TO: Mayor and City Council
FROM: Public Works Department
SUBJECT: RESOLUTION: STAGECOACH ROAD REHABILITATION PROJECT
(PROJECT NO. 04-20)

RECOMMENDATION

It is recommended that a resolution be adopted approving plans and specifications and
awarding a contract in the amount of $338,500 to Granite Construction, Inc., for the above
project.

DISCUSSION

Stagecoach Road between Mariposa Road and Farmington Road is in poor condition.
Improvement to Stagecoach Road is a priority as industrial development in the area is
increasing the traffic load on a pavement structure that has already outlived its design life.
The City's pavement management system, which rates pavement condition on a scale of 1
(very poor) to 100 (excellent), rates the condition of Stagecoach Road as a 6. This
indicates that resurfacing techniques such as an overlay or a capseal would not be
effective, and complete base and pavement reconstruction is necessary.

Due to the high cost of conventional reconstruction, which requires removal and
replacement of the pavement structure, staff evaluated alternative techniques for
strengthening the pavement structure. The selected alternative utilizes a cold in-place
recycling process that is referred to as a "cold-foamed asphalt" process. This non-
traditional pavement rehabilitation technique was developed in the United States in the
1960's, but has been primarily used and perfected in South Africa. In last few years, many
agencies, including Caltrans, Yuba County, Yolo County, and the Cities of Davis,
Marysville, Brentwood, Chico and others have completed successful cold-foamed asphalt
projects.

In the cold-foam process, the existing pavement is pulverized into small pieces and then
mixed with the underlying base material and foamed asphalt to produce a strong, thick
base layer. The foamed asphalt is produced by a process in which water is injected into
hot asphalt resulting in spontaneous foaming. The foamed asphalt coats all of the
pulverized rock and base material, and then the foam dissipates leaving the asphalt to bind
the material together. The process recycles the existing pavement and base material,
thereby minimizing trucking and material costs, and is roughly half of the cost of
conventional base reconstruction.
RESOLUTION: STAGECOACH ROAD REHABILITATION PROJECT (PROJECT NO. 04-20) (Page 2)

Under this contract, the existing pavement on Stagecoach Road will be pulverized, graded, foamed and compacted. The contractor will then install a conventional three-inch asphalt overlay. Traffic will be maintained at all times. The estimated construction period is about two weeks.

Present Situation

On Thursday, August 19, 2004, bids were received on the above project with the following results:

Granite Construction, Stockton, CA ....................... $338,500
George Reed, Lodi, CA ...................................... $395,700
RGW Construction, Livermore, CA ....................... $439,200

Engineer's Estimate ........................................... $702,525

The estimate for this work was based on information from contractors and assumed a relatively high asphalt price due to the current fluctuation in oil prices. The submitted bid prices are extremely competitive for this kind of work. The bid submitted by Granite Construction is regular in all respects and meets the City's specifications. They have the proper license for this work. The construction is projected to be completed by late October.

FINANCIAL SUMMARY

Sufficient funds are available in the Measure K Fund (080-9928).

PREPARED BY: Vijay Sinha

Respectfully submitted,

GORDON A. MACKAY
DEPUTY PUBLIC WORKS DIRECTOR/O & M

APPROVED BY:

MARK LEWIS, CITY MANAGER
C-1. CC/RD CALL TO ORDER / ROLL CALL (4:00 P.M.)
Roll Call
Present:
Podesto, Mayor
Bestolarides, Councilmember
Nickerson, Councilmember
Ruhstaller, Councilmember
Martin, Councilmember
Giovanetti, Councilmember

Absent/Excused:
Nomura, Vice-Mayor

C-2. CC/RD ANNOUNCEMENT OF CLOSED SESSION (4:00 P.M.)

C-2.1) CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION (Subdivision (a) of Section 54956.9) Name of case: City of Stockton v. Deborah Hench, et al. (San Joaquin Superior Court Case No. CV023905) This closed session is authorized pursuant to Government Code section 54956.9(a).

C-2.2) CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION (Subdivision (a) of Section 54956.9) Number of cases: One Name of case: Hughes v. City of Stockton, et al. (U.S.D.C. No. CV S-03-0166) This closed session is authorized pursuant to Government Code section 54956.9(a).

Note: C-2.2 was removed from the closed session agenda.

C-3. CC/RD ADJOURN TO CLOSED SESSION

The Council returned from closed session at 4:40 p.m. and recessed.

1. CC/RD CALL TO ORDER/ROLL CALL (05:33 PM)
Roll Call (05:26 PM)
Present:
Podesto, Mayor
Bestolarides, Councilmember
Nickerson, Councilmember
Ruhstaller, Councilmember
Martin, Councilmember
Giovanetti, Councilmember

Absent/Excused:
Nomura, Vice-Mayor

4. INVOCATION/PLEDGE TO FLAG - Councilmember Giovanetti/Councilmember Martin (05:34 PM)
2. CC/RD REPORT OF ACTION TAKEN IN CLOSED SESSION (05:35 PM)

Interim City Attorney Jayne Williams reported that this evening the City Council met in Closed Session to discuss pending litigation, City of Stockton versus Hench, regarding Measure O, that was qualified for the November ballot. The Council has authorized settlement of this litigation by a vote of all members voting “Aye,” Vice Mayor Nomura absent. The settlement would result, contingent on Council approval, of an ordinance on tonight’s agenda as Item 6.1 and a reduction of the City’s Utility Users Tax by .75%, effective July 1, 2005 and another 1% reduction, effective July 1, 2006. Should the Council approve this as proposed, that would conclude the litigation, and the petitioners have, with Court approval, signed a withdrawal of the Measure from the November ballot. She endorsed the settlement to the Council, recommending that the Council take Item 6.14, the adoption of the ordinance amending the Utility User Tax, and effecting the reduction as proposed. Mayor Podesto stated that all other parts of that ordinance, passed some time ago, remain in place. Ms. Williams verified that all other parts of the ordinance remain in place.

Item 6.14) CC Amend the Stockton Municipal Code by amending Chapter 8, Part VI, Subsection 1, of Sections 8-072, 8-073, 8-074, 8-075, and 8-076, relating to the Utility User Tax (Reduction of Rate). (CA) (05:37 PM)

Mayor Podesto used the Chair’s perrogative to move Item 6.14 forward and have the City Clerk announce it. City Clerk Katherine Gong Meissner stated that Item 6.14 amends the Stockton Municipal Code by amending Chapter XIII, Part 5, Subsection 1 of Sections 8-072 through 8-076 relating to the Utility User Tax (reduction of the rate). He announced that the public could comment on this action at this time.

To Can Nguyen said that she did not have information on this item. She protested the use of Utility Tax to fund the Police and Fire Departments, repeating her complaints of criminal activity, abuse in her motel room, and misuse of funding. She suggested that the Police Department be closed down. (05:37 PM)

Interim City Attorney Jayne Williams announced that the Council and the City Clerk have been given a corrected copy of the staff report, which contained a typographical error (filed). The error was that the report incorrectly gave the effective date as July 1, 2004 relative to the .75%. The correct date is July 1, 2005, and the 1% reduction is effective July 1, 2006. In addition, the settlement announced earlier will resolve the attorneys’ fees in the amount of $15,000.

