1. CLOSED SESSION CALL TO ORDER/ROLL CALL (3:30 PM)

Roll Call
Present:
  Councilmember Burgos Medina
  Councilmember Holman
  Councilmember Miller
  Councilmember Tubbs
  Councilmember Zapien
  Vice Mayor Canepa
Absent:
  Mayor Silva.

Note: Mayor Silva and Councilmember Tubbs arrived to Closed Session at 3:38 p.m.

4. PUBLIC COMMENT*

Tocan Nguyen shared her personal political views.

2. ADDITIONS TO CLOSED SESSION AGENDA

3. ANNOUNCEMENT OF CLOSED SESSION

3.1 14-0285 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Number of Cases: Seven

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: City of Stockton v. Central San Joaquin Water Conservation District, et al. (San Joaquin County Superior Court Case No. 39-2009-00231427)
Name of Case: Stockton Professional Firefighters, Local 456 v. S. Jeff Piechura, et al. (San Joaquin County Superior Court Case No. 39-2013-00301664)

Name of Case: Animal Legal Defense Fund v. City of Stockton, et al. (San Joaquin County Superior Court Case No. 39-2014-00308593)

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

3.2 14-0286 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 14-0351 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).

5. RECESS TO CLOSED SESSION

The Council recessed to Closed Session at 3:37 p.m. The Council returned from Closed Session and recessed at 5:00 p.m.

6. REGULAR SESSION CALL TO ORDER/ROLL CALL (5:34 PM)

Roll Call
Present:
Councilmember Burgos Medina
Councilmember Holman
Councilmember Miller
Councilmember Tubbs
Councilmember Zapien
Vice Mayor Canepa
Mayor Silva

7. INVOCATION/PLEDGE TO FLAG

Councilmember Tubbs provided the Invocation. The Pledge of Allegiance was led by Councilmember Miller
8. **REPORT OF ACTION TAKEN IN CLOSED SESSION**

City Attorney John M. Luebberke reported that in the matter of City of Stockton and California Water Service Company v. Central San Joaquin Water Conservation District, San Joaquin Superior Court Case number 39-2009-0231427-CU-BC-STK, the City Council voted unanimously to approve a settlement of the case wherein the City will dismiss its claims against Central and in return Central will assign in perpetuity to Stockton East Water District, for the benefit of the City and Cal Water, its first 15,000 acre feet of firm water received annually from the New Melones Unit of the Central Valley Project. The settlement is conditional on the ability of the parties to perfect such assignment through the attainment of all necessary administrative approvals.

9. **ADDITIONS TO REGULAR SESSION AGENDA**

None.

10. **PROCLAMATIONS, COMMENDATIONS, OR INVITATIONS**

10.1 **CERTIFICATE**: Stockton Guardian Angels  
RECIPIENT: Sean Rogers

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

Tocan Nguyen shared personal political views

Gene Davenport spoke to an issue with a candidate statement

Lynne Riggs spoke of concerns to the change in water treatment to the use of Chloramine and insufficient public notice provided

Betty Thomas spoke in opposition to the change in water treatment to Chloramine; requested a public hearing to obtain public input

James Young would like to volunteer for the City

Vincent Sayles shared exercise beliefs and marketing for face lift procedure

Jacquelyn Lilly concerned about the lack of services available to disabled citizens and their pets, from San Joaquin County and Stockton Animal Services departments

Sheri Tomasello, member Animal Commission spoke to Animal Shelter issues

Sean Epperson spoke to Animal Shelter issues

Yvonne Munoz spoke to Animal Shelter issues

Jamie Larson spoke to Animal Shelter issues; provided an update regarding shelter activities
Jewel Fay Abraham thanked the Council for action taken to clean up her neighborhood.

12. CONSENT AGENDA

Council passed a motion to adopt the Consent Agenda with a single vote.

Moved by: Councilmember Zapien, seconded by Councilmember Burgos Medina.

Vote: Motion carried 7-0

Yes: Councilmember Burgos Medina, Councilmember Holman, Councilmember Miller, Councilmember Tubbs, Councilmember Zapien, Vice Mayor Canepa, and Mayor Silva.

