MINUTES
CITY
COUNCIL/REDEVELOPMENT
AGENCY CONCURRENT
OCTOBER 28, 2008

CITY HALL
CITY COUNCIL CHAMBERS
STOCKTON, CALIFORNIA

C-1. CC/RD CALL TO ORDER / ROLL CALL - 4:45 P.M.

Roll Call 10:26 PM
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: Barbara Presley v. City of Stockton, et al. (San Joaquin County Superior Court Case No. CV 030562)

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 4:46 p.m. The Council returned from Closed Session and recessed at 4:55 p.m.

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

Roll Call 5:31 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 5:31 PM

City Attorney Ren Nosky

City Attorney Nosky announced that no reportable action was taken during Closed Session this evening.

3. INVOCATION/PLEDGE TO FLAG 5:31 PM

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

4. PROCLAMATIONS/COMMENDATIONS/CITY ANNOUNCEMENTS OR INVITATIONS 5:33 PM

4.01) CERTIFICATE: Nichole Davis - 2008 Olympics Silver Medal in Volleyball
RECIPIENT: Barbara Davis 5:33 PM

4.02) PROCLAMATION: National Physical Therapy Month - October 2008
RECIPIENTS: Michelle Smith, Executive Director; and Rebecca Overby, Occupational Therapist, Golden Living Center - Portside 5:35 PM

4.03) PROCLAMATION: American Pharmacists Month - October 2008
RECIPIENTS: Andrea Pangilinan, Vice President of Industry Affairs; and Brigette Lofholm, Vice President of Professional Affairs, University of the Pacific 5:36 PM

4.04) PROCLAMATION: Lung Health Day - October 22, 2008
RECIPIENT: Elizabeth Gramer and Tiffany Chen, American Lung Association Co-Chairs 5:37 PM
5. **CITIZENS’ COMMENTS, ANNOUNCEMENTS OR INVITATIONS**

Mary Nicholson

Ms. Nicholson, Director of Healings in Motion, announced that November is Pancreatic Cancer Awareness Month. The Center provides educational programs throughout the County, one of which is the Central Valley Recovery Awareness Preventing Strokes Program that meets monthly and experts speak on the topics of stroke recovery or prevention. She provided the Council with a DVD of the CV Raps Program which contains testimonials of the people who attend the program and advocate for a Certified Stroke Center within San Joaquin County. She noted that Bay Area Counties have 26 centers, Sacramento has 8, and there are none in this county. In addition, this month is also Caregiver Appreciation Month and a symposium will be held on April 15, 2009, at the First Baptist Church, and will include workshops, demonstrations, and a keynote speaker. The event is free to caregivers and exhibitors who cater to the needs of caregivers.

Ena Aguire - (CM to follow-up)

Ms. Aguire resident in the Magnolia District spoke to the Record article regarding the City’s budget and the possibility that maintenance of street trees may be passed on to homeowners. As a retired person on a fixed income, she would not be able to take on that responsibility. She said she does not believe the Council has looked into all areas where cuts can be made. She requested to see the city’s budget and said that property owners were not informed about the possibility of having to be responsible for the trees. She suggested ways in which property owners could be brought into the decision making process regarding maintenance of the street trees.

James Young

Through the Clerk, Mr. Young said there were police in his neighborhood on Friday night and would like to know what happened. He said he saw them outside of his apartment window, in the apartments behind his. He said he wants a speed bump on Persing Avenue for cars to slow down. He said he helped by holding up a sign that says Vote Yes on 8, but since has changed his mind.

Councilmember Lee left the chambers at 5:50 p.m. and returned at 5:52 p.m.
Kathleen Halliday

Ms. Halliday, Outreach Program Manager, Family and Youth Services of San Joaquin County (formerly CPPA), spoke on the Youth Services Safehouse Transitional Living Program and Drop-In Center. The Center provides shelter and a variety of services to youth who are homeless or have run away from their home. She said that November is National Runaway Prevention Month and presented statistics of homeless youth in this community. She urged everyone to help strengthen community awareness by participating in the Green Light Project and installing and turning on a green porch light to show support for runaway youth. Green light bulbs are available at most hardware stores. For more information people are urged to contact Jennifer Jones at Family and Youth Services, 929-6700.

Bill Maxwell

Mr. Maxwell representing the Stockton Arts Commission, stated that the Commission is the Arts advocacy group for the City and serves as the catalyst to support, sustain, and strengthen a diverse arts community by increasing awareness, opportunities, and involve people in the arts and cultural activities within the city. He recognized the Council's continuing commitment to the arts through their support of the Stockton Arts Commission. He said the 31st Annual Arts Award Celebration was recently held at the Bob Hope Theatre with over 500 people attending. The event featured 13 local performing art groups, displayed graphic art from the Tidewater Gallery, and displayed art work of various local and regional artists. The 2008 Arts Commission grants totaled over $64,000 and are having a positive affect and influence in the arts community. Among the eleven grant recipients were the Little Manila Foundation, The Stockton Chorale, and The Downtown Stockton Alliance. The Arts Commission is sponsoring the Hmong Arts Cultural Show at the Civic Memorial Auditorium on November 7, 2008. He asked for the Council's continued support of the Arts in Stockton. Anyone wishing more information may contact Arts Commission Director, Deena Heath, Community Services Department 937-7488.

Tocan Nguyen

Mrs. Nguyen said she was surprised to see so many people in attendance at the meeting. She said there are many homeless people in this city who need help. She continued her complaints of bodily injury against her person and voiced her disapproval of certain political leaders.
Mayor Chavez

Mayor Chavez called for speaker Charles Powell. Mr. Powell indicated that he was interested in speaking to Item 9.03, the 2008-09 Annual Budget.

The Mayor informed Mr. Powell that Item 9.03 would be continued to possibly November 6, 2008.

6. **CC/RD CONSENT AGENDA 6:01 PM**

Mayor Chavez

The Mayor announced that several Councilmembers had questions on Items 6.02, 6.03 and 6.04. The Mayor recused himself from voting on Item 6.04.

Councilmember Eggman

Regarding Item 6.02 Councilmember Eggman asked about the City's decision making process to determine what equipment will be bought for each center.

Pamela Sloan, Community Services Director

Ms. Sloan confirmed that input from the community when the centers were built determined that exercise equipment and game tables would be purchased for both centers.

Katherine Gong Meissner, City Clerk

City Clerk Meissner announced that Item 6.03 was relative to a $600,000 loan to Visionary Home Builders of California.

Councilmember Eggman

Councilmember Eggman questioned how providing the $600,000 loan would affect other low and moderate income housing projects, what is the plan to pay the loan back to the City, and what will happen if the City does not fund this loan.

Bob Bressani, Interim Housing Department Director

Mr. Bressani responded that staff generally looks at each component of an affordable housing project on its own then looks at the entire project for the
amount of assistance that is needed. Mr. Bressani stated that the City
could look at alternate uses of the property, strictly on a housing
basis, should this proposal not be approved. Mr. Bressani, addressing the
payment plan, said there would be an amendment to the existing loan
agreement for the $2.4 million and repayment would be wrapped into that
agreement under the same terms.

Councilmember Eggman

Through the Mayor, Councilmember Eggman requested that Item 6.03 be
removed from the Consent Agenda and voted on separately.

Katherine Gong Meissner, City Clerk

City Clerk Meissner stated that Item 6.04 relates to the Voluntary
Separation Program implementation.

Councilmember Bestolarides

Councilmember Bestolarides confirmed that he would be supporting Item
6.04 and asked for clarification on the context of the projected meeting
scheduled for November 6, 2008. He stated this is a one-time fund, and
account 561 is being used to fund this program, to which City Manager
Palmer, Jr. confirmed. Councilmember Bestolarides said that this is in
addition to the $4 million of Internal Services Fund.

J. Gordon Palmer Jr., City Manager

City Manager Palmer clarified that the savings the City will realize from the
Voluntary Separation Program, and benefit savings for the rest of the year,
outweighs the cost of this and the City is saving money overall on payroll
related costs. Councilmember Bestolarides responded that this
underscores the reason for having the resolution out early so he can
understand the liability component of the fund.

6.01) CC  Resolutin 08-0422 approving an additional six-month extension
to the delay in the implementation of certain portions of the Public
Facilities Fee Administrative Guidelines regarding the
AGRICULTURAL LAND MITIGATION PROGRAM whereby property
owners and/or applicants can either pay a fee or acquire an
agricultural conservation easement regardless of the project acreage,
while allowing the program to remain in effect. (CD) (Pages 3-6)

6.02) CC  Resolution 08-0423 approving specifications and authorizing
the purchase of fitness/recreation equipment and supplies from
ATHLETIC STUFF of Paso Robles in the amount of $61,427.65, for the new Arnold Rue Community Center (formerly Panella Park Community Center) and the renovated Stribley Park Neighborhood Center. (CS) (Pages 7-12)

6.03) RD - Approve a $600,000 loan to VISIONARY HOME BUILDERS OF CALIFORNIA to refinance a portion of the cost of acquiring 12.2 acres located in the South Stockton Redevelopment Area at 2404 Mariposa Road. (HD) (Pages 13-18)
*Item 6.03 was removed from the Consent Agenda and heard as Item 7.01 under Unfinished Business, 6:19 PM*

6.04) CC Resolution 08-0424 implementing the VOLUNTARY SEPARATION PROGRAM and approving applications, appropriating $3.2 million from the Retirement Fund 561 to fund the incentive cost, and disbursing funds from the appropriate accounts to employees participating in the program. (CM) (Pages 19-30)

6.05) CC Resolution 08-0425 approving and adopting the Memorandum of Understanding and Appendices A and B between the City of Stockton and the OPERATING ENGINEERS' LOCAL UNION NO. 3 OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS*, AFL-CIO, representing the wages, hours, and other terms and conditions of employment for the Water Supervisory Unit of the Municipal Utilities Department, effective March 1, 2008 through December 31, 2008. (HR) (Pages 31-96)

6.06) CC Resolution 08-0426 executing an amendment to the Professional Services Master Contract for water quality and permitting services with CONDOR EARTH TECHNOLOGIES, INC. in the amount of $128,684 to assist with groundwater monitoring and regulatory compliance activities. (MUD) (Pages 97-109)

6.07) CC Resolution 08-0427 authorizing a payment to PACIFIC GAS AND ELECTRIC COMPANY in the amount of $120,083 pursuant to an existing agreement between the City and Pacific Gas and Electric Company for the modifications of the special facilities to upgrade high voltage protection at the Stockton Regional Wastewater Control Facility's 60 Kilovolt Substation. (MUD) (Pages 110-116)

6.08) CC Resolution 08-0428 approving acceptance of grant funding from the United States Department of Justice Office of Community Oriented Policing Services for the 2008 TECHNOLOGY GRANT PROGRAM in the amount of $631,328. (PD) (Pages 117-120)
6.09) CC Resolution 08-0429 amending the "Stop Controlled Intersection Schedule," pursuant to the Stockton Municipal Code sections 10-011.2 and 10-011.3, to include MOKELOMNE CIRCLE and SCOTT CREEK DRIVE (WEST) as a four-way stop controlled intersection. (PW) (Pages 121-125)

6.10) CC/RD Approve the minutes of the Concurrent City Council/Redevelopment Agency meetings of September 9, September 16, and September 23, 2008. (CLERK) (Pages 126-188)

Motion: Approve the Consent Agenda, absent Item 6.03 which was removed from the Consent Agenda and heard as Item 7.01 under Unfinished Business. Item 6.04 was approved by a vote of 5-0 with the Mayor recusing himself from voting on that item due to a potential conflict. Moved by Councilmember Chapman, seconded by Councilmember Nabors.