Memorandum dated August 17, 2004 addressed to the Mayor and Members of the City Council from Jayne W. Williams, Interim City Attorney transmitting additional information to Item 6.14 (filed). (05:40 PM)

Motion: Approve an Ordinance 016-04 C.S., Effective 09-16-04 amending the Stockton Municipal Code by amending Chapter 8, Part VI, Subsection 1, of Sections 8-072, 8-073, 8-074, 8-075, and 8-076, relating to the Utility User Tax (Reduction of Rate).

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

4. PROCLAMATIONS/COMMENDATIONS/CITY ANNOUNCEMENTS OR INVITATIONS (05:41 PM)

4.01) YOUTH ADVISORY COMMISSION (YAC) UPDATE AND TEEN OF THE MONTH FOR
5. CITIZENS' COMMENTS, ANNOUNCEMENTS OR INVITATIONS (05:45 PM)

Dr. Julie Sina (05:47 PM)

Dr. Sina announced that the University of the Pacific will be welcoming its largest freshman class ever this fall, with 900 new students. As was done last year, the opening weekend will begin with the core value of the University of the Pacific mission, that of citizen leadership. Students, from the very beginning, engage as active citizen leaders in the community. On Saturday morning, Mayor-elect Chavez and President Donald DeRosa will welcome the new students and then almost 500 students, faculty and staff, will go by buses into the community to complete one of the following service projects: painting waterfront docks, landscaping at the Children's Museum and at the libraries, participating in City clean-up including City Hall, the Civic Auditorium, the Smith Canal levee, and the kitchen at St. Mary's Dining Hall, and also removing graffiti, and stenciling storm drains. This fall, the University will also celebrate the opening of a new Community Service Volunteer Center on the campus. Students and faculty staff will be actively engaged in community service throughout the year.

ToCan Nguyen (05:49 PM)

Ms. Nguyen expressed her desire to close down the University of the Pacific, alleging that the President of the college conspires with Mental Health and the Court. She again complained of being tortured, poisoned, and abused by Mental Health Services. She expounded on her political views and voiced her condemnation of various public officials.

j. 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, 6.14
Redevelopment Agency: 6.11, 6.12, 6.13

(05:53 PM)

Note: Item 6.14 was taken out of order following the report of action taken in Closed Session.

Note: Councilmember Nestolarides announced he met with City Manager Mark Lewis regarding Item 6.02. He noted that the Change Order has about $13,000 in monthly expenses for management over the eighteen month life of the project. He asked for elaboration, noting that this is approximately a 20% change in the contract, and requested that this item be pulled from the Consent Calendar. He then asked that Item 6.02 be removed from the consent calendar and heard as item 7.01. (05:57 PM)

6.01) CC Resolution 04-0605 approve findings and authorizing the execution of a sole source contract with STUDIO Y CREATIONS for the construction and installation of the Delta Region Exhibit at the Stockton's Children's Museum in the amount of $96,000. (P&R-ACCT) (Pages 1-13)

6.02) CC Authorize the City Manager to execute Contract Change Order No. 1 with MARK THOMAS AND CO., in the amount of $236,154.00 for the additional design support, construction management, inspection, and testing services for the Hammer Lane Phase II and West Lane Widening - Project No. 07-24B; authorize the City Manager to record any and all appropriations and transactions to complete funding of the project. (PW-ACCT) (Pages 14-24) (05:55 PM)

This item was removed from the consent calendar by Councilmember Nestolarides and heard as item 7.01.

6.03) CC Resolution 04-0606 authorizing the City Manager to execute the subdivision agreement, WINDMILL PARK, UNIT NO. 2 -- TRACT NO. 3380, accepting on behalf of the public all offers of dedication; authorizing recordation of the map. (PW) (Pages 25-29)

6.04) CC Resolution 04-0607 authorizing the City Manager to execute a License and Maintenance Agreement with HOSPICE OF SAN JOAQUIN to provide for the maintenance of nonstandard items in public...
rights-of-way within the Hospice of San Joaquin project. (PW) (Pages 30-40)

6.05 CC Resolution 04-0608 accepting the completed public improvements for maintenance by the City of Stockton – LITTLE JOHN CREEK, UNIT NO. 7 – TRACT NO. 3062. (PW) (Pages 41-43)

6.06 CC Resolution 04-0609 amending the “Through Street Schedule” adding Perino Drive between Morada Lane and Genova Lane, Lonnie Beck Way between Thornton Road and Rivermont Drive, and Waterbury Drive between Whistler Way and Davis Road. (PW) (Pages 44-52)

6.07 CC WASTEWATER COLLECTION SYSTEM 9, PROJECT NO. 02-14
   a) Resolution 04-0610 approving the Guaranteed Maximum Price (GMP) and awarding a design-build contract to DSS COMPANY in the amount of $14,022,726; and,
   b) Resolution 04-0611 adopting findings and authorizing execution of an amendment to the existing design contract with WEST YOST & ASSOCIATES in the amount of $1,040,100 for Phase 3 Services (Construction Management & Inspection); and, authorizing the City Manager to record any and all appropriations and transactions necessary to complete funding of the project. (PW-ACCT) (Pages 53-79)

6.08 CC Resolution 04-0612 approving the Agreement for Property Tax Allocation upon annexation for the WEST LAKE VILLAGE AT SPANOS PARK WEST ANNEXATION. (CM) (Pages 80-87)

6.09 CC Resolution 04-0613 authorizing the City Manager to enter into an agreement for professional services with SAN JOAQUIN COUNTY for the operation by the Central Parking District of the County parking garage located at the corner of Hunter and Market Streets. (H&RD) (Pages 88-99)

6.10 CC Resolution 04-0614 authorizing acquisition of the real property located at 130 North Hunter Street from San Joaquin County (County Motor Pool Property) and authorizing execution of the agreement and related documents. (H&RD-ACCT) (Pages 99-116)


6.12) CC/ RD Resolutions 04-0615 and R04-032 authorizing the City Attorney/Agency Counsel to enter into a second amendment to the agreement for professional legal services with FREEMAN, D’AIUTO, PIERCE, GUREV, KEELING & WOLF. (CA) (Pages 128-131)

6.13) RD Resolution R04-033 authorizing the notification of the affected property owners regarding the possibility of designating parcels on the north side of Weber Avenue, south of the Stockton Channel containing the Waterfront Towers parking area and two office pads for inclusion in the South Shore Master Development Area No. 2A. (H&RD) (Pages 132-138)

6.14) CC Amend the Stockton Municipal Code by amending Chapter 8, Part VI, Subsection 1, of Sections 8-072, 8-073, 8-074, 8-075, and 8-076, relating to the Utility User Tax (Reduction of Rate). (GA) This item was heard immediately following the report of closed session.

