

MINUTES
CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY/PUBLIC
FINANCING AUTHORITY/PARKING AUTHORITY CONCURRENT
MEETING OF AUGUST 22, 2017

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

1. CLOSED SESSION CALL TO ORDER/ROLL CALL - 3:00 PM

Roll Call

Present:

Jesús Andrade
Christina Fugazi
Susan Lofthus
Michael Tubbs

Absent:

Elbert Holman, Susan Lenz, and Daniel Wright.

Note: Councilmembers Lenz and Wright and Vice Chair Holman arrived to Closed Session at 3:05 PM

2. ADDITIONS TO CLOSED SESSION AGENDA

None

3. ANNOUNCEMENT OF CLOSED SESSION - 3:03 PM

3.1 17-3862 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.

Legislation Text

3.2 17-3864 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 17-3866 PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Two

City Manager and City Attorney

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

Legislation Text

3.4 17-3868 CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Number of Cases: One

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

Legislation Text

3.5 17-3909 CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Number of Parcels: 59

Address, APN, and Owner listed respectively:

525 N. Center Street, Stockton, California 95202, 137-190-29, City of Stockton; 546 N. Madison Street, Stockton, California 95202, 137-190-30, Stockton Unified School District; 120 W. Oak Street, Stockton, California 95202, 137-190-33, City of Stockton; 445 W. Weber Ave J, Stockton, California 95203, 137-260-12, Riverrock Properties LLC; 605 and 517 W. Weber Ave, Stockton, California 95203, 137-260-16, and 17, City of Stockton Redevelopment Agency; 627 W. Weber Ave, Stockton, California 95203, 137-260-35, Waterfront Office Towers Owners et al.; 321 W. Weber Ave, Stockton, California 95203, 137-270-23, Patricia A. and Patrick J. Kennedy Trust et al.; -No Addresses on Property- Stockton, California 95202, 137-360-58, Regent Weber LLC; 501 W. Weber Ave, 102, 105, 500, 113, and 117, Stockton, California 95203, 137-380-14, thru 137-330-18, Butterfield Weber LLC et al.; 509 W. Weber Ave, 101, 202, 203, 204, 205, 209, 213, and three unassigned units, Stockton, California 95203, 137-390-01, thru 137-390-11, Sierra Vista Apartments II LP, et al.; 509 W. Weber Ave 217, and one unassigned unit, Stockton, California 95203, 137-390-12, and 13. Dockside One; 555 N. El Dorado Street, Stockton, California 95202, 139-060-30, City of Stockton; 121 E. Lindsay Street, Stockton, California 95202, 139-070-03, Francisco Villalobos, et al.; 128 E. Fremont Street, Stockton, California 95202, 139-

070-04, Jason Duran; 441 N. Hunter Street, Stockton, California 95202, 139-070-05, Joseph S. Escove Trust; 135 E. Lindsay Street, Stockton, California 95202, 139-070-07, Rosa Flores Trust; 400 N. El Dorado Street, Stockton, California 95202, 139-070-09, Joseph Quang and Diana Tho Nguyen; 425 N. El Dorado Street, Stockton, California 95202, 139-070-10, City of Stockton; 436 N. El Dorado Street, Stockton, California 95202, 139-070-13, Dennis Erardi; 6 and 20 E. Lindsay Street, Stockton, California 95202, 139-080-01, and 02, City of Stockton; 305 N. El Dorado Street 301, Stockton, California 95202, 139-080-03, A T C Building Co.; Address: 345 N. El Dorado Street, Stockton, California 95202, 139-080-04, City of Stockton; 31 Channel Street, Stockton, California 95202, 139-100-01, State of California; 1 N. El Dorado Street, Stockton, California 95202, 149-020-14, Eduardo and Ximena D. Araya; 9 S. El Dorado Street, Stockton, California 95202, 149-030-08, Pellarin Enterprises; 35 S. El Dorado Street, Stockton, California 95202, 149-030-10, Bank of Tokyo; 400 E. Main Street 504, Stockton, California 95202, 149-150-24, City of Stockton; 343 E. Main Street 329, Stockton, California 95202, 149-160-08, Cort Tower LLC; 311 E. Main Street 202, Stockton, California 95202, 149-160-12, Stockton Building Co.; 317 E. Main Street, Stockton, California 95202, 149-160-13, County of San Joaquin; 42 N. Sutter Street 503, Stockton, California 95202, 149-170-01, 42NSUTTER LLC; 401 E. Main Street, Stockton, California 95202, 149-170-04, United Way of San Joaquin County Corporation; 20 N. Sutter Street, Stockton, California 95202, 149-170-05, Kress Building LLC; 415 E. Main Street, Stockton, California 95202, 149-170-06, Yik Hwan and Lois Eunjoo Oh; 417 E. Main Street, Stockton, California 95202, 149-170-07, Disco Azteca PTP; 435 and 445 E. Main Street, Stockton, California 95202, 149-170-08, and 09, City of Stockton; 440 E. Weber Ave, Stockton, California 95202, 149-170-11, Weber LLC, 37 N. California Street, Stockton, California 95202, 149-170-12, City of Stockton Redevelopment Agency; 27 N. California Street, Stockton, California 95202, 149-170-25, City of Stockton; 420 and 430 E. Main Street, Stockton, California 95202, 149-170-29, and 30; Weber LLC

