MINUTES
CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY
JULY 13, 2004

CITY HALL
CITY COUNCIL CHAMBERS
STOCKTON, CALIFORNIA

C-1. CC/RD CALL TO ORDER / ROLL CALL - 4:30 P.M.
Roll Call
Present:
Podesto, Mayor
Nomura, Vice-Mayor
Nickerson, Councilmember
Ruhstaller, Councilmember
Martin, Councilmember
Giovanetti, Councilmember

Absent:
Bestolarides, Councilmember

C-2. CC/RD ANNOUNCEMENT OF CLOSED SESSION
C-2.1) PERSONNEL MATTERS/PUBLIC EMPLOYEE APPOINTMENT
Title: City Attorney Candidate(s)

This Closed Session is authorized pursuant to section 54957 of the Government Code.

C-2.2) CONFERENCE WITH LABOR NEGOTIATOR
Agency Negotiators: City Council
Unrepresented employee: City Attorney

This Closed Session is authorized pursuant to Section 54957.6(a) of the Government Code.

C-3. CC/RD ADJOURN TO CLOSED SESSION - 4:30 P.M.
The Council returned from closed session and recessed at 5:00 p.m.

1. CC/RD CALL TO ORDER/ROLL CALL (05:32 PM)
Roll Call (05:32 PM)
Present:
Podesto, Mayor
Nomura, Vice-Mayor
Nickerson, Councilmember
Ruhstaller, Councilmember
Martin, Councilmember
Giovanetti, Councilmember

Absent:
Bestolarides, Councilmember

AGENDA ITEM 6.16
2. CC/RD REPORT OF ACTION TAKEN IN CLOSED SESSION (05:32 PM)

Mayor Podesto announced that the Council reached an agreement with Ren Nosky to be the new City Attorney, effective September 1, 2004; the contract will be forthcoming to the Council for approval. Mr. Nosky served as City Attorney for Salinas since 2002, and has also served in the private sector.

3. INVOCATION/PLEDGE TO FLAG - Councilmember Giovanetti/Vice Mayor Nomura (05:33 PM)

4. PROCLAMATIONS/COMMENDATIONS/CITY ANNOUNCEMENTS OR INVITATIONS (05:34 PM)

4.01) CC Second Annual Bocce Challenge Winners
Attorney's Division - Neumiller and Beardslee
Banker's Division - Bank of Agriculture and Commerce
Developer's Division - The Groupe Company
Health Division - Health Plan of San Joaquin
Municipal Utilities - Port of Stockton
Public Safety Division - San Joaquin County Deputy's Sheriff Association

5. CITIZENS' COMMENTS, ANNOUNCEMENTS OR INVITATIONS (05:39 PM)

Tino Adame (05:40 PM)

Mr. Adame introduced Julie Johnson, adjutant of the Karl Ross Post, who requested that the flag be flown half staff through Friday, when Spc. William Emanuel will be buried. Mr. Adame, on behalf of Karl Ross Post and its members, thanked the Council for its support of the troops and the respect given to family members. Mayor Podesto noted that the flag is currently at half staff, and, as has been done in the past, discussion will occur with developers to have a street named after Mr. Emanuel.

Tocan Nguyen (05:41 PM)

Ms. Nguyen continued her allegations of conspiracy and protested the City's status as All America City. She also continued her complaints of being tortured by minorities in her motel room and voiced her condemnation of various government agencies and officials.

Justin Mendoza (05:46 PM)

Mr. Mendoza, a passenger of the San Joaquin Regional Transit District (SJRTD), discussed his issues with the Transit District. He reported that he had scheduled a meeting with the Director of Service Development to discuss service development issues related to Route 21, serving Manteca, Stockton, and Ripon. He claimed he was "ambushed" as the one-on-one meeting turned into a three-on-one meeting. He said that he brought up the delapidated conditions of the coaches, coaches that stop on the freeway, unruly students, unsafe routes, and there was a lack of response, but he was told that he was doing "racial profiling." He said that he would ask for resignation of the person who made the comment. He reported that he has written a letter to Donna Kelsey and would send copies to the County Board of Supervisors and the Council. He said that he holds the City accountable because the City appoints two of the SJRTD Directors. Mr. Mendoza also complained that the District is not providing adequate shuttle service for drivers to relieve buses.
6. CC/RD CONSENT AGENDA
City Council: 6.04*, 6.02, 6.03, 6.04, 6.05, 6.06, 6.08, 6.09, 6.10, 6.11
Redevelopment Agency: 6.12, 6.13*, 6.14*** (05:51 PM)

Mayor Podesto announced that he had received a "request to speak" on Item 6.01 so it will be removed from the Consent Calendar. He said that Item 6.14 will also be pulled.