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, 6.14
Redevelopment Agency: 6.11, 6.12, 6.13

Note: Item 6.14 was taken out of order and separately following the report of action taken in Closed Session.

Note: 6.02 was removed from the consent calendar and heard as Item 7.01.

Moved by Martin, Councilmember, seconded by Giovanetti, Councilmember.

Vote: Motion carried 6-0.

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

7. UNFINISHED BUSINESS (05:54 PM)

Item 7.01 (formerly Item 6.02) CC Authorize the City Manager to execute Contract Change Order No. 1 with MARK THOMAS AND CO. in the amount of $236,154.00 for the additional design support, construction management, inspection, and testing services for the Hammer Lane Phase II and West Lane Widening – Project No. 97-24B; authorize the City Manager to record any and all appropriations and transactions to complete funding of the project. (PW-ACCT) (Pages 14-24) (05:54 PM)

Public Works Director James Girottoni responded to Councilmember's Bestolarides's questions, which were asked before the vote on the consent calendar. (05:54 PM)

Councilmember Bestolarides asked additional questions pertaining to this item to which Mr. Girottoni responded. (05:55 PM)

Motion: Approve 6.02) CC Resolution 04-0616 authorizing the City Manager to execute Contract Change Order No. 1 with MARK THOMAS AND CO. in the amount of $236,154.00 for the additional design support, construction management, inspection, and testing services for the Hammer Lane Phase II and West Lane Widening – Project No. 97-24B; authorizing the City Manager to record any and all appropriations and transactions to complete funding of the project. (PW-ACCT)
Moved by Giovanetti, Councilmember, seconded by Martin, Councilmember.
Vote: Motion carried 6-0.

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

9. PUBLIC HEARINGS (05:57 PM)

9.01) CC Continued Hearing to consider public comments/testimony considering the appeal of the Planning Commission's denial of a Use Permit to allow the off-sale of beer and wine in an existing market located at 3404 East Main Street (UP32-04). (05:57 PM)

NOTE: This Hearing was opened and continued from the August 10, 2004 Council Meeting. At the conclusion of the public hearing the following resolution will be available for the Council's decision denying the appeal and upholding the Planning Commission's denial of the Use Permit. (CD) (Pages 139-155)

Mayor Podesto declared the public hearing opened at this time. He also asked if the appellant wished to proceed with the hearing tonight. The appellant indicated a desire to proceed with tonight's hearing. (05:57 PM)

Community Development Director James Glaser introduced Deputy Director Mike Niblock who gave the staff report with the aid of the powerpoint presentation (filed). (05:58 PM)

Diane Arana spoke on behalf of the appellant, and filed a petition signed by those who support this proposal (filed). (06:04 PM)

Fernando Valdez spoke in support of the proposal. (06:04 PM)

James Kharska, Stockton Police Department, spoke about the incidents and calls for service in the census tract. He clarified that he did not have any information on the calls for service at this address. (06:06 PM)
Councilmember Bestolarides asked questions about the Use Permit running with the land to which Mr. Niblock responded. (06:06 PM)

Mayor Podesto asked when a Use Permit expires if it's not in use to which Mr. Niblock responded that it is six months. (06:08 PM)

Tom Padilla spoke in support of the proposal. (06:08 PM)

Diane Arana spoke in support of the proposal again. (06:09 PM)

The following spoke in opposition to the proposal:

Cindy Hays (06:10 PM)

Diane Arana spoke in rebuttal. (06:12 PM)

Mayor Podesto closed the public hearing at this time. (06:12 PM)

Councilmember Giovanetti asked questions as to why the Planning Commission denied the permit. (06:12 PM)

Fernando Valdez responded to Councilmember Giovanetti indicating that the Commission indicated there was an overconcentration of alcohol in the area. (06:13 PM)

Community Development Director Jim Glaser elaborated on the reasons why the use permit was denied. (06:15 PM)

Councilmember Ruhstaller indicated that if there are businesses with liquor licenses causing problems in overconcentrated areas, then those permits should be revoked rather than punishing those new uses who are trying to make a living. (06:15 PM)

Councilmember Giovanetti commented regarding on sale of alcohol in an establishment serving food versus on-and off-sale of alcohol, which is viewed much differently. (06:18 PM)

Motion: adopt Resolution 04-0617 denying the appeal and upholding the Planning Commission's decision to deny the Use Permit to allow the off-sale of beer and wine in an existing market located at 3404 East Main Street.

Moved by Giovanetti, Councilmember, seconded by Nickerson, Councilmember.

Vote: Motion carried 5-1.

Yes:

Podesto, Mayor; Bestolarides, Councilmember; Nickerson, Councilmember; Martin, Councilmember; Giovanetti, Councilmember

No:

Ruhstaller, Councilmember

Absent:

Nomura, Vice-Mayor

8. NEW BUSINESS (06:21 PM)

8.01) ACTION TEAM PROGRESS REPORTS (06:21 PM)

1) Airport Corridor Action Team (ACT) - presented by Co-Chairs Wayne Hose and Katherine Gong Meissner; (06:23 PM)

Mayor Podesto indicated he needed to leave now, but asked that the meeting be adjourned in memory of Carl Miller, the artist who sculpted the woodcuts that the Council uses as gifts to foreign dignitaries.
passed away on August 7, 2004. (06:34 PM)
Podesto, Mayor left the meeting at 06:34 PM

2) Budget Efficiency Action Team (BEAT) - presented by City Manager Mark Lewis; and, (06:34 PM)

3) Downtown Action Team (DAT) - presented by Housing and Redevelopment Director Steve Pinkerton

(06:39 PM)
Powerpoint presentations were filed by each of the Teams (three presentations filed). (06:40 PM)

10. COUNCIL/REDEVELOPMENT AGENCY COMMENTS AND COMMITTEE REPORTS
(06:46 PM)

Councilmember Bestolarides (Interim CA and CM to follow up) (06:46 PM)
Councilmember Bestolarides reported that last week he took a tour of the Wastewater Facility at the Sewer Treatment Plant, which gave him a much better understanding of the present and future challenges. He said he was asked by employees to discuss with City’s legal staff certain issues and told them respectfully that this was not appropriate. He asked Ms. Williams if she could research whether there would be a violation of the contract and of the NLRB (National Labor Relations Board) if he was to meet with the OMI employees either on or off the premises. Ms. Williams said that she would research this issue. Councilmember Bestolarides explained that he is hearing rumors that OMI is trying to get out of the contract and assign it to American Waterworks and that a meeting was held recently potentially regarding those issues. He said that he would like the rumors either substantiated or disproved.

City Manager Lewis responded that he is totally unaware of any discussions related to American Waterworks, adding that any assignment would have to involve the City and require Council approval. He added that, to his knowledge, the rumors are absolutely baseless.