Agency Negotiators: Kurt Wilson, City Manager

Under Negotiation: Price and Terms

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

Legislation Text

4. PUBLIC COMMENT

None

5. RECESS TO CLOSED SESSION 3:03 PM

The Council recessed to Closed Session at 3:03 PM. The Council returned from Closed Session and recessed at 5:15 PM.

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

Roll Call

Present:

Jesús Andrade

Christina Fugazi

Elbert Holman
Susan Lenz
Susan Lofthus
Daniel Wright
Absent:
Michael Tubbs.

7. INVOCATION/PLEDGE TO FLAG

Vice Mayor Holman provided the Invocation. The Pledge of Allegiance was led by Councilmember Wright.

8. REPORT OF ACTION TAKEN IN CLOSED SESSION

John M. Luebberke, City Attorney, 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

CERTIFICATE: Summer Youth Employment Program

RECIPIENTS:

Elijah Guerrero, Goodwill Industries
Faizah Bass, Goodwill Industries
Nayeli Cruz-Gomez, Worknet
Justin Nealy, Worknet

Lange Luntao, Stockton Unified School District Board Trustee - provided introduction of recipients receiving certificates; thanked City Council for investment to Summer Youth Program

John Solis, Executive Director, San Joaquin County Employment and Economic Development Department - spoke to the number of youth recruited and employed through the program; thanked Council for their support and investment employing youth in San Joaquin County

Denise Ost, President and Chief Executive Officer, Goodwill Industries - shared experience working with the youth; thankful for funding and making program possible

Nayeli Cruz - Gomez - shared experience while working at the Employment and Economic Development Department

Justin Nealy - shared experience gained while working through Worknet and the Summer Youth Employment Program

Faizah Bass - gave thanks for the opportunity to have full time employment through the Summer Youth Employment Program

11. CONSENT AGENDA

Approve the Consent Agenda, save item 11.4 which was considered separately

Moved by: Daniel Wright, seconded by Susan Lofthus.

Vote: Motion carried 6-0

Yes: Jesús Andrade, Christina Fugazi, Elbert Holman, Susan Lenz, Susan Lofthus, and Daniel Wright.

Absent: Michael Tubbs.

11.1 17-3858 ACCEPT THE QUARTERLY INVESTMENT REPORT FOR QUARTER ENDED JUNE 30, 2017

Motion 2017-08-22-1101 accepting the Quarterly Investment Report for the quarter ended June 30, 2017.

Legislation Text

Attachment A - Quarterly Investment Report

11.2 17-3894 ADOPT A RESOLUTION APPOINTING MEMBERS OF THE MEASURE W COMMITTEE

Resolution 2017-08-22-1102 ratifying the Mayor's recommendations to fill vacancies on the Measure W Committee for a term beginning immediately and ending June 30, 2019.

Legislation Text

Attachment A - Redacted Applications

Proposed Resolution - Appointing Two Members

Approved Resolution 2017-08-22-1102

11.3 17-3897 ADOPT A RESOLUTION APPOINTING A MEMBER OF THE MEASURE A CITIZENS' ADVISORY COMMITTEE

Resolution 2017-08-22-1103 ratifying the appointment of Joni Anderson to fill the seat vacated by Committee Member Marcie Bayne. The term will begin immediately upon appointment and end January 31, 2019.

