6.01) CC  Resolution 08-0375 appointing VAN-HA TO-COWELL to the 49-99 Cooperative Library System Advisory Board. (LIB) (Pages 3-11)

6.02) CC  Resolution 08-0376 executing an amendment to the professional services master contract with CALLANDER ASSOCIATES LANDSCAPE ARCHITECTURE, INC. in the amount of $98,100 to provide design and construction management services for the Victory Park Ponds Improvement Project. (MUD) (Pages 12-29)

6.03) CC  Resolution 08-0377 executing a Memorandum of Understanding with the COUNTY OF SAN JOAQUIN for the administration of the National Pollutant Discharge Elimination System Permit for Stormwater as co-permitees. (MUD) (Pages 30-38)

6.04) CC  Resolution 08-0378 executing an amendment to the Professional Services Contract for design, geotechnical, testing, plan review, and surveying services with HDR ENGINEERING, INC. in the amount of $34,445 to conduct a study of the current water utility connection fee. (MUD) (Pages 39-50)

6.05) CC—Approve a contract for security guard services at various City facilities to ALL PHASE SECURITY, INC. of West Sacramento in an amount estimated to be $629,071 for the first year with the option to extend the agreement for four one-year periods and authorize the City Clerk to return to the proper parties the checks or proponents' bonds which accompanied the proposals filed.  
  --(PD) (Pages 51-70) 5:54 PM

   NOTE: Item 6.05 was removed from the Consent Agenda and heard as Item 7.01 under Unfinished Business.

6.06) CC—Approve the Final Initial Study/Final Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program under the California Environmental Quality Act for the DAVIS ROAD BRIDGE OVER PIXLEY SLough PROJECT and authorize negotiating the purchase of a conservation easement with A. C. SPANOS CONSTRUCTION, INC. for giant garter snake mitigation.  
  --(PW) (Pages 71-74) 5:58 PM

   NOTE: Item 6.06 was removed from the Consent Agenda and heard as Item 7.02 under Unfinished Business.

6.07) CC  HAMMER LANE WIDENING PHASE 3B PROJECT

   a)  Resolution 08-0379 executing a City-County Cooperative Agreement with SAN JOAQUIN COUNTY for the Hammer Lane Widening Phase 3B Project;

   b)  Resolution 08-0380 executing Contract Change Order No. 1 in the amount of $309,998 to the original contract with MARK THOMAS & COMPANY for a combined total design contract for Phase 3A and Phase 3B in the amount of $1,355,998; and,
c) **Resolution 08-0381** executing Amendment No. 1 to the Measure K Cooperative Agreement with the San Joaquin Council of Governments for an increase in the amount of $570,000 for the reimbursement of additional design services, staff oversight, and future design expenses for the Hammer Lane Widening Phase 3B Project. (PW) (Pages 75-92)

6.08) CC **Resolution 08-0382** establishing the coordination of policies and a consultation process for development occurring within the CITY OF STOCKTON'S SPHERE OF INFLUENCE between San Joaquin County and the City of Stockton. (CD) (Pages 93-99)

Motion: Approve the Consent Agenda absent items 6.05 and 6.06, which were heard as Items 7.01 and 7.02 respectively, under Unfinished Business. Moved by Councilmember Bestolarides, seconded by Councilmember Chapman.

Vote: Motion carried 7-0

Yes: Councilmember Chapman, Councilmember Bestolarides, Councilmember Nabors, Mayor Chavez, Vice Mayor Martin, Councilmember Lee, and Councilmember Eggman.

7. **UNFINISHED BUSINESS 5:54 PM**

7.01 (formerly Item 6.05) CC Approve a contract for security guard services at various City facilities to ALL PHASE SECURITY, INC. of West Sacramento in an amount estimated to be $529,071 for the first year with the option to extend the agreement for four one-year periods and authorize the City Clerk to return to the proper parties the checks or proponents' bonds which accompanied the proposals filed. (PD). (Pages 51-70) 5:54 PM

**Mayor Chavez**

Before proceeding with Item 7.01, the Mayor recognized Ms. Van-Ha Tocowell, whom the Council appointed this evening to the Cooperative Library System Advisory Board (Item 6.01). He thanked her for her service.

**Councilmember Lee**

Councilmember Lee asked for a summary of what has changed since the contract for security guard services was brought to Council on August 26, 2008.

**City Manager J. Gordon Palmer, Jr.**
Mr. Palmer said that departments were asked to review their requirements. As a result, the hours were reduced and the contract reduced by about $120,000.

**Councilmember Lee**

Councilmember Lee verified with the City Manager that some of this money is coming from the General Fund. He said that security guards in City Hall may be a luxury, although some staff may feel this is a necessity.