6.01) CC Authorize the City Manager to execute on behalf of the City of Stockton a five year contract with DELTA WIRELESS of Stockton to provide radio communications and systems support services for an annual amount of $264,000. (AS) (Pages 1 – 26) (05:52 PM)

*This item was removed from consent and heard as Agenda Item 7.01 under New Business

6.02) CC Resolution 04-0536 ratifying the previous payments to SOFTFILE of $21,892.68 and authorizing an additional payment of $15,057.72 for a total of $36,950.40 for microfilming of services of residential building plans and establishment of an exemption to the competitive bidding process. (CD) (Pages 26 – 32)

6.03) CC Resolution 04-0537 amending the Memorandum of Understanding between the City of Stockton and OPERATING ENGINEERS’ LOCAL NO. 3 for new terms and conditions of employment for contract period January 1, 2004 through June 30, 2006. (HR) (Pages 33 – 83)

6.04) CC Resolution 04-0538 amending the Memorandum of Understanding between the City of Stockton and the Stockton Professional Fire Fighters Local Union 456, effective July 1, 2003 through December 15, 2007, by providing for a separate probationary period for the Emergency Medical Transportation Technician (Nonsworn) Classification; and ratifying the execution of the Letter of Understanding dated December 3, 2003. (HR) (Pages 90 – 98)

6.05) CC WEBER GROVE ASSESSMENT DISTRICT ZONE A-8 STOCKTON CONSOLIDATED LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 96-2

a) Resolution 04-0539 of Preliminary Determination Proposing the Formation of a Maintenance Assessment District, to Levy an Annual Assessment for Costs Incurred and Preliminary Approval of Engineer’s Report; and,

b) Resolution 04-0540 of Intention Ordering the Formation of a Maintenance Assessment District, to Levy and Collect an Annual Assessment for Maintenance and Operation of Improvements and for Costs and Expenses and Scheduling a Public Hearing and Setting Forth Mailed Property Owner Ballot Procedure and Notice. (Hearing will be held September 14, 2004.) (P&R) (Pages 99 – 106)

6.06) CC ANNEXATION OF ELKHORN COUNTRY CLUB ESTATES AND BECK FARMS TO NORTH STOCKTON PROJECTS ZONE C-2 OF THE STOCKTON CONSOLIDATED LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 96-2

a) Resolution 04-0541 of Preliminary Determination Annexing Territory to a Maintenance Assessment District, to Levy an Annual Assessment for Costs Incurred and Preliminary Approval of Engineer’s Report; and,

b) Resolution 04-0542 of Intention Ordering the Formation of a Maintenance Assessment District, to Levy and Collect an Annual Assessment for Maintenance and Operation of Improvements and for Costs
6.07) **CC Resolution 04-0543** authorizing the City Manager to sign the Agreement with STOCKTON EAST WATER DISTRICT, the CALIFORNIA WATER SERVICE, the LINCOLN VILLAGE MAINTENANCE DISTRICT, and the COLONIAL HEIGHTS MAINTENANCE DISTRICT in order to confirm local funding of the Peters Pipeline Project. (MUD) (Pages 114 – 129)

6.08) **CC Resolution 04-0544** approving payment, in the amount of $42,500, for settlement of the WILLIAMS v. City of Stockton, et al. (Superior Court Case No. CV014251) lawsuit. (CA) (Pages 130 – 131)

6.09) **CC Resolution 04-0545** accepting the partially completed public improvements for maintenance by the City of Stockton for SEABREEZE, Unit No. 1–Tract No. 3344, located south of Industrial Drive, north of Little John Creek, and west of State Route 99. (PW) (Pages 132 – 134)

6.10) **CC Resolution 04-0546** authorizing execution of the VILLA ANTINORI ESTATES, Unit No. 1–Tract no. 3322 subdivision (located north of Morada Lane and west of Holman Road) agreement, accepting on behalf of the public all offers of dedication, and authorizing recordation of the map and include the approval of the segregation of assessments. (PW) (Pages 135 – 145)

