MINUTES
CONCURRENT CITY COUNCIL/
REDEVELOPMENT AGENCY
JUNE 08, 2004

CITY HALL
CITY COUNCIL CHAMBERS
STOCKTON, CALIFORNIA

C-1. CC/RD CALL TO ORDER / ROLL CALL

C-2. CC/RD ANNOUNCEMENT OF CLOSED SESSION
None

C-3. CC/RD ADJOURN TO CLOSED SESSION
None

1. CC/RD CALL TO ORDER/ROLL CALL (05:33 PM)
Roll Call (05:27 PM)
Present:
Podesto, Mayor
Bestolarides, Councilmember
Nomura, Vice-Mayor
Nickerson, Councilmember
Ruhstaller, Councilmember
Martin, Councilmember
Giovanetti, Councilmember

2. CC/RD REPORT OF ACTION TAKEN IN CLOSED SESSION (05:33 PM)
None

3. INVOCATION/PLEDGE TO FLAG (05:33 PM)

4. PROCLAMATIONS/COMMENDATIONS/CITY ANNOUNCEMENTS OR INVITATIONS (05:35 PM)

4.01) CERTIFICATES OF RECOGNITION:
Pixie Woods Board of Directors for Pixie Woods 50th Season

Recipients: Bill Stoermer, President, Lisa Krasner, Vice President, and Members of the Board, Ernie Shropshire, Tony Ippolito, Mike Lothrop, Hap Lauer, Kathy Knight, Pat Rice, Colleen Joy
(05:35 PM)

4.02) CERTIFICATES OF RECOGNITION:

AGENDA ITEM 6.17
A.A. Stagg High School Qualifiers for the 2004 California State Track Meet

Recipients: Candise Maxwell, Renisha Roots, Natalia Wright, Maurisa Robertson, Jadai Henderson, Devon Johnson (05:37 PM)

5. CITIZENS' COMMENTS, ANNOUNCEMENTS OR INVITATIONS (05:42 PM)

Dale Stocking (05:43 PM)
Dr. Stocking, Chair of Delta Sierra Group Mother Lode Chapter, said he wished to address two agenda items, Item 7.01 and 6.09. He was informed that Item 6.09 will not be pulled from the Consent agenda so he addressed that Item and announced that he would speak on Item 7.01 when it comes before the Council. He stated that on Friday, when he went to City Hall he found on the Consent Agenda a resolution authorizing and directing the City Manager to process applications for a sphere of influence amendment and an initial study/negative declaration. He said that he went to the Planning Department for information and received only a six page staff report. He stated that this item is extremely important related to the growth of the City. He said that it is hard from the wording to understand that the Council is authorizing a study so the City can move ahead, but is not making a decision at this time and more information must be forthcoming. He said for the record that Sierra Club is concerned about this process and wishes to be informed on this issue.

Susanne Hughes (05:46 PM)
Ms. Hughes of West Elm Street said that she and her neighbors are present to try to resolve a serious traffic problem on their street in District 4, which is being used to bypass Pershing Avenue. There is a yield sign on Orange Street but there have been four accidents in the last seven weeks. She provided pictures of the accidents. She said that she sent a letter to the Council on May 25 signed by 36 residents on the block, who are extremely frustrated. A Neighborhood Watch program has been established and they participated in the Traffic Management Lottery unsuccessfully. In response to Councilmember Ruhstaller, she said that she has not received a letter sent by the City on June 7. Mayor Podoesto said that Public Works is looking into this issue and noted that it is worse because of construction in the area of Harding Way and Pershing Avenue. However, the construction will result in a left turn lane for Harding Way and the throat of the left turn lane may prohibit traffic turning left on Elm Street. This is in the design stage and is being seriously considered. The Mayor's comments were endorsed by Public Works Director Jim Giottonini.

Dave Anderson (05:52 PM)
Mr. Anderson, Manager of Stockton Intertrans Corporation Yellow Cab, asked for a rate increase and other changes to the code governing taxicabs and public conveyance in Stockton. He distributed a letter (filed) with his requests and other changes and asked if these items can be referred to committee. Mr. Anderson congratulated the Stagg students who received proclamations, stating that they "did the City proud." Councilmember Ruhstaller reported that he has met with Mr. Anderson several times to go over the issues and these issues should go before the Budget/Finance/Economic Development Committee.