Motion: Approve Resolution 08-0383 approving a contract for security guard services at various City facilities to ALL PHASE SECURITY, INC. of West Sacramento in an amount estimated to be $529,071 for the first year with the option to extend the agreement for four one-year periods and authorizing the City Clerk to return to the proper parties the checks or proponents' bonds which accompanied the proposals filed. Moved by Vice Mayor Martin, seconded by Councilmember Bestolarides.

Vote: Motion carried 5-2

Yes: Councilmember Chapman, Councilmember Bestolarides, Councilmember Nabors, Mayor Chavez, and Vice Mayor Martin.
No: Councilmember Lee, and Councilmember Eggman.

7.02 (formerly Item 6.06) CC Approve the Final Initial Study/Final Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program under the California Environmental Quality Act for the DAVIS ROAD BRIDGE OVER PIXLEY SLOUGH PROJECT and authorize negotiating the purchase of a conservation easement with A. G. SPANOS CONSTRUCTION, INC. for giant garter snake mitigations. (PW) (Pages 71-74) 5:58 PM

**Councilmember Bestolarides**

Councilmember Bestolarides said there are three elements that bear looking at: Elkhorn School with a 25 mile per hour speed limit and parents making U-turns; Elkhorn Golf Course exiting traffic; and speed, with cars attempting to merge into traffic traveling 50 to 60 MPH. He said he does not have an objection to the plan and the bridge, but there is an obligation to the children and the public. He asked for an explanation of these three issues.

**Mayor Chavez**
Mayor Chavez asked if more follow-up can be done in that area, particularly with residents to address their concerns.

**Deputy Public Works Director Bob Murdoch**

Mr. Murdoch explained that the bridge is the first phase in making Davis Road four lanes from Eight Mile Road to Thornton Road. It will be an arterial, as called for in the 1990 General Plan. The bridge is obsolete so the City was able to get Federal funding to cover 88% of the cost of the project. There will be a meeting with Lodi Unified School District, and one of the issues will be the traffic around the school, which was developed in the County, as that school may not have adequate on-site parking for parents. The Davis Road/Elkhorn Drive intersection is actually in the County so the City must work with the County to address that issue.

**Mayor Chavez**

Mayor Chavez noted that there will be sidewalks eventually and acknowledged that Elkhorn School does present a parking problem. He verified that there will be more discussions with residents.

Mr. Murdoch said there have been several attempts through Safe Routes to School to secure funding for improvements, i.e., curb, gutter, and sidewalk, but they have not been successful. The search for funding will continue and the City will also work with the County on this.

**Councilmember Bestolarides**

Councilmember Bestolarides said he knows someone at the County who will help address the County issues. He said that the widening of the bridge is warranted and will not have an impact until the lane widening. There will be a significant impact on the volume of traffic, and the bigger issue is slowing traffic. The County should work with the City and consider signaling Elkhorn Drive, and the school district should take responsibility for the children’s safety.

**Deputy Public Works Director Bob Murdoch**

Mr. Murdoch said that the City works cooperatively with the County on all their sites and Thursday they will discuss school issues.
**Councilmember Bestolarides**

Councilmember Bestolarides commented that Mr. Erardi is smart enough to know that in the future the bridge will facilitate an increase in traffic flow that needs to be addressed.

**Vince Erardi**

Mr. Erardi said that they are not objecting to the bridge; but, despite numerous promises, not one thing has happened positively related to the roadway.

**Councilmember Bestolarides**

Councilmember Bestolarides said he would voice Mr. Erardi’s concerns at the upcoming school meeting and he committed from the County’s perspective to work through this. He noted that annexation would be an easy fix but the neighborhood will not support this.

**Councilmember Eggman**

Councilmember Eggman said it is important to bring attention back to existing developments that have issues related to child safety. She has been working with a constituent for a year to get a turning signal light at Main and Filbert Streets for a problem at Martin Luther King School, but it is apparently not high enough on the list.

Motion: Approve Resolution 08-0384 approving the Final Initial Study/Final Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program under the California Environmental Quality Act for the DAVIS ROAD BRIDGE OVER PIXLEY SLOUGH PROJECT and authorizing negotiating the purchase of a conservation easement with A. G. SPANOS CONSTRUCTION, INC. for giant garter snake mitigations. Moved by Councilmember Bestolarides, seconded by Vice Mayor Martin.

Vote: Motion carried 7-0

Yes: Councilmember Chapman, Councilmember Bestolarides, Councilmember
Nabors, Mayor Chavez, Vice Mayor Martin, Councilmember Lee, and Councilmember Eggman.