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 6:10 PM

7.01 (formerly Item 6.03) RD Resolution R08-037 approving a $600,000 loan to VISIONARY HOME BUILDERS OF CALIFORNIA to refinance a portion of the cost of acquiring 12.2 acres located in the South Stockton Redevelopment Area at 2404 Mariposa Road. (HD) (Pages 13-18) 6:10 PM

Motion: Approve 7.01 (formerly Item 6.03) RD Resolution R08-037 approving a $600,000 loan to VISIONARY HOME BUILDERS OF CALIFORNIA to refinance a portion of the cost of acquiring 12.2 acres located in the South Stockton Redevelopment Area at 2404 Mariposa Road. (HD) (Pages 13-18) Moved by Councilmember Lee, seconded by Councilmember Nabors.

Councilmember Bestolarides
Councilmember Bestolarides clarified that the original $2.4 million loan is collateralized to the real estate that is in question and the City intends to wrap the $600,000 with the same collateral under the same terms and conditions of the original note, to which Mr. Bressani affirmed.

**Bob Bressani, Interim Housing Department Director**

Mr. Bressani clarifying further questions of Councilmember Bestolarides stated that the original $2.4 million loan was a combination of acquisition and redevelopment costs and the $600,000 is to refinance the short-term seller carryback loan that is due in December. Councilmember Bestolarides stated that the $600,000 was owed against this property under a different way and the City is wrapping it under one note. Councilmember Bestolarides asked if the $600,000 was subordinant or did it have priority over the $2.4 million, to which Mr. Bressani responded that it did have priority over the $2.4 million loan.

Vote: Motion carried 5-1

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

8. **NEW BUSINESS**

None.

9. **PUBLIC HEARINGS** 6:12 PM

9.01) CC  Hearing to consider public comments/testimony regarding MARIPOSA LAKES SPECIFIC PLAN PROJECT.  
6:12 PM  
At the conclusion of the public hearing, it is recommended that the City Council:

a) Certify the Final Environmental Impact Report and adopt the related CEQA "Findings, Statement of Overriding Considerations and Mitigation Monitoring/Reporting Program for the Mariposa Lakes Specific Plan Project" dated July, 2008; which includes mitigation
measures imposed by the Planning Commission on August 28, 2008, to include the requirement to comply with the standards and verification requirements of the "Build-It-Green" and LEED Programs;

b) Approve a General Plan amendment to amend the General Plan designation from Village and Industrial to Residential Estates, Low, Medium and High Density Residential, Administrative Professional, Commercial, Industrial, Open Space/Agriculture, Parks and Recreation and Institutional (GPA12-03);

c) Approve the Mariposa Lakes Specific Plan, incorporating the Fiscal Impact Analysis and Public Facilities Financing Plan;

d) Adopt an ordinance to approve a Prezoning to CG (Commercial, General), CN (Commercial, Neighborhood), IG (Industrial, General), IL (Industrial, Light), OS (Open Space), PF (Public Facilities), RE (Residential, Estate), RL (Low Density Residential), RM (Medium Density, Residential), RH (High Density Residential), UC (University/College);

e) Adopt an ordinance to approve a Development Agreement to facilitate and define the development phasing and financial responsibility of the Mariposa Lakes Specific Plan Project;

f) File with the San Joaquin Local Agency Formation Commission the Mariposa Lakes Specific Plan Project annexation to the City of Stockton and the STOCKTON EAST WATER DISTRICT with related City Services Plan for the 3,723±-acre annexation site with concurrent detachments of said property from the MONTEZUMA FIRE PROTECTION DISTRICT, COLLEGEVILLE RURAL FIRE DISTRICT and SAN JOAQUIN COUNTY RESOURCE CONSERVATION DISTRICT.

(CD) (Pages 190-473)

Affidavits of posting, mailing and/or publication were filed in the office of the City Clerk.

Public Hearing opened at 6:20 p.m.

Mike Niblock, Community Development Director
Mr. Niblock announced that this evening the Council is being presented with the first two of the villages contemplated by the 2035 General Plan.

**David Stagnaro, Planning Manager, Community Development Department Planning Division**

Mr. Stagnaro provided a staff report with the aid of a PowerPoint presentation (filed).

**Mayor Chavez**

Mayor Chavez clarified this is the first project coming before Council that is adhering to each point brought forth in the Settlement Agreement that was crafted by the Sierra Club and the Attorney General's Office.

**Mike Niblock, Community Development Director**

Mr. Niblock in response to the Mayor's statement confirmed that this project includes all of the components of the Settlement Agreement.

**Mayor Chavez**

The Mayor asked if the City has a time period for capacity regarding System 8.

**Mike Niblock, Community Development Director**

Mr. Niblock reported that only Phase I will tie in to System 8 then that system will be abandoned in that particular area and the entire project including Phase I will have to tie in to System 12. Mr. Niblock requested Municipal Utilities Director
Mark Madison to further address the Mayor's question.

**Mark Madison, Municipal Utilities Director**

Mr. Madison affirming Mr. Niblock's comments stated that Phase I can make use of System 8 on an interim basis. Mr. Madison clarified that Phase I of the Mariposa Lakes project is very large so the length of time this project would make use of Collection System 8 would depend on the build out, stating realistically it could be 10 to 15 years.

**Mike Niblock, Community Development Director**

Mr. Niblock introduced a brief discussion regarding establishing and creating the terms and conditions of the Development Agreement, provided by outside legal counsel, Michael Durkee.

**Michael Durkee, Attorney at Law**

Mr. Durkee began by thanking all of the parties involved, recognizing A+ City staff as well as the developers and their attorney, Mike Hakeem. Mr. Durkee provided an informative summary as to how the Development Agreement was created, including an explanation of terms and conditions.

**Mike Niblock, Community Development Director**

Mr. Niblock reiterated that in accordance with the General Plan policies and implementation strategies that the Council adopted, staff and the consultant team and the outside legal counsel took great measures to ensure that this project could pay its way. Mr. Niblock stated this project is consistent with the General Plan in that regard as well as all other regards related to the village concept in other aspects of the General Plan.

**Mayor Chavez**
Mayor Chavez explained the process for public comments.

The following spoke in support of the Mariposa Lakes Specific Plan Project:

Mike Hakeem, Attorney at Law, representing Mariposa Lakes Applicant Team, proponent
Russ Munson speaking on behalf of John Verner, proponent
Gerry Kamilos, co-developer with the Verner Group, proponent
Tom Shephard-(support) spoke regarding the water supply for the Mariposa Lakes Project.

The following spoke in opposition to the Mariposa Lakes Specific Plan Project:

Richard Shaffer-(oppose) representing the Morada Area Association. Mr. Shaffer submitted the following: Letter from Kenyon/Yeates dated October 28, 2008 regarding "Opposition to Mariposa lakes Specific Plan Project" (filed); Exhibits 1-7 (filed).
Kurt Cooper-(oppose) representing the Morada Area Association.
Ann Johnston-(oppose)
Michael Michaeli-(oppose)
Cathleen Campi-(oppose)
Laura Leibner-(oppose)

Michael Durkee, Attorney at Law

Michael Durkee, Attorney at Law clarified some questions posed by Mayor Chavez relative to the development agreement and that it is only being recorded against the land that the developer has legal interest in. He also addressed what happens as land is acquired per this agreement and what happens if the the land changes hands.

City Attorney Ren Nosky

City Attorney Ren Nosky in response to Mayor Chavez, stated
that the project environmental impact report has been vetted thoroughly.

Mike Niblock, Community Development Director

Mike Niblock, Community Development Director, in response to Councilmember Lee, addressed what is different between this development being entitled and development that was under the 1990 General Plan. He also noted that development agreements legally bind the applicant. The fundamental difference is that developments were considered on a piecemeal basis back then versus on a comprehensive basis presently. He spoke about the administrative policies and requirements that are now in place for a master planned community, the monitoring mechanisms and the financial plan for this project so that it remains fiscally neutral.

Richard Davis, Economical Planning Systems

Richard Davis, Economical Planning Systems, answered questions from Councilmember Lee, and clarified that based on a series of assumptions provided to him, the project would pay for itself. He noted, however, that any one of these assumptions, ie, the absorption rate and the assumed assessed values, could change over time. Mr. Niblock added that there is a monitoring feedback loop in place to periodically review to ensure the assumptions are still accurate, that there is overarching language in the development agreement that deals with fiscal and environmental impacts are addressed by the owners, developers and or successors in interest. He confirmed that in the past, there were no mechanisms in place to ensure accountability for these issues.

Councilmember Nabors

Councilmember Nabors commented about the need for various home types in South Stockton and the planning that took place for this project. The village concept was called for in all four quadrants of the city. She urged approval of this project in
South Stockton.

**Richard Davis, Economical Planning Systems**

Richard Davis, Economical Planning Systems, in response to Councilmember Eggman's question relative to the on-going policy issue, stated that peer reviews and fiscal impact analysis prepared in other projects led to concerns that the City of Stockton may be taking on too many projects at once, and maybe entitling development with an absorption rate over the next 40-50 years, and the global impacts of retail on the City.

**Mike Hakeem, Attorney at Law, representing Mariposa Lakes Applicant Team, proponent presented the rebuttal.**

Public Hearing closed at 8:19 p.m.

**Councilmember Lee**

Councilmember Lee summarized his comments by speaking to the General Plan and the growth of the city.

