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

Councilmember Martin arrived at 4:30 PM

C-2. CC/RD ANNOUNCEMENT OF CLOSED SESSION

C-2.1) CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
Number of Cases: Four
Name of Case: Redevelopment Agency of the City of Stockton v. Wayne R. Osborg, et al (San Joaquin Superior Court Case No. CV013907)
Name of Case: Redevelopment Agency of the City of Stockton v. Wayne R. Osborg, et al (San Joaquin Superior Court Case No. CV013908)
Name of Case: City Of Stockton v. Akhtar, et al. (San Joaquin Superior Court No. CV017057)
Name of case: Keller, Et Al. v. City of Stockton, et al. (U.S. District Court Case No. Civ.S-04-1325 Lkk Dad-P)
This Closed Session is authorized pursuant to Section 54956.9(a) of the Government Code.

C-3. CC/RD ADJOURN TO CLOSED SESSION

The Council adjourned from closed session at 4:45 PM and recessed.

1. CC/RD CALL TO ORDER/ROLL CALL (05:30 PM)

Roll Call (05:30 PM)
Present:
Councilmember Bestolarides
Councilmember Chapman
Councilmember Lee
Councilmember Martin
Councilmember Nabors
Vice Mayor Giovanetti
Mayor Chavez

2. CC/RD REPORT OF ACTION TAKEN IN CLOSED SESSION (05:31 PM)

City Attorney Ren Nosky announced that there was no reportable action as a result of closed session.

3. INVOCATION/PLEDGE TO FLAG-Vice Mayor Giovanetti/Councilmember Martin (05:31 PM)

4. PROCLAMATIONS/COMMENDATIONS/CITY ANNOUNCEMENTS OR INVITATIONS

4.01) Citizen Recognition Plaques
Recipients - William Seidman and Ruben Bulgin (05:32 PM)

4.02) Meritorious Service Award
Recipients - Officer Jimmy Fritts and Officer Jared Moore (05:35 PM)

4.03) Golden Star Award
Mayor Chavez announced that he was adding item 4.05 because of the weather, and questions about preparedness and evacuations. He asked the Fire and Police Chiefs to provide a brief status report.

Fire Chief Ron Hittle said that the Calaveras River is down quite a bit and will continue to drop. New Hogan Reservoir feeds this river and and snow runoff is not an issue, as New Hogan only transfers rainwater, and the water level has dropped. Right Eimwood Levee in northwest Stockton is being watched closely and it too has dropped. High tides are expected at the end of April and early May and it is hoped that runoff will be lower so the tides are not an issue. Reclamation District 17 in the Weston Ranch area is being watched closely as the Calaveras River that runs through it has had a large amount of water. There is presently no threat and the river is 6 feet below what it was during the 1997 situation. District 17 is also being monitored by the County, the Department of Water Resources, the Public Works Department and the Corps of Engineers. He announced there is presently no danger, snow runoff in the next few weeks will be monitored, and updates will be provided. Speaking on public safety, he referred to the City’s Web Site, which outlines what citizens need to do to sustain themselves for 72 hours. He also cautioned everyone to stay off the levees, and especially not to drive on them. In response to a question, he noted that the San Joaquin River and the Calaveras are the same river in District 17.

Police Chief Wayne Hose spoke on the evacuation plan. He said that any decision to evacuate City-wide would be made by the City Manager’s office or the Office of Emergency Services (OES) officer. A decision for evacuation of a particular area would be made by a unified command of the Police and Fire Departments. During an emergency situation, it is hoped that citizens have prepared with family emergency plans, that they watch the media, and check Web sites. CalTrans and City message boards on freeways and roadways will provide information and directions. AM/FM radios will also broadcast information. Telephone banks and the reverse 911 telephone systems can also be utilized. With advance warning, fliers can be distributed to every house in an affected area. In case of an emergency, public safety vehicles with public address systems will be utilized to announce the emergency and evacuation routes. Door-to-door notification can also occur, ascertaining the number of residents and their special needs. Areas would be divided into sectors and officers assigned to them to pass on information. Traffic control check points would be used into and out of the area, which would restrict access to an area in the case of a voluntary evacuation. In a mandatory evacuation, officers would go door-to-door telling the residents they must leave and providing information on routes and shelters.

In response to Vice Mayor Giovanetti, Chief Hose said that shelter could be provided at the Fairgrounds, the Events Center, and schools.

