MINUTES
CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY
NOVEMBER 30, 2004

December 14, 2004
CITY HALL
CITY COUNCIL CHAMBERS
STOCKTON, CALIFORNIA

C-1. CC/RD CALL TO ORDER / ROLL CALL - 4:18 p.m.
Roll Call
Present:
Podesto, Mayor
Bestolarides, Councilmember
Ruhstaller, Councilmember
Martin, Councilmember
Giovanetti, Councilmember

Absent/Excused:
Nomura, Vice-Mayor
Nickerson, Councilmember

Councilmember Nickerson arrived at 4:30 p.m.

C-2. CC/RD ANNOUNCEMENT OF CLOSED SESSION
C-2.1) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Number of cases: Four

Name of case: City of Stockton v. Marina Towers LLC, et al. (San Joaquin County Superior Court Case No. CV022054)

Name of case: City of Stockton v. Islamic Center of Stockton, et al. (San Joaquin County Superior Court Case No. CV020822)

Name of Case: City of Lodi v. City of Stockton, et al., (San Joaquin Superior Court Case No. CV024720)

Name of Case: City of Stockton v. City of Lodi, et al., (San Joaquin Superior Court Case No. CV 024859)

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

C-3. CC/RD ADJOURN TO CLOSED SESSION - 4:19 p.m.
The Council returned from closed session at 5 p.m. and recessed.

1. CC/RD CALL TO ORDER/ROLL CALL (05:30 PM)
Roll Call (05:30 PM)
Present:
Podesto, Mayor
Bestolarides, Councilmember
Nickerson, Councilmember
Ruhstaller, Councilmember
Martin, Councilmember
Giovanetti, Councilmember

Absent/Excused:

AGENDA ITEM 6.26
Nomura, Vice-Mayor

2. CC/RD REPORT OF ACTION TAKEN IN CLOSED SESSION (05:31 PM)
City Attorney Ren Nosky announced that the Council unanimously agreed in Closed Session to a settlement agreement in the case of City of Stockton versus the Islamic Center of Stockton, wherein the Islamic Center will turn over any proceeds received from the State of California Underground Storage Tank Fund to the City to reimburse it for cleaning up an oil spill that occurred in July 2001 on the Center's property. The Council took no other reportable action in Closed Session.

3. INVOCATION/PLEDGE TO FLAG - Pastor Bill Cummins/Councilmember Gary Giovanetti (05:31 PM)

4. PROCLAMATIONS/COMMENDATIONS/CITY ANNOUNCEMENTS OR INVITATIONS (05:32 PM)

4.01) PROCLAMATION: Disability Awareness Month - November, 2004
Recipient: Bill Cummins, President and Julie Schumacher, Executive Director - United Cerebral Palsy

5. CITIZENS' COMMENTS. ANNOUNCEMENTS OR INVITATIONS* (05:36 PM)

Marvin Bolin (05:36 PM)
Mr. Bolin complained that the San Joaquin Regional Transit District did not notify the disabled of the holiday schedule this year as they had done in the past. He voiced concern over unsafe bus stops, stating that he was told by SJRTD that the Council approves the stops. He asked that the situation be reviewed by the City. The Mayor explained that the City approves the location of bus stops as requested by SJRTD. He said that the City could review a stop that is considered dangerous.

Kathryn Mecca (05:38 PM)
Ms. Mecca repeated her complaints about Robinhood Drive between El Dorado Street and Holiday Drive, which is zoned at 35 miles per hour. She said it is difficult to get out of her driveway. She questioned why two or three blocks of Robinhood Drive are slated at 35 miles per hour when other streets have lower speed limits, adding that she has done a great deal of research on speed limits. Councilmember Martin said that the City Manager could review this situation and contact Ms. Mecca. The Mayor noted that he made the same request a week ago and learned that radar can not be used at 25 miles per hour as this could be challenged in Court. He asked that Public Works Director Jim Giottonini research the situation and include information on radar use.

Rebecca Nabors (05:44 PM)
District 6 Councilmember-elect Rebecca Nabors commended the outgoing Mayor regarding the naming of the Youth Center, but voiced concern that no students were present at this meeting or involved when the proposal was made. She said that the Youth Center will be an asset to the City and credited the youth of the City for its success. Councilmember Ruhstaller observed that students were present at this meeting.

6. CC/RD CONSENT AGENDA
City Council: 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, 6.08, 6.09, 6.10, 6.11, 6.12, 6.13
Redevelopment Agency: (05:46 PM)

Councilmember Giovanetti asked that Item 6.13 be pulled for discussion. Councilmember Martin asked that Item 6.02 be pulled for discussion (to be heard as Items 7.01 and 7.02 respectively). Councilmember
Bestolarides asked for clarification on Item 6.08, the $50,000 deposit required to cover expenses incurred by the City, and the provision made if the expenses go over that amount.