**Councilmember Chapman**

Councilmember Chapman spoke to the issue of the timeline of this proposed project and his support of this project.

**Mayor Chavez**

The Mayor, relating to information he heard earlier in the report, asked a question regarding a Fire Station which would include 15 Firefighters and then asked regarding 47 Police Officers which was clarified to be correct.
Councilmember Eggman

Councilmember Eggman thanked the staff for their hard work and offered her appreciation to the developers on this project. Councilmember Eggman expressed some concerns regarding the timeline and indicated she would not be supporting this project.

Councilmember Nabors

The Councilmember spoke about her support for this project and stated she feels it is long overdue.

Mayor Chavez

The Mayor commented on the housing situation and current state of the economy, that development agreements protect the City and let the developers know where the City stands relative to being revenue neutral. He stated his support for this project.

Motion: Approve:

a) Resolution 08-0430 certifying the Final Environmental Impact Report and adopting the related CEQA "Findings, Statement of Overriding Considerations and Mitigation Monitoring/Reporting Program for the Mariposa Lakes Specific Plan Project" dated July, 2008; which includes mitigation measures imposed by the Planning Commission on August 28, 2008, to include the requirement to comply with the standards and verification requirements of the "Build-It-Green" and LEED Programs;

b) Resolution 08-0431 approving a General Plan amendment to amend the General Plan designation from Village and Industrial to Residential Estates, Low, Medium and High Density Residential, Administrative Professional, Commercial, Industrial, Open Space/Agriculture, Parks and Recreation and Institutional (GPA12-03);

c) Resolution 08-0432 approving the Mariposa Lakes Specific Plan,
incorporating the Fiscal Impact Analysis and Public Facilities Financing Plan;

d) **Ordinance 014-08 effective November 27, 2008,** approving a Prezoning to CG (Commercial, General), CN (Commercial, Neighborhood), IG (Industrial, General), IL (Industrial, Light), OS (Open Space), PF (Public Facilities), RE (Residential, Estate), RL (Low Density Residential), RM (Medium Density, Residential), RH (High Density Residential), UC (University/College);

e) **Ordinance 015-08 effective November 27, 2008,** approving a Development Agreement to facilitate and define the development phasing and financial responsibility of the Mariposa Lakes Specific Plan Project;

f) **Resolution 08-0433** approving filing the Mariposa Lakes Specific Plan Project annexation to the City of Stockton and the STOCKTON EAST WATER DISTRICT with related City Services Plan for the 3,723±-acre annexation site with concurrent detachments of said property from the MONTEZUMA FIRE PROTECTION DISTRICT, COLLEGEVILLE RURAL FIRE DISTRICT and SAN JOAQUIN COUNTY RESOURCE CONSERVATION DISTRICT with the San Joaquin Local Agency Formation Commission. (CD) (Pages 190-473)

Moved by Councilmember Nabors, seconded by Councilmember Chapman.

Vote: Motion carried 4-2

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

Mayor Chavez recessed the meeting at 8:30.

Mayor Chavez reconvened the meeting at 8:42 p.m.

9.02) CC. **Hearing to consider public comments/testimony regarding the TIDEWATER CROSSING MASTER DEVELOPMENT PLAN.**

8:41 PM
At the conclusion of the public hearing, it is recommended that the City Council:

a) Certify the Final Environmental Impact Report (FEIR2-05) and adopting the related CEQA "Findings, Statement of Overriding Considerations and Mitigation Monitoring/Reporting Program for the Tidewater Crossing Master Development Plan Project" dated September, 2008;

b) Approve a General Plan amendment to amend the project site from portions of Village and Industrial to Low-Density Residential, Medium-Density Residential, High-Density Residential, Open Space, and Parks and Recreation and relocation of a proposed elementary school symbol from north to south adjacent to a proposed community park in the Master Development Plan project site;

c) Approve the Master Development Plan specifying project land use requirements for property located on the southwest side of the Stockton Metropolitan Airport, west of State Route 99 and northeast of East French Camp Road;

d) Adopt an Ordinance approving a Prezoning to RL (Residential, Low Density), RM (Residential, Medium Density), RH, (Residential, High Density), IL, (Industrial, Limited), PF (Public Facilities) and OS (Open Space) (Z-1-05);

e) Adopt an Ordinance approving a Development Agreement to facilitate and define the development phasing and financial responsibility (DA1-05); and

f) File an Annexation request with the Local Agency Formation Commission for the Tidewater Crossing Master Development Plan project annexation to the City of Stockton and the Stockton East Water District with related City Services Plan for the 909±-acre annexation site with concurrent detachments of said property from the FRENCH CAMP-MCKINLEY and the LATHROP-MANTECA FIRE PROTECTION DISTRICTS and the SAN JOAQUIN COUNTY RESOURCE CONSERVATION DISTRICT.

(CD) (Pages 474-776)

Affidavits of posting, mailing and/or publication were filed in the office of the City Clerk.

A letter dated and received by the City Clerk’s Office on October
27, 2008 from Heidi J. Williams, Senior Director of Airports, Aircraft Owners and Pilots Association (AOPA), recommending that a moratorium be placed on this development until the Tidewater Crossing project is vetted and complies with the updated San Joaquin County Airport Land Use Compatibility Plan, transmitted via a memorandum from Katherine G. Meissner, City Clerk dated October 28, 2008 (filed).

The Mayor declared the public hearing opened at 8:50 p.m.

Mike Niblock, Community Development Director

Mr. Niblock introduced Ms. Berlin who would be giving the staff report.

Barbara Berlin, Deputy Director of the Community Development Department - Planning

Ms. Berlin provided the staff report with the aid of a PowerPoint presentation (filed). She added that the Planning Commission is also recommending that Neighborhood C be changed from Medium-Density Residential to Industrial land.

Mayor Chavez

The Mayor called the project proponent forward.

Mike Hakeem, Proponent Representative

Mr. Hakeem gave highlights of the Tidewater Crossing project, that it is a master development plan, that an integrated approach was used, the standards set forth in writing, that it contains a performance package, the project's adherence to the General Plan 2035 and the State Attorney General's Settlement Agreement, the financing plan and the project's fiscal neutrality,
the jobs-housing ration, and other components of the project. He added that the applicants do not intend to annex any additional territory beyond the existing boundaries of the project, and that the French Camp historic school will not be relocated to the project.

Mr. Hakeem filed a letter dated April 21, 2006 addressed to Mr. Matt Arnaiz, from George T. Kammerer of Hefner, Stark & Marois, LLP, regarding "Airport Land Use Consistency of Residential Land Uses at Tidewater Crossing" (filed).

Mr. Hakeem presented a PowerPoint slide presentation for Tidewater Crossing (filed).

**Matt Arnaiz**

Mr. Arnaiz presented a listing of the Tidewater Crossing Chronology of Public Outreach (filed) and spoke about the efforts made to inform the community about this project including the National Guard.

**Tom Truszkowski**

Mr. Truszkowski presented a listing containing the Tidewater Crossing Chronology of Communication with California National Guard (filed). He addressed some testimony that the Council will hear from the California National Guard. He pointed out that the proponent no longer favors access to the project through the National Guard property and airport property. He also addressed their sensitivity to the issue of military helicopters and airport versus the project's land use and the location of the residential areas, the change of Neighborhood C to an industrial land use, and the noise study results.

**The following public members spoke in opposition to the Tidewater Crossing project:**

**Ann Johnston - oppose**
Cruz R. Alonzo, Jr. - oppose did not respond when called by the Mayor.

Joe Alonzo - did not respond when called by the Mayor.

Salvador Chaparra - oppose

Dave Sauter - oppose

Jeanne Germain - oppose

Rita Sauter - oppose

Don Mount - oppose

Ellen Carter - oppose

Maria Mariscal - did not respond when called by the Mayor

Idalia Bueno - did not respond when called by the Mayor

Mary Nicholson - oppose

The following individual spoke neutrally about the Tidewater Crossing project:

Mike Herman, US Army Colonel, Facilities and Engineering Director, California National Guard - neutral

Colonel Herman stated that though Mr. Truszkowski commented about what the Council could expect to hear from him (Colonel Herman), he wished to speak for himself. He added that the only person authorized to speak on behalf of the
Guard was contacted about two years ago, however, there have been many personnel changes in the past two years which is the reason why they did not comment officially on the environmental reports or at the Planning Commission hearing. He expressed their concerns pertaining to potential impacts this project may have on the Guard’s facility and their opposition to the access route identified early on. However, if there were an alternate Route, it would solve the concern.

**Mayor Chavez**

The Mayor requested to see the presentation slices of the access routes. Colonel Herman returned to the podium to address the Mayor’s request for clarification on the access routes.

**The following individuals also spoke in opposition to the Tidewater Crossing project:**

**Bob Pico** - oppose. He also added in response to the Mayor that he has been on the San Joaquin County Agricultural Advisory Board for numerous years.

**Thomas Colwell** - did not respond when called by the Mayor

**Melody Harris** - did not respond when called by the Mayor

**Dwayne Harris** - did not respond when called by the Mayor

**John Alonzo** - oppose

**Billy Leah Silva-Berchtold** - oppose

**Tony Berchtold** - oppose
Michael Berchtold - oppose

Griselda Mariscal - did not respond when called by the Mayor

Juan Roybal - oppose

Sal Hauter - oppose

George Mallette - oppose

Alice Bordenave

Floyd Todd

Mike Hakeem, Proponent Representative

Mike Hakeem provided the rebuttal with the aid of PowerPoint slides (filed). Mr. Hakeem presented a letter dated April 26, 2006 addressed to Mr. Matt Arnaiz, President of Arnaiz Development Company, Inc. from George T. Kammerer of Hefner Stark & Marois, LLP regarding Airport Land Use Consistency of Residential Land Uses at Tidewater Crossing (filed).

Public Hearing closed at 10:17 p.m.

Councilmember Nabors

Councilmember Nabors asked for clarification as there were many residents from French Camp and parts of Manteca. Mr. Niblock responded that the project is in San Joaquin County and will require annexation to the City of Stockton. The project area is entirely within the City’s General Plan boundary designated for a village and is located within the City’s Sphere of Influence
adopted by the Local Agency Formation Commission. To receive services, this project must annex to the City.

**Councilmember Eggman**

Councilmember Eggman stated she did not support the General Plan nor did her Planning Commission appointee vote in support of this project, who walked the neighborhood where this project is proposed. She stated she does not believe locating development near an airport is good or healthy, therefore, stated she would not be supporting this project.