Bill Loyko (05:54 PM)
Mr. Loyko of the Concerned Citizens Coalition expressed his condolences to Vice Mayor Nomura and her family. He said that he is directing his comments this evening to all but particularly to Councilmembers Bestolarides, Giovannetti, and Martin as they will be serving on the next Council. He said that the effects of their actions will go on for years. He said that the issue this evening is not the 911 communication fee but about financial decisions made that effect Stockton residents. He recounted that at the Study Sessions for the recently approved fiscal budget the Fire Chief spoke of the difficulty and inability of the Fire Department to meet response times for North Stockton residents. He discussed the time to construct, recruit, and hire sufficient firefighters to staff the two proposed stations. Mr. Loyko said that if those stations are slated for construction in 2005, it will take two to three years for them to be occupied. The dilemma is funding construction and personnel. He said that the cost of construction in the Capital Improvement Program is about $11.4 million and this year the Council transferred, probably illegally, $11 million from development services and interest earnings from the Municipal Utilities Department (MUD) Enterprise Funds to the Infrastructure Reinvestment Fund to build an arena complex. He said that one could interpret that these funds could have been used for any projects, including fire stations. He claimed that there has been an increase in retirement benefits for Police and Fire because of a bear market performance of pension investments and all these expenses have been absorbed.
without cutting services. He said that leveling strategies will be examined and employed and there exists a potential to staff the two fire stations, and some of the money "dumped" into the Events Center should have been used for public safety. He added that the Events Center will be a millstone around the City's residents for years. He said that delayed construction of fire stations, a proposed 911 fee, a quarter cent sales tax increase, and the continued transfer of MUD Enterprise Funds will result in increased water and wastewater rates, and a debt service on the Events Center will delay quality of life issues such as libraries, parks and streets. He said that while the Council's goals were stated to be quality of life and fiscal responsibility, there is a need to look at how resources are allocated and the consequences to residents. He asked that the Council vote "no" on the 911 fee.

Norman Gonzales (05:59 PM)
Mr. Gonzales of West Elm Street also spoke on the traffic problems on Elm Street for the last fifteen years, where he has witnessed thirty accidents. He disagreed with the results of a traffic study that stated that there was not enough traffic to warrant a stop sign at the intersection of Orange and Elm Streets. He said that it is his understanding that the left turn lane at Harding Way and Pershing Avenue has been postponed for a year even though there has been a dramatic increase in traffic. He said that residents would like to see a four-way stop at Orange and Elm Streets in the meantime. The Mayor asked Mr. Giottolini to look into a method of slowing down traffic at that intersection.

Jordan Gilchrist (06:03 PM)
Ms. Gilchrist, a Lincoln High School student and a member of Catapult Youth Leaders of Central Valley, said that the project selects 36 teens from Central Valley counties for scholarships and a $500 grant to do community service projects in their communities. She and another student were chosen from Stockton and the last aspect of their project was to present it to the City Council. Their project included conducting youth and adult forums to ascertain where there was need. Ms. Gilchrist said that their findings led to a clothing drive for homeless shelters. The Gospel Center Rescue Mission was chosen because it allows families to stay together. Several clubs and Lincoln and Edison High Schools participated. The $500 was used to pay students to go to clubs and businesses to collect donations, which was very successfully. All teens involved in the Catapult Program will be meeting at the State Capital to make policy recommendations and report on their activities.

Bestolarides, Councilmember left the meeting at 06:03 PM
Bestolarides, Councilmember joined the meeting at 06:05 PM

Rosemary Atkinson (06:07 PM)
Ms. Atkinson, representing Campaign for Common Ground, voiced her concerns about the alternative General Plan presented this morning to the Council and the Planning Commission. She said that she has attended many meetings and reviewed many documents and it is very clear that growth is going north. She acknowledged that business brings in jobs and money, but the down side is that development is bleeding Downtown. She said that all of Stockton should be developed into a true neighborhood encompassing all businesses and where neighbors can look out for each other. She said that neighborhoods are being segregated with the rich being separated from the poor, but no one should be denied a good quality of life. She asked that plans consider the City as a whole.

Eileen St. Yves (06:12 PM)
Ms. St. Yves, President of the San Joaquin County Rental Property Association, made available copies of a survey on the fire inspection fees for rental housing. This survey was done at the Mayor's request to determine what is being charged in other communities compared to the proposed charge by the City. She said there is a great variance in communities, but the City's fees are so high that they could not be absorbed by property owners and will raise the fees for tenants, thus affecting affordable housing.

Mayor Pedesto noted that Ms. St. Yves' papers cite an Administrative Fee of $288 and a Fire Department per hour inspection fee. He said that it is his understanding that for multi-family ten and under there is a flat fee of $288. City Manager Lewis confirmed this amount. Mayor Pedesto added that this could be reconsidered by the Council if a Councilmember who voted in favor of this asked for a reconsideration.

Ms. St. Yves responded that a four unit owner will have to pay $72 per unit, which is still a high fee.

The Mayor said that the survey was not clear on how other cities are charging, per inspection or per unit. Councilmember Ruhstaller said that he would make the request to reconsider this issue.
Interim City Attorney Jayne Williams advised that the Council, having received a request for reconsideration by a Councilmember, can vote on reconsideration as an agenda item as early as next week.