Councilmember Martin (06:49 PM)
Councilmember Martin announced that on Saturday, August 21, at the Martin Luther King Plaza north of City Hall, the Martin Luther King statue will be unveiled. She invited everyone to attend this long-awaited occasion - the unveiling of the statue of a very, very important man, not only to the city, state, and country, but to the world. The unveiling will take place at 10 a.m. after a 9 a.m. breakfast. After the unveiling, the Hands Across Stockton Event will take place at 11 a.m. at Weber Point This event, the celebration of ethnicity and diversity, is the result of the Racial Harmony and Justice Forum.

Councilmember Giovanetti (06:51 PM)
Councilmember Giovanetti, in respect to Mayor Podesto's wish, requested that the meeting be adjourned in memory of Carl Vosburg Miller.

11. ADJOURNMENT - in memory of Carl Vosberg Miller (06:51 PM)
C-1. CC/RD CALL TO ORDER / ROLL CALL - 4 p.m.

Roll Call
Present:
Bestolarides, Councilmember
Nomura, Vice-Mayor
Nickerson, Councilmember
Ruhstaller, Councilmember
Martin, Councilmember
Giovanetti, Councilmember

Absent/Excused:
Podesto, Mayor

C-2. CC/RD ANNOUNCEMENT OF CLOSED SESSION

C-2.1) CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
Number of Cases: One
This Closed Session is authorized pursuant to Government Code section 54956.9(a).

C-2.2) CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Initiation of litigation pursuant to subdivision (c) of Section 54956.9
Number of potential cases: One
This Closed Session is authorized pursuant to Section 54956.9(c) of the Government Code.

C-2.3) CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
Number of Cases: One
Name of case: City of Stockton v. Phoenix Programs, Inc., et al, (San Joaquin Superior Court Case No. SV245315)
This Closed Session is authorized pursuant to Government Code section 54956.9(a).

C-3. CC/RD ADJOURN TO CLOSED SESSION - 4:02 p.m.
The Council returned from closed session at 5 p.m. and recessed.

1. CC/RD CALL TO ORDER/ROLL CALL - Note: Councilmember Giovanetti arrived at 5:32 p.m. (05:31 PM)

Roll Call (05:32 PM)
Present:
Podesto, Mayor
Bestolarides, Councilmember
Nomura, Vice-Mayor
Nickerson, Councilmember
Ruhstaller, Councilmember
Martin, Councilmember
Giovanetti, Councilmember

Absent/Excused:
2. CC/RD REPORT OF ACTION TAKEN IN CLOSED SESSION (05:32 PM)
Interim City Attorney Jayne Williams indicated that there were no reportable actions taken in closed session.

3. INVOCATION/PLEDGE TO FLAG - Vice Mayor Nomura/Councilmember Bestolarides (05:32 PM)
Giovanetti, Councilmember joined the meeting at 05:32 PM

4. PROCLAMATIONS/COMMENDATIONS/CITY ANNOUNCEMENTS OR INVITATIONS (05:33 PM)

4.01) SERVICE PIN PRESENTATION: Ed Santos, Senior Tree Surgeon-Parks & Recreation (20 Years) (05:33 PM)

5. CITIZENS' COMMENTS, ANNOUNCEMENTS OR INVITATIONS (05:37 PM)

Reverend Bob Hailey (05:38 PM)
Reverend Hailey said that the event Saturday (the unveiling of the Martin Luther King, Jr. statue) was a wonderful occasion and he appreciated the efforts by the Council and Mayor that made it possible. He referred to the Denmon case, noting that the issue is out of the Council's jurisdiction, and asked if there will ever be justice. He said that there is a loss of faith in law enforcement and the judicial system and this should concern everyone. He complained about The Record, stating that the City needs another newspaper.

Mayor Podesto
(05:41 PM)
Adding to Reverend Hailey's comments about The Record, Mayor Podesto said that the event Saturday was the first, or only one of two, in all of Northern California involving a larger-than-life statue of Martin Luther King. It was covered three times in the Los Angeles Times, but The Record published only a little photograph and no one was interviewed. The Mayor said that he spoke to a reporter, relaying his feelings that not covering this event was a terrible oversight by The Record and a "slap in the face" to the community.

Tocan Nguyen
(05:42 PM)
Ms. Nguyen repeated her allegations of being raped and tortured day and night in her motel. She continued her complaints about minorities, grant funding, conspiracy, immorality, and lack of response to her allegations. She voiced her political views.

6. CC/RD CONSENT AGENDA
Redevelopment Agency: 6.14, 6.15

*Note: Items 6.11 and 6.12 were removed from the agenda for further staff review.

**Note: Items 6.02, 6.04 and 6.13 were removed from the consent calendar and heard as
Items 7.01, 7.02, and 7.03 respectively. (05:43 PM)

Mayor Podesto announced that Items 6.11 and 6.12 are being removed from the agenda for further review and will be brought back.

The following Councilmembers asked that the specified agenda items be removed from the consent calendar:

Vice Mayor Nomura requested Item 6.13;
Councilmember Bestolarides requested Item 6.02; and
Councilmember Ruhstaller requested Item 6.04.

6.01) CC Resolution 04-0618 approving findings and authorizing the purchase of one fire engine through the CITY OF BAKERSFIELD’s contract with PIERCE MANUFACTURING c/o GOLDEN STATE FIRE APPARATUS, in the amount of $391,591.81 (PUR 04-109). (FIRE-ACCT) (Pages 1-4)

6.02) CC Authorize execution of an amendment to the Master Geotechnical and Testing Services contract for Hazardous Materials Investigation and Testing with CONDOR EARTH TECHNOLOGIES, INC., in the amount of $66,061.50 for conducting storm water pollution prevention inspections at industrial facilities as required by the City’s Storm Water NPDES Permit. (MUD-ACCT) (Pages 6-12)

This item was removed from the consent calendar and heard as Item 7.01.

6.03) CC Resolution 04-0619 authorizing the City Manager to appropriate additional funds in the amount of $54,000 to continue the tug boat operation for algae control in the Stockton Channel and McLeod Lake. (MUD-ACCT) (Pages 13-16)

6.04) CC CLOSED CIRCUIT TELEVISION (CCTV) CAMERAS IN DOWNTOWN STOCKTON Approve findings, appropriate funds, and authorize the purchase of seven video cameras, wireless equipment, and accompanying modems in the amount of $67,300 from CMP TELECOM; and, Approve Contract Change Order No. 6 with COLLINS ELECTRIC (Project No. 06-07) for the installation of the seven video cameras in the amount of $30,000. (POL-ACCT) (Pages 17-26)

This item was removed from the consent calendar and heard as Item 7.02.