**Councilmember Nabors**

The Councilmember asked for clarification regarding the access options which were opposed by the National Guard as she believed these issues had been addressed.

**Colonel Mike Herman**

Colonel Herman returned to the podium to address Councilmember Nabors. He clarified that if Option 2 were used, it would have no impact on the Guard’s operations.

**Mayor Chavez**

The Mayor clarified his motion to approve this project with the Planning Commission’s recommendation to change Village C to industrial, and approve Option 2 for the project access.

Motion: Approve:
1) the change of Neighborhood C to Industrial,
2) approve Option 2 for the project access so as to not disturb access for the National Guard, and
3) approve the Commercial prezoning, and the following four resolutions and two ordinances:
a) **Resolution 08-0434** certifying the Final Environmental Impact Report (FEIR2-05) and adopting the related CEQA "Findings, Statement of Overriding Considerations and Mitigation Monitoring/Reporting Program for the Tidewater Crossing Master Development Plan Project" dated September, 2008;

b) **Resolution 08-0435** approving a General Plan amendment to amend the project site from portions of Village and Industrial to Low-Density Residential, Medium-Density Residential, High-Density Residential, Open Space, and Parks and Recreation and relocation of a proposed elementary school symbol from north to south adjacent to a proposed community park in the Master Development Plan project site;

c) **Resolution 08-0436** approving the Master Development Plan specifying project land use requirements for property located on the southwest side of the Stockton Metropolitan Airport, west of State Route 99 and northeast of East French Camp Road;

d) **Ordinance 016-08, effective November 27, 2008**, approving a Prezoning to RL (Residential, Low Density), RM (Residential, Medium Density), RH, (Residential, High Density), IL, (Industrial, Limited), PF (Public Facilities) and OS (Open Space) (Z-1-05);

e) **Ordinance 017-08, effective November 27, 2008**, approving a Development Agreement to facilitate and define the development phasing and financial responsibility (DA1-05); and

f) **Resolution 08-0437** approving filing an Annexation request with the Local Agency Formation Commission for the Tidewater Crossing Master Development Plan project annexation to the City of Stockton and the Stockton East Water District with related City Services Plan for the 909±-acre annexation site with concurrent detachments of said property from the FRENCH CAMP-MCKINLEY and the LATHROPMANTECA FIRE PROTECTION DISTRICTS and the SAN JOAQUIN COUNTY RESOURCE CONSERVATION DISTRICT.

Moved by Mayor Chavez, seconded by Councilmember Lee.

**Mike Niblock, Community Development Director**

Mr. Niblock clarified the Options for the project access.
**Councilmember Chapman**

The Councilmember stated his support for the project.

**City Clerk Katherine Gong Meissner**

City Clerk Meissner restated and confirmed the motion on the floor to include:
1) the change of Neighborhood C to Industrial
2) approve Option 2 for the project access, which does not disturb access for the National Guard
3) approve the Commercial prezcoring, which Mr. Niblock clarified as needing to be added.

**City Attorney Ren Nosky**

Mr. Nosky clarified an appeal that was filed on this project previously, and that the City Attorney's Office determined that the appeal was not proper under the circumstances because the Council has original jurisdiction on these matters and that four votes would carry the staff's recommendation to approve this project.

Vote: Motion carried 4-2

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

9.03) CC  Hearing to consider public comments/testimony regarding an Addendum to the 2008-2009 Annual Budget and 2008-2009 Fee Schedule. 10:25 PM
At the conclusion of the public hearing, it is recommended that the City Council:

a) Adopt a resolution approving the proposed addendum to the
2008-2009 Annual Budget; and,

b) Adopt a resolution approving the proposed addendum to the 2008-2009 FEE SCHEDULE.

(CM) (Page 777)

There is no staff report available for this Agenda Item at this time. City Manager Palmer filed a memo to the Mayor and Council dated October 24, 2008 indicating that the information regarding this item is still being developed (filed). 10:26 PM

The Mayor declared the public hearing opened at 10:27 p.m. and continued the public hearing.

CITY CLERK NOTE: The public hearing on the 2008-2009 Annual Budget and 2008-2009 Fee Schedule was continued to November 6, 2008.

Note: Letter from Peter G. Hine, resident of Venetian Bridges, concerning the East Bay Municipal Utility District right-of-way, dated October 24, 2008 regarding Item 9.03 transmitted via a memorandum from Katherine G. Meissner, City Clerk dated October 28, 2008 (filed).

10. COUNCIL/REDEVELOPMENT AGENCY COMMENTS AND COMMITTEE REPORTS 10:26 PM

COUNCIL COMMENTS 10:26 PM

None

11. ADJOURNMENT 10:26 PM

KATHERINE GONG MEISSNER
CITY CLERK OF THE CITY OF
STOCKTON
SECRETARY REDEVELOPMENT AGENCY
MINUTES
CITY COUNCIL/REDEVELOPMENT AGENCY CONCURRENT
CITY HALL CITY COUNCIL CHAMBERS STOCKTON, CALIFORNIA
DECEMBER 16, 2008

Closed Session for December 16, 2008 was cancelled.

C-1. CC/RD—CALL TO ORDER / ROLL CALL

C-2. CC/RD—ANNOUNCEMENT OF CLOSED SESSION

C- 2.1) CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
Number of Cases:—One

Name of Case:—Building-Industry Association of the Delta v City of Stockton (San Joaquin County Superior Court No. 08-00184005-CU-
JR-STK)

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

C- 2.2) CONFERENCE WITH LABOR NEGOTIATOR
Agency Designated Representatives:
J. Gordon Palmer, Jr.; Dianna Garcia

Employee Organizations; Unrepresented Units:
Stockton City Employees’ Association; Operating Engineer’s Local 3; Mid-
Management/Supervisory-Level Unit; Unrepresented
Management/Confidential; Law Department; Stockton Police Officers
Association; Stockton Police Management Association; Stockton
Firefighters Local 466 International Association of Firefighters; Stockton
Fire Management

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

C-3. CC/RD—PUBLIC COMMENT

C-4. CC/RD—ADJOURN TO CLOSED SESSION

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

Roll Call 5:31 PM
Present:
Councilmember Bestolarides
Councilmember Chapman
Councilmember Eggman
Councilmember Lee
Councilmember Nabors
Vice Mayor Martin
Mayor Chavez

2. CC/RD REPORT OF ACTION TAKEN IN CLOSED SESSION

None. (Closed Session for December 16, 2008 was cancelled).

3. INVOCATION/PLEDGE TO FLAG 5:31 PM

Councilmember Lee provided the Invocation. The Pledge of Allegiance was led by Vice Mayor Martin.

4. PROCLAMATIONS/COMMENDATIONS/CITY ANNOUNCEMENTS OR INVITATIONS 5:32 PM

4.01) COMMENDATION: Stockton Fire Department's Swift Water/Flood Search and Rescue Team 13 (Response to Hurricane's Gustov and Ike)

RECIPIENT: Michael Lilienthal, Battalion Chief & Task Force Leader 5:32 PM

4.02) CERTIFICATE: California Girls State Program Sponsored by American Legion Auxiliary, Karl Ross Unit #16

RECIPIENT: Gabrielle Almanza, St. Mary's High School student 5:38 PM

City Clerk Katherine Gong Meissner announced that Item 4.03 would be moved to the end of the Agenda this evening. 5:40 PM

5. CITIZENS' COMMENTS, ANNOUNCEMENTS OR INVITATIONS* 5:40 PM

Dennis Goldstrand, President of the Greater Stockton Chamber of Commerce

Mr. Goldstrand, introduced Rick Goucher, Sr. Vice President and Doug Wilhoit CEO of the Greater Stockton Chamber of Commerce. On behalf of the Greater Stockton Chamber of Commerce, Mr. Goldstrand recognized Mayor Chavez, and Councilmembers Chapman, Lee, and Nabors for their service to the community. He expressed continued support for Vice Mayor Leslie Martin and Councilmember Eggman. He presented all the
Councilmembers and City Manager Palmer, Jr. with a newly released tabletop book on Stockton.

**Tino Adame, Karl Ross Post #16**

Mr. Adame thanked the Mayor and Councilmembers for all the support they offered Karl Ross Post #16 in various endeavors throughout their years of service, including the letters of support for the regional hospital.

**Leroy Cisneros - CM to follow-up**

Mr. Cisneros is a member of the Roofers and Waterproofers Union Local No. 81 spoke to Item 6.19 regarding citywide maintenance bid.

**Tocan Nguyen**

Tocan Nguyen continued her complaints about personal abuse and summarized her political views.

**Ken Volante - CM to follow-up**

Mr. Volante spoke regarding a guide dog attack.

**Item added to Agenda (per Government Code 54954.2(b)(2)) regarding Presley v. City of Stockton, et al 5:58 PM**

City Attorney Ren Nosky announced the need to add an item regarding the approval of the agreement of the Settlement of Lawsuit: Presley v. City of Stockton, et al per Government Code Section 54954.2(b)(2) to the Consent Agenda .

Motion: Approve the addition of an item approving the agreement of the Settlement of Lawsuit: Presley v. City of Stockton, et al per Government Code Section 54954.2(b)(2) to the Consent Agenda, as the need arose after the posting of the Agenda. Moved by Councilmember Chapman, seconded by Vice Mayor Martin.

Vote: Motion carried 7-0

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

**City Clerk note: This item was added to the Consent Agenda as Item 6.21.**

6. **CC/RD CONSENT AGENDA**
A memorandum dated December 16, 2008 from City Clerk Katherine Gong Meissner was distributed "Around the Bench" regarding adding an item to the Consent Agenda, due to the City arriving at a settlement in the case of PRESLEY v. CITY OF STOCKTON, et al, (Superior Court Case No. CV030562) and a revised resolution for Consent Item 6.07 for the Redevelopment Agency MARINA COMPLEX OPERATIONS (filed).