12.1 14-0185 CONTRACT FOR COMPREHENSIVE DEVELOPMENT IMPACT FEE STUDY

Motion 2014-03-18-1201 to execute an amendment to the professional services master contract with Economic & Planning Systems, Inc. for the second phase of a comprehensive development impact fee study (Attachment A).

Legislation Text
Attachment A - Amendment to Professional Services Master Contract
Exhibit A to Attachment A
Exhibit B to Attachment A

12.2 14-0187 AMENDMENT TO PROFESSIONAL SERVICES MASTER CONTRACT WITH KIMLEY-HORN AND ASSOCIATES, INC. - DR. MARTIN LUTHER KING JR. BOULEVARD AND MARIPOSA ROAD BUS RAPID TRANSIT, PHASE IV (PROJECT NO. 13-03/FEDERAL PROJECT NO. CML-5008(123))

Motion 2014-03-18-1202 to authorize an Amendment to Professional Services Master Contract with Kimley-Horn and Associates, Inc. in the amount of $125,560 for design services for the Dr. Martin Luther King Jr. Boulevard (MLK Boulevard) and Mariposa Road Bus Rapid Transit, Phase IV (Project No. 13-03/Federal Project No. CML-5008(123)). It is further recommended that the motion authorize the City Manager to take appropriate actions to carry out the purpose and intent of this motion.

Legislation Text
Attachment A - Vicinity Map - BRT Phase IV
Attachment B - Amendment to Professional Services Master Contract with Kimley-Horn and Associates, Inc.

12.3 14-0191 ACQUISITION OF A PERMANENT WATERLINE EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT FOR THE DELTA WATER SUPPLY PROJECT
Resolution 2014-03-18-1203 authorizing the acquisition of a permanent waterline easement and a temporary construction easement in connection with the Delta Water Supply Project.

Legislation Text
Attachment A - Resolution No. 05-0493
Attachment B - Resolution No. 09-0265
Attachment C - Vicinity Map
Attachment D - Aerial Map
Attachment E - Resolution No. 09-0151
Proposed Resolution - Easement Acquisition
Exhibit 1 - Agreement Sanguinetti
Approved Resolution 2014-03-18-1203

12.4 14-0203 SUMMARY ABANDONMENT OF A STREET AND HIGHWAY EASEMENT ON A PORTION OF ANDERSON STREET

Resolution 2014-03-18-1204 for the summary abandonment of a portion of a street and highway easement on a segment of Anderson Street located on APN 163-300-23.

Legislation Text
Attachment A - Vicinity Map - Anderson Abandonment
Attachment B - Aerial Map - Anderson Abandonment
Proposed Resolution - Anderson Abandonment
Exhibit 1 - Anderson Abandonment
Exhibit 2 - Anderson Abandonment
Approved Resolution 2014-03-18-1204

12.5 14-0208 APPROVE DESIGN CONTRACT WITH WMB ARCHITECTS, INC. FOR THE WATER FIELD OFFICE IMPROVEMENTS PROJECT

Motion 2014-03-18-1205 to authorize the City Manager to execute an Amendment to the Professional Services Master Contract for Building and Architectural Services with WMB Architects, Inc. of Stockton in the amount of $72,000 for design and related services for
the Water Field Office Improvements Project.

12.6 14-0215 AMENDMENT TO PROFESSIONAL SERVICES MASTER CONTRACT WITH QUALITY TRAFFIC DATA, LLC - CONDUCTING TRAFFIC VOLUME COUNTS, CLASSIFICATION COUNTS, AND SPEED ZONE SURVEYS

Motion 2014-03-18-1206 to authorize an Amendment to Professional Services Master Contract with Quality Traffic Data, LLC in the amount of $36,790 for conducting traffic volume counts, classification counts, and speed zone surveys. It is further recommended that the motion authorize the City Manager to take appropriate actions to carry out the purpose and intent of this motion.

12.7 14-0244 AUTHORIZE SUBORDINATION OF A CITY LOAN PROVIDED TO WESTGATE COMMUNITY ASSOCIATES, L.P. (VISIONARY HOME BUILDERS) FOR THE WESTGATE TOWNHOMES

Motion 2014-03-18-1207:

1. Authorizing subordination of a City loan provided to Westgate Community Associates, L.P. (Visionary Home Builders) for the Westgate Townhomes affordable housing complex to new rehabilitation loans; and

2. Authorizing the City Manager, or his designee, to execute the Subordination Agreement(s) and take all necessary and appropriate actions to carry out the purpose and intent of the motion.