Ann Chargin (06:18 PM)
Ms. Chargin, speaking on the draft EIR (Environmental Report) for the Port of Stockton, said that she and her neighbors had asked that the Council protect the citizens of Stockton by disallowing the expansion of shipping activities next to established residential areas. The Council responded that the City has nothing to do with this and the residents should be discussing this with the Port. Ms. Chargin said that in 2000 the City acknowledged that an EIR was needed to pass a redevelopment plan for Rough & Ready Island, to amend the General Plan to change the Island’s classification, and to change zoning from public lands to heavy industrial. She said that in 2002 the City entered into a contract with the Port to pay half the cost of the EIR, since both the City and the Port needed it and money could be saved by both using the EIR. Ms. Chargin said that she learned that on February 20, 2000 the Community Development Department recommended that the Council adopt a resolution to process a General Plan Amendment, which was approved by the City Manager. The document stated that "The PL zoning and the institutional designation on the General Plan do not permit the Port to lease land or structures on the Island for private uses. In order to make ownership of the Island financially feasible, the Port proposes to lease land and facilities to the private sector." She said that the resolution was adopted on February 29, 2000. Ms. Chargin said that as of this date the EIR is not certified and the hearing on the final EIR has twice been rescheduled, now set for June 23. She said that the Port has been leasing to private businesses without an amendment. On May 10, 2004 the Planning Commission recommended approval of the redevelopment plan without an EIR as it was the City Attorney's opinion that the City did not have to wait for certification of the EIR. Ms. Chargin asked, if this is true, why did the City pay $100,000 for an EIR. She asked why the City condoned the Port proceeding with the project before completing the CEQA (California Environmental Quality Act) process. She said that the City has virtually partnered with the Port but denies this. She said that the proposed project affects hundreds of homes, not just Riviera Cliffs. She cited the recent levee breaks as an example of the fragile state of the levees and the impacts of vibration and erosion.

Mayor Podesto asked that Mr. Pinkerton and Mr. Glaser go over the two different EIRs and their differences and provide a report.

Mr. Glaser said that the Planning Commission was asked to determine whether or not the proposed redevelopment project area was consistent with the General Plan and this was done. He agreed that the City and the Port combined funds to prepare an EIR which needs to be done for the project. This EIR is not related to the dredging or the development of the Port, it is for the redevelopment project area. Related to the way the property was transferred from the government to the Port, the rules say that the City has eighteen months after they take action for any discretionary act, in this case the redevelopment project, to certify the EIR. This EIR has nothing to do with the Port dredging or other actions. Mr. Glaser added further that when the Council does consider the EIR it is limited as a body as a responsible agency, not the lead agency, which is the Port. The Council can only adopt mitigation measures with reference to its responsibility.

The Mayor added that the benefit to the City is that it would be in the redevelopment area. The Port could go on with its project regardless of the EIR related to redevelopment.

Vice Mayor Nomura noted as a point of order that there is to be no response to Citizen Comments under Agenda Item 5. Mayor Podesto agreed with Vice Mayor Nomura but added that he likes to correct false statements at the time they are made.

Interim City Attorney Williams clarified that brief clarifications and questions can occur during Comments but there can be no discussion. The Council can give direction for an item to be agendized.

ToCan Nguyen (06:27 PM)
Ms. Nguyen continued her allegations of torture and abuse by various government agencies and minorities, misuse of funding, and conspiracy.
Ruhstaller, Councilmember left the meeting at 06:28 PM
Ruhstaller, Councilmember joined the meeting at 06:29 PM
Nickerson, Councilmember left the meeting at 06:30 PM
Nickerson, Councilmember joined the meeting at 06:31 PM

Veronica Ferreyra (06:33 PM)
Ms. Ferreyra of San Marco Court read a letter to the Mayor: "I believe that my neighbor is abusing his authority. The neighbor works for the Stockton Police Department and lives next door. He has been asking questions regarding where my husband and I work...This neighbor has had other police officers approach my husband while he was at work and has questioned my husband's co-workers regarding his and my place of work. His family has called the Police on 8/1/04 regarding our dog's continually barking and the dogs not being cared for. Officer V came at 19:13 and cleared the matter. I have talked to his wife regarding the issue and I asked her to talk to me if she had any problems regarding my family and my property. His wife was offended by the matter and called her husband who then had Officer V return to speak to me about confronting her. Officer V said he had spoken to the officer who happened to tell him a little bit about what is going on and advised me that his wife had not called the Police. On June 1, 2004, Lane (?) came to our house and told me someone had called Code Enforcement and he was following up on it. I advised him that I had spoken to Planning, Public Works, Alex Martinez from Code Enforcement. I had called Alex Martinez and told him that Lane (?) had come to our home and he advised me there was no record of Mr. Avila coming to our home and no record and no phone calls regarding our property. I just found out today that somehow, seven days later, it came up. Also the State of California and Social Services had a complaint from our neighbor who said that licensee is caring for more than eight children. I have not been cited nor accused by City, State, or Code Enforcement or the Police Officers, so why are all these people investigating us? I demand to know what is going on. I would like to invite (sic) the City Council that I will be seeing you again on June 29, 04. ...I was told ... that the neighbors and their attorney submitted a letter for continuance. I would like to say that I feel that postponing the issue will only increase the problem with my neighbors and my family, and the parents of the children in my care are being harassed by the neighbors. I have been trying to settle the issue since December 2003...It took us two months to get to City Council so please don't allow this issue to continue to drag on. I feel like myself and my children that I care for are in prison...we just applied for a large child care and that is not a crime."