6.05) CC PACIFIC AVENUE RAISED MEDIAN MODIFICATION AT ROSEMARIE LANE (Project No. 02-19, Federal Project No. STPLH-5008-063)
   a) Resolution 04-0620 approving approval of plans and specifications and awarding a contract in the amount of $101,423.54 to SANCHEZ GRADING for construction of the above project; and,

   b) Resolution 04-0621 approving filing Notice of Exemption No. CD153-03 pursuant to the California Environmental Quality Act (CEQA) guidelines; and, authorizing the City Manager to record any and all transactions necessary to complete the funding of the project. (PW-ACCT) (Pages 26-34)

6.06) CC AIRPORT WAY BRIDGE REHABILITATION PROJECT NO. 02-07 CONTRACT
Resolution 04-0622 approving plans and specifications and awarding a contract in the amount of $479,369 to VALENTINE CORPORATION for the Airport Way Bridge over Mormon Slough Rehabilitation; and,
Resolution 04-0623 authorizing an amendment to the master contract with TRS CONSULTANTS, INC. for construction management and inspection services in the amount of $62,745; and, authorize the City Manager to record any and all appropriations and transactions necessary to complete funding of the project. (PW) (Pages 35-44)

6.07) CC Resolution 04-0624 approving findings for a sole source provider and authorizing execution of a 12-month agreement for services, in the amount of $75,000, with the SAN JOAQUIN PARTNERSHIP pursuant to the prescribed scope of services. (CM-ACCT) (Pages 45-55)

6.08) CC CESAR CHAVEZ CENTRAL LIBRARY INTERIOR REMODEL, PROJECT NO. PUR 03-118
   a) Resolution 04-0625 authorizing execution of a Contract Change Order No. 13 to the contract with SHOEMATE BUILDINGS, INC., in the amount of $8,350 for an additional door, window, and additional
asbestos removal; and,

b) Resolution 04-0626 authorizing execution of Contract Change Order No. 2 to the contract with WENELL, MATTHEIS AND BOVE in the amount of $7,000 for additional design support services during construction; and, authorizing the City Manager to record any and all appropriations and transactions necessary to complete funding of the project. (PW-ACCT) (Pages 56-62)

6.09) CC Resolution 04-0627 rescinding Resolution No. 01-0600 and authorizing RICHARD E. NOSKY, as City Attorney, to accept deeds and grants of real property and interests therein, effective August 30, 2004, and to consent to the recordation thereof. (CA) (Pages 63-64)

6.10) CC Resolution 04-0628 authorizing the City Manager to execute, on behalf of the City of Stockton, a forgivable loan agreement with the GREATER STOCKTON EMERGENCY FOOD BANK in the amount of $100,000 to be used to repair and partially replace a refrigerator/freezer unit; replace refrigerator/freezer compressor units and associated hardware; construct a Butler Building to contain the refrigerator/freezer units; and as necessary, repair/replace the exterior and roof of the Food Bank's main facility; and, authorize the City Manager to take whatever actions are necessary and appropriate to carry out the intent and purpose of this action. (H&RD-ACCT) (Pages 65-66)

6.11) CC Approve a loan for $422,500 in HOME funds with ACLC for the purchase of 3.08 acres at the southwest corner of Kingsley Avenue and Shimizu Drive for the purpose of building 67 multi-family rental units, which will help address affordable housing needs in Stockton; approve a $67,000 loan in Community Development Block Grant (CDBG) funds for predevelopment costs for the site; and upon completion of the environmental review and HUD's approval, authorize execution of all agreements with the necessary standard CDBG and HOME development terms, as approved to form by the City Attorney. (H&RD-ACCT) (Pages 68-74)

This item was removed from the agenda for further staff review.

6.12) CC Approve a Down Payment Assistance Loan in the amount of $50,000 to KHADY JOHNSON and MARIE SAMEOU for the purchase of a single family residence located at 1570 East Seventh Street; and direct the City Manager to take whatever actions are necessary and appropriate to carry out the intent of this action. (H&RD-ACCT) (Pages 72-74)

This item was removed from the agenda for further staff review.

6.13) CC POLICE DEPARTMENT SCHOOL RESOURCE OFFICER PROGRAM (Recommendation: None. Information only.) (POL) (Pages 75-84)

This item was removed from the consent calendar and heard as Item 7.03.

6.14) CC/RD MOTION APPROVING THE MINUTES OF CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING HELD AUGUST 10, 2004. (CC) (Pages 82-88)

6.15) RD Resolution R04-034 approving extending the Exclusive Negotiating Rights Agreement with STOCKTON I for development of Phases II & III of the Airport Way Master Development Area #1. (H&RD) (Pages 89-106)

6.16) CC Resolution 04-0629 amending the funding agreement with SERVICE 1ST OF NORTHERN CALIFORNIA to extend the commitment to March 31, 2005, and to add $392,000 to the original loan amount and terms, of which up to $197,000 may be used for application and processing costs; of this new allocation, set aside a reserve amount of $195,000 in case Service 1st is unsuccessful in its Affordable Housing Program application; and, authorizing execution of all agreements with the necessary standard development terms, as approved to form by the City Attorney. (H&RD)

Motion: Approve 6. CC/RD CONSENT AGENDA
Redevelopment Agency: 6.14, 6.15

*Note: Items 6.11 and 6.12 were removed from the agenda for further staff review.
Moved by Nomura, Vice-Mayor, seconded by Giovanetti, Councilmember.
Vote: Motion carried 6-0.
Yes: Bestolarides, Councilmember; Nomura, Vice-Mayor; Nickerson, Councilmember; Ruhstaller, Councilmember; Martin, Councilmember; Giovanetti, Councilmember
Absent: Podesto, Mayor

7. UNFINISHED BUSINESS (06:05 PM)

7.01 (formerly 6.02) CC Authorize execution of an amendment to the Master Geotechnical and Testing Services contract for Hazardous Materials Investigation and Testing with CONDOR EARTH TECHNOLOGIES, INC., in the amount of $38,091.50 for conducting storm water pollution prevention inspections at industrial facilities as required by the City's Storm Water NPDES Permit. (MUD-ACCT) (Pages 5-12) (05:50 PM)

Councilmember Bestolarides explained that he would not be supporting this item as the person who use to perform these services is no longer with the City. Secondly, the fees are excessive and his preference would be to have someone perform these duties in-house, however, there is insufficient time to recruit and train a replacement. (05:49 PM)

Motion: Approve 6.02) CC Resolution 04-0630 authorizing execution of an amendment to the Master Geotechnical and Testing Services contract for Hazardous Materials Investigation and Testing with CONDOR EARTH TECHNOLOGIES, INC., in the amount of $38,091.50 for conducting storm water pollution prevention inspections at industrial facilities as required by the City's Storm Water NPDES Permit.

Moved by Nomura, Vice-Mayor, seconded by Giovanetti, Councilmember.
Vote: Motion carried 6-1.
Yes: Podesto, Mayor; Nomura, Vice-Mayor; Nickerson, Councilmember; Ruhstaller, Councilmember; Martin, Councilmember; Giovanetti, Councilmember
No: Bestolarides, Councilmember

7.02 (formerly 6.04) CC CLOSED-CIRCUIT TELEVISION (CCTV) CAMERAS IN DOWNTOWN STOCKTON
Approve findings, appropriate funds, and authorize the purchase of seven video cameras, wireless equipment, and accompanying modems in the amount of $57,300 from CMP TELECOM; and Approve Contract Change Order No. 6, with COLLINS ELECTRIC (Project No. 96-07) for the installation of the seven video cameras in the amount of $30,000, (POL-ACCT) (Pages 17-25) (05:51 PM)

Councilmember Ruhstaller asked whether these cameras will have enough definition to make an arrest. Deputy Chief of Police David Cole responded that these cameras have very high definition and are light sensitive. He added that the Police Department has used them in indentification situations.

