bill Brown of the Gospel Center Rescue Mission provided the Invocation. The Pledge of Allegiance was led by Councilmember Holman.

8. REPORT OF ACTION TAKEN IN CLOSED SESSION

NOTE: Closed Session was canceled this evening.

9. ADDITIONS TO REGULAR SESSION AGENDA

None

10. PROCLAMATIONS, COMMENDATIONS, OR INVITATIONS

10.1 PRESENTATION: Key to the City of Stockton

RECIPIENTS: Kelly Olds, Chief Executive Officer, San Joaquin County Fairgrounds and fellow Board members

12. CONSENT AGENDA

Approve the Consent Agenda with a single vote, save items 12.2 and 12.4 which were considered separately.

Moved by: Elbert Holman, 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.

12.1 16-2954 APPROVAL OF CITY COUNCIL MINUTES

Motion 2016-08-23-1201 approving the minutes from the City Council meeting of August 9, 2016.

12.2 16-2945 ADOPT THE 2016-17 INTERNAL AUDIT PROGRAM

Mark Steranka, Moss Adams - responded to questions from Councilmembers regarding duties of an internal auditor verses an external auditor

Approve **Motion 2016-08-23-1202** authorizing the City Manager to:

1. Adopt the Fiscal year 2016-17 Internal Audit Program;
2. Execute a one-year extension to the contract with Moss Adams, LLC to provide Internal Audit Services.

Moved by: Daniel Wright, seconded by Elbert Holman.

Vote: Motion carried 7-0

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

12.3 16-2897 ADOPT RESOLUTION TO APPLY FOR ELECTIVE COVERAGE OF STATE DISABILITY INSURANCE FOR MEMBERS OF THE OPERATIONS & MAINTENANCE UNIT (O&M), TRADES & MAINTENANCE UNIT (T&M), AND WATER SUPERVISORY UNIT

Resolution 2016-08-23-1203:

- 1) Adopting, in accordance with the Operations & Maintenance Unit

(O&M); Trades & Maintenance Unit (T&M); and Water Supervisory Unit Memoranda of Understanding (MOUs), authorizing the City to apply for State Disability Insurance (SDI) elective coverage for members of O&M, T&M, and the Water Supervisory Unit, and

2) Authorize the City Manager to execute the application for SDI and take any necessary steps to implement SDI for O&M, T&M, and the Water Supervisory Unit.

NOTE: A memorandum to the Council, dated August 18, 2016, regarding additional information for Item 12.3, was distributed around the bench and filed.

12.4 16-2927 ADOPT RESPONSE TO THE FOLLOW UP REPORT TO THE 2014-2015 CIVIL GRAND JURY REPORT FOR STOCKTON MUNICIPAL UTILITIES DEPARTMENT: STRUGGLING IN THE MUD, CASE NO. 1412

Public Comment

Larry Graser - spoke to the Grand Jury report; requested that responses to Grand Jury reports be placed on the City Council agenda under new business items

Approve **Motion 2016-08-23-1204:**

1. Adopting the City Council's Response to the Follow Up Report to the 2014-2015 Civil Grand Jury Report for Investigating Case No. 1412 relating to the operations of Municipal Utilities Department (MUD);
2. Authorizing the City Manager to sign the response on behalf of the City Council and to transmit the response to the Presiding Judge of the San Joaquin County Superior Court.

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.

12.5 16-2890 RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A DUI STEP GRANT AWARD FROM THE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY

Resolution 2016-08-23-1205 authorizing the City Manager to:

- 1) Accept a DUI STEP grant award from the State of California Office of Traffic Safety in the amount of \$450,000, and make all necessary appropriations in compliance with and for the purposes stated in the grant application; and

2) Execute the STEP Grant agreement and all related documents to carry out the purpose and intent of the grant award.

12.6 16-2900 APPROVE CONTRACT CHANGE ORDER NO. 4 WITH ODYSSEY ENVIRONMENTAL SERVICES INC. FOR PARK LANDSCAPE MAINTENANCE, PARK JANITORIAL/SITE CLEANING SERVICE, AND PLAY EQUIPMENT INSPECTION (PROJECT PW 13-02)

Motion 2016-08-23-1206 authorizing the City Manager to execute Contract Change Order No. 4 to the contract with Odyssey Environmental Services, Inc. (Odyssey) for Park Landscape Maintenance, Park Janitorial/Site Cleaning Service, and Play Equipment Inspection (Project PW 13-02) in the amount of \$181,950 to complete the restoration of three fields and provide maintenance services for the Stockton Soccer Complex.

12.7 16-2826 AWARD A PROFESSIONAL SERVICES CONTRACT TO PSOMAS FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE THORNTON ROAD WIDENING, PROJECT NO. PW1428

Motion 2016-08-23-1207 authorizing the City Manager to award a Professional Services Contract in the amount of \$1,193,360 for construction management services with Psomas for the Thornton Road Widening, Project No. PW1428.