8. NEW BUSINESS

None

9. PUBLIC HEARINGS**

None

10. COUNCIL/REDEVELOPMENT AGENCY COMMENTS AND COMMITTEE REPORTS

6:08 PM

COUNCIL COMMENTS 6:08 PM

Mayor Chavez (CA Follow up)

Mayor Chavez asked City Attorney Ren Nosky to research and report back to Council related to a policy or process for removing members that have been appointed to different commissions and boards.

The Mayor, commenting on the full page article in The Record today, said he wishes to be clear in terms of what he perceives that the settlement agreement has done as opposed to the way it is being portrayed. It does not amend the General Plan, it is not a job-killer because it does not change the General Plan, and it certainly does not override the 5+ years of planning that went into the General Plan; in fact, it preserves all that work. He said it is his perception that the issue is not about amending the General Plan, because it has not changed, and he questioned if it has to do with the idea of newly imposed ordinances, but none have yet been adopted. He said that his concern and his perception are that it really has to do with who is making policy decisions in the City, "Is it the City Council, as appropriate, or is it somebody else who is trying to impose their will in terms of policy decision?"

Vice Mayor Martin

The Vice Mayor invited all to the Third Annual Celebration at Kentfield and Bianchi Roads to see all the wonderful things that have occurred there. Although more work needs to be done, Kentfield is looking a lot brighter. On Saturday, September 27, 2008 from 11 AM to 3 PM, there will be free food, friends, neighbors, resource information, cultural dance performances, and kids' arts and crafts. The event is sponsored by many notable nonprofit agencies.
Councilmember Nabors

Related to Councilmember Bestolarides' earlier comments (Item 7.02 - DAVIS ROAD BRIDGE OVER PIXLEY SLOUGH PROJECT) about schools, Councilmember Nabors said that a common occurrence throughout the City is the traffic that jams up in front of schools, parents picking up and dropping off children in the middle of the street, and making U-turns in front of schools. This has been a problem throughout the years and no solution has been found, and it puts children in extremely dangerous situations. She issued this warning to parents, "I know you value your children and I think you should take a lot more precautions. I would rather your child be late than be hit by an automobile." She urged all to be aware of this issue.

Councilmember Nabors again announced that the Airpcrt Corridor Action Team and San Joaquin County WorkNet are hosting a job fair at the San Joaquin Fair Grounds, Building 2, Thursday, September 18 from 10 AM to 3 PM. At 9 AM, there will be early admission for veterans and those with disabilities. There will be 4,600 jobs available.

Councilmember Lee

Councilmember Lee observed that, from his perspective, the employee unions have been very responsive to the call to negotiate on items that must be negotiated to close the budget gap. The process involved with negotiations does not allow the Council to speak directly to those who are in the process. Specific to SPOA (Stockton Police Officers Association) and its bargaining situation with the City, he said he wants it made clear that he thinks "our side has done as good a job as it can do at the table." He said that the Council has done what is appropriate to move forward and SPOA has been accessible and appropriate relative to bargaining. He complimented SCEA (Stockton City Employees Association) for being "standup." He said, "We need to keep the pressure on ourselves to make sure that the message gets where it needs to be in the appropriate fashion so we can move these things forward, particularly the budget gap." Referring to his questions earlier on the General Fund, he said he had assumed, maybe slightly incorrectly, that there are projects that are being undertaken that have nothing to do with employees and are fairly big. He understands there are a myriad of funding sources, some of which can not be used for salaries and benefits, but he worries that there are parts of projects that are General Fund, and there may be an effort to unroll as many of those projects as possible to put the brakes on General Fund expenditures. He said that it is important for employees to know that the Council will not spend a single dollar of General Fund money that is not necessary. He closed by stating that he appreciates employee input on the Web site, which has been very helpful.
Speaking on the referendum, Councilmember Lee said that he felt referenda were designed to be used in very extreme situations, e.g., corruption or malfeasance by a governing body, and he does not think the action taken the other night qualifies at that level. Acknowledging the right of people to have a referendum, he said that one should wait to see what the product of last Tuesday’s action will be. The product would be ordinances based on studies and public input, and then eventually some amendments to the General Plan. At that point, there would be a possible result to evaluate.

Councilmember Lee said that he appreciates the fact that the El Dorado Project was removed from the Consent Agenda (Item 6.06, which was heard as Item 7:02 as Unfinished Business - DAVIS ROAD BRIDGE OVER PIXLEY SLOUGH PROJECT), noting this is because of people at the dais, and added that review would not be the worse thing.

Councilmember Eggman

Councilmember Eggman said that she was informed that Citizenship Day is September 17, in recognition of the Constitution. She said it is important to remember that everything the Council does is based upon the Constitution.