Mayor Podesto asked Police Chief Mark Herder to take this complaint and report back to the Council.
Nickerson, Councilmember joined the meeting at 06:33 PM

6. CC/RD CONSENT AGENDA
City Council: 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, 6.08, 6.09, 6.10, 6.11, 6.12, 6.13, 6.14, 6.15
Concurrent City Council / Redevelopment Agency: 6.16, 6.17
Redevelopment Agency: 6.18
(06:38 PM)

Councilmember Bestolarides requested that Items 6.07, 6.12, and 6.15 be pulled from the Consent Calendar.

On Item 6.08, regarding hiring a consulting service to work with Empire Ranch, the Mayor said that this consultant is working on the Specific Plan and he wants to ensure that MAC (Morada Municipal Advisory Council) is worked with during this process and is present at every meeting.

City Manager Lewis said there are at least three meetings scheduled which the consultant will attend.

6.01) CC Resolution 04-0336 approving a $23,450 Down Payment Assistance Loan to PHYLLIS BRYANTSTONE for the purchase of a single-family residence located at 2326 E. Sixth Street; and, directing the City Manager to take whatever actions are necessary and appropriate to carry out the intent of this action. (H&RD) (ACCT) (Pages 1 – 4)

6.02) CC Resolution 04-0337 authorizing the acquisition of the real property located at 247 W. Fremont Street - RNH PROPERTIES Parcel - and execution of the agreements and related documents as required. (H&RD) (Pages 5 – 17)
6.03) CC Resolution 04-0338 authorizing a HOME Residential Reconstruction Loan to SHELLIE EASON for the property located at 149 W. Delhi Avenue, in the amount of $110,000; and, directing the City Manager to take whatever actions are necessary and appropriate to carry out the intent of this action. (H&RD) (ACCT) (Pages 18 – 34)

6.04) CC Resolution 04-0339 authorizing acquisition of the real property located at 20 E. Lindsay Street from CONRAD E. SILVA and BERNICE L. SILVA or successors in trust as trustees of the Conrad and Berniece Silva revocable Trust dated February 26, 1993 and authorizing execution of the agreement and related documents. (H&RD) (ACCT) (Pages 35 – 47)

6.05) CC Resolution 04-0340 authorizing the conveyance of the abandoned portion of Roosevelt Street between “F” Street and Filbert Street to STOCKTON TERMINAL AND EASTERN RAILROAD. (H&RD) (Pages 48 – 54)

6.06) CC Resolution 04-0341 authorizing abandonment of a portion of street right of way of Queen Avenue, south of Monte Diablo Avenue. (H&RD) (Pages 55 – 61)

6.07) CC PARKING STRUCTURES (06:40 PM)
Item 6.07 was removed from Consent and heard as Item 7.02.

a) Certify and adopt the Addendum/Initial Study (IS14-04) to the previously certified Final Environmental Impact Report (EIR6-90) for the Amended West End Urban Renewal Project No. 1 and incorporate by reference the previously adopted “Findings, Statement of Overriding Considerations, and Mitigation Monitoring Program for the Amended and Restated Redevelopment Plan for the West End Urban Renewal Project No. 1”, as amended, for the construction of the City Centre (Edmund S. Coy) Parking Structure; and,

b) Approve a contract amendment with F & H CONSTRUCTION, approve the Guaranteed Maximum Price (GMP) for Phase II of the City Centre (Edmund S. Coy) Parking Structure in the amount of $9,477,221, approve the GMP for Phase II of the North Shore (Stockton Events Center) Parking Structure in the amount of $9,594,181, and direct the City Manager to execute, on behalf of the City of Stockton all necessary contract amendments, extensions, or agreements with F & H CONSTRUCTION and make all necessary appropriations. (H&RD) (Pages 62 – 98)

6.08) CC Resolution 04-0342 approving the First Amendment to the Contract for Consulting Services with RRM DESIGN GROUP for Specific Plan consulting services for the Empire Ranch Specific Plan (SP5-03). (CD) (Pages 99 – 108)

6.09) CC Resolution 04-0343 authorizing and directing the City Manager to process applications for: (1) City of Stockton Sphere of Influence (SOI) and related agreements; (2) Initiate SOI amendment for selected properties (PACIFIC GAS AND ELECTRIC - APN 055-011-11, YOUN SEREAYPHEAP - APN 055-020-03, and ANTHONY FUGAZI - APN 055-021-04); and, (3) an Initial Study/Negative Declaration for the 2004 SOI amendment project. (CD) (Pages 109 – 114)

