MINUTES
CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY CONCURRENT MEETING OF APRIL 15, 2014

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

1. CLOSED SESSION CALL TO ORDER/ROLL CALL (4:01 PM)

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

Note: Councilmember Tubbs arrived to Closed Session at 4:12 p.m.

2. ADDITIONS TO CLOSED SESSION AGENDA

None.

4. PUBLIC COMMENT*

Tocan Nguyen - shared her personal political views

3. ANNOUNCEMENT OF CLOSED SESSION

3.1  14-0291 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 14-0292 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.

5. RECESS TO CLOSED SESSION (4:06PM)

   Note: The Council recessed to Closed Session at 4:06 p.m. The Council returned from Closed Session and recessed at 5:00 p.m.

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

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

   Mayor Silva announced the City of Stockton's Parking Authority Agenda would be heard concurrently with the City Council/Successor Agency to the Redevelopment Agency/Public Financing Authority agenda.

7. INVOCATION/PLEDGE TO FLAG

   Dean McFalls provided the Invocation. The Pledge of Allegiance was led by Councilmember Burgos Medina

8. REPORT OF ACTION TAKEN IN CLOSED SESSION

   Assistant City Attorney Susana Alcala Wood announced that there was no reportable action taken during Closed Session this evening.

9. ADDITIONS TO REGULAR SESSION AGENDA**

   None.
12. CONSENT AGENDA

Council passed a Motion to adopt the Consent Agenda with a single vote, with Councilmember Burgos Medina abstaining from voting on Agenda Item 12.10.

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.

12.1 14-0226 MOTION AUTHORIZING A CHANGE ORDER TO THE PROFESSIONAL SERVICES CONTRACT FOR DEBT ADMINISTRATION AND CHAPTER 9 SERVICES WITH DEL RIO ADVISORS, LLC.

Motion 2014-04-15-1201 authorizing the City Manager to execute a contract change order to the contract with Del Rio Advisors, LLC to increase fees in the amount of $150,000 and to extend the time to provide municipal advisory services, interim debt administration services, bond issuance and related disclosure reporting, and Chapter 9 support.

12.2 14-0305 2013 ANNUAL REPORT FOR THE STOCKTON TOURISM BUSINESS IMPROVEMENT DISTRICT

Motion 2014-04-15-1202 to approve the 2013 Annual Report for the Stockton Tourism Business Improvement District.

12.3 14-0330 APPROVE A COOPERATIVE AGREEMENT FOR LANDSCAPE DESIGN AND RIGHT-OF-WAY FOR THE FRENCH CAMP ROAD/I-5 INTERCHANGE RECONSTRUCTION, PROJECT NO. 99-01

Motion 2014-04-15-1203 authorizing the City Manager to execute a Cooperative Agreement for landscape design and right-of-way between the City and the State of California Department of Transportation (Caltrans) for the installation of landscaping and mitigation planting for the French Camp Road/I-5 Interchange Reconstruction, Project No. 99-01.

12.4 14-0331 APPROVE AN AMENDMENT TO PROFESSIONAL SERVICES MASTER CONTRACT AND APPROVE AN AGREEMENT FOR WEBER AVENUE STREETSCAPE BEAUTIFICATION, PHASE 2 (PROJECT NO. 09-02/FEDERAL PROJECT NO. RSTPLE-5008(122))
Motion 2014-04-15-1204 authorizing the City Manager to:
1. Approve an Amendment to Professional Services Master Contract with Siegfried Engineering, Inc., of Stockton, CA, in the amount of $79,820, for engineering support during construction.
2. Approve an Agreement between the City and the San Joaquin Regional Conservation Corps (SJRCC) in the amount of $31,680.

12.5 14-0333 APPROVE AN AMENDMENT TO THE PROFESSIONAL SERVICES MASTER CONTRACT WITH HDR ENGINEERING, INC. FOR THE CAPITAL IMPROVEMENT AND ENERGY MANAGEMENT - TERTIARY PLANT PROJECT

Motion 2014-04-15-1205 authorizing the City Manager to execute an Amendment to the Professional Services Master Contract for Design, Geotechnical Testing, Plan Review, and Surveying Services with HDR Engineering, Inc. of Folsom, California in the amount of $1,190,524 to complete technical studies and pre-design documents for the Capital Improvement and Energy Management -Tertiary Plant Project and approve an appropriation of $1,350,000 from the Wastewater Retained Earnings account to the CIP Wastewater Sanitary account.

12.6 14-0334 GRANT APPLICATION - NATIONAL INFRASTRUCTURE INVESTMENTS TIGER DISCRETIONARY GRANTS FY 2014

Motion 2014-04-15-1206 authorizing City staff to submit a grant application to the federal Department of Transportation (DOT) for funding from the National Infrastructure Investments program, also known as TIGER Discretionary Grants (TIGER FY 2014). The application is for the I-5 Widening Phase II project from south of Hammer Lane to Eight Mile Road in north Stockton.

