

**MINUTES**  
**CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY/PUBLIC**  
**FINANCING AUTHORITY/PARKING AUTHORITY CONCURRENT**  
**MEETING OF FEBRUARY 7, 2017**

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

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The CLOSED SESSION of the City Council of the City of Stockton scheduled for 4:30 pm was cancelled.

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

**~~2. ADDITIONS TO CLOSED SESSION AGENDA~~**

**~~3. ANNOUNCEMENT OF CLOSED SESSION~~**

**~~3.1 17-3329 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: Jessica Glynn v. City of Stockton (United States District Court, Eastern District Case No. 2:15-CV-00529-KJM-DB)

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

Legislation Text

**~~3.2 17-3331 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.~~

Legislation Text

### ~~3.3 17-3333 PUBLIC EMPLOYEE PERFORMANCE EVALUATION:~~

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

Legislation Text

#### ~~4. PUBLIC COMMENT~~

#### ~~5. RECESS TO CLOSED SESSION~~

#### 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

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

NOTE: Closed Session was cancelled this evening

#### 9. ADDITIONS TO REGULAR SESSION AGENDA

None

#### 7. INVOCATION/PLEDGE TO FLAG

Vice Mayor Holman led the Pledge of Allegiance and provided the Invocation.

#### 10. PROCLAMATIONS, COMMENDATIONS, OR INVITATIONS

##### 10.1 COMMENDATION

RECIPIENT: Mable Choice for her significant contribution to the community, the State of California and the Nation as an Educator, Poet, and Mentor

Legislation Text

Mable Choice - expressed gratitude; shared one of her poems

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

Cynthia Gail Boyd - welcomed new Mayor; spoke to renaming Fair Oaks Library after Mable "Jimi" Choice

Joel Reyna - provided an update on Stockton Arts Commission activities

Motec Sanchez - spoke to positions which were approved by voters for the Office of the Mayor and the Office of Violence Prevention; active litigation; Councilmember Andrade's Fair Political Practice Commission (FPPC) filings

Document filed by Motec Sanchez - Councilmember Andrade

Tino Adame - invited Council to American Legion Karl Ross Post 16 Veteran's Roundtable, 1:00 PM Wednesday, February 15, 2017, guest members from Palo Alto Veterans Administration and United States Army Corps of Engineers to be present; Vietnam Moving Wall display at Weber's Point June 29, 2017 through July 2, 2017

Brenda Vazquez - spoke to positions for the Office of the Mayor; money for homeless

Warren Gaines - spoke to hiring of African Americans in the fire department; Black History Month; South Stockton high school success stories

Aaron Paradiso - spoke to changes to police body camera protocol; public demonstrations and police brutality

Nora Clipper - spoke to personal history in Stockton; library in South Stockton

Dionne Smith Downs - spoke to experience with son's death; Black Lives Matter networking activities in community

Elecorria Dukes - spoke to death of her nephew; Council and Police involvement in South Stockton

Denise Bradley - spoke to the death of her son

John Henry - spoke to the death of Colby Friday

**NOTE:** Meeting went into recess at 6:14 PM. Meeting reconvened from recess at 6:22 PM

**12. CONSENT AGENDA**

Approve the Consent Agenda with a single vote.

**Moved by:** Elbert Holman, 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.

**12.1 16-3270 ACCEPT PUBLIC FACILITY FEE ANNUAL REPORTS FOR FISCAL YEAR 2015-16.**

**Motion 2017-02-07-1201** accepting the Public Facility Fee Program Annual Reports for Fiscal Year 2015-16 (Attachment A) to comply with the Mitigation Fee Act reporting requirements.

Legislation Text

Attachment A - FY 2015-16 PFF Annual Report

Attachment B - PFF Funds Available Fund Balances

Attachment C - Total Impact Fee Revenues

Attachment D - Total Impact Fee Expenditures

**12.2 17-3313 ACCEPT BY MOTION THE QUARTERLY INVESTMENT REPORT FOR QUARTER ENDED DECEMBER 31, 2016**

**Motion 2017-02-07-1202** accepting the Quarterly Investment Report for the quarter ended December 31, 2016.

Legislation Text

Attachment A - Quarterly Investment Report for Quarter Ended 123116

**12.3 17-3356 APPROVAL OF CITY COUNCIL MINUTES**

**Motion 2017-02-07-1203** approving the minutes from the City Council Special Meeting of January 10, 2017.

Legislation Text

2017-01-10 Minutes for Approval

**12.4 16-3184 ACCEPT VARIOUS COMMITTEE MINUTES FOR FILING**

**Motion 2017-02-07-1204** accepting for filing the minutes of the following Council Committees and the Charter Review Commission:

August 26, 2015 Council Community Improvement and Crime Prevention Committee meeting;

August 26, 2015, September 23, 2015, and October 28, 2015 Charter Review Advisory Commission meetings;

October 22, 2015 and December 7, 2015 City Council Charter Review Ad-Hoc Committee meetings; and