She also announced that today is Mexican Independence Day, Stockton Beautiful is holding an event Saturday, and there will be an event at Trinity Parkway celebrating Italians.

Speaking on the budget crisis, she said that the Council acknowledges that lack of information creates a vacuum where rumors, gossip, and fear are generated, and is working as rapidly as possible to make information public to employees in these trying times. She very much appreciates their willingness to work with the Council. She said that suggestions on the Web site are appreciated, and doing away with Council dinners can be discussed. She closed by stating that everyone must do their best to address this crisis.

Councilmember Bestolarides (CM to follow up)

Councilmember Bestolarides said that his position has always been to err on the side of public process. He has confidence that the public will do the right thing, and he is not afraid of the referendum process.

Speaking on budgetary issues, Councilmember Bestolarides said that the easiest target is Capitol Improvement Projects. He said that the Council approved a marina project with total disregard for the operational component, which was to be supplied within two weeks of the Council’s decision. Staff has been very busy, but when projects are approved without an operational
component, the City is putting itself at great financial risk. He renewed his request for the operational component and agreed with Councilmember Lee that the Council needs to look at projects that have not been started to reconsider starting them or doing preliminary work. Real estate-related projects are very simple and should be aggressively pursued because of the potential impact of these projects now and in the future.

Councilmember Bestolarides said that along with new ordinances and plans that were agreed to last week (the settlement agreement with the Sierra Club), he would like to see a price component, the impacts of it, and the sources of funding so the financial impacts can be understood.

Councilmember Chapman

Councilmember Chapman said he had the distinct pleasure this morning of greeting 700 very excited students at the Chavez Library for the City of Stockton's and San Joaquin A Plus' reading rally. On Thursday, as a spectator, he will be watching his wife receive an award from San Joaquin A Plus as the Volunteer of the Year for Mabel Barron's Literacy Program. He voiced his pride in her accomplishments, including starting Bingo for Books and other programs.

Councilmember Chapman sent get well wishes and his prayers to Ellen Wehrs, the Principal of Mabel Barron School.

NOTE: The Council recessed to Closed Session to resume discussion on Closed Sessions items. The Council returned from the continued Closed Session and adjourned at 7:35 PM. No reportable action was taken.

11. ADJOURNMENT - 7:35 PM 6:28 PM

KATHERINE GONG MEISNER
CITY CLERK OF THE CITY OF STOCKTON
SECRETARY REDEVELOPMENT AGENCY
MINUTES
CITY COUNCIL/REDEVELOPMENT
AGENCY CONCURRENT
SEPTEMBER 23, 2008

CITY HALL
CITY COUNCIL CHAMBERS
STOCKTON, CALIFORNIA

C-1. CC/RD CALL TO ORDER / ROLL CALL - 4:15 PM

Roll Call
Present:
Councilmember Bestolarides
Councilmember Chapman
Councilmember Eggman
Councilmember Lee
Councilmember Nabors
Mayor Chavez

Absent:
Vice Mayor Martin.

C-2. CC/RD ANNOUNCEMENT OF CLOSED SESSION

C-2.1 CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

Number of Cases: One

Name of Case: Sierra Club v. City of Stockton, et al. (San Joaquin County
Superior Court No. CV 034405)

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

C-3. CC/RD PUBLIC COMMENT

None

C-4. CC/RD ADJOURN TO CLOSED SESSION

The Council recessed to Closed Session at 4:17 PM. The Council returned from Closed
Session and recessed at 4:50 PM.

1. CC/RD CALL TO ORDER/ROLL CALL 5:30 PM

Roll Call 5:30 PM
Present:
Councilmember Bestolarides
Councilmember Chapman
Councilmember Eggman
Councilmember Lee
Councilmember Nabors
Mayor Chavez

Absent:
Vice Mayor Martin.

2. **CC/RD REPORT OF ACTION TAKEN IN CLOSED SESSION 5:30 PM**

City Attorney Ren Nosky

Mr. Nosky announced that the Council took no reportable action in Closed Session.

3. **INVOCATION/PLEDGE TO FLAG 5:30 PM**

Councilmember Lee provided the Invocation. The Pledge of Allegiance was led by Councilmember Nabors.

4. **PROCLAMATIONS/COMMENDATIONS/CITY ANNOUNCEMENTS OR INVITATIONS 5:31 PM**

4.01) **CERTIFICATE: Achievement in Service Efforts and Accomplishments Reporting**

__________________________
Al Quint, Sacramento Chapter President Association of Government Accountants (AGA)

RECIPIENT: City of Stockton

__________________________ Mike Taylor, City Auditor 5:31 PM

**Mike Taylor, City Auditor**

Mr. Taylor accepted this prestigious award, thanking the City Council for its support. He recognized Senior Deputy City Auditor Vanessa DeSousa, who generated the report.