6.11) **CC Resolution 04-0547** accepting the completed public improvements for maintenance by the City of Stockton for the WATERFORD ESTATES EAST, Unit No. 6–Tract No. 3320 subdivision located south of Eight Mile Road and west of Davis Road. (PW) (Pages 146 – 148)

6.12) **CC/RD APPROVAL OF MINUTES OF CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING HELD JUNE 22, JUNE 29 AND SPECIAL CITY COUNCIL MEETING HELD JUNE 23, 2004.** (CC) (Pages 149 – 160)

6.13) **CC Authorize a First Amendment to the Agreement between the City of Stockton and Stockton/San Joaquin Asparagus Festival Inc., to provide certain services and staff resources in support of the Festival.** (GM)

   ***This item was removed from the Agenda.***

6.14) **CC Authorize and direct the City Manager to process applications for: (1) City of Stockton 2004 Sphere of Influence (SOI) Amendment No. 2, including privately initiated and City-initiated SOI amendments and related agreements for selected properties; and (2) an Initial Study/Negative Declaration for the City of Stockton 2004 SOI Amendment No. 2 for properties located north of the City’s existing Sphere of Influence boundaries. The privately-initiated SOI applications are for properties owned by Carl Thompson Jr. APN 056-240-02 (415.23 acres) and 056-240-07 (0.86 acres) and Robert E. Loughland, et al. APN 056-220-26 (1416.23 acres). The City-initiated SOI amendments are for properties owned by Stockton Cellular Telephone APN 056-240-01 (6.0 acres) and Helen Stefan, Trustee APN 056-240-02 (9.0 acres). (CD) (06:02 PM)

   ***This item was removed from Consent and heard as Agenda Item 7.02, Unfinished Business.***

Motion: Approve 6. CC/RD CONSENT AGENDA
City Council: 6-0
Redevelopment Agency: 6-12, 6-14

Note: 6.01 and 6.14 were removed from the consent calendar and heard as Items 7.01 and 7.02 respectively. Item 6.13 was removed from the agenda.

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

Vote: Motion carried 6-0.
Yes:
Podesto, Mayor; Nomura, Vice-Mayor; Nickerson, Councilmember; Ruhstaller, Councilmember; Martin, Councilmember; Giovanetti, Councilmember

Absent:
Bestolarides, Councilmember

7. UNFINISHED BUSINESS (05:51 PM)

7.01 (formerly Item 6.01) CC Resolution 04-0548 authorizing the City Manager to execute on behalf of the City of Stockton a five year contract with DELTA WIRELESS of Stockton to provide radio communications and systems support services for an annual amount of $264,000. (AS) (pages 1 – 25) (05:52 PM)

The following individuals spoke on this item:
Steve Finch, General Manager, Lagorio Communications
Mayor Podesto (05:54 PM)

Mayor Podesto asked questions about this contract to which Administrative Services Director Mark Moses responded. (06:01 PM)

Motion: Approve 7.01 (formerly Item 6.01) CC Authorizing the City Manager to execute on behalf of the City of Stockton a five year contract with DELTA WIRELESS of Stockton to provide radio communications and systems support services for an annual amount of $264,000 with a review by John LaRue in 60 days to see if he concurs with the City’s process and procedures. (AS)
Moved by Podesto, Mayor, seconded by Nomura, Vice-Mayor.
Vote: Motion carried 6-0.
Yes:
Podesto, Mayor; Nomura, Vice-Mayor; Nickerson, Councilmember; Ruhstaller, Councilmember; Martin, Councilmember; Giovanetti, Councilmember

Absent:
Bestolarides, Councilmember

Item 7.02 (formerly Item 6.14) CC Resolution 04-0549 authorizing and directing the City Manager to process applications for: (1) City of Stockton 2004 Sphere of Influence (SOI) Amendment No. 2, including privately-initiated and City-initiated SOI amendments and related agreements for selected properties; and (2) an Initial Study/Negative Declaration for the City of Stockton 2004 SOI Amendment No. 2 for properties located north of the City’s existing Sphere of Influence boundaries. The privately-initiated SOI applications are for properties owned by Carl Thompson Jr. – APN 055-310-03 (645.33 acres) and 055-310-07 (0.85 acres) and Robert E. Lauchland, et al. – APN 055-220-36 (145.33 acres). The City-initiated SOI amendments are for properties owned by Stockton Cellular Telephone – APN 055-310-01 (5.0 acres) and Helen Stefani, Trustee – APN 055-310-02 (5.0 acres). (CD) (06:02 PM)