12.8 14-0250 MOTION AUTHORIZING RELEASE OF REQUEST FOR PROPOSALS (RFP) FOR THE OPERATION OF ARNAIZ SOFTBALL COMPLEX

Motion 2014-03-18-1208 to approve the findings and authorizing a Request for Proposals (RFP) for the management, operation, and maintenance of Arnaiz Softball Complex; and authorizing the City Manager to take appropriate actions to carry out the purpose and
intent of the motion.

12.9 14-0251 REPLACEMENT PURCHASE OF SEVEN POLICE PATROL MOTORCYCLES

**Motion 2014-03-18-1209** to approve the findings and authorizing the purchase of seven 2014 BMW R1200RT-P police patrol motorcycles through the County of Los Angeles' contract with Long Beach BMW Motorcycles of Long Beach, CA in the amount of $184,731.61. It is further recommended that the motion authorize the City Manager to take appropriate actions to carry out the purpose and intent of this motion.

*Legislation Text*

*Attachment A - Motorcycle Cost Comparison*

*Attachment B - Quote from Long Beach BMW Motorcycles*

12.10 14-0252 APPROVE PURCHASE OF A BIOSOLIDS PUMP FROM SCHWING BIOSET FOR THE REGIONAL WASTEWATER CONTROL FACILITY

**Motion 2014-03-18-1210** to approve the findings for an exception to the competitive bid process and authorize the purchase and installation of a biosolids pump for use at the Regional Wastewater Control Facility from Schwing Bioset of Somerset Wisconsin in the amount of $339,200 (Attachment A); and authorizing the City Manager to take appropriate action to carry out the purpose and intent of this motion.

*Legislation Text*

*Attachment A - Schwing Cost Proposal*

12.11 14-0335 RESTORATION WORK AT STEWART EBERHARDT BUILDING (SEB)

Informational item only.

*Legislation Text*

12.12 14-0306 APPROVAL OF CITY COUNCIL MINUTES

**Motion** to approve the minutes from the November 19, 2013, December 17, 2103, January 14, 2014, and, January 28, 2014 regular Council meetings; and, November 12, 2013 Special Council meeting.

*Legislation Text*

*2013-11-19 Council Minutes for Approval*
13. ADMINISTRATIVE MATTERS

None.

14. UNFINISHED BUSINESS

None.

15. NEW BUSINESS

15.1 14-0293 CITY OF STOCKTON TRANSACTION AND USE TAX ORDINANCE CITIZENS’ OVERSIGHT COMMITTEE APPOINTMENTS

Legislation Text

Attachment A - Measure A Citizens’ Oversight Committee Nominee Applications - Redacted

Attachment B - Measure A Citizens’ Oversight Charter-redlined version

Proposed Resolution appointing members to the City of Stockton Transaction and Use Tax Ordinance Citizens’ Oversight Committee and adopting the terms of the Appointees

Exhibit 1 - Measure A Citizens’ Oversight Committee Charter

Approved Resolution 2014-03-18-1501

Resolution 2014-03-18-1501:

1. Ratifying the following appointments to the City of Stockton Transaction and Use Tax Ordinance Citizens’ Oversight Committee:
   - Ned Leiba (Mayor Silva)
   - Don Mark Guzman (Vice Mayor Canepa)
   - David Renison (Councilmember Holman)
   - Joseph Johnson (Councilmember Miller)
   - Gary Ingraham (Councilmember Zapien)
   - Susan Mora Loyko (Councilmember Burgos Medina)
   - Moses Elam (Councilmember Tubbs); and,

2. Adopting the revised City of Stockton Transaction and Use Tax Ordinance Citizens’ Oversight Committee Charter that includes the provision addressing terms of the Committee members.
Moved by: Councilmember Holman, seconded by Councilmember Miller.