12.8 16-2827 APPROVE RESOLUTION TO AUTHORIZE THE 1025 EAST PARK STREET STORM DRAIN UPGRADE (PROJECT NO. M16007)

Resolution 2016-08-23-1208 authorizing the City Manager to:

1. Approve the filing of Notice of Exemption No. CE012-16 under the California Environmental Quality Act (CEQA) for the 1025 East Park Street Storm Drain Upgrade (Project No. M16007).

2. Approve the plans and specifications for the 1025 East Park Street Storm Drain Upgrade (Project No. M16007).

3. Award a Construction Contract in the amount of \$74,237.19 to Sanact, Inc. dba Roto-Rooter of Livermore, CA, for the 1025 East Park Street Storm Drain Upgrade (Project No. M16007).

13. ADMINISTRATIVE MATTERS

None

14. UNFINISHED BUSINESS

None

11. CITIZENS' COMMENTS, ANNOUNCEMENTS, OR INVITATIONS

Ramiro Reyes - spoke to incident with Councilmember Holman; shared information regarding free reading & writing classes available at Temple La Hermosa located at 1241 E. Market Street

Vincent Sayles - shared personal religious beliefs

Lonnie Lievsay, Commander of the American Legion Post 803 - spoke to concerns regarding parking in front of the American Legion Post at 3110 West Lane, specifically what can be done regarding the limited parking for families when the post is holding a wake or funeral

James Paulk, owner of James Paulk Body and Paint - concerned with parking at 3000 West Lane, adjacent to the American Legion Post; shared that his business is suffering because of new parking restrictions; concerned for families that may be towed from the location during a ceremony at the American Legion Post next door

15. NEW BUSINESS

15.1 16-2919 DISCUSSION OF HOMELESSNESS SOLUTIONS

Mayor Silva - gave a presentation on recommended solutions to homelessness in Stockton (document filed)

Public Comment

Nicholas Burnette, co-founder of Stockton 209 Cares - shared information on the Better Way Program; offered solutions for consideration in Stockton including drug and mental health counseling; need for homeless to be self-sufficient; companion animals must be allowed (documents filed)

Sara Belasco, volunteer Stockton 209 Cares - shared concerns regarding the need for cooling centers

Jewel Abrahamson - spoke in support of homelessness solutions

Brent Adams, Sanctuary Santa Cruz - spoke in support of homeless solutions; shared experience with setting up warming centers, sanctuary camps and villages (documents filed)

Grady Deloney - spoke in support of available homeless shelter services; need for additional facilities

Louis Hardy - spoke to homeless issues; shared his personal experience starting various homeless programs

Kathleen Gapusan - spoke to homeless solutions

Roy Hoggard - supports providing dumpsters and porta-potties to serve homeless; favors smaller communities

Bill Brown - spoke in support of homeless solutions

Julie Cox - concerned where homeless facilities will be located

Patricia Henderson - shared personal experience with homelessness

Julie Damron, Doctor of Veterinary Medicine (D.V.M.) - spoke to pet issues for the homeless community

Kathleen Rodgers - spoke to immediate need of dumpsters and porta-potties for the homeless community

Bill Mendelson - shared concerns regarding complicated homeless problems and solutions

Jon Mendelson - expressed concern with Operation Safety Net proposal; need detailed steps to solve long term issues

Edward Figueroa, Chief Executive Officer, St. Mary's Dining Hall - spoke to homeless solutions presented in proposal; language Mayor used in his proposal

Joelle Gomez - spoke to complexity of homelessness solutions

Homeless Citizen - shared personal experience with homelessness

Shirley - spoke to cost of addressing code violations at proposed motel site; various programs provided in the past by Quail Lakes Baptist Church

Approve **Motion 2016-08-23-1501** directing the City Manager to provide a proposal for basic sanitary services for homeless in Stockton within 30 days

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 16-2920 RECOMMENDATION OF THE LEGISLATIVE COMMITTEE TO CONSIDER THE ADOPTION OF AN ORDINANCE AMENDING TITLE 5, CHAPTER 5.16, SECTION 5.16.010, CHAPTER 5.76, SECTION 5.76.010, TITLE 16, CHAPTER 16.80, SECTION 16.80.020.A, SECTION 16.80.310, AND CHAPTER 16.240, SECTION 16.240.020 OF THE STOCKTON MUNICIPAL CODE TO INCORPORATE TINY AND MICRO HOUSES

NOTE: Mayor Silva left the meeting at 8:52 PM

Approve **Motion 2016-08-23-1502** directing staff to work with the Legislation Environmental Committee regarding desired analyses, public

outreach, ordinance revisions and other related policy actions related to Title 5, Chapter 5.16, Section 5.16.010, Chapter 5.76, Section 5.76.010, Title 16, Chapter 16.80, Section 16.80.020.A, Section 16.80.310, Chapter 16.240, Section 16.240.020 of the Stockton Municipal Code to incorporate Tiny and Micro Houses

Moved by: Elbert Holman, seconded by Daniel Wright.