12.7 14-0336 HOUSING REHABILITATION LOAN FOR 4223 ROUND VALLEY CIRCLE

Motion 2014-04-15-1207
1. Approving a $39,919 Community Development Block Grant (CDBG) Loan to Ruben Rodriguez for repairs to his home located at 4223 Round Valley Circle.
2. Authorizing the City Manager, or his designee, to take necessary and appropriate actions to carry out the purpose and intent of the motion.

12.8 14-0343 APPROVE PURCHASE OF TEN NEW SEDANS (PUR 13-017)

Motion 2014-04-15-1208 authorizing the purchase of ten new Chevrolet Impala sedans from Chase Chevrolet of Stockton, California, in the amount of $210,668.90.
12.9  14-0384 APPROVAL OF CITY COUNCIL MINUTES


12.10  14-0385 COUNCIL AUDIT COMMITTEE MINUTES FOR FILING

Motion 2014-04-15-1210 approving the Council Audit Committee minutes of October 30, 2013 and March 10, 2014. NOTE: March 10, 2014 meeting did not convene due to lack of quorum.

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

Vote: Motion carried 6-0

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

12.11  14-0386 COUNCIL LEGISLATION/ENVIRONMENTAL COMMITTEE MEETING OF NOVEMBER 21, 2013

Motion 2014-04-15-1211 approving the Legislation/Environmental Committee minutes of November 21, 2013.

12.12  14-0338 CHARTER REVIEW ADVISORY COMMISSION MEMBERSHIP

Adopt two resolutions:

Resolution 2014-04-15-1212-01 Ratifying the removal of Commissioner Jorge Martinez from the Charter Review Advisory Commission (CRAC) for excessive absences, and appointing Dr. Marie Mallare-Jimenez to fill this vacancy; and

Resolution 2014-04-15-1212-02 Ratifying the appointment of Donald Lee Smith to fill the seat vacated by Commissioner Lanston Sylvester.

13.    ADMINISTRATIVE MATTERS

None.

14.    UNFINISHED BUSINESS

None.
15. NEW BUSINESS

10. PROCLAMATIONS, COMMENDATIONS, OR INVITATIONS

10.1 CERTIFICATE OF RECOGNITION: National Public Safety Telecommunications Week - Stockton Fire Department Telecommunicators
RECIPIENT: Tim Reid

10.2 PROCLAMATION: National Public Safety Telecommunications Week
RECIPIENT: Tim Reed

10.3 CERTIFICATE OF RECOGNITION: National Public Safety Telecommunications Week - Stockton Police Department Telecommunicators
RECIPIENT: Robert Applegate, Christopher Salter

10.4 PROCLAMATION: National Public Safety Telecommunications Week
RECIPIENT: Robert Applegate, Christopher Salter

Boy Scouts Explorer Post 1888 - Don Parsons and Robin Wilson presented:

CHARTER AWARD: Stockton Police Youth Activities
RECIPIENT: Chief of Police, Eric Jones

CHARTER AWARD: Stockton Fire Department
RECIPIENT: Fire Chief, Jeff Piechura

15.2 14-0420 APPROVAL OF AGREEMENTS WITH CREDITORS UNDER BANKRUPTCY PLAN OF ADJUSTMENT

Note: A memo dated April 15, 2014 addressed to the Mayor and Council from Christian Clegg, Assistant to the City Manager was distributed around the bench and included a portion of Exhibit A to Resolution 1 (filed).

Public Comment

Gary Malloy - expressed opinion that the exit plan is flawed

Tocan Nguyen - offered a couple points that were of key concern to her

Mark Levinson - clarified several points regarding the bankruptcy process

Resolution 2014-04-15-1502-01 authorizing the Settlement of Certain Claims Asserted in Connection with the City's Bankruptcy Case. This covers approval of agreements relating to the State of California Department of Boating and Waterways loan, the Price Plaintiffs' claim, the Lease agreement with the Stockton
Thunder, and the 2006 SEB bonds. This resolution also authorizes a minor change to the settlement agreement associated with the 2003 COPs insured by AMBAC.

Moved by: Vice Mayor Canepa, 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.

Resolution 2014-04-15-1502-02 authorizing the Settlement of Certain Claims Relating to the Stockton Public Financing Authority Lease Revenue Bonds, Series 2004 (Parking and Capital Projects). This resolution approves settlement with NPFG on the 2004 parking bonds and related matters, including an agreement with Stockton City Center 16 LLC.

Moved by: Councilmember Miller, 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.