6.10) CC Resolution 04-0344 authorizing a contract with artist GORDON HUETHER, for $135,000 to plan, design, fabricate, and install recommended public art for the North Shore Parking structure. (P&R) (Pages 115 – 139)

6.11) CC Resolution 04-0345 authorizing execution of a License and Maintenance Agreement with WINDMILL PARK STOCKTON, LLC to provide for the maintenance of nonstandard items in public rights-of-way within the Windmill Park development. (PW) (Pages 140 – 157)

6.12) CC Approve a contract amendment to the Professional Services Contract for Construction Management and Inspection Services with HARRIS AND ASSOCIATES, for an amount not to exceed $113,520, which will provide encroachment inspection services for various projects located throughout the City; and will also authorize the City Manager to record any and all financial transactions necessary so as to execute the contract amendment. (PW) (Pages 158 – 165)

(06:42 PM)

Item 6.12 was removed from Consent and heard as Item 7.03.
6.13) CC Resolution 04-0346 authorizing execution of Contract Change Order No. 4 to VANGUARD CONSTRUCTION in the amount of $257,826.50 for the Downtown Sidewalk Rehabilitation - Phase I, Project No. 03-01 to construct additional sidewalk improvements in the Downtown Stockton area; and, authorizing the City Manager to record any and all appropriations and transactions necessary to complete funding of the project. (PW) (Pages 166 – 170)

6.14) CC Resolution 04-0347 accepting the partially completed public improvements for maintenance by the City of Stockton for the OAKMORE MEADOWS, Unit No. 1, Tract No. 2460, located south of the Stockton Diverting Canal, west of Wilson Way, east of West Lane, and north of Alpine Avenue. (PW) (Pages 171 – 173)

6.15) CC Certify the Final Environmental Impact Report (FEIR6-03), adopt the Findings, Mitigation Monitoring, and Reporting Program for the Wastewater Collection System 9 Project, and approve related discretionary actions including the rights-of-way acquisitions for the Wastewater Collection System 9, Project No. 02-14. (PW) (Pages 174 – 179)
(06:44 PM)

Item 6.15 was removed from Consent and heard as Item 7.04.

6.16) CC/RD MOTION TO APPROVE THE MINUTES OF CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETINGS HELD MAY 18 AND 25, 2004. (CC) (Pages 180 – 195)

6.17) CC/RD PROPERTY LOCATED AT 131 N. SAN JOAQUIN STREET

Redevelopment Agency Action: Resolution R04-021 approving a grant deed from the Redevelopment Agency of the City of Stockton to the City of Stockton for the above property and authorizing the Executive Director to execute all necessary documents.

City Council Action: Resolution 04-0348 approving and accepting a grant deed from the Redevelopment Agency of the City of Stockton to the City of Stockton for the above property and authorizing the City Manager and City Attorney to execute all necessary documents. (H&RD) (Pages 196 – 202)

6.18) RD Resolution R04-022 authorizing settlement with one defendant in the Redevelopment Agency of the City of Stockton v. UNION OIL COMPANY, et al. (San Mateo County Superior Court Case No. 410753) lawsuit. (CA) (Pages 203 – 204)

Motion: Approve
6. CC/RD CONSENT AGENDA
City Council: 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, 6.08, 6.09, 6.10, 6.11, 6.12, 6.13, 6.14, 6.15
Concurrent City Council / Redevelopment Agency: 6.16, 6.17

Redevelopment Agency: 6.18
Note: Items 6.07, 6.12, and 6.15 were removed from Consent.
Moved by Nomura, Vice-Mayor, seconded by Giovanetti, Councilmember.
Vote: Carried 7-0.
Yes: Podesto, Mayor; Bestolarides, Councilmember; Nomura, Vice-Mayor; Nickerson, Councilmember; Ruhstaller, Councilmember; Martin, Councilmember; Giovanetti, Councilmember

7. UNFINISHED BUSINESS (06:40 PM)
Items 7.02, 7.03 and 7.04 were heard concurrently, before Item 7.01.

Item 7.02 (formerly Item 6.07) CC PARKING STRUCTURES
(06:40 PM)

a) Resolution 04-0349 certifying and adopting the Addendum/Initial Study (IS14-04) to the previously certified Final Environmental Impact Report (EIR6-90) for the Amended West End Urban Renewal Project No. 1 and incorporating by reference the previously adopted "Findings, Statement of Overriding Considerations, and Mitigation Monitoring Program for the Amended and Restated Redevelopment Plan for the West End Urban Renewal Project No. 1", as amended, for the construction of the City Centre (Edmund S. Coy) Parking Structure; and,

b) Resolution 04-0350 approving a contract amendment with F & H CONSTRUCTION, approving the
Guaranteed Maximum Price (GMP) for Phase II of the City Centre (Edmund S. Coy) Parking Structure in the amount of $9,477,221, approving the GMP for Phase II of the North Shore (Stockton execute, on behalf of the City of Stockton all necessary contract amendments, extensions, or agreements with F & H CONSTRUCTION and making all necessary appropriations. (H&RD) (Pages 82 – 98)