Legislation Text

Attachment A - Redacted Application

Proposed Resolution - Measure A Appointment

Approved Resolution 2017-08-22-1103

11.4 17-3706 ADOPT A RESOLUTION APPOINTING MEMBERS OF THE STRONG COMMUNITIES ADVISORY COMMITTEE

Legislation Text

Attachment A - Ordinance 2016-06-07-1212

Attachment B - Redline Council Policy 3.02

Attachment C - Redline Council Policy 3.04.080

Attachment D - Redacted Applications

Proposed Resolution - Committee Appointments

Approved Resolution 2017-08-22-1104

Exhibit 1 - Council Policy 3.02

Exhibit 2 - Council Policy 3.04.080

Approve Resolution 2017-08-22-1104:

1) Establishing the Strong Communities Advisory Committee as outlined in Ordinance 2016-06-07-1212 (Attachment A), adopted by the citizens of Stockton at the November 8, 2016 General Municipal election, and;

2) Ratifying the following appointments to the Strong Communities Advisory Committee for terms commencing on appointment and ending June 30, 2019:

Lester Patrick, (Vice Mayor Holman)

Karl Miller, (Councilmember Loftus)

Nathan Werth, (Councilmember Fugazi)

3) Ratifying the following appointments to the Strong Communities Advisory Committee for terms commencing on appointment and ending June 30, 2018

Mas'ood Cajee, (Mayor Tubbs)

Suzanne Devitt, (Councilmember Wright)

Lorraine Lauper, (Councilmember Lenz)

Benjamin Gonzalez, (Councilmember Andrade), and;

4) Amending Council Policy Chapter 3.02 City Council and Mayoral Appointments to Committees, Boards, and Commissions (Attachment B), and Chapter 3.04.080 Strong Communities Advisory Committee (Attachment C) as they relate to term limits and staggering the terms of service for Committee members.

Moved by: Christina Fugazi , seconded by Daniel Wright.

Vote: Motion carried 6-0

Yes: Jesús Andrade, Christina Fugazi , Elbert Holman, Susan Lenz, Susan Lofthus, and Daniel Wright.

Absent: Michael Tubbs.

11.5 17-3737 APPROVE RESOLUTION TO AUTHORIZE THE BUS RAPID TRANSIT PHASE IV ON CHARTER WAY/DR. MARTIN LUTHER KING JR. BOULEVARD AND MARIPOSA ROAD

Resolution 2017-08-22-1105:

1. Approve the Notice of Exemption No. CE001-15 under the California Environmental Quality Act for the Bus Rapid Transit Phase IV on Charter Way/Dr. Martin Luther King Jr. Boulevard and Mariposa Road (Project No. PW1303/Federal Project No. CML-5008(123)).

2. Approve the plans and specifications for the BRT Phase IV on Charter Way/Dr. Martin Luther King Jr. Boulevard and Mariposa Road (Project No. PW1303/Federal Project No. CML-5008(123)).

3. Award a Construction Contract in the amount of \$1,016,940 to Tim Paxin's Pacific Excavation, Inc. of Elk Grove, CA, for the Bus Rapid Transit Phase IV on Charter Way/Dr. Martin Luther King Jr. Boulevard and Mariposa Road (Project No. PW1303/Federal Project No. CML-5008(123)).

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

Legislation Text

Attachment A - Vicinity Map

Proposed Resolution - Bus Rapid Transit Phase IV

Approved Resolution 2017-08-22-1105

Exhibit 1 - Notice of Exemption

Exhibit 2 - Construction Contract

12. ADMINISTRATIVE MATTERS

None

13. UNFINISHED BUSINESS

None

14. NEW BUSINESS

14.1 17-3935 APPROVE BY MOTION THE RESPONSE TO THE 2016-2017 CIVIL GRAND JURY REPORT FOR COUNTYWIDE DISPATCH FOR FIRE, CASE NO. 0616

Legislation Text

Attachment A - 2016-17 Grand Jury Report Case No 0616

Attachment B - City Council Response to Grand Jury Case No 0616

Powerpoint Presentation

Note: Councilmember Wright left meeting - 5:49 PM

Approve **Motion 2017-08-22-1401:**

1. Adopting the City Council's Response to the 2016-2017 Civil Grand Jury Report for Investigating Case No. 0616 - Countywide Dispatch for Fire, Two Are Not Always Better

Than One; and

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: Susan Lenz, seconded by Jesús Andrade.

Vote: Motion carried 5-0

Yes: Jesús Andrade, Christina Fugazi , Elbert Holman, Susan Lenz, and Susan Lofthus.

Absent: Michael Tubbs, and Daniel Wright.

14.2 17-3814 APPROVE RESOLUTION TO EXTEND THE LOAN TERM FOR THE GRAND VIEW VILLAGE PROJECT

Legislation Text

Attachment A - Resolution 2014-12-16-1211

Attachment B - Resolution 2015-06-09-1202

Attachment C - Vicinity Map

Attachment D - Exterior Elevation

Attachment E - Miner Avenue Streetscape

Proposed Resolution - Grand View Village Loan Extension

Approved Resolution 2017-08-22-1402

Powerpoint Presentation

Approve Resolution 2017-08-22-1402:

1) Approving an extension of the loan to VCOR, LP for the Grand View Village project to June 2018; and

2) Authorizing the City Manager, or his designee, to execute the loan extension and to take actions necessary and appropriate to carry out the purpose and intent of the resolution.