Mayor Podesto and Councilmember Ruhstaller asked questions about this item.
Community Development Director Jim Glaser responded to the questions. (06:03 PM)

Mayor Podesto explained why he would not be supporting this item. (06:06 PM)

Councilmember Giovanetti spoke on this item and explained why he would be supporting this item. (06:06 PM)

Councilmember Martin spoke on this item. (06:07 PM)

Motion: Approve Item 7.02 (formerly Item 6.14) CC Authorizing and directing the City Manager to process applications for: (1) City of Stockton 2004 Sphere of Influence (SOI) Amendment No. 2,
including privately-initiated and City-initiated SOI amendments and related agreements for selected properties; and (2) an Initial Study/Negative Declaration for the City of Stockton 2004 SOI Amendment No. 2 for properties located north of the City’s existing Sphere of Influence boundaries. The privately-initiated SOI applications are for properties owned by Carl Thompson Jr. – APN 055-310-03 (645.33 acres) and 055-310-07 (0.85 acres) and Robert E. Lauchland, et al. – APN 055-220-36 (145.33 acres). The City-initiated SOI amendments are for properties owned by Stockton Cellular Telephone – APN 055-310-01 (5.0 acres) and Helen Stefani, Trustee – APN 055-310-02 (5.0 acres). (CD) Moved by Giovanetti, Councilmember, seconded by Ruhstaller, Councilmember.

Vote: Motion carried 5-1.

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

No:
Podesto, Mayor

Absent:
Bestolarides, Councilmember

8. NEW BUSINESS (06:08 PM)

8.01) Magnolia Midtown Action Team (MMAT) (CM)
Deputy City Manager Christine Tien gave the report with the aid of the Powerpoint presentation (filed). (06:08 PM)

Robert Benedetti, Jacoby Center, gave the second part of the presentation (06:11 PM)

Linda Derivi gave the third part of the presentation. (06:16 PM)

The following Councilmembers spoke on this item:
Councilmember Giovanetti
Mayor Podesto
Councilmember Ruhstaller (06:21 PM)

Martin, Councilmember left the meeting at 06:24 PM
Martin, Councilmember joined the meeting at 06:24 PM

Handout entitled "Currently Proposed Incentives" and "Additional Optional Incentives" filed.

8.02) CC GARBAGE CONTRACT UPDATE (06:30 PM)

Public Works Director James Giottonini gave the staff update with the aid of a powerpoint presentation. (06:30 PM)

Mike Witt, Waste Management - Stockton Scavenger, also gave an update. (06:39 PM)

Kevin Basso, Sunrise Sanitation gave an update. (06:37 PM)

9. PUBLIC HEARINGS (06:46 PM)

9.01) CC Hearing to consider public comments/testimony regarding the preliminary approval of the STOCKTON CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT NO. 96-2. (06:46 PM)

NOTE: At the conclusion of the public hearing a resolution will be available for Council’s consideration to approve and adopt the above amended District’s Annual Engineer’s Report for the 2004-2005 Fiscal
Year, which contains the annual budget, and confirm and levy assessments for Zones A-1, A-2, A-3, A-4, A-5, A-6, B-1, B-2, B-3, B-5, C-1, C-2, C-3, C-4, D-1, D-3, D-4, and E-1 of the above District. (P&R) (Pages 161 – 176)

Mayor Podesto opened the public hearing. (06:46 PM)

THE AFFIDAVIT OF PUBLICATION IS ON FILE IN THE OFFICE OF THE CITY CLERK.

Parks and Recreation Director Pam Sloan introduced Project Manager David Kroll, who gave the staff report and filed the powerpoint presentation. (06:46 PM)

Mayor Podesto closed the public hearing. (06:48 PM)

Motion: Approve Resolution 04-0550 adopting the Annual Engineer’s report and levying assessments for Fiscal Year 2004-2005.
Moved by Nomura, Vice-Mayor, seconded by Martin, Councilmember.
Vote: Motion carried 6-0.
Yes:
Podesto, Mayor; Nomura, Vice-Mayor; Nickerson, Councilmember; Ruhstaller, Councilmember; Martin, Councilmember; Giovanetti, Councilmember

Absent:
Bestolarides, Councilmember

9.02) CC Hearing to consider public comments/testimony regarding adoption of the Drinking Water Public Health Goals 2004 Report. (MUD) (Pages 177 – 204) (06:48 PM)

Mayor Podesto opened the public hearing. (06:49 PM)

THE AFFIDAVIT OF PUBLICATION IN ON FILE IN THE OFFICE OF THE CITY CLERK.