4.02) **PROCLAMATION: International Conflict Resolution Day - October 16, 2008**

RECIPIENT: Marilyn Hughes, Mediation Center of San Joaquin Board Member
5:33 PM

**Marilyn Hughes**

Ms. Hughes provided information on the Mediation Center and handed out flyers on classes, conflict resolution, and anger management.

5. **CITIZENS' COMMENTS, ANNOUNCEMENTS OR INVITATIONS* 5:36 PM**

1. James Young
Mr. Young, with the assistance of City Clerk Katherine Gong Meissner, relayed that he was able to help the City with a function on Friday. He also asked that the City take care of the sidewalk at 1371 Buckingham Way as he fell on a crack and skinned his knuckles, which necessitated a doctor visit. Also, there is buckling in the sidewalk on Pershing Avenue between Swain Road and Robinhood Way where he has fallen.

2. June Williams

Ms. Williams continued her allegations of abuse by police officers. She complained of incidents of terrorism, harassment, and failure to file reports by the Police Department.

3. David Anderson (CM to follow up)

Mr. Anderson, Manager of Yellow Cab, noted that he spoke on August 26 and is still trying to ascertain what is happening to his request for a rate increase due to the price of gas, stating that he wants his employees "to make an honest living." He submitted copies of his letter (filed) dated April 15, 2008 from Valley Transport Service Inc., dba Yellow Cab Service.

Mayor Chavez

Addressing his comment to the City Manager, the Mayor said it is his understanding that this was referred to the appropriate department, which City Manager J. Gordon Palmer, Jr. affirmed.

4. Willette Cody

Ms. Cody brought "a basket of goodies" from New Hope Church of God in Christ to share with the Council.

5. Pamela Greer

Ms. Greer said that the three units at 126 South Della Street have a tenant who has been there over a year, has only paid three months rent, and turns on the PG&E service after it has been disconnected, which she has reported to PG&E.

Ms. Greer reported that a Police Officer followed her to Taco Bell and when she left she was surrounded by twelve officers. She said they were "pretty nice" but she was very frightened, adding that "it's good to be on the right side." She told the Council that "Officer Tino" has been helping her with some difficulties she was having.

6. Olga Rodriguez

Ms. Rodriguez, Site Director at West Lane Oaks Family Resource Center, under the umbrella of Community Partnership for Families, invited everyone to their first annual event, a multicultural help day, October 4 from 10 AM to 2 PM with over 40 agencies providing free community and family services (in Normandy Plaza Parking Lot, 7908 North West Lane). She thanked the Council for its support of the Community Partnership
6. **CC/RD CONSENT AGENDA 5:53 PM**

6.01) **CC Resolution 08-0385** approving an agreement for Legal Services with LEWIS BRISBOIS BISGAARD & SMITH LLP to perform specialized legal services regarding litigation. (ATTY) (Pages 3-17)

6.02) **CC Resolution 08-0386** approving findings and declaring an exception to the competitive bidding process; and authorizing the purchase of the Logistic Systems Computer Aided Dispatch upgrade to the NorthStar System in the amount of $98,618 from LOGISTIC SYSTEMS, INC. of Missoula, Montana. (IT) (Pages 18-21)

6.03) **CC Resolution 08-0387** approving specifications and authorizing the purchase, installation, and maintenance of one sign plotter/substrate to ZUEND SERVICE CORPORATION of Aurora, Colorado in the amount of $87,207. (IT) (Pages 22-27)

6.04) **CC Resolution 08-0388** executing and submitting a claim to the SAN JOAQUIN COUNCIL OF GOVERNMENTS for Fiscal Year 2008/09 Transportation Development Act funds in the amount of $213,557. (PW) (Pages 28-36)

6.05) **CC Ordinance 010-08 C.S. effective October 23, 2008** deleting Stockton Municipal Code Division 3, Sections 07-080 through 07-087 and adding revised Sections 07-080 through 07-087 regarding the CONSTRUCTION AND DEMOLITION DEBRIS WASTE REDUCTION PROGRAM. (PW) (Pages 37-59)

6.06) **CC SAN JOAQUIN DELTA COLLEGE IMPROVEMENT PROJECT**

   a) **Resolution 08-0389** accepting the execution of the Grant, with certain terms and conditions, for Domestic and Fire Water Main Easement (three waterline easements) from SAN JOAQUIN DELTA COMMUNITY COLLEGE DISTRICT; and,

   b) **Resolution 08-0390** authorizing the summary abandonment of a portion of a waterline easement as part of the San Joaquin Delta College Improvement Project. (RED) (Pages 90-86)