6.01) CC Resolution 04-0771 Authorizing the City Manager to amend the pool contracts with WEST COAST ARBORISTS, TRUGREEN LANDCARE, and TOWN AND COUNTRY TREE SERVICE for tree trimming, tree stump and tree removal, to include a cost for trimming trees 1 to 7 inches in diameter. (P&R)(Pages 1 - 09)

6.02) CC SEIFERT COMMUNITY CENTER (05:47 PM)
   a) Authorize execution of an agreement with STOCKTON UNIFIED SCHOOL DISTRICT (SUSD) for joint use of Seifert Community Center; and,
   b) Authorize execution of an agreement with SUSD for reimbursement of costs to refurbish Seifert Community Center. (P&R) (ACCT)(Pages 10 - 31)

This item was heard as Agenda Item 7.01.

6.03) CC Motion accepting the 2005 Boards/Commissions Term Expirations roster for filing. (CC)(Pages 32 - 37)

6.04) CC Resolution 04-0772 authorizing execution of two Easement Deeds for street and highway and public utilities purposes, as may be necessary for the development of the STOCKTON EVENTS CENTER project. (H&RD)(Pages 38 - 44)

6.05) CC Resolution 04-0773 authorizing execution of an Easement Deed for access and non-buildable light and air purposes to SAN JOAQUIN REAL ESTATE, INC. for the development of the former Kress Building. (H&RD)(Pages 45 - 53)

6.06) CC Resolution 04-0774 adopting the findings and authorizing the use of the Cooperative Purchasing Agreement with the COUNTY OF RIVERSIDE and directing the City Manager to contract with DICTAPHONE for the purchase of Digital Voice Recording Equipment for the Stockton Police Department’s Public Safety Answering Point (PSAP) Emergency Call Center, in the amount of $42,721.38 and appropriating the funds as necessary. (POL)(Pages 54 - 58)

6.07) CC Resolution 04-0775 Approving a grant award from the UNITED STATES DEPARTMENT OF JUSTICE/UNITED STATES ATTORNEY’S OFFICE in the amount of $309,429 for three years for the Project Safe Neighborhood Program; directing the City Manager or his designee to execute, on behalf of the City of Stockton, all necessary contracts or grant award agreements with the granting agency, providing additional information and furnish such documents as may be required, executing all documents, amendment extensions, and augmentations pertaining to the grant project; directing the City Manager to make all necessary appropriations in compliance with, and for the purposes stated in the project agreement; and directing the Human Resources Director to add the position authorized by the grant award to the Police Department’s position list. (POL)(Pages 59 - 62)

6.08) CC Resolution 04-0776 approving the First Amendment to the Contract for Consulting Services with PACIFIC MUNICIPAL CONSULTANTS for Specific Plan consulting services for the ORIGONE RANCH Specific Plan (SP4-04). (CD)(Pages 63 - 103)

6.09) CC Resolution 04-0777 appointing STAN FERRARO, Vice President of the CALIFORNIA WATER SERVICE COMPANY, as a governing body voting Director of the NORTHEASTERN SAN JOAQUIN COUNTY GROUNDWATER BANKING AUTHORITY. (MUD)(Pages 104 - 106)

6.10) CC SOUTH STOCKTON WATER MASTER PLAN UPDATE

   a) CC Resolution 04-0778 certifying the Final Initial Study/Mitigated Negative Declaration and adopting the South Stockton Water Master Plan Update and Reservoir Project Findings and Mitigation Monitoring and Reporting Program for the South Stockton Water Master Plan Update and Reservoir Project; and,

   b) CC Resolution 04-0779 adopting the South Stockton Water Master Plan Update dated November 2004. (MUD)(Pages 107 - 113)
6.11) CC SOUTH STOCKTON AQUEDUCT

a) CC Resolution 04-0780 certifying the Final Initial Study/Mitigated Negative Declaration and adopting the Findings and Mitigation Monitoring and Reporting Program for the above project; and,

b) CC Resolution 04-0781 adopting the Pre-Design Report, approving plans and specifications, approving the appropriation of sufficient funds, authorizing a loan from the Water User Fee account to the Water Connection Fee account and authorizing execution of a construction contract for the South Stockton Aqueduct with SUNDT CONSTRUCTION, INC. for $9,868,589. (MUD) (ACCT) (Pages 114 - 124)

6.12) CC Resolution 04-0782 appropriating sufficient funds and authorizing execution of an amendment to the Master Design and Survey Services Contract for Construction Management with KLEINFELDER, INC. in the amount of $541,729 for construction management services on the South Stockton Aqueduct Project. (MUD) (Pages 125 - 145)

6.13) CC Adopt a resolution naming the teen center - THE GARY AND JANICE PODESTO TEEN CENTER. (COUNCIL) (Pages 146 - 147)
This item was heard as Agenda Item 7.02. (05:48 PM)