Mark Madison gave the staff report with the aid of the powerpoint presentation. (06:49 PM)

Wyatt Troxel, OMI Thames gave the second part of the presentation. (06:50 PM)

Podesto, Mayor left the meeting at 06:53 PM
Podesto, Mayor joined the meeting at 06:53 PM

Mayor Podesto closed the public hearing. (06:55 PM)

Motion: Approve 9.02) CC Resolution 04-0551 adopting the Drinking Water Public Health Goals 2004 Report. (MUD)
Moved by Nomura, Vice-Mayor, seconded by Martin, Councilmember.
Vote: Motion carried 6-0.
Yes:
Podesto, Mayor; Nomura, Vice-Mayor; Nickerson, Councilmember; Ruhstaller, Councilmember; Martin, Councilmember; Giovanetti, Councilmember

Absent:
Bestolarides, Councilmember
Redevelopment Agency Action:
Consider adoption of resolution certifying the EIR, making findings under CEQA, adopting a mitigation monitoring program, and adopting a Statement of Overriding Considerations.

Motion: Approve Resolution R04-028 certifying the EIR, making findings under CEQA, adopting a mitigation monitoring program, and adopting a Statement of Overriding Considerations.

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

Vote: Motion carried 6-0.

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

Absent:
Bestolarides, Councilmember

City Council Action:
1. Consider adoption of a resolution making written findings in response to each written objection to the Redevelopment Plan made prior to the close of the public hearing pursuant to Health and Safety Code Section 33363 (California Community Redevelopment Law).

Motion: Approve Resolution 04-0552 making written findings in response to each written objection to the Redevelopment Plan made prior to the close of the public hearing pursuant to Health and Safety Code Section 33363 (California Community Redevelopment Law).

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

Vote: Motion carried 6-0.

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

Absent:
Bestolarides, Councilmember

2. Consider adoption of resolution certifying the EIR, making findings under CEQA, adopting a mitigation monitoring program, and adopting a Statement of Overriding Considerations.

Motion: Approve Resolution 04-0553 certifying the EIR, making findings under CEQA, adopting a mitigation monitoring program, and adopting a Statement of Overriding Considerations.

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

Vote: Motion carried 6-0.

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

Absent:
Bestolarides, Councilmember
3. Consider ordinance adopting North Stockton Redevelopment Plan. (H&RD) (06:59 PM)

Motion: Approve Ordinance 012-04 (effective 08/12/04) adopting North Stockton Redevelopment Plan. (H&RD)
Moved by Nomura, Vice-Mayor, seconded by Giovanetti, Councilmember.
Vote: Motion carried 6-0.
Yes:
Podesto, Mayor; Nomura, Vice-Mayor; Nickerson, Councilmember; Ruhstaller, Councilmember; Martin, Councilmember; Giovanetti, Councilmember

Absent:
Bestolarides, Councilmember


Redevelopment Agency Action:
Consider resolution adopting findings relative to agricultural land in the redevelopment project area. (06:59 PM)

Motion: Approve Resolution R04-029 adopting findings relative to agricultural land in the redevelopment project area.
Moved by Nomura, Vice-Mayor, seconded by Martin, Councilmember.
Vote: Motion carried 6-0.
Yes:
Podesto, Mayor; Nomura, Vice-Mayor; Nickerson, Councilmember; Ruhstaller, Councilmember; Martin, Councilmember; Giovanetti, Councilmember

Absent:
Bestolarides, Councilmember

City Council Action:
1. Consider adoption of a resolution making written findings in response to each written objection to the Redevelopment Plan made prior to the close of the public hearing pursuant to Health and Safety Code Section 33363 (California Community Redevelopment Law). (07:02 PM)

Motion: Approve Resolution 04-0554 making written findings in response to each written objection to the Redevelopment Plan made prior to the close of the public hearing pursuant to Health and Safety Code Section 33363 (California Community Redevelopment Law).
Moved by Nomura, Vice-Mayor, seconded by Giovanetti, Councilmember.
Vote: Motion carried 6-0.
Yes:
Podesto, Mayor; Nomura, Vice-Mayor; Nickerson, Councilmember; Ruhstaller, Councilmember; Martin, Councilmember; Giovanetti, Councilmember