6.07) **CC Resolution 08-0391** approving the purchase of a permanent street and highway easement from LAMAR P. FRYER and MARGUERITE L. FRYER in the amount of $72,000 as needed for the Hammer Lane Widening Phase 3B Project and making all appropriate transfers and signing documents as required. In addition, there may be up to $6,000 in miscellaneous closing costs. Therefore, up to $78,000 will be required for the acquisition. (RED) (Pages 87-103)

6.08) **CC Resolution 08-0392** approving the purchase of a permanent street and highway easement from HOLY CROSS UNITED METHODIST CHURCH in the amount of $132,000 for the Hammer Lane Widening Phase 3B Project making all appropriate transfers and signing documents as required. In addition, there may be
up to $9,000 in miscellaneous closing costs. Therefore, up to $141,000 will be required for the acquisition. (RED) (Pages 104-117)

6.09) CC  Resolution 08-0393 approving an Amendment to the Agreement between PARK STREET PROPERTIES and the City of Stockton, which provides for elimination of code enforcement fees and fines in the amount of $30,570.62 associated with the property located at 201 East Park Street. (RED) (Pages 118-124)

6.10) CC  Resolution 08-0394 approving the submission of a grant application to the San Joaquin Council of Governments in the amount of $296,000 for the Measure K Smart Growth Incentive Program for the preparation of a WATERFRONT CONNECTIONS STUDY. (RED) (Pages 125-128)

6.11) CC  Resolution 08-0395 amending the FISCAL YEAR 2008-09 BUDGET to reduce appropriations in the amount of $1,603,385 in the Capital Improvement Fund providing an increase $1,603,385 in revenues in the General Fund. (FM) (Pages 129-132)

Motion: Approve the Consent Agenda. Moved by Councilmember Chapman, seconded by Councilmember Lee.

Vote: Motion carried 6-0

Yes: Councilmember Bestolarides, Councilmember Chapman, Councilmember Eggman, Councilmember Lee, Councilmember Nabors, and Mayor Chavez.
Absent: Vice Mayor Martin.

7. UNFINISHED BUSINESS

None

8. NEW BUSINESS

None

9. PUBLIC HEARINGS** 5:54 PM

9.01) CC  Adopt an ordinance approving an applicant-initiated Code Amendment to amend Chapter 16 (the Development Code) of the Stockton Municipal Code by modifying four specific sections of the Code to allow convenience stores in the CN (Commercial, Neighborhood) District. (CD) (Pages 134-165) 5:54 PM

Affidavits of posting and publication are filed in the office of the City Clerk.

The Mayor declared the Public Hearing opened.
Mike Niblock, Director of the Community Development Department.

Mike Niblock, Director of the Community Development Department introduced Richard Larrouy of the Planning Division.

Richard Larrouy, Planning Manager of the Community Development Department

Mr. Larrouy provided the staff report with the aid of a PowerPoint presentation (filed) and answered questions from the Council.

Councilmember Lee

Councilmember Lee asked if previous criminal activity affects the issuance of a use permit, to which Mr. Larrouy replied in the affirmative, stating that police records are reviewed, and the impact on the neighborhood is considered. Mr. Larrouy pointed out that the Planning Commission's vote in this instance was unanimous and no adverse comments were obtained from the neighborhood.

Mike Niblock, Director of the Community Development Department.

Mr. Niblock iterated that this particular use is dependent upon approval of the Code amendment. The site was closely scrutinized, as are other use permit applications.

Mayor Chavez

Mayor Chavez verified that those issues are dealt with during the permitting process, not necessarily with change to the Code. He said that one must be cognizant that there should not be adverse situations created for neighborhoods.

Councilmember Bestolarides

Councilmember Bestolarides said that this Code amendment to Section 16 essentially affects in-fill. He asked if the noticing process is still the same.
Mr. Niblock replied that it was.

Councilmember Bestolarides asked about the issuance of an administrative use permit.

Mr. Niblock said that in this case the Code amendment for a CN (Commercial, Neighborhood) zone has a recommendation requiring a Commission use permit. CG (Commercial General) zones may sometimes allow an administrative use permit, but not in this case, as this use could be immediately next to residential properties.

Peter Tobin - Barghausen Engineering

Mr. Tobin asked for the Council's approval, stating that they agree with the conditions.

There being no other persons desiring to speak, the Mayor declared the Public Hearing closed.