Vote: Motion carried 7-0

Yes: Councilmember Burgos Medina, Councilmember Holman, Councilmember Miller, Councilmember Tubbs, Councilmember Zapien, Vice Mayor Canepa, and Mayor Silva.

16. HEARINGS***

16.1 14-0142 ADOPT AN ORDINANCE AMENDING STOCKTON MUNICIPAL CODE, TITLE 3, CHAPTER 3.68 - BIDDING, CONTRACTING AND PURCHASING PROCEDURES, ARTICLE I - GENERAL PROVISIONS, SECTION 3.68.090- LOCAL BUSINESS PREFERENCE

Legislation Text

Attachment A - Ordinance 011-05

Attachment B - Ordinance Amending SMC Title 3, Chapter 3.68 (red line version)

Proposed Ordinance Amending SMC Title 3, Chapter 3.68

Powerpoint Presentation

Conducted a public hearing with no public comments in opposition, or in favor.

Upon conclusion the Council passed Ordinance 2014-03-18-1601 amending Stockton Municipal Code, Title 3, Chapter 3.68 Bidding, Contracting and Purchasing Procedures, Article I, Section 3.68.090- Local Business Preference, which will give a five percent (5%) bid preference to businesses located within the City of Stockton, a two percent (2%) bid preference to businesses located within the County of San Joaquin, and eliminating the sales tax limitation, which currently prevents application of the preference to services.

Moved by: Councilmember Burgos Medina, seconded by Councilmember Holman.

Vote: Motion carried 7-0

Yes: Councilmember Burgos Medina, Councilmember Holman, Councilmember Miller, Councilmember Tubbs, Councilmember Zapien, Vice Mayor Canepa, and Mayor Silva.

Approved Ordinance 2014-03-18-1601

16.2 14-0056 APPEAL OF THE PLANNING COMMISSION’S DENIAL OF THE REQUEST FOR A USE PERMIT TO UPGRADE THE OFF-SALE OF BEER AND WINE TO THE OFF-SALE OF GENERAL ALCOHOLIC BEVERAGES IN AN EXISTING 1,500 SQUARE-FOOT CONVENIENCE STORE AT 4511 PACIFIC AVENUE (P13-163)

Legislation Text
Motion 2014-03-18-1602 postponing the Public Hearing to April 15, 2014.

Moved by: Vice Mayor Canepa, seconded by Councilmember Holman.

Vote: Motion carried 7-0

Yes: Councilmember Burgos Medina, Councilmember Holman, Councilmember Miller, Councilmember Tubbs, Councilmember Zapien, Vice Mayor Canepa, and Mayor Silva.

17. COUNCIL COMMENTS

Vice Mayor Canepa - Abel Building Materials building clean up

Councilmember Burgos Medina - urban mining ordinance

Councilmember Tubbs - thanked volunteers for cleaning Mormon Slough; congratulated Mayor Silva for becoming an ordained minister

Councilmember Holman - acknowledged the recent hero recognition of 37 individuals; home foreclosure rate is down in Stockton

Councilmember Miller - county-wide lobby efforts in Sacramento regarding water issues; attended Bob Hope Theater entertainment venue; thanked Minister Jack Scott, Hurricane Baptist Church

Councilmember Burgos Medina - thanked Municipal Utilities Department staff for tour of plant; Brubeck Festival March 27th, and Asparagus Dine Out in April; invited everyone to Global Youth Service Day, April 13th for Southside cleanup

Mayor Silva - thanked cleanup volunteers; starting Task Force on homeless issues; taco lunch next Friday for Municipal Utilities Department; March 20th, Outlaw World Series at Weber Point featuring Steve Kinser

18. ADJOURNMENT

INFORMATIONAL ITEMS

1 14-0047 ANNUAL FILING PERIOD FOR STATEMENTS OF ECONOMIC INTEREST - FORM 700
This item is to serve as notification to department staff, board and commission members, and elected and appointed officials, of the filing requirement and approaching deadline for the annual Statement of Economic Interest Statement (Form 700) filing. Completed statements are required to be filed with the Office of the City Clerk by April 1, 2014, as set by the Fair Political Practices Commission. The reporting period covered is January 1, 2013 through December 31, 2013.

Bonnie Paige, CMC
City Clerk, City of Stockton