Absent:
Bestolarides, Councilmember

City Council Action:
2. After Agency consideration of resolutions listed below and adoption of resolution making written
responses and findings related to each written objection; consider ordinance adopting Rough and Ready Redevelopment Plan. (H&RD)(Pages 321-329) (07:02 PM)

Motion: Approve Ordinance 013-04 (effective 08/12/04) adopting Rough and Ready Redevelopment Plan.
Moved by Nomura, Vice-Mayor, seconded by Giovanetti, Councilmember.
Vote: Motion carried 6-0.
Yes:
Podesito, Mayor; Nomura, Vice-Mayor; Nickerson, Councilmember; Ruhstaller, Councilmember; Martin, Councilmember; Giovanetti, Councilmember

Absent:
Bestolarides, Councilmember

10. COUNCIL/REDEVELOPMENT AGENCY COMMENTS AND COMMITTEE REPORTS
(07:03 PM)

Mayor Podesito requested that the meeting be adjourned this evening "in memory of our latest lost hero fighting in Iraq, William Emanuel."

Councilmember Martin (07:04 PM)

1. Councilmember Martin noted that a new City Attorney has been hired. She addressed Interim City Attorney Jayne Williams, stating "I have truly appreciated your services. You have done Stockton a great service with the work you have done as our Interim City Attorney and I am very saddened to think that you may be leaving."

2. She noted that the Council as it stands has six more months and she is looking forward to working with everyone and accomplishing many things between now and the end of the year.

Councilmember Ruhstaller (CM to follow up) (07:05 PM)

1. Councilmember Ruhstaller referred to a complaint from a person just south of his district on the corner of Harding Way and Center Street dealing with the McDonald's that has recently re-opened and is unfortunately open 24 hours a day, not so good for the nearby residents as they must listen to the boom boxes from patrons' cars in the early morning. City Manager Lewis said that he would ensure that Code Enforcement and the Police Department follow up.

2. The Councilmember noted that First Baptist Church is completing their new school at El Dorado and Center Streets. He said the Traffic Department should ensure that West Stadium Drive does not become a cut-through.

3. He referred to an article stating that San Jose is home to the world's first green library. He said that as long as the City is building new libraries, new fire stations, etc. it would make sense to build as efficiently as possible. He distributed copies of several articles.

4. Councilmember Ruhstaller said he believes that if Morada residents do not wish to be within the Sphere of Influence of the City and wish to remain separate, they should be granted that wish. He said that he would support this position when it comes before GPAT.

5. Referring to a Grand Jury report that he says dovetails with the rental property ordinance being considered, he said he would like the ordinance to be completed before he leaves office. He noted that The Record had published letters from three rental property owners about their concerns. He said that this ordinance has been discussed for a long time and he would like the final meeting to be held right
after Labor Day so the ordinance can be brought before the Council and debated in full with all parties involved. Mayor Podesto asked if it was correct that Fire Inspections for rental property were not approved in the budget and no one is presently being billed for those inspections. The City Manager said he was sure this is correct but he would confirm. The Mayor added that he received an e-mail stating that the City has not responded to calls.

6. Councilmember Ruhstaller said he received two separate letters about a tow company and “the inability to be good neighbors.” He said this is indicative of problems with companies that do not have adequate storage for tows or well maintained equipment that does not leak onto streets. Mr. Lewis reported that City staff have met with the attorney representing the tow company and will be scheduling a meeting with the Council committee.

7. Councilmember Ruhstaller referred to a letter in The Record about the fireworks held on the Fourth of July stating that while the fireworks were the best ever, there was a problem with people parking on Madison Street across from the school that had been posted as "No Parking." As the fireworks started, people parked in front of the spectators. He said that a way must be found to police "No Parking" areas.

Vice Mayor Nomura (CM to follow up) (07:14 PM)

1. Vice Mayor Nomura referred to a positive letter written on July 11 by a woman who stated she is very impressed with the changes in the Downtown, commenting that she would not have previously gone Downtown except for a jury summons. She attended a midnight showing of Spiderman II, and was very impressed with all the improvements.
2. The Vice-Mayor requested a report on the Asparagus Festival and the City’s involvement related to costs and the budget. Mr. Lewis said this would be forthcoming.