Motion: Approve 6.04) CC CLOSED-CIRCUIT TELEVISION (CCTV) CAMERAS IN DOWNTOWN STOCKTON:

Resolution 04-0631 approving findings, appropriating funds, and authorizing the purchase of seven video cameras, wireless equipment, and accompanying modems in the amount of $57,300 from CMP TELECOM; and,

Resolution 04-0632 approving Contract Change Order No. 6, with COLLINS ELECTRIC (Project No. 96-07) for the installation of the seven video cameras in the amount of $30,000, (POL-ACCT) (Pages 17-25) (05:51 PM)
Moved by Ruhstaller, Councilmember, seconded by Nomura, Vice-Mayor.

Vote: Motion carried 6-1.

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

No:
Nickerson, Councilmember

6.13) CC POLICE DEPARTMENT SCHOOL RESOURCE OFFICER PROGRAM (Recommendation: None. Information only.) (POL) (Pages 75-81) (05:53 PM)

Vice Mayor Nomura asked why the School Resource Officer (SRO) Programs are being taken away from the schools. Chief of Police Mark Herder clarified that the SROs will be removed from those middle and elementary schools which have not agreed to share in the costs of paying for these services. The SROs will remain in all the high schools regardless of whether School Districts are willing to share in the costs or not. (05:52 PM)

Councilmember Bestolarides commented that unfortunately this boils down to dollars and cents, but it is important to invest our time and resources in our children and our future. Chief Herder further clarified that the SROs will continue to be on campuses on Wednesdays. Councilmember Nickerson expressed his opinion that younger children can be influenced more easily than those in high school. He asked if it was absolutely necessary to withdraw from the schools, to which Chief Herder replied and explained that the officers are needed in the field due to budgetary and demand situations in the Police Department coupled with the growth of the City. Two of the displaced officers will be assigned to juvenile crime, which in essence will help maintain the contact with the schools. (05:53 PM)

Mayor Podesto reminded the Council that this is being done at Council direction as it is unfair that the schools do not share in the costs of paying for SROs. Police Chief Herder clarified the responses or lack of response from each of the school districts. Further, he explained that he will make every effort to place the SROs back into the schools in the future. (05:55 PM)

Several Councilmembers commented about their disappointment with having to redepoly the officers from the elementary and middle schools. Questions were asked about the cost for running this program and whether the passage of the Police and Fire sales tax measure (Measure W in the November 2, 2004 election) would help offset costs. It was pointed out that truancy programs will not be affected. Discussion ensued as to how the SRO program could be kept in tact. A point was made that many schools were using the SROs as enforcement officers rather than using them for purposes of prevention. SROs also made outreach efforts to neighborhoods surrounding the school which was beneficial not only to the school, but the community. There was an indication that the officers would be used in Reporting Districts. (05:56 PM)

Mayor Podesto pointed out that this item was informational only. (06:05 PM)

8. NEW BUSINESS (06:05 PM)

8.01) CC Approve Resolution of Necessity and authorize the City Attorney to initiate eminent domain proceedings to acquire the leasehold interest of PHOENIX PROGRAMS, INC., in the real property owned by the City of Stockton at 2 and 14 East Flora Street (APNs 139-052-01 and 139-052-02) (Teen Center Project). (H&RD) (Pages 107-115) (06:05 PM)

The following documents were filed:
1) Document Transmittal dated August 16, 2004 addressed to City Clerk from Ron Palmquist Supervising Real property Agent transmitting:
   1. Notice dated August 5, 2004 to the City of Stockton regarding our intent to conduct a hearing on the Resolution of Necessity.
   2. Notice dated August 6, 2004 to Phoenix Programs, Inc. regarding our intent to conduct a hearing on the Resolution of Necessity.

2) Letter dated August 6, 2004 addressed to City of Stockton regarding Notice of Intent to consider Adoption of a Resolution of Necessity to Acquire Real Property Interest by Eminent Domain signed by Ron Palmquist, Supervising Real Property Agent, Housing and Redevelopment Department.

3) Letter dated August 6, 2004 addressed to Chris Withrow, Executive VP/Deputy CEO, Phoenix Programs, Inc. regarding Notice of Intent to consider Adoption of a Resolution of Necessity to Acquire Real Property Interest by Eminent Domain signed by Ron Palmquist, Supervising Real Property Agent, Housing and Redevelopment Department.

4) Faxed Transmittal dated August 20, 2004 addressed to City Clerk - City of Stockton from Gary Livaich, Esq., of the law firm of Desmond, Nolan, Livaich & Cunningham, requesting the right to appear and be heard regarding the Notice of Intent to Adopt Resolution of Necessity mailed August 6, 2004.

Assistant City Attorney Michael Rishwain gave the first half of the staff report with the aid of a Powerpoint presentation (filed). (06:07 PM)

Housing and Redevelopment Director Steve Pinkerton gave the second half of the staff report using the Powerpoint presentation that was filed. (06:08 PM)

Gary Livaich appeared on behalf of Phoenix Programs, Inc. and explained his client's opposition to the acquisition. (06:17 PM)

Resolution finding and determining that the public interest and necessity requires the acquisition of an interest in certain real property for a public project and directing the acquisition of said real property interest by eminent domain proceedings (APN 139-052-01 AND APN 139-052-02) (06:22 PM)

Motion: Approve Resolution 04-0633 finding and determining that the public interest and necessity requires the acquisition of an interest in certain real property for a public project and directing the acquisition of said real property interest by eminent domain proceedings (APN 139-052-01 AND APN 139-052-02)

Moved by Giovanetti, Councilmember, seconded by Martin, Councilmember.

Vote: Motion carried 7-0.