Resolution 2014-04-15-1502-03 authorizing the Settlement of Certain Claims Relating to Stockton Public Financing Authority Variable Rate Demand Lease Revenue Bonds, 2007 Series A and B, and City of Stockton 2007 Taxable Pension Obligation Bonds Series A and B. This resolution approves settlement with Assured Guaranty Municipal Corp. concerning the debt obligations for pension obligation bonds and the office building at 400 E. Main. It includes the site and facility lease for office space at 400 E. Main.

Moved by: Councilmember Zapien, 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.

Stockton Public Financing Authority Resolution:

PFA 2014-04-15-1502 consenting to Certain Transfers and the Execution of
Certain Documents Relating to Settlement of Certain Claims Asserted in Connection with the City’s Bankruptcy Case. The Public Financing Authority needs to agree to settlement of claims relating to debt issuances it was a party to, the 2004 parking bonds, the 2006 SEB bonds, and the 2007 office building and pension obligation bonds. This resolution also authorizes a minor change to the settlement agreement associated with the 2003 COPs insured by AMBAC.

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.

City of Stockton Parking Authority resolution:

PA 2014-04-15-1502 accepting Transfer of Certain Parking Assets from the City. In order to effectuate the agreement with NPFG on the parking bonds the Parking Authority must have control of parking assets in order to segregate revenues.

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.

11. CITIZENS’ COMMENTS, ANNOUNCEMENTS, OR INVITATIONS*

James Young wishes everyone a Happy Easter; wants to help the City; requests that the bus stop be cleaned up

Jessie Turner spoke to motorcycle code enforcement

Robert Burr is concerned that motorcycle owners are being harassed due to the Motorcycle Safety Awareness program initiated by the Police Department

Nate McBride, Director, Northeastern California Small Business Development Center, San Joaquin Delta College spoke about services offered

Vincent Sayles reported on a book he had read regarding health; encouraged rebounding exercise
Kim Artiaga spoke about concerns at the Stockton Animal Shelter

Roy Hoggard shared water conservation idea

Diana Buettner encouraged a no kill equation at the Animal Shelter; peaceful protesters shouldn’t be harassed

Laura Lynn Prater shared that an agenda item will be brought forward in May regarding the Mayor’s Animal Shelter Commission; requested the City commit to the "Just One Day" shelter campaign June 11-12th; requested a level playing field regarding 501 revenue

Lynett Contino shared concerns about lack of services at the animal shelter; collection of dead animal; need to amend the Stockton Municipal Code

Gary Malloy expressed concern about the makeup of the agenda; questioned why the use of chloramines in water treatment, if due to issues with filters at the new treatment plant

Antwoine Guyton thanked everyone involved in a recent Stockton clean up and encouraged more involvement

Tocan Nguyen shared political views

Debora Pagala spoke to issues that need to be looked into with the Motorcycle Safety Enforcement program

Lindy Turner-Mardin requested the Council’s support for Item 16.03, Annual Action Plan for the Community Development Block Grant Programs

15.1 14-0363 MANAGEMENT PARTNERS THRESHOLD ANALYSIS REPORT ON STOCKTON REGIONAL FIRE DISPATCH

Motion 2014-04-15-1501 to approve and accept the attached Stockton Regional Fire Dispatch Threshold Analysis Report and authorize the City Manager to pursue the following recommendations included in the report:
1. Confirm technology replacement schedule needs and funding requirements and consider adjustments to the internal service fund as part of the annual budget process.
2. Analyze the costs and benefits of moving the Fire ECD (Emergency Communication Division) to the Police Dispatch Center in conjunction with any steps to implement a regional fire dispatch operation.
3. Develop a detailed regional fire dispatch technology needs assessment and funding plan prior to entering into discussions with potential JPA member agency.
4. Conduct an inventory of radio and connectivity requirements to enable Stockton ECD to service as a regional dispatch center.

5. Meet with current Stockton ECD contract agencies to develop a plan for increasing call rates to ensure full cost recovery for the services provided in accordance with contractual agreements.

6. Survey potential members of a regional fire dispatch joint powers authority (JPA) to determine cost sharing, performance objectives and governance structures that would need to be achieved to contract with Stockton ECD as the provider of fire dispatch operations.

7. Require documentation of specific fire dispatch performance and training standards, as well as transparency and accountability regarding the role of ambulance service in offsetting fire dispatch costs prior to pursuing any membership in the Joint Radio Users Group (JRUG).

Moved by: Councilmember Miller, seconded by Councilmember Zapien.