Vote: Motion carried 6-0

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

Absent: Anthony Silva.

16. HEARINGS

16.1 16-2881 APPEAL OF THE PLANNING COMMISSION'S DENIAL OF THE REQUEST FOR A USE PERMIT FOR PROPERTY LOCATED AT 3440 EAST MAIN STREET (P15-0420)

Affidavits of posting, mailing and/or publication were filed in the office of the City Clerk.

NOTE: Mayor Silva returned to the meeting at 9:00 PM

Public Comment

Gregg Meath, attorney for applicant - spoke in support of the use permit; clarified location of property to nearest elementary school; applicant prepared to work with restrictions

Michelle Spragg, Facilities Planner for Stockton Unified School District - shared the School District's safety concerns and their opposition to allowing the issuance of a use permit so close to Roosevelt Elementary School

Approve **Resolution 2016-08-23-1601** denying the appeal and upholding the Planning Commission's denial of the following requests related to an existing mini-mart with gasoline sales:

1. A Use Permit to allow the off-sale of beer and wine in an existing mini-mart with gasoline sales; and
2. A Variance to allow a reduction of the required minimum 300-foot separation between an existing mini-mart with the proposed off-sale of beer and wine and a public academic school, for property located at 3440 East Main Street.

Moved by: Michael Tubbs, seconded by Daniel Wright.

Vote: Motion carried 6-1

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

No: Anthony Silva.

16.2 16-2828 PUBLIC HEARING AND VACATION OF A PORTION OF WASHINGTON STREET BETWEEN PORT ROAD 13 AND NAVY DRIVE

Affidavits of posting, mailing and/or publication were filed in the office of the City Clerk.

Public Comment

Steve Escobar, Port of Stockton - thanked staff for their support with this item

Approve **Resolution 2016-08-23-1602**

1. Authorizing the vacation, and any interest therein, of a portion of Washington Street between Port Road 13 and Navy Drive; and
2. Authorizing the reservation of a public utility easement; and
3. Authorizing the filing of Notice of Exemption No. CE010-16 under the California Environmental Quality Act (CEQA) for the abandonment of Washington Street between Port Road 13 and Navy Drive; and
4. Authorize the City Manager, or his designee, to take all the necessary and appropriate actions to carry out the purpose and intent of this resolution.

Moved by: Christina Fugazi , seconded by Elbert Holman.

Vote: Motion carried 7-0

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

16.3 16-3000 ACCEPT THE 2016 PUBLIC HEALTH GOALS REPORT

Affidavits of posting, mailing and/or publication were filed in the office of the City Clerk.

Approve **Motion 2016-08-23-1603** accepting the 2016 Public Health Goals Report and authorizing the City Manager to take appropriate and necessary actions to carry out the purpose and intent of the motion.

Moved by: Daniel Wright, seconded by Elbert Holman.

Vote: Motion carried 7-0

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

Anthony Silva, Michael Tubbs, and Daniel Wright.

17. COUNCIL COMMENTS

Vice Mayor Fugazi - spoke to an article in the Record regarding Cal Weber 40 project providing affordable housing in downtown Stockton

Councilmember Holman - congratulated Ten Space on their project and thanked them for their efforts in the downtown area; shared information regarding the Thornton Road Widening Project community informational meeting Wednesday from 6:00 PM to 7:30 PM at the Stockton Ball Room; thanked Public Works for getting this project done

Councilmember Wright - thanked Councilmember Holman for his work on the Thornton Road project; spoke in support of David Kwong's attendance at the recent Stock Market and his efforts in getting community input for the 2035 General Plan Revision

Councilmember Blower - thanked Deborah Gurley of Ministers and Community United for event invite; also thanked Mike Miller for executing a successful StocktonCon

Councilmember Holman - attended retirement celebration for Pastor Earnest Jordon of Rock of Hope City Church with Councilmember Tubbs

Mayor Silva - spoke to Mayor's Council Budget

Councilmember Tubbs - asked for clarification regarding Mayor's Council Budget needing to be on a future City Council agenda

Kurt Wilson, City Manager - proposed avenue for Council to receive funds; spoke to putting item on future agenda

John M. Luebberke, City Attorney - spoke to authority of City Manager in making funds available to Council; possible Brown Act violations

Councilmember Wright - asked about possible Brown Act violations when Councilmembers discuss their budgets

18. ADJOURNMENT - 9:31 PM



BONNIE PAIGE, CMC
CITY CLERK, CITY OF STOCKTON