Motion: Approve Ordinance 011-08 CS, effective October 23, 2008, approving an applicant-initiated Code Amendment to amend Chapter 16 (the Development Code) of the Stockton Municipal Code by modifying four specific sections of the Code to allow convenience stores in the CN (Commercial Neighborhood) District. Moved by Councilmember Bestolarides, seconded by Councilmember Chapman.

Vote: Motion carried 6-0

Yes: Councilmember Bestolarides, Councilmember Chapman, Councilmember Eggman, Councilmember Lee, Councilmember Nabors, and Mayor Chavez. Absent: Vice Mayor Martin.

10. COUNCIL/REDEVELOPMENT AGENCY COMMENTS AND COMMITTEE REPORTS
6:05 PM

10.01) Report of Chair Susan Talamantes Eggman on the Council Audit Committee Meeting of September 9, 2008.

a) Committee Report:

ACTION: Accept for filing.

b) ISSUE: Substantive Testing: Annual Physical Inventory;

RECOMMENDATION: None. Informational only.
c) ISSUE: City Auditor's Audit Plan for 2006-2007;

.... RECOMMENDATION: Motion to approve the audit plan.

d) ISSUE: Audit Findings Follow-up 2008:

.... RECOMMENDATION: None. Informational only.

e) ISSUE: Service Efforts and Accomplishments Report;

.... RECOMMENDATION: Direct the City Manager to implement a point-of-contact customer survey process. (AUD) (Pages 167-412) 6:05 PM

Motion: Approve accepting the Report of Chair Susan Talamantes Eggman on the Council Audit Committee Meeting of September 9, 2008 for filing. Moved by Councilmember Eggman, seconded by Councilmember Lee.

Vote: Motion carried 6-0

Yes: Councilmember Bestolarides, Councilmember Chapman, Councilmember Eggman, Councilmember Lee, Councilmember Nabors, and Mayor Chavez. Absent: Vice Mayor Martin.

**City Auditor Mike Taylor**

Mr. Taylor presented the Audit Report and Service Efforts and Accomplishments Report to the Council with the aid of a PowerPoint presentation (filed).

**Councilmember Bestolarides**

Councilmember Bestolarides asked what the point-of-contact customer survey process implementation will cost.

**City Manager J. Gordon Palmer, Jr.**

Mr. Palmer replied that this work effort has not been specifically budgeted. Point-of-contact survey information is already being done at a number of City front counters. He said he does not anticipate this being a major cost item.

Councilmember Eggman added that a quick follow-up e-mail can be used to start collecting data.
Motion: Approve the Committee's recommendation to direct the City Manager to implement a point-of-contact customer survey process. Moved by Councilmember Eggman, seconded by Councilmember Lee.

Vote: Motion carried 6-0

Yes: Councilmember Chapman, Councilmember Bestolarides, Councilmember Nabors, Mayor Chavez, Councilmember Lee, and Councilmember Eggman. Absent: Vice Mayor Martin.

City Auditor Mike Taylor

Mr. Taylor gave a brief presentation on the 2006-2007 Audit Plan (filed).

Mayor Chavez

Mayor Chavez asked Mr. Taylor if his Department has been asked to make reductions related to the budget.

Mr. Taylor replied that his Department has lost two staff members for a total of seven and the positions are frozen.

Motion: Approve the City Auditor's Audit Plan for 2006-2007. Moved by Councilmember Chapman, seconded by Councilmember Lee.

Vote: Motion carried 6-0

Yes: Councilmember Chapman, Councilmember Bestolarides, Councilmember Nabors, Mayor Chavez, Councilmember Lee, and Councilmember Eggman. Absent: Vice Mayor Martin.


a) Committee Report:

   ACTION: Accept for filing.

b) ISSUE: Budget Prioritization Process - Update;

   RECOMMENDATION: None. Discussion continuing.
c) ISSUE: Proposal to amend Public Facilities Fee Guidelines;

RECOMMENDATION: It is recommended that the City Council amend PUBLIC FACILITIES FEE GUIDELINES.

d) ISSUE: Economics of Washington Mutual Building purchase and improvements;

RECOMMENDATION: None. Informational only.

e) ISSUE: Key Fiscal Policies – Status;

RECOMMENDATION: None. Informational only.

(CM) (Pages 413-614) 6:20 PM

Motion: Approve accepting the Report of Chair Clem Lee on the Council Budget/Finance/Economic Development Committee Meeting of September 11, 2008 for filing. Moved by Councilmember Lee, seconded by Councilmember Eggman.

Vote: Motion carried 6-0


Mark Moses, Deputy City Manager, CFO

Mr. Moses referred to pages 514 and 515 of the packet, stating the Public Facilities Fee Guidelines is a housekeeping item that went to the Budget/Finance/Economic Development Committee for discussion. He provided a brief history of some of the Public Facilities Fees revenue and expenditures, stating that the change is to simply complete what should have been done in 2005-2006 and consolidate and clean up some of the anomalies that have occurred over time.