Mayor Podesto (CM to follow up) (07:15 PM)

1. Mayor Podesto said that he thought that during the budget study session when there was discussion of staffing a Northeast Fire Station that the information presented stated that the staffing budget would begin in February. He said that he has since been told that this did not occur because the action would have required a resolution. Mr. Lewis said that he recalled that the Council's request was to get the process started, design the station, and order the equipment. The actual staffing would require coming back before the Council with an financial plan. The Mayor asked if this should have occurred in February and requested that the Council be updated. He added that the Council had also requested updates every two weeks on negotiations related to the eminent domain of properties on Fremont Street.

2. Mayor Podesto voiced his concern over another issue related to dedicating a koi pond in DeCarli Square to the Takeuchis because Mr. DeCarli and Mr. Takeuchi were part of the Sister City relationship 45 years ago. He said that he was approached by a person about building the pond at Pixie Woods and emphatically told the person that the Pixie Woods location was unacceptable because it does not tie in with the Sister City relationship. However, he said that he read today that the pond and fish were to go in at Pixie Woods tomorrow. He said that he is extremely disappointed as will be the Takeuchis and the 40 visitors from Japan, and he will have to inform them that he was "kept out of the loop."

3. Using the overhead, the Mayor demonstrated an issue with design guidelines. He recounted that he and Councilmember Giovanetti served on the design guidelines team, with the idea being that the guidelines were not to be totally prescriptive; and, unless colors presented were "way out of line," staff was to accept them and move forward. He demonstrated a project and the colors presented, stating that staff said that they did not like the colors and wanted a darker color band. The Mayor said that this was not the intention of design guidelines. In response to Councilmember Martin, he said that while the change was not a "requirement," if changes are not made it seems that it takes longer to get through the process and time is money with development. He said that design guidelines were developed assuming that staff would be trained to handle them but "clearly common sense is missing in this whole area" and it is becoming a burden. He asked that design guidelines be brought back to the Council on August 3 and he will then request that they be suspended until there is confidence that the staff in that department demonstrate the ability and common sense to deal with the intent of the design guidelines. He also asked that the City Manager intervene with the department involved because each time he or a Councilmember
attempt to deal with a complaint about the department there is retaliation aimed at the complainants related to "getting through the system" the next time they approach the department. He said that the last time he attempted to intervene, the proponent of a project was not dealt with in a friendly way at the next meeting. He reminded everyone that the people that approach the department are customers and are paying the wages of each department employee. He added that if this is not understood by certain employees that perhaps they should not be employed in the department.

Councilmember Giovanetti, commenting on the spirit of the design guidelines, stated that in this case it was hoped that the developer would be encouraged to have contrasting colors with depth to the facade. He said that there is a degree of subtle contrast if used properly that would enhance the overall architectural field as opposed to a flat building. The spirit of the guidelines was to encourage the developer to look at attractive alternatives, not to be judged or be required to provide more contrast than was being presented. Mayor Podesta said that the concern now is that authority has been given a "Napoleonic complex" and the problem is that every project will take that much longer or be rejected. He added that these things "should be stamped over the counter." He said he had suggested that the process in Vallejo be reviewed, where a local developer was given a permit in two days for a remodel. He said that while the City could not come close to this time, the department involved had received seven additional staff and now it appears to take seven times longer to get things done. He said that he has a huge concern about the department with regards to customer service as no one seems to recognize that the customer at the counter is "paying their way" and the sooner projects are approved, the sooner the City receives the revenue.

Mr. Lewis said that he would follow up on these issues, especially as related to customer service and "any over-reaction from staff on complaints." The Mayor again emphasized that a training session is needed for that department. Councilmember Runstaller, adding to Councilmember Giovanetti's comments, said that the intent was never intended to create a "Design Tzar" who would dictate every project to the minutest detail. The plan was for the City to have a myriad of different design techniques, colors, architectural features, etc. that would enhance the buildings without adding time and cost.

Vice Mayor Nomura said that design guidelines are extremely important but the intent was to work with people, not to "micro-manage everything." She said she was appalled by the department's treatment of customers because everyone is entitled to be treated with respect. She agreed that customer service training is warranted.

The Mayor noted that the City Clerk's Office was rated highest in customer service. The Vice Mayor added that the City Manager's office also does a good job. She cited other instances which indicated that training is again necessary.

11. ADJOURNMENT (07:27 PM)

Mayor Podesta adjourned the meeting in the memory of William Emanuel, the latest casualty from Stockton in Iraq.

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

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