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

9. PUBLIC HEARINGS (06:22 PM)

9.01) CC Hearing to consider public comments/testimony regarding adoption of an Urgency Ordinance extending temporary moratorium on the approval of permits or licenses for medical marijuana dispensaries for ten months and 15 days. (CD) (Pages 116-119) (06:22 PM)

Mayor Podesta declared the public hearing opened at this time. (06:22 PM)

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

Community Development Director Jim Glaser gave the staff report with aid of a powerpoint presentation (filed). (06:22 PM)

The following spoke in favor of the moratorium: (06:27 PM)

Gary Armstrong, California Narcotics Officers Association of California (06:27 PM)

The following spoke in opposition to the moratorium: (06:33 PM)
Mayor Pedesto declared the public hearing closed at this time. (06:58 PM)

Councilmember Ruhstaller asked about the laws governing medical marijuana dispensaries and when this matter would be brought back for Council consideration. He stated that he does not have enough information on this issue at this time to make a decision. (06:58 PM)

In response to Mayor Pedesto, Interim City Attorney Jayne Williams indicated that the time limitation indicated in the staff report is the maximum per the Government Code, however, the Council has the authority to decide this matter sooner. He stated that more information is needed on this issue, that the moratorium should be set at this time, and the matter should be sent to the Council Legislation/Environmental Committee for review. (07:00 PM)

There was discussion by Councilmembers Martin and Bestolarides about the coordination with the various regulatory agencies, the need for more information, that review by the Legislation/Environmental Committee would be appropriate, that the 10-month review period being too long. (07:02 PM)

Mayor Pedesto indicated he has no problem with 10 month moratorium because that is the maximum timeframe allowable. (07:03 PM)

Councilmember Nickerson explained his thoughts on this issue and that medical marijuana works on some people, however, the problem will be in regulating and establishing the dispensaries as well as determining how the cases will be prosecuted—local versus federal. (07:04 PM)

Vice Mayor Nomura indicated she does not have enough information at this point to make a wise decision. Public comments and discussion are limited at a Council meeting. The public will have more of an opportunity to discuss and comment at the Legislation/Environmental Committee meetings. (07:14 PM)

**Interim Urgency Ordinance No. 017-04** extending a temporary moratorium on the approval of permits or licenses for medical marijuana dispensaries; **Effective immediately** and in full force and effect until July 20, 2005, unless the moratorium is terminated earlier by the City Council; and that this matter be sent to the Legislation/Environmental Committee for further review. (07:15 PM)

Motion: Approve Interim **Urgency Ordinance No. 017-04** extending a temporary moratorium on the approval of permits or licenses for medical marijuana dispensaries; **Effective immediately** and in full force and effect until July 20, 2005, unless the moratorium is terminated earlier by the City Council; and that this matter be referred to the Legislation/Environmental Committee for review.

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

**Vote:** Motion carried 7-0.

Yes:
- Pedesto, Mayor; Bestolarides, Councilmember; Nomura, Vice-Mayor; Nickerson, Councilmember; Ruhstaller, Councilmember; Martin, Councilmember; Giovanetti, Councilmember
Councilmember Martin suggested that interested audience members leave their names and contact information so that they can be notified of the Legislation/Environmental Committee meetings. (07:15 PM)

The Council recessed at this time. (07:15 PM)

9.02) CC Hearing to consider public comments/testimony regarding the adoption of Initial Studies/Negative Declarations (IS15-04 and IS18-04) and authorize and direct the City Manager to file applications for a Sphere of Influence (SOI) amendment with the San Joaquin County Local Agency Formation Commission (LAFCO), for areas located north and northwest of the City of Stockton. (CD) (Pages 120-127) (07:24 PM)

The Mayor reconvened the meeting at this time. (07:24 PM)

Mayor Podesto declared the public hearing opened at this time. (07:24 PM)

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

Councilmember Bestolarides indicated he has a potential conflict of interest in regard to the sphere of influence application as it relates to Alpine Meat Packing. He has property in close proximity to this area, therefore, his participation and vote on this issue will not include the portion on IS15-04 dealing with the Alpine Meat Packing Company, nor will his vote be counted for the 374 acres owned by the Alpine Meat Packing Company. (07:24 PM)

Community Development Director Jim Glaser gave the staff report with the aid of the powerpoint presentation. (filed). (07:25 PM)

The following spoke in support of filing the applications for a Sphere of Influence amendment with LAFCO: (07:35 PM)

Mike Hakeem (07:35 PM)

Councilmember Ruhstaller asked if the Sphere of Influence (SOI) amendment would prevent a greenbelt or farming operations from continuing. Mr. Hakeem indicated that was correct—it would not. (07:42 PM)

Those speaking in support of the filing the applications for an SOI amendment with LAFCO (continued): (07:43 PM)

Steve Herum (07:43 PM)
Kevin Huber of the Grupe Company (07:49 PM)
Richard Lauchland (07:53 PM)
George V. Hartmann, Director of Alpine Packing Co. (07:56 PM)

Those speaking in opposition to filing the applications for an SOI amendment with LAFCO: (07:59 PM)

Dale Stocking (07:59 PM)
Ann Johnston (08:03 PM)

Larry Hansen, Mayor of the City of Lodi, spoke in opposition and filed a copy of a letter that he signed dated August 24, 2004, addressed to the Mayor and Councilmembers re: Stockton Sphere of Influence Amendments. (08:08 PM)

Stephen Schwabauer, Lodi City Attorney (08:13 PM)

Eric Parfrey spoke in opposition and filed a 13-page letter with two attachments as Chair of the Sierra Club, Mother Lode Chapter, dated August 24, 2004 addressed to the Stockton City Council re: Stockton Sphere of Influence (SOI) Amendment and SOI No. 2 Draft Initial Studies
(08:18 PM)

The Mayor allowed one rebuttal. (08:24 PM)

Steve Herum gave the rebuttal at this time. (08:24 PM)

Mayor Podesto declared the public hearing closed at this time. (08:30 PM)

The following Councilmembers expressed their support of the proposal: (08:30 PM)

Mayor Podesto (08:30 PM)

Councilmember Bestolarides (08:31 PM)

Councilmember Giovanetti (08:40 PM)

Councilmember Nickerson (08:41 PM)

Councilmember Ruhstaller (08:50 PM)

Motion: Approve by straw vote, adoption of Initial Study/Negative Declaration IS15-04.

Moved by Nickerson, 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

Abstain:
Bestolarides, Councilmember

Motion: Approve by straw vote, the adoption of Initial Study/Negative Declaration IS18-04.

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

Vote: Motion carried 7-0.

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

Motion: Approve by straw vote, authorizing and directing the City Manager to file the application for a Sphere of Influence (SOI) amendment with the San Joaquin County Local Agency Formation Commission (LAFCO) for the following area located northwest of the City of Stockton:
West Lane SOI Amendment No. 1.

Moved by Nickerson, Councilmember, seconded by Martin, Councilmember.

Vote: Motion carried 6-0.

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

Abstain:
Bestolarides, Councilmember

Motion: Approve by straw vote, authorizing and directing the City Manager to file applications for a Sphere of Influence (SOI) amendment with the San Joaquin County Local Agency Formation Commission (LAFCO), for the following areas located north and northwest of the City of Stockton:
Northwest SOI Amendment No. 1,
Shima Tract SOI Amendment No. 1,
Carl Thompson SOI Amendment No. 2, and
Robert Lauchland SOI Amendment No. 2.