October 3, 2016 and December 12, 2016 Audit Committee Meetings

Legislation Text

2015-08-26 Community Improvement and Crime Prevention Minutes

2015-08-26 Charter Review Advisory Commission Minutes

2015-09-23 Charter Review Advisory Commission Minutes

2015-10-28 Charter Review Advisory Commission Minutes

2015-10-22 Charter Review Ad-Hoc Committee Minutes

2015-12-07 Charter Review Ad-Hoc Committee Minutes

2016-10-03 Audit Committee Meeting Minutes

2016-12-12 Audit Committee Meeting Minutes

**12.5 16-3260 APPROVE DOWNTOWN STOCKTON ALLIANCE PROPOSED 2017 ANNUAL OPERATING BUDGET, ASSESSMENT, AND 2016 ANNUAL REPORT**

**Resolution 2017-02-07-1205** approving the proposed 2017 Operating Budget, Assessment, and 2016 Annual Report for the Property and Business Improvement District commonly known as the Downtown Stockton Alliance, a non-profit corporation, which operates the Downtown Stockton Management District.

Legislation Text

Attachment A - ROPS 16-17 - Resolution OB 2016-01-27-0601

Proposed resolution - 2017 DSA assessment

Exhibit 1 - 2017 DSA Budget

Exhibit 2 - 2017 DSA Assessment

Exhibit 3 - 2016 Annual Report

Approved Resolution 2017-02-07-1205

**12.6 16-3264 AWARD A CONSTRUCTION CONTRACT TO ROBERT BURNS CONSTRUCTION, INC. FOR THE SWENSON PARK NORTH PUMP STATION ACCESS ROAD REHABILITATION PROJECT - PROJECT NO. M16015**

**Resolution 2017-02-07-1206:**

1. Authorizing the City Manager to approve the plans and specifications for the Swenson Park North Pump Station Access Road Rehabilitation Project, Project No. M16015.

2. Awarding a Construction Contract in the amount of \$179,954.56 to Robert Burns Construction, Inc. of Stockton, CA for the Swenson Park North Pump Station Access Road Rehabilitation, Project No. M16015 (Exhibit 1 to Resolution).

3. Approving the filing of Notice of Exemption No. CE022-16 under the California Environmental Quality Act (CEQA) for the Swenson Park North Pump Station Access Road Rehabilitation, Project No. M16015 (Exhibit 2 to Resolution).
4. Approving the appropriation of \$179,954.56 from the Capital Improvement Program, Account No. 437-7785-670.20-62 (Municipal Wastewater Utility - Capital Improvement Program Wastewater - Sanitary Pump Station Rehabilitation).
5. Authorizing the City Manager to take appropriate actions to carry out the purpose and intent of this resolution.

Legislation Text

Proposed Resolution - Swenson Park Access Road M16015

Exhibit 1 - Construction Contract - Swenson Park M16015

Exhibit 2 - NOE CE022-16 - M16015

Approved Resolution 2017-02-07-1206

**12.7 16-3271 APPROVE PILOT STUDY OF CALCIUM NITRATE (BIOXIDE) TO CONTROL ODOR AND CORROSION FOR CITY SEWER INFRASTRUCTURE, APPROVE FINDINGS AND APPROVE AGREEMENT WITH EVOQUA WATER TECHNOLOGIES LLC**

**Motion 2017-02-07-1207:**

1. Approving the pilot study of calcium nitrate (Bioxide) to control odor and corrosion for city sewer infrastructure.
2. Approving findings to support and justify an exception to the competitive bidding process.
3. Authorizing the City Manager to execute an agreement with Evoqua Water Technologies LLC, of Sarasota, Florida, for the purchase of equipment and calcium nitrate (Bioxide(r)) in an amount not to exceed \$125,000 through a cooperative purchase agreement with Dublin San Ramon Services District.
4. Authorizing the City Manager to take appropriate and necessary actions to carry out the purpose and intent of this motion.

Legislation Text

Attachment A - Evoqua Proposal

Attachment B - Coop Service Contract Bay Area Consortium Bioxide Bid 4-5-16

Attachment C - Agreement Evoqua Water Technologies

Attachment D - Evoqua Water Tech NOI to Award Contract Bid No 04-2016

**12.8 17-3282 AWARD A SERVICE CONTRACT TO ROOT TAMERS, INC. FOR SANITARY SEWER ROOT TREATMENT SERVICES**

**Motion 2017-02-07-1208:**

1. Awarding a three-year service contract in an amount of \$303,820 per year to Root Tamers, Inc. of Redding, California.
2. Authorizing the City Manager to take appropriate and necessary actions to carry out the purpose and intent of this motion.

Legislation Text

Attachment A - Root Tamers Agreement

**12.9 17-3298 APPROVE RATIFICATION OF EXPENDITURES FOR EMERGENCY BYPASS PUMPING FOR THE NORTH SANITARY SEWER PUMP STATION**

**Motion 2017-02-07-1209:**

1. Ratifying the emergency expenditure of \$351,262.23 to Rain-for-Rent, Inc. of Stockton, for emergency bypass pumping for the North Sanitary Sewer Pump Station.
2. Authorizing the City Manager to take appropriate and necessary actions to carry out the purpose and intent of this motion.