The staff report was given by City Manager Mark Lewis. Councilmember Giovanetti commented under this item. (06:40 PM)
Motion: Approve Item 7.02 (formerly Item 6.07) CC PARKING STRUCTURES
Moved by Giovanetti, Councilmember, seconded by Martin, Councilmember.
Vote: Carried 7-0.
Yes: Podesto, Mayor; Bestolarides, Councilmember; Nomura, Vice-Mayor; Nickerson, Councilmember; Ruhstaller, Councilmember; Martin, Councilmember; Giovanetti, Councilmember

Item 7.03 (formerly 6.12) CC Resolution 04-0351 approving a contract amendment to the Professional Services Contract for Construction Management and Inspection Services with HARRIS AND ASSOCIATES, for an amount not to exceed $113,520, which will provide encroachment inspection services for various projects located throughout the City; and will also authorize the City Manager to record any and all financial transactions necessary so as to execute the contract amendment. (PW) (Pages 158 – 165) (06:42 PM)

Councilmember Bestolarides and City Manager Lewis commented under this item. (06:42 PM)
Motion: Approve Item 7.03 (formerly 6.12) CC Approving a contract amendment to the Professional Services Contract for Construction Management and Inspection Services with HARRIS AND ASSOCIATES, for an amount not to exceed $113,520, which will provide encroachment inspection services for various projects located throughout the City; and will also authorize the City Manager to record any and all financial transactions necessary so as to execute the contract amendment. (PW)
Moved by Nomura, Vice-Mayor, seconded by Martin, Councilmember.
Vote: Carried 7-0.
Yes: Podesto, Mayor; Bestolarides, Councilmember; Nomura, Vice-Mayor; Nickerson, Councilmember; Ruhstaller, Councilmember; Martin, Councilmember; Giovanetti, Councilmember

7.04 (formerly Item 6.15) CC Resolution 04-0352 certifying the Final Environmental Impact Report (FEIR6-03), adopting the Findings, Mitigation Monitoring, and Reporting Program for the Wastewater Collection System 9 Project, and approving related discretionary actions including the rights-of-way acquisitions for the Wastewater Collection System 9, Project No. 02-14. (PW) (Pages 174 – 179) (06:44 PM)

Deputy Public Works Director Barry O'Regan gave the staff report and Powerpoint presentation (filed) (06:44 PM)

Attorney Ken Meleyco spoke on behalf of the Morada Association. (06:49 PM)
Mayor Podesto and Councilmember Giovanetti commented under this item.

Motion: Approve 7.04 (formerly Item 6.15) CC Certifying the Final Environmental Impact Report (FEIR6-03), adopting the Findings, Mitigation Monitoring, and Reporting Program for the Wastewater Collection System 9 Project, and approving related discretionary actions including the rights-of-way acquisitions for the Wastewater Collection System 9, Project No. 02-14. (PW)
Moved by Nomura, Vice-Mayor, seconded by Giovanetti, Councilmember.
Vote: Carried 5-2.
Yes: Podesto, Mayor; Nomura, Vice-Mayor; Ruhstaller, Councilmember; Martin, Councilmember; Giovanetti, Councilmember
No: Bestolarides, Councilmember; Nickerson, Councilmember

7.01 CC EMERGENCY COMMUNICATIONS SYSTEM (06:57 PM)

a) Amend Chapter 8 of the Stockton Municipal Code by adding Part VII, Sections 8-200 through 8-290 to establish an Emergency Communications System Access Fee to finance Improvements and operations
of the City's 911 Emergency Communications System; and,
    Ordinance 011-04 C.S., effective July 8, 2004

b) Amend the 2004-05 Fee Schedule to add the Emergency Communications System Access Fee
    Resolution 04-0353

City Manager Mark Lewis gave an overview on this item and Powerpoint Presentation (filed). (06:57 PM)

Chief of Police Mark Herder reported on Police Dispatch Problems to Solve. (06:58 PM)
Nomura, Vice-Mayor joined the meeting at 06:59 PM
Nomura, Vice-Mayor left the meeting at 06:57 PM

Fire Chief Gary Gillis reported on Fire Dispatch Problems to Solve. (07:05 PM)
Councilmember Ruhstaller commented under this section.