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, 6.43
Redevelopment Agency:
Moved by Bestolarides, 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 (05:47 PM)

7.01 (formerly 6.02) CC SEIFERT COMMUNITY CENTER

a) CC Authorize execution of an agreement with STOCKTON UNIFIED SCHOOL DISTRICT (SUSD) for joint use of Seifert Community Center; and

b) CC Authorize execution of an agreement with SUSD for reimbursement of costs to refurbish Seifert Community Center. (P&R) (ACCT) (Pages 10 - 31) (05:47 PM)

Motion: Approve 7.01 (formerly 6.02) CC SEIFERT COMMUNITY CENTER

a) CC Resolution 04-0783 authorizing execution of an agreement with STOCKTON UNIFIED SCHOOL DISTRICT (SUSD) for joint use of Seifert Community Center; and

b) CC Resolution 04-0784 authorizing execution of an agreement with SUSD for reimbursement of costs to refurbish Seifert Community Center. (P&R) (ACCT)
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

7.02 (formerly 6.13) CC Adopt a resolution naming the teen center - THE GARY AND JANICE PODESTO TEEN CENTER. (COUNCIL) (Pages 146 - 147) (05:48 PM)
December 14, 2004

The following people spoke in support of naming the teen center The Gary and Janice Podesto Impact Teen Center:
Mimi Nguyen, past Youth Advisory Commissioner
Katie Goodwin, past Youth Advisory Commissioner
Christina Fortney, Chair Youth Advisory Commission (05:50 PM)

Motion: Approve 7.02 (formerly 6.13) CC Resolution 04-0785 naming the teen center - THE GARY AND JANICE POESTO IMPACT TEEN CENTER. (COUNCIL)
Moved by Giovanetti, Councilmember, seconded by Martin, Councilmember.
Vote: Motion carried 5-0.
Yes:
Bestolarides, Councilmember; Nickerson, Councilmember; Ruhstaller, Councilmember; Martin, Councilmember; Giovanetti, Councilmember
Abstain:
Podesto, Mayor
Absent:
Nomura, Vice-Mayor

8. NEW BUSINESS (05:54 PM)

9. PUBLIC HEARINGS** (05:54 PM)

10. COUNCIL/REDEVELOPMENT AGENCY COMMENTS AND COMMITTEE REPORTS (05:54 PM)

Mayor Podesto (05:54 PM)
The Mayor announced that the City is very fortunate that the City Manager has been able to negotiate an agreement with Paragary's restaurant, an outstanding restaurant group in Sacramento. They will be located on the first floor of the Stockton Hotel and will be a huge plus for the community, bringing a high quality restaurant group to Downtown Stockton. He congratulated everyone involved.

Councilmember Giovanetti (05:55 PM)
Councilmember Giovanetti noted that the Consent Calendar this evening includes a publication of the 2005 Boards and Commission term expirations. Committees with vacancies include the Library System Advisory Board, the Handicapped Access Board of Appeals, the Community Development Committee, the Sports Commission, and the Youth Advisory Commission. He said that those interested in serving on a committee can contact the City Clerk’s office.

Councilmember Ruhstaller (05:57 PM)
1. Councilmember Ruhstaller referred to various articles, one concerning cities that are creating a mixed use development with libraries that have commercial and living quarters above them, which has been extremely successful. Another article is about cities that have developed their waterfronts. He presented copies to Teri Bentz for distribution to the Councilmembers.

2. He thanked The Record for their Sunday article, "Don't Stop Now, Stockton's Waterfront Future" which cited examples of cities that have extremely active waterfronts as part of downtown revitalization.

Mayor Podesto (05:58 PM)
The Mayor asked for the tax sharing agreement by the County.

Councilmember Giovanetti (05:58 PM)
1. Councilmember Giovanetti referred to an item on the Consent Calendar that falls under the "good news" category, which states "It is recommended that a resolution be adopted to approve a grant award
from the United States Department of Justice and the United States Attorney's Office in the amount of $309,429 for three years, applied to the Protect Safe Neighborhood Program.

2. He announced that "Ice on the Delta" at the Weber Point Events Center is open now through January 2, Sunday through Thursday noon to 8 p.m. and Friday and Saturday noon to 10 p.m. Price is $5 and includes skates. He also announced that this Saturday night at Weber Point Mayor Podesto will be lighting the City’s holiday tree, sponsored by PG&E, utilizing 35,000 low energy bulbs. The ceremony will take place at 5:30 p.m., followed by the Boat Parade and Festival of Lights. He invited all to attend for an evening of family fun.

Mayor Podesto
The Mayor conveyed his thanks to past and present YAC members and Penny Ruffin, stating that what makes the project successful are those involved.

11. ADJOURNMENT (06:00 PM)

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