Moved by: Susan Lofthus, seconded by Jesús Andrade.

Vote: Motion carried 5-0

Yes: Jesús Andrade, Christina Fugazi , Elbert Holman, Susan Lenz, and Susan Lofthus.

Absent: Michael Tubbs, and Daniel Wright.

14.3 17-3748 AMENDMENT TO STOCKTON MUNICIPAL CODE TITLE 13, CHAPTER 13.28 CONCERNING WATER CONSERVATION

Legislation Text

Attachment A - Governor Brown's Executive Order B-40-17 Attested.pdf

Attachment B - Proposed SMC 13.28.030.docx

Attachment C - Proposed Ordinance - Redlined

Proposed Resolution - Water Conservation

Approved Resolution 2017-08-22-1403

Proposed Ordinance - Revised Water Conservation

Approved Ordinance 2017-08-22-1403

Powerpoint Presentation

Approve **Resolution 2017-08-22-1403** including findings declaring that a Stage 1 Water Shortage Emergency no longer exists pursuant to Stockton Municipal Code section 13.32.010 and;

Adopt **Ordinance 2017-08-22-1403** amending various sections of Title 13, Chapter 13.28 of the Stockton Municipal Code regarding water use restrictions in response to the Governor's termination of the January 17, 2014, Drought State of Emergency and to further clarify current and future water use restrictions.

Moved by: Susan Lofthus, seconded by Susan Lenz.

Vote: Motion carried 5-0

Yes: Jesús Andrade, Christina Fugazi, Elbert Holman, Susan Lenz, and Susan Lofthus.

Absent: Michael Tubbs, and Daniel Wright.

15. HEARINGS

16. CITIZENS' COMMENTS, ANNOUNCEMENTS, OR INVITATIONS

The following individuals made comments to matters not on the agenda:

James Young - sidewalk repair at Hammer Lane and Kelley Drive

Cynthia Gail Boyd - Fair Oaks Library

Mateenah Floyd-Okanlawon - shared invite to Black Family Day, September 4, 2017 from 9:00 AM - 6:00 PM, Weber Point (document filed)

Document filed - Stockton Black Family Day flyer

Paul Marsh - shared invite to Miracle Mile "Throwback Thursday" event August 24, 2017, 4:00-8:00 PM

Vincent Sayles - personal exercise beliefs

Bernice Bass - South Stockton Vikings Pop Warner football donations

Brenda Vazquez - Mayor's Task Force for Persons with Disabilities meetings

Kathleen Gapusan - Measure A Office of Violence Prevention program

Kelly Effinger - playground vandalism bake sale fundraiser, Friday, September 1, 2017 10:00 AM (tentative), in front of Home Design at Pacific Avenue and Castle Street

Aaron Paradiso - status of demands previously submitted to City Council

Dionne Smith Downs - spoke about son, James Rivera

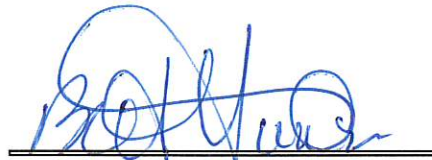
17. COUNCIL COMMENTS

Councilmember Lenz - shared Miracle Mile event flyer; attended grand opening of Baba's Restaurant, 236 W. Alpine Road, Stockton

Councilmember Fugazi - shared Fair Oaks Library operating hours; spoke to San Joaquin County Air Pollution Board removal of two high polluting locomotives from the Stockton Port; San Joaquin Ace Rail Commission - ACEforward draft Environmental Impact Report ending August, comments regarding rail system service can be submitted to ACEforward; attended San Joaquin Building Trades Community Job Fair, Saturday, August 19, 2017; Regional Transit District (RTD) rolled out Bus #44 - their first all electric bus; Saturday, August 26, 2017, 9:00 AM Community Clean Up on Aurora and Hazelton Streets; Friday, September 1, 2017 Art Break Day, Stockton Shelter for Homeless 12:00 PM - 5:00 PM; Saturday, September 16, 2017 9:00 AM - 12:00 PM, Community Coastal Cleanup with 20+ sites throughout Stockton

Vice Mayor Holman - spoke to announcement regarding Amazon facility coming to Stockton; the advancements the City has made since the decision to file bankruptcy was made 5 years ago; thanked Council for having foresight and courage to stay the course

18. ADJOURNMENT - 6:45 PM



BRET HUNTER, CMC
INTERIM CITY CLERK, CITY OF STOCKTON