City Manager Lewis gave an overview on the Ordinance and Fee and Revenue. (07:11 PM)

The following individuals commented under this section:
    Mayor Podesto
    Program Manager Mark Parrot
    Councilmember Bestolarides
    Councilmember Giovannetti
    Councilmember Ruhstaller

City Manager Lewis reported on Telephone Company Contacts and Input. (07:22 PM)

The following individuals from the public spoke under this item:
Kathy Hulse, SBC External Affairs (07:24 PM)
    Greg Turner, General Counsel for California Taxpayers Association (07:25 PM)
    Dr. Dale Stocking, spoke as an individual. (07:30 PM)
    Ursula Meyer (07:35 PM)
    Councilmember Martin (07:39 PM)
    Interim City Attorney Jayne Williams (07:40 PM)

The following members of the Council spoke:
    Mayor Podesto
    Councilmember Giovannetti
    Councilmember Ruhstaller
    Councilmember Bestolarides
    Vice Mayor Nomura
(07:46 PM)

Motion: Approve
7.01) CC EMERGENCY COMMUNICATIONS SYSTEM, adding that after a five year time period the fee
would be reduced to one dollar ($1.00) with the opportunity to reevaluate the fee, and the trunk lines fee
should reduce proportionately as well.

Moved by Giovannetti, Councilmember, seconded by Ruhstaller, Councilmember.
Vote: Carried 4-3.
Yes: Nomura, Vice-Mayor; Nickerson, Councilmember; Martin, Councilmember; Giovannetti,
    Councilmember
No: Podesto, Mayor; Bestolarides, Councilmember; Ruhstaller, Councilmember

8. NEW BUSINESS (08:21 PM)
8.01 CC STOCKTON’S NEW ENERGY EFFICIENCY PROGRAM - “STOCKTON’S SMART ENERGY PROGRAM” – Steve Carrigan, Economic Development Director  
(08:21 PM)

Powerpoint Presentation by Economic Development Director Steve Carrigan and Carey Madill, Director Government Relations, Pacific Gas and Electric Company (filed). (08:21 PM)  
NO ACTION TAKEN/NECESSARY - INFORMATION ONLY

9. PUBLIC HEARINGS (08:30 PM)

9.01 CC Joint City Council/Public Financing Authority Hearing to consider public comments/testimony regarding the Stockton Public Financing Authority Lease Revenue Bonds, Series 2004 (Parking and Capital Projects).

City Council Action: Approve proceedings to finance two new parking facilities and various other capital projects and approve the issuance and sale of lease revenue bonds by the Stockton Public Financing Authority for such purpose and approve all related documents and official actions.

NOTE: Public Financing Authority Agenda Item 7.01 will be heard jointly. (H&RD) (Pages 209 – 215 (08:30 PM)

Mayor Podesto declared the hearing open at (08:30 PM)

Director of Housing and Redevelopment Director Steve Pinkerton gave the staff report and Powerpoint presentation (filed). (08:30 PM)

Councilmember Bestolarides commented on this item.

Mayor Podesto declared the hearing closed at (08:37 PM)

Motion: Approve 9.01 CC Joint City Council/Public Financing Authority Hearing to consider public comments/testimony regarding the Stockton Public Financing Authority Lease Revenue Bonds, Series 2004 (Parking and Capital Projects).

Public Finance Authority Action: Resolution PF04-02

City Council Action: Resolution 04-0354 approving proceedings to finance two new parking facilities and various other capital projects and approving the issuance and sale of lease revenue bonds by the Stockton Public Financing Authority for such purpose and approving all related documents and official actions.

Moved by Nomura, Vice-Mayor, seconded by Giovanetti, Councilmember.

Vote: Carried 7-0.

Yes: Podesto, Mayor; Bestolarides, Councilmember; Nomura, Vice-Mayor; Nickerson, Councilmember; Ruhstaller, Councilmember; Martin, Councilmember; Giovanetti, Councilmember

9.02 CC Hearing to consider public comments/testimony regarding the proposed SEABREEZE II Annexation to Seabreeze Unit 1 Zone E-3 Stockton Consolidated Landscape Maintenance Assessment District No. 96-2.

NOTE: At the conclusion of the public hearing, assuming that the annexation ballots voted in favor of annexation and the levy of an annual maintenance assessment exceeded those voted against the annexation and levy of an annual maintenance assessment, a resolution be adopted overruling all protests, annexing territory to Zone E-3, approving the Engineer's Report, and ordering a levy of an annual assessment for costs of operation and maintenance of improvements in Zone E-3, Seabreeze Unit No. 1, of the Stockton Consolidated Landscape Maintenance Assessment District No. 96 2, confirm the maximum annual assessment in the amount of $521.00 per dueF (dwelling unit equivalent Factor), subject to an annual escalator, for costs, operation and maintenance of improvements, and levying a fiscal year 2004-2005 actual assessment in the amount of $272.00 per dueF. (P&R) (Pages 216 – 224) (08:38 PM)

Mayor Podesto announced that Councilmember Bestolarides would be stepping down on this item. (08:38 PM)

Mayor Podesto declared the hearing open at (08:38 PM)
Program Manager David Kroll gave the staff report and PowerPoint presentation (filed). (08:39 PM)

Mayor Prodesto declared the hearing closed at (08:40 PM)

Assistant City Clerk Karen Rosson declared the results of the ballots:
Total Assessment Ballots Cast YES: $103,679.00
Total Assessment Ballots Cast NO: -0-
Total Assessment Ballots Cast: $103,679.00 (100% of the total assessment ballots cast) (08:40 PM)