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 14-0056 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)

Public Comment

Tocan Nguyen - spoke to safety issues; supported applicant

Julie Limbaugh - would like clarification regarding calls for service

Ralph White - shared that there are similar situations in south Stockton

Resolution denying the appeal and upholding the Planning Commission's denial of the request for a Use Permit to upgrade the off-sale of beer and wine (Type 20 License) to the off-sale of general alcoholic beverages (Type 21 License) in an existing convenience store at 4511 Pacific Avenue.

Moved by: Councilmember Zapien, seconded by Councilmember Tubbs.
Vote: Motion failed 2-5  
Yes: Councilmember Tubbs, and Councilmember Zapien.  
No: Councilmember Burgos Medina, Councilmember Holman, Councilmember Miller, Vice Mayor Canepa, and Mayor Silva.

Motion 2014-04-15-1601 overturning the decision of the Planning Commission, granting an appeal to upgrade the Use Permit from the off-sale of beer and wine (Type 20) to the off-sale of general alcoholic beverages (Type 21) in an existing convenience store located at 4511 Pacific Avenue; directing staff to return to the City Council at 6 months with a status report of that establishment and again at 12 months.

Moved by: Councilmember Miller, seconded by Mayor Silva.

Vote: Motion carried 5-2

Yes: Councilmember Burgos Medina, Councilmember Holman, Councilmember Miller, Vice Mayor Canepa, and Mayor Silva.  
No: Councilmember Tubbs, and Councilmember Zapien.

16.2 14-0206 RECEIVE PROPOSED CHARTER AMENDMENT LANGUAGE AND HOLD PUBLIC HEARINGS TO SOLICIT COMMUNITY FEEDBACK

The Council Charter Review Ad-Hoc Committee recommends that the City Council receive the proposed Charter amendment language for Articles IV, X, XII, XVI and XXIV and hold Public Hearings on April 15, 2014 and May 20, 2014 to solicit community feedback related to these recommendations.

Public Comment

Howard Seligman, Chair of Charter Review Advisory Commission - asked for City Attorney’s opinion regarding Election Code process; shared concerns regarding the Charter Review Advisory Commission

Marcie Bayne, Charter Review Advisory Commission - spoke to experiences while serving on the Commission

Bobby Bivens - expressed concern that the Charter Review Advisory Commission was limited by staff and staff support

Dale Stocking, Charter Review Advisory Commission - noted Charter Amendments can only go General elections on even years; noted recent change to Election Code; expressed opinion that one measure would be defeated, suggested 2-3 measures; suggested permanent Charter Review Commission
Ralph White, Charter Review Advisory Commission - spoke to his experience serving on the City Council

Cynthia Summers, Vice Chair of the Charter Review Advisory Commission - spoke to her expectations of being on the Charter Review Advisory Commission

16.3 14-0347 2014-2015 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIPS, AND EMERGENCY SOLUTIONS GRANT PROGRAMS

Public Comment

Gary Malloy - clarification regarding $2.1 million dollars and how it will be affecting bankruptcy

Resolution 2014-04-15-1603
1. Approving the 2014-2015 Action Plan with any modifications deemed appropriate by the Council; and,
2. Authorizing the City Manager, or his designee, to execute all documents and forward them to the U.S. Department of Housing and Urban Development and to take whatever actions are necessary and appropriate to carry out the intent of this resolution.

Moved by: Vice Mayor Canepa, 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.

17. COUNCIL COMMENTS

Councilmember Zapien reported on the Council of Governments, One Voice Trip, noting Councilmember Holman's effectiveness and spearheading of efforts and conversations; wished everyone Happy Easter/Passover Holiday; requested the meeting adjourn in memory of William Lewis, Koporun Reed Underwood and Teresa Rose Lamanno, killed in Kansas City outside Jewish affiliated centers

Councilmember Holman noted that Congressman Dunham and McNerney have agreed to make a concentrated effort for approval of the Veterans Affairs Clinic in San Joaquin County
Councilmember Tubbs supports breaking up the agenda; thanked everyone who attended the Select Committee Hearing on Boys and Men of Color; wished everyone a Happy Easter/Passover weekend.

Councilmember Miller thanked the members of LINKS, Inc. for the Hats Off Luncheon event, and to the sponsors of the San Joaquin Leadership Prayer Breakfast for their inspirational speaker.

Councilmember Burgos Medina thanked everyone who attended the Mormon Slough clean up; threw first pitch for the Cal-Mex Baseball League officially open at Stribley Park on Sundays.

Mayor Silva noted the City Council Strategic Plan Workshop on Monday; job fair at Stockton Arena on April 17th; spoke to events happening in Stockton; noted the Asparagus Festival will be April 25th-27th.

18. ADJOURNMENT in memory of William Lewis, Corporon, Reat Griffen Underwood and Teresa Rose Lamanno (9:40 PM)

Bonnie Paige, CMC
City Clerk, City of Stockton