

MINUTES
CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY/PUBLIC
FINANCING AUTHORITY/PARKING AUTHORITY CONCURRENT
MEETING OF MARCH 20, 2018

Council Chamber, 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 cancelled.

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

~~2. ADDITIONS TO CLOSED SESSION AGENDA~~

~~3. ANNOUNCEMENT OF CLOSED SESSION~~

~~3.1 17-4217 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION~~

~~Number of Cases: Six~~

~~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: Tammy Braxton v. City of Stockton, et al. (San Joaquin County Superior Court Case No. STK-CV-UI-2016-0009386)~~

~~Name of Case: Paul Singh, et al. v. City of Stockton, et al. (San Joaquin County Superior Court Case No. STK-CV-UCR-2016-003660)~~

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

Legislation Text

~~3.2 18-4432 CONFERENCE WITH LABOR NEGOTIATOR~~

~~Recommended Action: 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.~~

~~Department: City Attorney~~

Legislation Text

~~3.3 18-4433 PUBLIC EMPLOYEE PERFORMANCE EVALUATION:~~

~~Recommended Action: City Manager~~

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

~~Department: City Attorney~~

Legislation Text

~~3.4 18-4434 CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION~~

~~Number of Cases: Two~~

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

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

7. INVOCATION/PLEDGE TO FLAG

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

8. REPORT OF ACTION TAKEN IN CLOSED SESSION

City Attorney John M. Luebberke reported that there was no Closed Session this evening.

9. ADDITIONS TO REGULAR SESSION AGENDA

None

10. RECOGNITIONS, ANNOUNCEMENTS, OR REPORTS

10.1 18-4452 CERTIFICATE OF RECOGNITION: STOCKTON PORTS

Certificate of Recognition - Kicking off the Stockton Ports 2018 Season

Legislation Text

Certificate - Stockton Ports 2018

Recipients:

Pat Filippone, President

Taylor McCarthy, Assistant General Manager

Splash

Pat Filippone - thanked City Council; optimistic about upcoming baseball season

11. CONSENT AGENDA

Approve the consent agenda with a single vote, save item 11.1 which was considered separately.

Moved by: Elbert Holman, seconded by Jesús Andrade.

Vote: Motion carried 7-0

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

11.1 18-4406 AUTHORIZE THE CITY MANAGER TO EXECUTE A 5-YEAR CONTRACT WITH CB MERCHANT SERVICES FOR DEBT COLLECTION SERVICES

Legislation Text

Attachment A - Agreement with CB Merchant Services

The following person spoke in opposition to item 11.1:

David Mort

Approve **Motion 2018-03-20-1101:**

1. Approving the findings that support an exception to the competitive bidding requirement pursuant to Stockton Municipal Code section 3.68.070(A)(3) for negotiated contracts following solicitation of competitive proposals.
2. Authorizing the City Manager to execute a 5-year contract with CB Merchant Services for debt collection services.
3. Authorizing the City Manager to take appropriate and necessary actions to carry out the purpose and intent of this motion.

Moved by: Daniel Wright, seconded by Susan Lofthus.

Vote: Motion carried 7-0

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

11.2 18-4442 APPROVE RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO AN AGREEMENT FOR LEGAL SERVICES WITH SLOAN, SAKAI YEUNG AND WONG, LLP

Resolution 2018-03-20-1102 approving the Agreement for Legal Services with Sloan, Sakai Yeung and Wong, LLP ("Sloan Sakai").

Legislation Text

Proposed Resolution - Sloan Sakai Agreement

Exhibit 1 - Retention Agreement

Approved Resolution 2018-03-20-1102

11.3 18-4405 APPROVAL OF CITY COUNCIL MINUTES

Motion 2018-03-20-1103 approving the minutes from the Special City Council meeting of January 29, 2018

Legislation Text

2018-01-29 - Minutes for Approval

11.4 18-4368 SUMMARY VACATION AND ABANDONMENT OF A PORTION OF PUBLIC UTILITY EASEMENT AT 3412 PERLMAN DRIVE

Resolution 2018-03-20-1104:

1. Approving a summary abandonment of a portion of the public utility easement located at 3412 Perlman Drive;
2. Authorizing the filing of Notice of Exemption No. CE03-18 under the California Environmental Quality Act (CEQA) for a portion of the public utility easement located at 3412 Perlman Drive; and

3. Authorizing the City Manager, or his designee, to take all the necessary and appropriate actions to carry out the purpose and intent of this resolution.

Legislation Text

Attachment A - Vicinity Map

Attachment B - Aerial Map

Proposed Resolution - 3412 Perlman Drive

Exhibit 1 - Legal Description

Exhibit 2 - Plat

Exhibit 3 - NOE - CE03-18

Approved Resolution 2018-03-20-1104

Recorded Resolution 2018-03-20-1104 SJC Recorder Doc 2018-033036 2018-03-26

11.5 18-4447 APPROVE A RESOLUTION TO ADOPT THE PRINCIPLES OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Resolution 2018-03-20-1105 adopting the principles of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).