6.01) CC **Resolution 08-0499** accepting the grant award in the amount of $15,355 from the DEPARTMENT OF CORRECTIONS AND REHABILITATION CORRECTIONS STANDARDS AUTHORITY, approving the required $1,706 in matching funds, and making all necessary appropriations and executing all grant award documents as mandated under the Juvenile Accountability Block Grant Program. (CM) (Pages 3-21)

6.02) CC **Resolution 08-0500** approving a settlement agreement in the three consolidated cases pertaining to the CITY’S EMERGENCY COMMUNICATION SYSTEM ACCESS FEE. (ATTY) (Pages 22-37)

6.03) CC **Resolution 08-0501** approving findings and authorizing a contract with ERIC POWELL of Berkeley, in the amount of $64,000, for art services to design, fabricate and install sculptural bridge railing and form liner barrier enhancements for the Davis Road Bridge over Pixley Slough as recommended by the Public Art Advisory Committee. (CS) (Pages 38-66)

6.04) CC **Resolution 08-0502** accepting a 2008 Hazardous Material Emergency Preparedness Grant in the amount of $40,776 from the STATE OF CALIFORNIA - OFFICE OF EMERGENCY SERVICES. (FD) (Pages 67-70)

6.05) CC/RD REVISED REDEVELOPMENT AGENCY FISCAL YEAR 2008-2009 ANNUAL BUDGET

**City Council Action**

**Resolution 08-0503** electing to receive taxing entity payments from the NORTH STOCKTON REDEVELOPMENT PROJECT AREA for Fiscal Year 2008-09.

**Redevelopment Agency Action**

**Resolution R08-046** approving the Revised Redevelopment Agency Fiscal Year 2008-09 Annual Budget; authorizing the Executive Director to forward $1,886,930 to the State’s Education Revenue Augmentation Fund no later than May 10, 2009; authorizing the Executive Director to pay the City of Stockton $272,788 of its statutorily obligated pass-through payment for
fiscal year 2008-09; and, authorizing the Executive Director to take any other actions necessary to carry out the purpose and intent of this item. (HRD) (Pages 71-87)

6.06) CC/RD REDEVELOPMENT AGENCY 2007-2008 ANNUAL REPORTS

City Council Action

Resolution 08-0504 approving the 2007-08 Annual Report of Financial Transactions of Community Redevelopment Agencies; approving the California Department of Housing and Community Development Redevelopment Agency Annual Housing Activity Report for Fiscal Year Ending June 30, 2008; and, transmitting said report to the State Controller’s Office and the State Department of Housing and Community Development.

Redevelopment Agency Action

Resolution R08-047 approving the 2007-08 Annual Report of Financial Transactions of Community Redevelopment Agencies; approving the California Department of Housing and Community Development Redevelopment Agency Annual Housing Activity Report for Fiscal Year Ending June 30, 2008; and, authorizing transmittal of said report to the City Council for their approval. (HRD) (Pages 88-93)

6.07) RD Resolution R08-048 affirming Agency financial assistance and staff support for the MARINA COMPLEX OPERATIONS. (HRD) (Pages 94-97)

6.08) CC Resolution 08-0505 designating a non-profit corporation, DOWNTOWN STOCKTON ALLIANCE, to operate the Downtown Management District 2007-01; and, executing an agreement with the Downtown Stockton Alliance to manage District funds and approving the Downtown Management District 2009 Budget. (HRD) (Pages 98-114)

6.09) CC—Adopt a resolution to approve both near and long-term measures to expand the supply of PUBLIC PARKING SERVING DOWNTOWN STOCKTON; approve findings and authorize staff to issue a Request for Proposals to retain a professional parking consulting firm to perform a comprehensive parking study for downtown Stockton; appoint Councilmember Susan Talamantez Eggman to the Request for Proposals Selection Committee, and authorize appropriate actions to implement strategies for improved management and expansion of public parking in the downtown area. (HRD) (Pages 115-144)

_item 6.09 was removed from the Consent Agenda and heard as Item 7.01 under Unfinished Business._ 6:05 PM
6.10) CC  **Ordinance 030-08 C.S., effective January 15, 2009**, amending the Stockton Municipal Code, Chapter 12, by adding part VI, Section(s) 12-300 to 12-311, relating to franchises for DOWNTOWN PROMOTIONAL BANNERS. (HRD) (Pages145-152)

6.11) RD  **Resolution R08-049** approving a 180-day Exclusive Negotiating Rights Agreement between the STOCKTON REDEVELOPMENT AGENCY and JAM FACTORY, LLC for the B&M Building located at 125 Bridge Place on the Janet Leigh Plaza. (HRD) (Pages153-156)

6.12) CC  **Resolution 08-0506** extending the UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES UNIT COMPENSATION PLAN and the LAW DEPARTMENT COMPENSATION PLAN for a one-year period, and authorizing the City Manager to implement a 12-day furlough calendar for Fiscal Year 2009-2010 and freezing all pay increases, including cost of living increases, for the Fiscal Year 2009-2010. (HR) (Pages 157-161)

6.13) CC  **Resolution 08-0507** executing the Letter of Understanding between the CITY OF STOCKTON and the STOCKTON PROFESSIONAL FIRE FIGHTERS LOCAL 456, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, to extend the current memorandum of understanding from June 30, 2010 to June 30, 2011. (HR) (Pages 162-175)

6.14) CC  **Resolution 08-0508** approving and executing the Memorandum of Understanding, including City of Stockton Modified Employee Medical Plan-Benefit Recap and City of Stockton 2007 Classification and Compensation Study, between the CITY OF STOCKTON and the STOCKTON MANAGEMENT B & C EMPLOYEES’ ASSOCIATION representing the wages, hours, and other terms and conditions of employment for the Mid-Management/Supervisory Level Unit, effective January 1, 2009 through June 30, 2014. (HR) (Pages 176-183)

6.15) CC  **Resolution 08-0509** modifying the Mid-Management/Supervisory Memoranda of Understanding by establishing the new unclassified positions and allocating the salary ranges for DEPUTY COMMUNITY DEVELOPMENT DIRECTOR/ENGINEERING AND TRANSPORTATION PLANNING, and PRINCIPAL CIVIL ENGINEER. (HR) (Pages184-189)

6.16) CC  **Resolution 08-0510** adopting the proposal submitted by EBSCO SUBSCRIPTION SERVICES of Los Angeles to provide subscription services for the Stockton-San Joaquin County Public Library, accepting a Non-Collusion Affidavit, and executing an agreement with EBSCO to provide subscription services for the Stockton-San Joaquin County Public Library. (LiB) (Pages190-197)
6.17) CC Resolution 08-0511 approving project specifications, addendum, and clarification, and executing a construction contract with PRESTON PIPELINES INC., of Lathrop, in the amount of $109,550 for Air Relief Valve Maintenance on wastewater force mains throughout the City. (MUD) (Pages 198-213)

6.18) CC Resolution 08-0512 approving the Agreement for Contracted Police Services between the LODI UNIFIED SCHOOL DISTRICT and the CITY OF STOCKTON, where the City of Stockton will be compensated by the Lodi Unified School District, an amount not to exceed $9,417 per month or $113,000 annually, for the period of July 1, 2008, through June 30, 2009. (PD) (Pages 214-219)

6.19) CC Resolution 08-0513 awarding and executing a contract for citywide roof maintenance to D7 ROOFING SERVICES, INC. of Sacramento at an annual cost of $51,870 for three years. (PW) (Pages 2220-232)

6.20) CC Resolution 08-0514 amending the Fiscal Year 2008-09 Budget to increase the appropriation of STATE PROPOSITION 1B BOND FUNDS from $0 to $4,308,102; and authorizing the City Manager to use the bond proceeds for local street maintenance needs and undertaking any related actions that may be appropriate to accept, receive and spend the funding. (PW) (Pages 233-243)

6.21) CC EMERGENCY AGENDA ITEM ADDED - Settlement of Lawsuit: Presley v. City of Stockton, et al (Superior Court Case No. CV030582)

Resolution 08-0515 approving the agreement of the Settlement of Lawsuit: Presley v. City of Stockton, et. al. per Government Code Section 54954.2(b)(2) to the Consent Agenda.

Councilmember Lee

Councilmember Lee asked City Manager Palmer, Jr. to elaborate on Item 6.15.

Motion: Approve the Consent Agenda absent Item 6.09 which was removed from the Consent Agenda and heard as Item 7.01 under Unfinished Business.

Moved by Vice Mayor Martin, seconded by Councilmember Chapman.

Vote: Motion carried 7-0

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

7. **UNFINISHED BUSINESS 6:04 PM**

7.01 *(formerly Item 6.09)* CC  Adopt a resolution to approve both near and long-term measures to expand the supply of PUBLIC PARKING SERVING DOWNTOWN STOCKTON; approve findings and authorize staff to issue a Request for Proposals to retain a professional parking consulting firm to perform a comprehensive parking study for downtown Stockton; appoint Councilmember Susan Talamantes Eggman to the Request for Proposals Selection Committee, and authorize appropriate actions to implement strategies for improved management and expansion of public parking in the downtown area. (HRD) (Pages 115-144) 6:05 PM

**Paul Blumberg, Interim Redevelopment Director and Don Smail, Project Manager responsible for the Central Parking District.**

Mr. Blumberg introduced this proposal and Mr. Smail provided a staff report to the Council with the aid of a PowerPoint presentation (filed).

The following Councilmembers and City Staff asked questions or commented about the proposal:

Vice Mayor Martin
Councilmember Chapman
Councilmember Lee
Councilmember Eggman
Mayor Chavez
Councilmember Bestolarides
Councilmember Nabors
Paul Blumberg, Redevelopment Director
City Attorney Ren Nosky

Councilmember Bestolarides was noted absent from the Council Chambers at 6:29 p.m. Councilmember Bestolarides returned at 6:34
Public comments were received from the following citizens:

Dan Cort spoke in opposition to the proposal.

Paul Rapp spoke in support of the proposal.

Mahala Burns spoke in opposition to the proposal.

Beth Cort spoke in opposition to the proposal.

Michal Meciar spoke in opposition to the proposal.

Peggy Massey spoke in opposition. Letters from In-Shape Health Clubs, Moonshadow productions both dated December 1, 2008 and a e-mail memo from Peter Holtz, Great Valley Financial to Mahala Burns dated March 19, 2008 were distributed to the Council (filed).

Joe Rose, SCEA Attorney spoke in support with maintaining Lot Z for City employee parking.

Dennis Smallie, Executive Director of the Downtown Stockton Alliance spoke in support of the project.

Councilmember Bestolarides was noted absent from the Council Chambers at 7:12 p.m. Councilmember Bestolarides returned to the Chambers at 7:21 p.m.

Motion: Approve Resolution 08-0516 approving an Action Plan both near and long-term measures to expand the supply of PUBLIC PARKING SERVING DOWNTOWN STOCKTON; approving findings and authorizing staff to issue a Request for Proposals to retain a professional parking consulting firm to perform a comprehensive parking study for downtown Stockton; approving temporary/short-term parking at 400 E. Main Street and delaying charging to park in Lot Z until the comprehensive parking study is completed; appointing Councilmember Susan Talamantes Eggman to the Request for Proposals Selection Committee, and authorizing appropriate actions to implement strategies for improved management and expansion of public parking in the downtown area. Moved by Councilmember Eggman, seconded by Councilmember Chapman.
Councilmember Bestolarides

Councilmember Bestolarides constructively recommended staff to work proposals such as this out in a constructive way in the future.