Councilmember Lee

Councilmember Lee said that these things are "boring" but important and none of this was in place when the Council was seated four years ago.

Mayor Chavez
The Mayor thanked the Committee for taking on these challenges and cleaning up many of these issues.

Motion: Approve Resolution 08-0396 amending the Public Facilities Fee Program Administrative Guidelines as recommended by the Council Budget/Finance/Economic Development Committee Meeting of September 11, 2008. Moved by Councilmember Lee, seconded by Councilmember Chapman.

Vote: Motion carried 6-0

Yes: Councilmember Bestolarides, Councilmember Chapman, Councilmember Eggman, Councilmember Lee, Councilmember Nabors, and Mayor Chavez.

Absent: Vice Mayor Martin.

COUNCIL COMMENTS 6:25 PM

Mayor Chavez

The Mayor, speaking on the budget issues, said effective next week, in a good faith effort, the Council will discontinue the dinners before Council meetings. The Council will also participate in the Furlough Program being proposed for a number of the bargaining units; details will be worked out. This will involve time and some Council pay.

Councilmember Lee

Councilmember Lee referred to an article in an American Airlines Magazine, enumerating the Best Doctors in America, and one of the best cardiologists is Ramin Manshadi, MD, of Stockton.

Councilmember Lee said he attended a BIA (Building Industry Association) Policy Makers event yesterday, called "A Salute to Policy Makers," which was lighthearted and entertaining.

Councilmember Lee, referring to the El Dorado Street widening project, said that a letter stating that the postponement of the project was for something other than trees was not exactly right. He said trees need to be part of the considerations and voiced his hope that the appropriate outreach is being done.

Councilmember Lee said that the General Plan policy portion has "a lot of
stuff in it" and it is clear that some of the policies in the 1990 General Plan never became a reality. He asked if it would be worth having a list of commitments in the policy document for things that need to be legislated, perhaps with a matrix and a timetable so they become reality to keep this and future Councils honest.

Related to the paramedics issue, he said this is serious and having paramedics on the streets is one time when "less is more" does not work. He said that this Council tried to solve the issue with the County and he does not want the City coerced into signing anything that cedes matters that are under judicial review.

Speaking on the Attorney General’s settlement, Councilmember Lee said that the decision to adopt it was very difficult. He said that either the Sierra Club has settled with the City or it hasn’t, and he is nonplussed by the behavior of one person continuing to take shots at the General Plan, adding the Sierra Club needs "to rein him in."

**Councilmember Eggman**

Councilmember Eggman said that the earlier speaker, Ms. Williams, clearly has some mental health issues. Referring to the 51/50 rule, as a clinical social worker, Councilmember Eggman said that Ms. Williams’ "vicarious traumatization" is escalating and it is harmful for her to continue to repeat her accusations publicly but also harmful for those who are in the audience or watching at home. She said that appropriate action should be taken.

The Councilmember noted that health insurance is a challenging issue for many, including her patients, and looking at the City’s expense for health insurance, she recounted that Roger Speed, former Director of Health and Human Services for the County, had approached her about SB 840, (California Universal Healthcare), health care for all. He reviewed figures with Director of Human Resources Dianna Garcia and Councilmember Eggman to see what this might mean for the City. She asked that the Council form a resolution to support that bill and request that someone make a presentation to the Council on SB 840.

**Mayor Chavez**

The Mayor questioned if it would be appropriate to refer this to the Legislation/Environmental Committee.

The Mayor noted that there was a social worker present this evening who listened to Ms. Williams. Under the 51/50 rule, one must be a danger to himself or to others, and as much as he (the Mayor) dislikes hearing these
things, the First Amendment cannot be disregarded.

City Attorney Ren Nosky

Mr. Nosky said that he would consider Dr. Eggman’s concerns and see what can be done.

Councilmember Nabor

Councilmember Nabor commended the City of Stockton and WorkNet for the successful job fair last Thursday. The applicants came with enthusiasm, prepared, and dressed for interviews. She said that this is a plus for Stockton, making an effort to provide people with opportunities. She thanked Kathy (City Clerk Katherine Gong Meissner) and her staff for helping to organize this event.

Councilmember Nabor said she is getting complaints about sidewalks being uprooted and lumps and bumps not being smoothed, especially in areas where there are many senior citizens. Acknowledging budget constraints, she asked that the City put forth effort before someone is seriously injured. She will identify for the City the areas that are in dire need of intention.

11. ADJOURNMENT 6:38 PM

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