Legislation Text

**12.10 16-3011 APPROVE FINDINGS AND PURCHASE OF TWO FIRE ENGINES AND ONE LADDER TRUCK**

**Resolution 2017-02-07-1210:**

1. Approving findings pursuant to Stockton Municipal Code (SMC) section 3.68.070 in support of an exception to the competitive bidding process.
2. Approving the purchase of two fire engines and one ladder truck through a National Joint Powers Alliance (NJPA) contract with Rosenbauer America of Lyons, South Dakota and Wyoming, Minnesota in the amount of \$2,313,640.16.
3. Approving a down payment in the amount of \$462,740.16 from the Fleet Internal Service Fund (ISF).
4. Approving execution of a Master Lease-Purchase Agreement with Western Alliance Business Trust in an amount not to exceed \$1,900,000 for the balance of the purchase price.
5. Authorizing legal fees in an amount not to exceed \$10,000 to be paid to Orrick, Herrington & Sutcliffe, LLP.
6. Authorizing a budget amendment to the Fiscal Year 2016-17 Fleet ISF Annual Budget for the associated lease revenues and expenditures.
7. Authorizing the City Manager to take appropriate and necessary actions to carry out

the purpose and intent of this resolution.

Legislation Text

Attachment A - Quote from Rosenbauer America

Attachment B - Rosenbauer America NJPA Contract Award

Proposed Resolution - Fire Engine and Ladder Purchase

Exhibit 1 - Draft Master Lease Purchase Agreement

Approved Resolution 2017-02-07-1210

**13. ADMINISTRATIVE MATTERS**

None

**14. UNFINISHED BUSINESS**

None

**15. NEW BUSINESS**

**15.1 17-3344 ADOPT THE FISCAL YEAR 2016-17 ENTERPRISE RISK ASSESSMENT FINAL REPORT**

Legislation Text

Attachment A - City of Stockton Enterprise Risk Assessment Report 11-01-16

Kurt Wilson, City Manager - introduced Mark Steranka of Moss Adams who provided additional information with the use of a PowerPoint presentation

PowerPoint presentation - FY16-17 Internal Audit Program Risk Assessment Results

Approve **Motion 2017-02-07-1501** adopting the Fiscal Year 2016-17 Enterprise Risk Assessment Final Report.

**Moved by:** Susan Lofthus, 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.

**16. HEARINGS**

None

**17. COUNCIL COMMENTS**

Councilmember Fugazi - spoke to achieving goals of community; holding common ground discussions; neighborhood cleanups: Saturday February 11, 2017 8:00 AM

-12:00 PM, 1000 North Hunter Street, March 11, 2017, 404 West Fremont Street parking lot; Stockton one of four locations for March Madness Regional Championship games; February 25, 2017 Tune in Tune Up event at San Joaquin County Fair Grounds; fallen tree solutions for residents in Stockton; status of Parks and Recreation funds for repairs at community parks; Medicinal Marijuana Dispensary Meeting February 28, 2017, 5:30 PM City Hall; thanked Jane Butterfield and the Business Council for meeting to discuss additional options to employ youth in community

Councilmember Wright - spoke to participation at Read to Me Stockton; sign ups available at [www.readtomestockton.org](http://www.readtomestockton.org); community clean-up events; Saturday February 18, 2017, 1:00-4:00 PM, Community Forum Calvary 1st Assembly of God Church at 8407 Kelley Drive, Stockton, California

Councilmember Lenz - spoke to summer work program funding resources from other businesses; Kentfield Community Meeting participation, conversation with Colby Friday's mother regarding return of son's tombstone

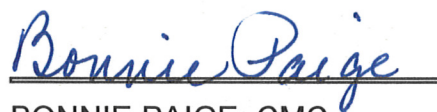
Councilmember Andrade - shared first office hours to be held in Weston Ranch on February 22, 2017 6:00 PM at Mountain Mikes; March 11, 2017 Habitat for Humanity home build in Little John Creek area; thanked and congratulated Ms. Mable Choice for her service; spoke to losing a loved one, growing up in South Stockton; finding solutions to current issues and moving forward; upcoming grand reopening of Fair Oaks Library

Vice Mayor Holman - shared personal history with Ms. Mable Choice and congratulated her; spoke to growing up in South Stockton, losing someone to homicide; having discussions for solutions

Mayor Tubbs - spoke to meetings attended within the community; community clean ups; positive activity by the police department especially in the California Street and Magnolia District; thanked Vice Mayor Holman and Councilmember Fugazi for meeting with business council to discuss summer employment for youth; February 15, 2017 first Mayor's Clergy Breakfast; Thursday, February 9, 2017 speaking at Equity on the Mall in Sacramento; meeting with police to discuss immigration community safety concerns; accountability of San Joaquin County; Fiscal Times named Stockton top 20 City for fiscal health nationwide

Vice Mayor Holman - spoke to legal rights when stopped by police; invited community to attend the National Association for the Advancement of Colored People meeting on February 18, 2017 10:00-12:00 PM at 401 North San Joaquin Street, Stockton, California

**18. ADJOURNMENT - 7:05 PM**



BONNIE PAIGE, CMC  
CITY CLERK, CITY OF STOCKTON