Vote: Motion carried 7-0

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

8. **NEW BUSINESS 7:34 PM**

8.01) **CC STATUS OF WATERFRONT MASTER PLAN - INFORMATIONAL ONLY (HRD) (Pages 245-246) 7:34 PM**

**Paul Blumberg, Interim Redevelopment Department Director**

Mr. Blumberg introduced the project and Consultant, Bruce Race.

**Bruce Race of Race Studio**

Mr. Race provided an informational report to the Council with the aid of a PowerPoint presentation (filed).

Vice Mayor Martin left the Council Chambers at 7:37 p.m. and returned at 7:38 p.m.

Councilmember Eggman left the Council Chambers at 7:38 p.m. and returned at 7:40 p.m.

The following Councilmembers asked questions or commented on the presentation:

Mayor Chavez

Councilmember Chapman

**Paul Blumberg, Interim Redevelopment Department Director**
Mr. Blumberg answered questions posed by the Councilmember.

9. **PUBLIC HEARINGS** 7:52 PM

9.01) **CC Hearing to consider public comments/testimony regarding GREEN BUILDING STANDARDS** 7:52 PM

At the conclusion of the public hearing it is recommended that the City Council adopt a resolution amending the City of Stockton's 2008-2009 Fee Schedule relating to the Community Development Department, Building Division to add a fee for Green Building Standards as mandated by Senate Bill No. 1473 to become effective January 1, 2009. (CD) (Pages 246-254)

Affidavits of posting, mailing and/or publication were filed in the office of the City Clerk.

**Public Hearing opened.**

**Mike Niblock, Director of the Community Development Department**

Mr. Niblock provided the staff report aided by a PowerPoint presentation (filed) and answered questions from Vice Mayor Martin.

No one from the public spoke.

**Public Hearing closed.**

Motion: Approve **Resolution 08-0517** amending the City of Stockton's 2008-2009 Fee Schedule relating to the Community Development Department, Building Division to add a fee for Green Building Standards as mandated by Senate Bill No. 1473 to become effective January 1, 2009.

Moved by Councilmember Bestolarides, seconded by Vice Mayor Martin.

Vote: Motion carried 7-0
Yes: Councilmember Eggman, Councilmember Chapman,
Councilmember Bestolarides, Councilmember Lee, Councilmember
Nabors, Vice Mayor Martin, and Mayor Chavez.

9.02) CC Hearing to consider public comments/testimony regarding the
establishment of the AIRPORT WAY AND DUCK CREEK STORM PUMP
STATION AREA OF BENEFIT. 7:56 PM
At the conclusion of the public hearing it is recommended that the
City Council adopt a resolution approving the establishment of the
AIRPORT WAY AND DUCK CREEK STORM PUMP STATION
AREA OF BENEFIT. (MUD) (Pages 255-292)

Affidavits of posting, mailing and/or publication were filed in the office of the
City Clerk.

Public Hearing opened.

Mark Madison, Director of the Municipal Utilities Department

Mr. Madison provided the staff report aided by a PowerPoint presentation
[filed].

No one from the public spoke.

Public Hearing closed.

Motion: Approve
Resolution 08-0518 approving the establishment of the
AIRPORT WAY AND DUCK CREEK STORM PUMP STATION
AREA OF BENEFIT.
Moved by Vice Mayor Martin, seconded by Councilmember Eggman.

Vote: Motion carried 7-0

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

10. COUNCIL/REDEVELOPMENT AGENCY COMMENTS AND COMMITTEE
REPORTS 8:02 PM
10.01) Report of Chair Susan Talamantes Eggman on the Council Audit Committee Meeting of November 18, 2008.

a) COMMITTEE REPORT

ACTION: Accept for filing.

b) ISSUE: Comprehensive Annual Financial Report;

RECOMMENDATION: None. Informational only.

c) ISSUE: Single Audit;

RECOMMENDATION: None. Informational only.

d) ISSUE: Redevelopment Agency Financial Statements;

RECOMMENDATION: None. Informational only.

e) ISSUE: Management Letter from Macias, Gini & O'Connell;

RECOMMENDATION: None. Informational only.

f) ISSUE: Measure W;

RECOMMENDATION: None. Informational only.

g) ISSUE: Performance Audit: Purchasing;

RECOMMENDATION: None. Informational only.

h) ISSUE: Performance Audit: Library – Materials Cataloging;

RECOMMENDATION: None. Informational only.

i) ISSUE: Performance Audit: Library – Fees and Fines;

RECOMMENDATION: None. Informational only.

j) ISSUE: Limited Scope Audit: Sub-Recipient Financial Statement Review;

RECOMMENDATION: None. Informational only.

k) ISSUE: Limited Scope Audit: Required City Training;
RECOMMENDATION: None. Informational only.

(AUD) (Pages 294-342) 8:02 PM

Motion: Approve accepting the Report of Chair Susan Talamantes Eggman on the Council Audit Committee Meeting of November 18, 2008 for filing. Moved by Councilmember Eggman, seconded by Vice Mayor Martin.

Vote: Motion carried 7-0

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

Mike Taylor, City Auditor

Mr. Taylor spoke on issues b) through f).

Mark Moses, Deputy City Manager, CFO

Mr. Moses spoke on issues g) through k) with the aid of a Powerpoint (filed).


a) COMMITTEE REPORT

ACTION: Accept for filing.

b) ISSUE: Status of the Stockton/Lodi Joint Recycled Water Feasibility Study

RECOMMENDATION: None. Discussion continuing.

(MUD) (Pages 344-365) 8:12 PM

Motion: Approve accepting the Report of Chair Dan Chapman on the Council Water Committee Meeting of November 20, 2008 for filing. Moved by Vice Mayor Martin, seconded by Councilmember Lee.
Vote: Motion carried 7-0

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

Mark Madison, Director of the Municipal Utilities Department personally thanked Councilmembers Chapman, Bestolarides and Lee for their support on the Council Water Committee.


a) COMMITTEE REPORTS
ACTION: Accept for filing, 8:14 PM

Motion: Approve accepting the Report of Chair Steve Bestolarides on the Council Community Planning/Development Committee meetings of November 13, November 20, and December 11, 2008 for filing. Moved by Councilmember Bestolarides, seconded by Vice Mayor Martin.

Vote: Motion carried 7-0

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

Councilmember Bestolarides noted there would be no presentation. The Committee recommended to reject the bids refer the issue back to Committee.

4.03) COMMENDATIONS: Outgoing Mayor and Councilmembers

RECIPIENTS: Mayor Edward J. Chavez, Councilmember Steve J. Bestolarides, Councilmember Dan J. Chapman, Councilmember Clem Lee, and Councilmember Rebecca G. Nabors 8:16 PM

The following out-going Councilmembers commented and reminisced about their respective terms of office:

Councilmember Bestolarides
Councilmember Chapman
COUNCIL COMMENTS 8:54 PM

Vice Mayor Martin

Vice Mayor Martin took a moment to honor each one of her colleagues and wished them all the best.

Councilmember Eggman

Councilmember Eggman also offered her gratitude toward the Mayor and Councilmembers and shared her appreciation in working with them all.

11. ADJOURNMENT 9:01 PM

KATHERINE GONG MEISSNER
CITY CLERK OF THE CITY OF STOCKTON
SECRETARY REDEVELOPMENT AGENCY
Closed Session scheduled for January 27, 2009 was cancelled.

C-1. GG/RD—CALL TO ORDER / ROLL CALL

C-2. GG/RD—ANNOUNCEMENT OF CLOSED SESSION

2.1)  CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

Number of Cases: One

Name of Case: Redevelopment Agency of the City of Stockton v. Burlington Northern and Santa Fe Railway Corporation et al. (United States District Court, Northern District of California, Court Case No. 2:05 CV 02087 RRB KFM)

This Closed Session is authorized pursuant to Section 54056.0(a) of the Government Code.

C-3. GG/RD—PUBLIC COMMENT

C-4. GG/RD—ADJOURN TO CLOSED SESSION

1. CC/RD CALL TO ORDER/ROLL CALL 5:29 PM

Roll Call 5:30 PM
Present:
Councilmember Eggman
Councilmember Fitchen
Councilmember Holman
Councilmember Lowery
Councilmember Martin
Vice Mayor Miller
Mayor Johnston

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

Closed Session scheduled for January 27, 2009 was cancelled.
3. **INVOCATION/PLEDGE TO FLAG 5:30 PM**

   Pastor Jim Dunn of First Baptist Church provided the Invocation. The Pledge of Allegiance was led by Councilmember Fritchon.

4. **PROCLAMATIONS/COMMENDATIONS/CITY ANNOUNCEMENTS OR INVITATIONS 5:33 PM**

   None.

5. **CITIZENS' COMMENTS, ANNOUNCEMENTS OR INVITATIONS* 5:33 PM**

   **Tocan Nguyen 5:34 PM**

   Tocan Nguyen continued her complaints about personal abuse and voiced her political views.

6. **CC/RD CONSENT AGENDA 5:40 PM**

   Note: A memorandum to the Council, dated January 27, 2009, from City Clerk Katherine Gong Meissner, the following was distributed around the bench (filed):

   Final Resolutions for Consent Items 6.05 (a) and (b), 6.06, 6.07, 6.08, and 6.09 as the resolutions provided in the agenda packet were "draft" copies.