Moved by Nickerson, Councilmember, seconded by Nomura, Vice-Mayor.
Vote: Motion carried 7-0.
Yes:
Podesto, Mayor; Bestolarides, Councilmember; Nomura, Vice-Mayor; Nickerson, Councilmember; Ruhstaller, Councilmember; Martin, Councilmember; Giovanetti, Councilmember

Motion: Approve Resolution 04-0634* adopting the Initial Studies/Negative Declarations (IS15-04 and IS18-04) and authorizing and directing the City Manager to file applications for a Sphere of Influence (SOI) amendment with the San Joaquin County Local Agency Formation Commission (LAFCO), for the following areas located north and northwest of the City of Stockton:

West Lane SOI Amendment No. 1,
Northwest SOI Amendment No. 1,
Shima Tract SOI Amendment No. 1,
Carl Thompson SOI Amendment No. 2, and
Robert Lauchland SOI Amendment No. 2. (CD)

Moved by Martin, Councilmember, seconded by Nomura, Vice-Mayor.
Vote: Motion carried 7-0.
Yes:
Podesto, Mayor; Bestolarides, Councilmember; Nomura, Vice-Mayor; Nickerson, Councilmember; Ruhstaller, Councilmember; Martin, Councilmember; Giovanetti, Councilmember

*Note: The vote in relation to IS15-04 and West Lane SOI Amendment No. 1 was approved 6-0 (Councilmember Bestolarides abstained from voting on IS15-04 and West Lane SOI Amendment No. 1 due to a possible conflict of interest).

Note: Councilmember Bestolarides abstained from voting on the above motion due to a possible conflict of interest. (08:54 PM)
Note: Councilmember Bestolarides abstained from voting on the above motion due to a possible conflict of interest.

10. COUNCIL/REDEVELOPMENT AGENCY COMMENTS AND COMMITTEE REPORTS
(08:57 PM)

10.01) CC Report of Chair Leslie Martin on the Council Legislation/Environmental Committee meeting of July 20, 2004. a) COMMITTEE REPORT ACTION: Accept for filing. b) REQUEST FOR TAXI RATE INCREASE; AGE OF VEHICLE; PERMITS - TO WHOM ISSUED; AND REVOCATION - HEARING ACTION: The City Manager recommends that the request of the taxicab companies for a rate increase, as well as the requirements related to the age of vehicles, permits - to whom issued, and revocation hearings be referred to the Council Budget/Finance Committee. (POL) (08:57 PM)

Motion: Approve acceptance of the Committee Report for filing.
Moved by Martin, Councilmember, seconded by Nomura, Vice-Mayor.

Vote: Motion carried 7-0.
Yes:
Podesto, Mayor; Bestolarides, Councilmember; Nomura, Vice-Mayor; Nickerson, Councilmember; Ruhstaller, Councilmember; Martin, Councilmember; Giovanetti, Councilmember

Councilmember Ruhstaller asked if the immediacy of the issue is related to the rate increases due to gas prices, and if it is, whether it could be separated out and considered immediately and the other issues discussed at a later date. Councilmember Giovanetti explained why this was being brought forward. Mayor Podesto suggested perhaps a fuel surcharge be added as opposed to a permanent rate increase. Councilmember Martin confirmed that this issue was being brought forward because of the fuel
charges/rate increase issue. Councilmember Ruhstaller then asked that consideration of this issue be expedited. (08:58 PM)

Motion: Approve the City Manager's recommendation that the request of the taxicab companies for a rate increase, as well as the requirements related to the age of vehicles, permits - to whom issued, and revocation hearings be referred to the Council Budget/Finance Committee; further that this matter be considered under an "expedited" schedule. Moved by Martin, Councilmember, seconded by Giovanetti, Councilmember.

Vote: Motion carried 7-0.
Yes:
Podesto, Mayor; Bestolarides, Councilmember; Nomura, Vice-Mayor; Nickerson, Councilmember; Ruhstaller, Councilmember; Martin, Councilmember; Giovanetti, Councilmember

Council Comments: (09:01 PM)
Councilmember Ruhstaller (CM to follow up) (09:02 PM)

Councilmember Ruhstaller reported that he, Mayor-elect Chavez, and Councilmember Martin attended a United Cambodian Families Meeting at Park Village, and during the question and answer session, they wanted to know when there would be a playground at Carrington Circle. He asked that this be looked into, noting that ACLC or the Neighborhood Action Team may be working on such a project.

Vice Mayor Nomura (09:03 PM)

1. Vice Mayor Nomura presented a flier with an invitation to a Townhall Meeting presented by the Airport Corridor Action Team on September 2, 2004 at 6:30 p.m. at the San Joaquin County Fairgrounds, Building 3. This will be an opportunity to speak with City staff about the neighborhood, discuss requests, present ideas for the Streetscape Design Plan, and receive information on an energy audit and appliance rebates from PG&E, and learn about housing grants and forgiveable loan programs for the neighborhood.

2. Stating that this would be of interest to teenagers, she announced that there will be a special program hosted by community poet and author, Terry O'Neal, who will guide the audience towards self-exploration to discover one's personal writing style. This will be held at the Maya Angelou Library on September 21 at 5:30 p.m.

3. Vice Mayor Nomura commented on a newspaper article published a couple of weeks ago on a group of seven Stockton students who went to Los Angeles for the second California Youthink Tank Conference at the University of Southern California. This was a five day event and changed the way students perceive themselves and others. The Stockton team placed third in the State. She quoted the article which stated, "The students stepped up as leaders. When a confrontation between two groups of students happened outside the Conference, Evans and Sarragossa, both from Stockton, stepped in. 'Lloyd and I took the leadership role, we were setting the tone and your integrity has to show who you are.'" Vice Mayor Nomura said this was very commendable.

4. The Vice Mayor noted that tonight is the last night for Interim City Attorney Jayne Williams and thanked her for all she has done in the last three years.

Interim City Attorney Jayne Williams (09:06 PM)

Ms. Williams said that she has mixed emotions about leaving and expressed her hope that she is leaving the office better than she found it. She praised the City Attorney staff, the City Manager and management staff and said how much she enjoyed working with the City Clerk and the City Auditor. She said that the Council is one of the best she has worked with and the issues they have dealt with as public policy makers and legislators are phenomenal.

Councilmember Martin (09:07 PM)
1. Councilmember Martin told Ms. Williams that she would be missed and that she very much appreciated Ms. Williams' work for the City. She recounted that she had previously worked for Ms. Williams as a law student and has always admired her leadership role.

2. Speaking on Laughter for a Cause in Hollywood, she announced that Brian Shell will be at the Radisson Hotel for a fundraiser as a result of the efforts of District Attorney investigators, to benefit the Make-A-Wish Foundation, the County Victims of Violent Crimes Emergency Fund, and the Burn Camp for Kids, for child victims of fire. Mimi of the Drew Carey Show, Joan Rivers, and possibly Queen Latifah will also attend. The date is August 27 at 6 p.m. Those who would like tickets can call Janis Trulsson at 468-8054.

Mayor Podesto (CM to follow up) (09:09 PM)

Mayor Podesto referred to a letter that the City sent to AT&T related to the Emergency Communications System Access, or 911 Fee, and what was collected. He recommended that the amount be set aside in an account and not be spent, in the event that the City loses the lawsuit. He said that while the suit does not prevent the City from collecting the fee, at least a portion should be set aside in case it has to be returned. He advised prudence.

11. ADJOURNMENT (09:11 PM)

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