Legislation Text

Proposed Resolution - Principles of the CEDAW

Approved Resolution 2018-03-20-1105

11.6 18-4374 ADOPT FINDINGS WHICH SUPPORT AND JUSTIFY AN EXCEPTION TO THE COMPETITIVE BID PROCESS AND AUTHORIZE PAYMENTS TO SAN JOAQUIN GENERAL HOSPITAL FOR MEDICAL EXAMS

Resolution 2018-03-20-1106:

1. Approving findings which support and justify an exception to the competitive bid process and authorize payments to San Joaquin General Hospital for the costs of providing medical examinations following a sexual assault, as required by California Penal Code section 13823.95 in an amount of \$1,824 per exam; and

2. Authorizing the City Manager to take appropriate actions to carry out the purpose and intent of the Resolution.

Legislation Text

Proposed Resolution - San Joaquin General Hospital Medical Examinations

Approved Resolution 2018-03-20-1106

11.7 17-4090 APPROVE MOTION TO AUTHORIZE THE AMENDED RESTATEMENT AND AFFIRMATION AGREEMENT BETWEEN THE CITY OF STOCKTON AND

CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE FRENCH CAMP ROAD/I-5 INTERCHANGE RECONSTRUCTION

Motion 2018-03-20-1107 authorizing the City Manager to execute the amended Restatement and Affirmation Agreement between the City of Stockton and the California Department of Transportation for the French Camp Road/I-5 Interchange Reconstruction (Project No. PW9945).

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 motion.

Legislation Text

Attachment A - Vicinity Map

Attachment B - Restatement and Affirmation Agreement

11.8 17-4186 APPROVE CONTRACT CHANGE ORDER NO. 2 WITH PSOMAS FOR THE THORNTON ROAD WIDENING PROJECT AND AMENDMENT NO. 1 WITH WSP, INC. FOR THE HAMMER LANE WIDENING PROJECT

Motion 2018-03-20-1108 authorizing the City Manager to:

1. Execute Contract Change Order No. 2 to the Professional Services Contract with Psomas, in the amount of \$206,000, for construction management services during construction of the Thornton Road Widening, Project No. PW1428.

2. Execute Amendment No. 1 to the Professional Services Contract with WSP, Inc. for the Hammer Lane Widening Phase 3B, Project No. PW1427, in the amount of \$994,993.56, to add construction management services to be performed on the Thornton Road Widening, Project No. PW1428.

3. Approve findings pursuant to Stockton Municipal Code section 3.68.070 in support of an exception to the competitive bidding process.

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 motion.

Legislation Text

Attachment A - Vicinity Map

Attachment B - Balancing Contract Change Order No. 2

Attachment C - Amendment to Parsons Brinkerhoff Contract

11.9 17-4252 APPROVE RESOLUTION TO AUTHORIZE THE PUMP STATION ROOF REPAIR PROJECT

Resolution 2018-03-20-1109 authorizing the City Manager to:

1. Approve the Notice of Exemption No. CE039-17 under the California Environmental Quality Act for the Pump Station Roof Repair, Project No. M13026.

2. Approve the plans and specifications for the Pump Station Roof Repair, Project

No. M13026.

3. Appropriate funds in the amount of \$30,620 from the Stormwater Utility Fund balance (441-0000-287) to the Storm Pump Station Improvements (447-7783-670) for the Pump Station Roof Repair, Project No. M13026.

4. Award a Construction Contract in the amount of \$103,150 to Comfort Air, Inc. of Stockton, CA, for the Pump Station Roof Repair, Project No. M13026.

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 - Pump Station Roof Repair

Exhibit 1 - Notice of Exemption

Exhibit 2 - Construction Contract

Approved Resolution 2018-03-20-1109

12. ADMINISTRATIVE MATTERS

None

13. UNFINISHED BUSINESS

None

14. NEW BUSINESS

14.1 18-4375 APPROVAL OF THE 2018 STOCKTON TOURISM BUSINESS IMPROVEMENT DISTRICT BUDGET AND SERVICE PLAN AND THE 2017 ANNUAL REPORT

Legislation Text

Proposed Resolution - 2018 Visit Stockton

Exhibit 1 - Visit Stockton Annual Service Plan 2018

Exhibit 2 - Visit Stockton Annual Report 2017

Exhibit 3 - Visit Stockton Budget 2018

Approved Resolution 2018-03-20-1401

Approve **Resolution 2018-03-20-1401:**

1. Approving the 2018 Annual Service Plan;
2. Approving the 2018 Operating Budget and Assessment;
3. Approving the 2017 Annual Report for the Stockton Tourism Business

Improvement District; and

4. Authorizing the City Manager to take necessary and appropriate actions to carry out the purpose of this resolution.

Moved by: Christina Fugazi, seconded by Susan Lofthus.