   6.01) CC **Resolution 09-0026** Approving a lease with KCRA 3/HEARST-ARGYLE TELEVISION, INC. to provide storage space and encroachment permission to install communications equipment at the Stockton Arena for a three-year term. The City will receive $12,000 revenue annually. (CM) (Pages 3-15)

   6.02) CC **Resolution 09-0027** Appointing JASON CASHMAN and JEFF VINE as trustees to Reclamation District 403 for a single term expiring December 31, 2009. (CM) (Pages 16-24)

   6.03) CC **Resolution 09-0028** Executing the lease agreement with the UNION PACIFIC RAILROAD COMPANY for a one-time payment of $2,000 for the purposes of maintenance of the soundwall located on the east side of the Union Pacific Railroad property between Bear Creek and Morada Lane for painting and inspection. (CD) (Pages 25-50)
6.04) CC Resolution 09-0029 Executing the subdivision agreement, abandoning portions of the public utility and non-exclusive ingress-egress access easements, accepting on behalf of the public all offers of dedication, and authorizing recordation of the map for the VINTAGE PLAZA SUBDIVISION - TRACT NO. 3603 (TM6-04) located north of Sonora Street between California and American Streets. (CD) (Pages 51-54)

6.05) CC/RD - GLEASON PARK APARTMENTS

City Council

a) Authorize conveyance of two parcels located on the abandoned portions of Sonora Street between American Street and Stanislaus Street and on American Street between Church Street and Lafayette Street, including a reservation of a street easement at Church Street, to the Redevelopment Agency of the City of Stockton.

b) Approve a $1,482,285 Infill Infrastructure Grant Funds loan to Mercy Housing California to fund costs associated with the construction of infrastructure for the Gleason Park Apartments project and a reduction in the interest rate on previously approved City loans to Mercy Housing California from three percent to one percent.

Redevelopment Agency

a) Dedicate to the City of Stockton a street and highway easement located at American Street and Church Street.

b) Approve the reduction in interest rate on previously approved Redevelopment Agency loans to Mercy Housing California from three percent to one percent and authorizing transferring title of the project site from the Redevelopment Agency to Mercy Housing upon completion of all pre-disposition requirements specified in the Disposition and Development Agreement. (HRD) (Pages 55-72) 5:41 PM

Note: Councilmember Fitchen requested that Item 6.05 be removed from the Consent Agenda for further discussion and a staff report.

6.06) CC Resolution 09-0030 and RD Resolution R09-002 Setting a joint public hearing to consider adoption of the proposed Amended and Restated Redevelopment Plan for the WATERFRONT MERGER
REDEVELOPMENT PROJECT AREA and accompanying Final Environmental Impact Report and to authorize the publication and mailing of the Notice of Public Hearing to interested groups and citizens. (Hearing to be held June 2, 2009.) (HRD) (Pages 73-80)

6.07) CC Resolution 09-0031 Executing an amendment to the professional services contract with ECO:LOGIC, INC. in the amount of $224,900 to provide maintenance and process control support at the Regional Wastewater Control Facility at 2500 Navy Drive. (MUD) (Pages 81-87)

6.08) CC Resolution 09-0032 Approving findings and authorizing the replacement purchase of two backhoe loaders from HOLT OF CALIFORNIA in the amount of $138,987.46 through a Cooperative Purchasing Agreement with Modesto Irrigation District Contract Bid #16359. (MUD) (Pages 88-93)

6.09) CC Resolution 09-0033 Approving findings and authorizing the replacement purchase of two dump trucks from INTERSTATE TRUCK CENTER in the amount of $213,636.44 through the City of Modesto's Cooperative Purchasing Agreement. (MUD) (Pages 94-98)

6.10) CC/RD Motion to Approve the minutes of the Concurrent City Council/Redevelopment Agency meeting of December 9, 2008; and the Special City Council meetings of October 22, 2008 (Study Session Regarding Budget); November 6, 2008 (Continued Public Hearing Regarding Budget); and, December 10, 2008 (New Councilmember Orientation/Presentations). (CLERK) (Pages 99-126)

Motion: Approve the Consent Agenda absent Item 6.05 which was removed from the Consent Agenda and heard as Item 7.01 under Unfinished Business. Moved by Councilmember Eggman, seconded by Vice Mayor Miller.

Vote: Motion carried 7-0

Yes: Councilmember Eggman, Councilmember Fritchen, Councilmember Holman, Councilmember Lowery, Councilmember Martin, Vice Mayor Miller, and Mayor Johnston.

7. UNFINISHED BUSINESS 5:40 PM
7.01) (formerly Item 6.05) CC/RD GLEASON PARK APARTMENTS

City Council

a) Authorize conveyance of two parcels located on the abandoned portions of Sonora Street between American Street and Stanislaus Street and on American Street between Church Street and Lafayette Street, including a reservation of a street easement at Church Street, to the Redevelopment Agency of the City of Stockton.

b) Approve a $1,482,285 Infill Infrastructure Grant Funds loan to Mercy Housing California to fund costs associated with the construction of infrastructure for the Gleason Park Apartments project and a reduction in the interest rate on previously approved City loans to Mercy Housing California from three percent to one percent.

Redevelopment Agency

a) Dedicate to the City of Stockton a street and highway easement located at American Street and Church Street.

b) Approve the reduction in interest rate on previously approved Redevelopment Agency loans to Mercy Housing California from three percent to one percent and authorizing transferring title of the project site from the Redevelopment Agency to Mercy Housing upon completion of all predisposition requirements specified in the Disposition and Development Agreement. (HRD) (Pages 55-72) 5:40 PM

City Manager J. Gordon Palmer, Jr. 5:41 PM

City Manager J. Gordon Palmer, Jr. introduced newly appointed Redevelopment/Housing Director Dave Harzoff and informed Council that Bob Bressani, Deputy Director of the Housing and Redevelopment Department would be providing the staff report.

Bob Bressani, Deputy Director of the Housing and Redevelopment Department 5:42 PM

Mr. Bressani provided a staff report with the aid of a PowerPoint presentation (filed) and answered questions from the Councilmembers.
The following Councilmembers asked questions regarding Item 6.05; some commented on their support of this project: 5:49 PM

Councilmember Martin
Councilmember Fritchon
Vice Mayor Miller
Councilmember Lowery
Mayor Johnston
Councilmember Eggman

Paul Ranger, Mercy Housing 6:02 PM

Paul Ranger, Mercy Housing responded to Mayor Johnston’s question regarding the market rates for this project.

Motion: Approve 7.01) (formerly Item 6.05) CC/RD GLEASON PARK APARTMENTS

City Council

a) CC Resolution 09-0034 Authorizing conveyance of two parcels located on the abandoned portions of Sonora Street between American Street and Stanislaus Street and on American Street between Church Street and Lafayette Street, including a reservation of a street easement at Church Street, to the Redevelopment Agency of the City of Stockton.

b) CC Resolution 09-0035 Approving a $1,482,285 Infill Infrastructure Grant Funds loan to Mercy Housing California to fund costs associated with the construction of infrastructure for the Gleason Park Apartments project and a reduction in the interest rate on previously approved City loans to Mercy Housing California from three percent to one percent.

Redevelopment Agency

a) RD Resolution R09-003 Dedicating to the City of Stockton a street and highway easement located at American Street and Church Street.
b) RD Resolution R09-004 Approving the reduction in interest rate on previously approved Redevelopment Agency loans to Mercy Housing California from three percent to one percent and authorizing transferring title of the project site from the Redevelopment Agency to Mercy Housing upon completion of all predisposition requirements specified in the Disposition and Development Agreement. Moved by Vice Mayor Miller, seconded by Councilmember Eggman.

Vote: Motion carried 7-0

Yes: Councilmember Eggman, Councilmember Fritchen, Councilmember Holman, Councilmember Lowery, Councilmember Martin, Vice Mayor Miller, and Mayor Johnston.

8. NEW BUSINESS

None.

9. PUBLIC HEARINGS** 6:05 PM

9.01) CC Hearing to consider public comments/testimony regarding PEPE’S CLUB. 6:05 PM

At the conclusion of the public hearing it is recommended that the City Council adopt a resolution denying the appeal and upholding the Planning Commission’s denial of the modification of the conditions of approval of the Use Permits (UP127-71 and UP99-72) which allow the on-sale of general alcoholic beverages and live entertainment in Pepe’s Club located at 2263 East Main Street. (CD) (Pages 128-157)

Affidavits of posting, mailing and/or publication were filed in the office of the City Clerk.

Note: A memorandum to the Council, dated January 27, 2009, from City Clerk Katherine Gong Meissner, the following was distributed around the bench (filed):

Item 9.01, Public Hearing regarding PEPE’S CLUB - a letter dated January 21, 2009, from the appellant’s attorney, Grayling Williams, requesting a continuance of the public hearing to February 24, 2009.
Public Hearing opened at 6:05 p.m.

Mayor Johnston announced that the Public Hearing would be continued to February 24, 2009.

Motion: Approve continuing the Public Hearing regarding PEPE'S CLUB to February 24, 2009.
Moved by Councilmember Fritch, seconded by Councilmember Holman.

Vote: Motion carried 7-0

Yes: Councilmember Eggman, Councilmember Fritch, Councilmember Holman, Councilmember Lowery, Councilmember Martin, Vice Mayor Miller, and Mayor Johnston.

10. COUNCIL/REDEVELOPMENT AGENCY COMMENTS AND COMMITTEE REPORTS 6:06 PM

COUNCIL COMMENTS 6:06 PM

Councilmember Fritch 6:06 PM

Councilmember Fritch provided information regarding Tips for Kids Fundraiser.

Councilmember Martin 6:07 PM

Councilmember Martin spoke regarding the process of going paperless for the Agenda, her trip to Washington D.C. to attend the Presidential Inauguration, the vote on the PG&E proposal last week and questioned if the City currently has ordinances in place regarding Lobbyists. Councilmember Martin presented the following documents to the City Clerk: 1) Draft 1/19/00 City of Sacramento Municipal Lobbying Ordinance; and, 2) Ordinance No. 27221, City of San Jose amending Chapter 12.12 of Title 12 of the San Jose Municipal Code to amend and restate the City of San Jose Municipal Lobbying Ordinance (filed).
Vice Mayor Miller 6:14 PM

Vice Mayor Miller commented on the Celebrate Stockton Activity Guide and a publication put together by the Downtown Alliance.

Councilmember Eggman 6:17 PM

Councilmember Eggman provided information regarding the Homeless Veterans Stand Down and a rally in French Camp to support the new Veteran's Hospital.

Mayor Johnston 6:19 PM

Mayor Johnston commented on a letter she received from a citizen commending the street tree crew.

11. ADJOURNMENT 6:20 PM

KATHERINE GONG MEISSNER
CITY CLERK OF THE CITY OF STOCKTON
SECRETARY REDEVELOPMENT AGENCY
MINUTES
SPECIAL CITY COUNCIL
JANUARY 7, 2009

CITY HALL
CITY COUNCIL CHAMBERS
SECOND FLOOR, 5:30 P.M.
STOCKTON, CALIFORNIA

I. Roll Call 5:28 PM

Roll Call 5:28 PM
Present:
Councilmember Eggman
Councilmember Fritchen
Councilmember Lowery
Councilmember Martin
Vice Mayor Miller
Mayor Johnston

Pastor Wayne Bibelheimer from Quail Lakes Baptist Church provided the Invocation. The Pledge of Allegiance was led by Vice Mayor Miller.