Motion: Approve 9.02 CC Resolution 04-0355 overruling all protests, annexing territory to Zone E-3, approving the Engineer’s Report, and ordering a levy of an annual assessment for costs of operation and maintenance of improvements in Zone E-3, Seabreeze Unit No. 1, of the Stockton Consolidated Landscape Maintenance Assessment District No. 96 2, confirming the maximum annual assessment in the amount of $521.00 per dueF (dwelling unit equivalent Factor), subject to an annual escalator, for costs, operation and maintenance of improvements, and levying a fiscal year 2004-2005 actual assessment in the amount of $272.00 per dueF. (P&R)

Moved by Ruhstaller, Councilmember, seconded by Martin, Councilmember.
Vote: Carried 6-0.
Yes: Prodesto, Mayor; Nomura, Vice-Mayor; Nickerson, Councilmember; Ruhstaller, Councilmember; Martin, Councilmember; Giovanetti, Councilmember
Abstain: Bestolarides, Councilmember

10. COUNCIL/REDEVELOPMENT AGENCY COMMENTS AND COMMITTEE REPORTS (08:42 PM)

Mayor Prodesto (CM to follow up) (08:42 PM)

1. Mayor Prodesto referred to an e-mail about people stealing garbage cans from neighbors. Public Works is dealing with this issue.
2. He referred an item involving seniors at the Siefert Center to the City Manager.
3. He referred an item that was sent to all State Mayors requesting a condolence book for former President Ronald Reagan that will be kept at the Reagan Library to the City Manager.
4. He asked that research done on the surveys related to fire inspection fees be followed up by the City Manager to ascertain if the fees are charged annually or monthly.
5. He requested that the Council adjourn the meeting in memory of Camila Carido, Vice Mayor Nomura’s mother. He added that after reading about her he can see where the Vice Mayor gets her “feistiness.” He requested that the meeting also be adjourned in memory of former President Ronald Reagan. He also asked that the Council consider another issue. Noting that President Reagan in his early life was a sportscaster, he suggested that the Retail District be renamed Ronald Reagan Plaza. He asked that the future Council and Mayor-elect Chavez consider raising funds to erect a bronze statue there.

Councilmember Martin (08:45 PM)

1. Councilmember Martin said that she was copied on a letter from a Ms. Townes regarding gutters.
2. She asked that the City Attorney investigate a citizen’s complaint regarding towing of their buses and inform her of the outcome.

Councilmember Giovanetti (CM to follow up) (08:45 PM)

1. Councilmember Giovanetti recounted that the Council had been given a presentation by Fire Chief Gary Gillis about the proposed North Station, a timetable, and budget constraints. The Councilmember proposed that the planning process continue and that all preliminary work be done. He said that he wanted to ensure that this project is moving forward. The City Manager responded that this is being done and he will provide a progress report.

2. Councilmember Giovanetti asked that tonight’s meeting also be adjourned in memory of a long time family friend, Richard Silver.
3. Referring to an editorial comment regarding a fee increment, he said that this is really the City's future as the development occurring will provide a tax increment that will pay huge dividends, besides the spinoff to new businesses that will surround the new events center and other redevelopment projects.

Vice Mayor Nomura (08:47 PM)
1. Vice Mayor Nomura thanked everyone for the kindness shown to her family during this difficult time.

2. She referred to a complaint from a constituent that at 1210 Lever Boulevard a residence is being rented to 6 or 7 single men and there is a problem with parking. The City Manager responded that this situation will be investigated.

3. She wished everyone a safe and successful trip to Atlanta.

4. She reminded all Edison graduates that the multi-class reunion will be held Saturday, June 26 and the absolute deadline for reservations is June 17. This is open to all former students.

Councilmember Bestolarides (08:49 PM)
1. Councilmember Bestolarides announced that he will not be attending the meetings of July 6 and 13 as he will be on vacation.

2. He commended the City Manager for the excellent cleaning and waxing of the Chamber lobby floor.

Mayor Podesto (CM to follow up) (08:49 PM)
The Mayor noted that all schools had been contacted by the Police Chief about Police School Resource Officers and responses were to be submitted by today. The City Manager said he would provide a report.

Councilmember Giovanetti (08:50 PM)
Councilmember Giovanetti announced that this Sunday is the second annual Children's Museum Bocce Challenge. This is by invitation only and will have twenty-two teams this year, including public safety. It is the primary fundraiser for the Museum and will be held at the Italian Athletic Club. He noted that the National Bocce Tournament Finals were just held at the club and a local woman won a gold medal.

11. ADJOURNMENT (08:51 PM)
In memory of former President Ronald Reagan, Camila Carido, and Richard Silver.

\[Signature\]

KATHERINE GONG MEISSNER
CITY CLERK OF THE CITY OF STOCKTON
SECRETARY REDEVELOPMENT AGENCY

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