Vote: Motion carried 7-0

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

14.2 17-4017 AMENDMENT TO THE SMG OPERATING AGREEMENT TO INCLUDE THE DOWNTOWN MARINA AND EXTEND THE TERM

Legislation Text

Attachment A - Resolution 11-0022 and SMG Management Agreement

Proposed Resolution - SMG Operating Agreement

Exhibit 1 - Amendment to SMG Management Agreement

Approved Resolution 2018-03-20-1402

The following people spoke in opposition of item 14.2:

Brenda Vasquez
Kathleen Gapusan

Approve Resolution 2018-03-20-1402:

1. Authorizing the execution of an Amendment to the Agreement with SMG (C-11-093 NP, Resolution 11-0022) for the operation of the event venues to

* Add the Marina Operation to the Agreement.

* Extend the term to 2026 with a 5-year extension option through 2031.

* Amend the incentive structure of the Agreement.

2. Authorizing 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: Elbert Holman, seconded by Jesús Andrade.

Vote: Motion carried 7-0

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

14.3 18-4410 APPROVE A RESOLUTION REAFFIRMING AND REENACTING PREVIOUSLY APPROVED UTILITY RATES AND SERVICE CHARGES TO PURSUE PROPERTY OWNER UTILITY ACCOUNT DELINQUENCIES

Legislation Text

Proposed Resolution - Utility Rates and Service Charges

Approved Resolution 2018-03-20-1403

The following people spoke in opposition of item 14.3:

Lynett Contino
Vincent Contino
Carrie Neason
Ted Gonzales
Kathleen Gapusan
Ralph White

Approve **Resolution 2018-03-20-1403** reaffirming and reenacting previously approved utility rates and service charges.

It is further recommended that the City Manager be authorized to take such other actions as are appropriate to carry out the intent of the resolution.

Moved by: Susan Lenz, 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.

14.4 18-4391 ALLOCATE \$300,000 OF COUNCIL STRATEGIC PRIORITIES FUNDING FOR RESTRICTED INFRASTRUCTURE USE

Legislation Text

The following person spoke in opposition to item 14.4:

Brenda Vazquez

Approve **Motion 2018-03-20-1404** allocating \$300,000 in Council Strategic Priorities Funding for restricted infrastructure use.

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

Moved by: Christina Fugazi, seconded by Elbert Holman.

Vote: Motion carried 7-0

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

15. HEARINGS

None

16. PUBLIC COMMENTS - MATTERS NOT ON THE AGENDA

NOTE: Councilmember Andrade left the meeting at 7:10 PM

NOTE: Councilmember Andrade returned to the meeting at 7:11 PM

NOTE: Councilmember Andrade left the meeting at 7:19 PM

The following people spoke to items not on the agenda:

Beverly McCarthy, Denise Friday, Vincent Sayles, Chue Moua, Leroy Dale White, Ariyannah, Amanda Aanerud, Aaron Paradiso, Annetta Durham, Ted Gonzales, Ralph White

17. COUNCIL COMMENTS

Councilmember Fugazi - thanked Ted Gonzalez; noted City of Stockton Leadership Academy graduation proposals; expressed need for a homeless coordinator; addressed problems surrounding homeless presence in Mormon Slough; directed staff to provide information on how many fire department and police department service calls are related to homelessness; addressed speeding on Main Street; suggested that more speed controls be installed to provide safer routes for pedestrians

Vice Mayor Holman - expressed the importance roadways in transporting goods through Stockton; outlined discussions for economic development with San Joaquin County Council of Governments and Regional Council of Governments; announced upcoming trip to Washington D.C.; announced tonight is his 50th wedding anniversary

Councilmember Wright - impressed with student leadership planning student led walkout events; recognized Five Mile Slough community meeting, Public Works Director Gordon Mackay and staff, Bueth Communications, Siegfried Engineering, Supervisor Kathy Miller, and San Joaquin County Public Works Director Kris Balaji for their collaboration in organizing to solve ongoing slough issues

Councilmember Lenz - thanked Ms. Durham for assisting children across the street; addressed public drinking in parking lots after bars close along Miracle Mile; wished Vice Member Holman a Happy Anniversary

NOTE: Councilmember Andrade returned to the meeting at 7:41 PM

18. ADJOURNMENT - in memory of Brianna Moua, 7:41 PM

INFORMATIONAL ITEMS

1. 18-4378 CIVIL SERVICE/EQUAL EMPLOYMENT COMMISSION'S 2017 ANNUAL REPORT

Information only. No action required.

Legislation Text

Attachment A - Commission's 2017 Annual Report to Council

Attachment B - Commission's 2017 Attendance Report

2. 18-4348 COUNCIL COMMITTEE / BOARDS & COMMISSION MINUTES

Information only. No action required.

Legislation Text

2017-07-20 - Civil Service Commission Minutes

2017-08-17 - Civil Service Commission Minutes

2017-09-21 - Civil Service Commission Minutes

2017-10-19 - Civil Service Commission Minutes

2017-11-16 - Civil Service Commission Minutes

2017-12-21 - Civil Service Commission Minutes

2018-01-18 - Civil Service Commission Minutes

A handwritten signature in blue ink, appearing to read "Bret Hunter", is written over a horizontal line.

BRET HUNTER, CMC
STOCKTON CITY CLERK