Note: District 1 Council Seat vacant.

Mayor Johnston 5:30 PM

Mayor Johnston announced the appointment of Katherine Miller as Vice Mayor.

II. Public Comment 5:31 PM

David Thomas 5:32 PM

Mr. Thomas spoke in support of Candidate Mark Martinez.

Tocan Nguyen 5:34 PM

Tocan Nguyen spoke regarding the Council District 1 candidates.

III. Council District 1 candidate interviews and selection 5:39 PM

a) Approve Council voting procedure for District 1 vacancy 5:39 PM
City Clerk Katherine Gong Meissner provided the staff report. A memo to the Council dated January 7, 2009 from Ms. Meissner was distributed at the meeting relative to additional clarifying language to the proposed voting procedure (filed).

The following Councilmembers asked questions and discussed the proposed process:

Councilmember Eggman

Mayor Johnston

Councilmember Fritchen

Mayor Johnston

Councilmember Martin

City Clerk Meissner

Mayor Johnston

Councilmember Eggman

City Clerk Meissner

Mayor Johnston

Councilmember Martin

City Clerk Meissner
Councillor Eggman

Councillor Martin

City Attorney Nosky

The following citizen inquired about the questions that would be asked of the candidates:

John Beckman

Motion: Approve Resolution 09-0006 approving the Council voting procedure for the District 1 vacancy and incorporating Exhibit A which includes clarifying language regarding Round 2 of the voting process if Round 2 is deemed necessary. Moved by Councillor Fritchén, seconded by Vice Mayor Miller.

Vote: Motion carried 6-0

Yes: Councillor Eggman, Councillor Fritchén, Councillor Lowery, Councillor Martin, Vice Mayor Miller, and Mayor Johnston.

b) Conduct interviews for one mid-term vacancy on The Stockton City Council - District One

Eleven Applicants
- Ken Davis
- Wayne Flores
- Yolanda Flores
- Paul Green Jr.
- Philip C. Hawtin
- Elbert Holman Jr.
- Doug Kuehne
- Mark Martinez
- Xochitl Paderes
- Rosie Rangel
- David Renison
6:04 PM

**Mayor Johnston** 6:04 PM

Mayor Johnston directed the City Clerk to begin the interview process.

**City Clerk Katherine Gong Meissner** 6:04 PM

City Clerk Meissner filed a memo dated January 7, 2009 to the Council forwarding additional correspondence from various public members in support of Candidates Yolanda Flores, Philip Hawtin, or David Renison (filed).

City Clerk Meissner began the interview process by posing the following proposed questions to each of the candidates:
1) Why are you interested in being on the City Council and what in your background or experience qualifies you to govern a city of 290,000 people?
2) What are the three top challenges facing Stockton and how would you go about addressing these issues?

The following candidates were sequestered and interviewed one at a time. If time allowed, additional questions were posed by the Councilmembers.

**Candidate Ken Davis** 6:05 PM

**Candidate Wayne Flores** 6:24 PM

Mr. Flores filed a written copy of his presentation (filed).

**Candidate Yolanda Flores** 6:41 PM

**Candidate Paul Green, Jr.** 6:58 PM

**Candidate Philip Hawtin** 7:14 PM

Note: The Mayor announced the Council would break for 5 minutes and resume the interview process at 7:40 p.m.
Candidate Elbert Holman 7:38 PM

Candidate Doug Kuehne 7:54 PM

Candidate Mark Martinez 8:10 PM

Mr. Martinez presented two items: 1) document outlining his experience and qualifications, and 2) newspaper article from The Record entitled "S.J. Hispanic chamber gives back to community" (filed).

Candidate Xochitl Paderes 8:22 PM

Candidate Rosie Rangel 8:37 PM

Candidate David Renison 8:53 PM

Mayor Johnston announced that Council would take a break at this time and return at 9:20 p.m. to proceed with the voting process.

The following Councilmembers disclosed the names of the candidates they met with individually prior to the interviews:

Mayor Johnston 9:21 PM

Councilmember Lowery 9:22 PM

Councilmember Martin 9:22 PM

Councilmember Fritchon 9:22 PM

Councilmember Eggman 9:22 PM

Vice Mayor Miller 9:23 PM

Round 1

City Clerk Katherine Gong Meissner distributed ballots for the first round of voting to the Mayor and Councilmembers. The ballots were collected and City Clerk Meissner tallied the vote as follows:

1 vote for Candidate Ken Davis
3 votes for Candidate Elbert Holman
2 votes for Candidate David Renison

Round 2

The Council proceeded to Round 2 of voting as no one candidate received the required 4 votes of the Council to win the appointment.

The results of Round 2 were as follows:

5 votes for Candidate Elbert Holman
1 vote for Candidate David Renison

City Clerk Meissner pronounced Elbert Holman as the successful candidate.

Motion: Approve Resolution 09-0007 approving the appointment of Elbert Holman, Jr., to fill the District 1 vacancy, term effective upon appointment and ending December 31, 2010. Moved by Councilmember Martin, seconded by Councilmember Fritch. 

Vote: Motion carried 6-0

Yes: Councilmember Eggman, Councilmember Fritch, Councilmember Lowery, Councilmember Martin, Vice Mayor Miller, and Mayor Johnston.

City Clerk Katherine Gong Meissner administered the Oath of Office to Councilmember Elbert Holman.

Councilmember Elbert Holman thanked the Council for this opportunity to serve the City. The Mayor then asked Councilmember Holman to join his colleagues on the dais. He was greeted by a round of applause and a standing ovation by the Council and the audience.

Mayor Johnston welcomed the Councilmember and thanked all the candidates and encouraged them to stay involved.

COUNCIL COMMENTS 9:36 PM

The following Councilmembers welcomed Councilmember Holman and offered their congratulations:

Councilmember Fritch 9:36 PM

Councilmember Martin 9:36 PM
Vice Mayor Miller 9:37 PM

Councilmember Lowery 9:37 PM

Councilmember Holman 9:38 PM

Councilmember Holman extended his thanks and stated he would be calling on the other candidates in the future.

Mayor Johnston 9:39 PM

Mayor Johnston thanked everyone for attending and participating in the appointment process.

IV. Adjournment 9:39 PM

[Signature]

KATHERINE GONG MEISSNER
CITY CLERK OF THE CITY OF STOCKTON
MINUTES
SPECIAL CITY COUNCIL
JANUARY 27, 2009

City Hall, 425 N. El Dorado
Street
Council Chambers
2:30 p.m.
STOCKTON, CALIFORNIA

I. ROLL CALL 2:28 PM

Roll Call 2:28 PM
Present:
Councilmember Eggman
Councilmember Fritchken
Councilmember Holman
Councilmember Lowery
Councilmember Martin
Vice Mayor Miller
Mayor Johnston

Note: Vice Mayor Miller recused herself from the interview and voting
process to fill the two vacancies on the Port Commission due to a potential
conflict of interest and left the Chamber.

II. PUBLIC COMMENT 2:29 PM

Riccardo Gaudino, Director/Historian of Culture Capital of America,
presented a 2009 Alta California flag to Mayor Johnston

III. CONDUCT INTERVIEWS FOR TWO VACANCIES ON THE STOCKTON
PORT COMMISSION

Eleven Applicants 2:33 PM

Note: A memorandum dated January 27, 2009 addressed to the Council
from City Clerk Katherine G. Meissner regarding correspondence received
in the City Clerk’s Office after the close of the recruitment period, in
reference to candidates Stephen Griffen and Corie Coleman-Maxwell (filed).

A letter of support for Candidate Stephen Griffen was received January 27,
2009 from Kevin McDonnell, Vice Chairman ILWU Local 34 and the Local
34 membership (filed).

The following candidates were interviewed:

   Jane Butterfield 2:33 PM

   Ronald Coale - incumbent 2:45 PM
Corie Coleman-Maxwell 2:57 PM

Jerrell Croskrey 3:07 PM

Councilmember Lowery left the meeting at 3:23 p.m. and returned at 3:25 p.m.

Gary Giovanetti - (Written copy of his interview presentation filed), 3:18 PM

Stephen Griffen 3:28 PM

Gary Long 3:37 PM

Dick McClure 3:45 PM

Councilmember Martin left the chambers at 4:00 p.m. and returned at 4:01 p.m.

Xochitl Paderes 3:55 PM

Judy Smith 4:08 PM

Mayor Johnston called for a recess at 4:15 p.m. and reconvened at 4:25 p.m.

Dwight Williams 4:23 PM

Round 1 4:34 PM

City Clerk Katherine Gong Meissner distributed ballots for the first round of voting to the Mayor and Councilmembers. The ballots were collected and City Clerk Meissner tallied the vote as follows:

4 votes for Candidate Ronald Coale
1 vote for Candidate Stephen Griffen
1 vote for Candidate Dwight Williams

Ronald Coale, having received 4 votes of the Council was selected to fill the first vacancy on the Port Commission. Voting continued to Round 2 to fill the second vacancy.

Round 2

The results of Round 2 were as follows:

2 votes for Candidate Stephen Griffen
2 votes for Candidate Dwight Williams
1 vote for Corie Coleman-Maxwell
1 vote for Jane Butterfield

No one candidate received 4 votes of the Council required, therefore the voting proceeded to Round 3.

The results of Round 3 were as follows:

3 votes for Candidate Stephen Griffen
2 votes for Candidate Dwight Williams
1 vote for Jane Butterfield

No one candidate received 4 votes of the Council required, therefore, the voting proceeded to Round 4.

The results of Round 4 were as follows:

5 votes for Candidate Stephen Griffen
1 votes for Candidate Dwight Williams

City Clerk Meissner announced Ronald Coale and Stephen Griffen as the successful candidates to fill the two vacancies on the Port Commission

Motion: Approve Resolution 09-0025 approving the appointment of W. Ronald Coale and Stephen Dale Griffen to fill the Stockton Port Commission vacancies, term effective upon appointment and ending February 2, 2013. Moved by Councilmember Fritchen, seconded by Councilmember Martin.

Vote: Motion carried 6-0

Yes: Councilmember Lowery, Councilmember Fritchen, Councilmember Eggman, Councilmember Martin, Mayor Johnston, and Councilmember Holman.

Vice Mayor Miller returned to the Chamber prior to adjournment.

IV. **ADJOURNMENT 4:48 PM**

KATHERINE GONG MEISSNER
CITY CLERK OF THE CITY OF STOCKTON