5. CITIZENS’ COMMENTS, ANNOUNCEMENTS OR INVITATIONS* (05:52 PM)

Jerry Alexander Weber, Jr. called to speak

Mr. Weber announced an "Under the Tent, the Resurrection of Christ" celebration on Easter Sunday morning at 6 a.m. Noting that oleanders are being removed on Highway 99 and being replaced by a cement wall, he commenting that it looked "sterile."

Yvonne Sampson called to speak

Ms. Sampson, member of the Executive Board of Directors of Pixie Woods, praised Ernie Shropshire, a founding father and member of the Board for fifty-two years, and commented on the dedication of Board members. She provided an update on events at Pixie Woods and distributed T-shirts to the Council. Improvements include an interactive feature called Chutes and Ladders, a fire department theme. She noted that one in three children in Stockton will not graduate high school and many people are dedicated to improving this. Pixie Woods would like to create a literacy and educational environment in a fun atmosphere.
Operation hours for the summer will be daily June 7 to September 4. She announced that the summer wine tasting will be held June 16 and invited all to attend. Upcoming activities include Children and Youth Day May 20, the 52nd Birthday Party June 4; Father’s Day, Mother’s Day, and Grandparent’s Day has free attendance for honorees. There is also Christmas in July and Friendship Day in August. She encouraged the community to participate in all phases of park activities by contacting the Department of Parks and Recreation or contacting her.

Trevor Atkinson called to speak

Mr. Atkinson, representing Campaign for Common Ground, said that in October of 2005 they presented a draft copy of a Citizens’ Alternative General Plan to the Council and the Planning Commission, which did not include the districts and village elements or the health and safety elements. The document is now completed and Mr. Atkinson presented it to the Council. (FILED)

ToCan Nguyen called to speak

Ms. Nguyen again voiced her complaints about City and County government activities, criminal activities by minorities, treatment by police officers, and repeated her political views.

Robert Jordan called to speak

Mr. Jordan complained about harassment for past criminal actions, even though he is trying to be a good citizen. After an accident that caused untreatable pain, he began using medical marijuana and is now being harassed by City police. He provided pictures of being detained by the police even though he presented a medical marijuana card. He said he was issued a ticket and his cards and marijuana were seized, but the Court dismissed the charges. He said that the marijuana confiscated was not returned, even though the Court said that everything must be returned to him. He asked the City Council for its help.

Richard Stiezak called to speak

Mr. Stiezak said that he has been posting message signs related to Islam on his property that are being removed by unknown parties.

James Young called to speak

Mr. Young, through Assistant City Clerk Karen Rosson, reported that the street in front of the bus stop at Weberstown Mall is in need of repair. He also wished everyone a Happy Easter.

6. CC/RD CONSENT AGENDA (06:18 PM)

6.01) CC Resolution 06-0177 executing a Joint Funding Agreement with the UNITED STATES GEOLOGICAL SURVEY in the amount of $240,000 to construct two groundwater monitoring wells as part of the ongoing Northeast San Joaquin Groundwater Banking Authority, California Department of Water Resources and the United States Geological Survey Joint Salinity Study.(MUD) (Pages 1-4)

6.02) CC Resolution 06-0178 authorizing the City Manager to execute an amendment to the Master Services Contract for Water Wells, Water Treatment, and Water Quality with WGR SOUTHWEST, INC., in the amount of $91,920 to conduct the second round of commercial facility inspections as required in the Stormwater Nation Pollution Discharge Elimination System Permit.(MUD) (Pages 5-14)

6.03) CC Resolution 06-0179 authorizing the City Manager to execute an amendment to the Master Services Contract for Water Wells, Water Treatment, and Water Quality with CONDOR EARTH TECHNOLOGIES, INC., in the amount of $56,600 to conduct the second round of stormwater pollution prevention inspections at industrial facilities as required by the City’s Stormwater National Pollution Discharge Elimination System Permit.(MUD) (Pages 15-23)

6.04) CC Resolution 06-0180 authorizing the Mayor to sign letters of support to Senator Dianne Feinstein and Representative Richard Pombo for the Northeastern San Joaquin County Groundwater Banking Authority’s request for $250,000 through Interior and Environment to provide essential funding for the United States Geological Survey’s (USGS) Study entitled “Groundwater Recharge and Distribution of High-Chloride
Water from Wells in San Joaquin County." (MUD) (Pages 24-28)

6.05) CC CITY-GENERATED TOWING FRANCHISE AGREEMENTS - Resolution 06-0181 rescinding City Council Resolution No. 05-0255, that the four franchise agreements authorized by Resolution No. 05-0244 to be terminated and cancelled. (ATTY) (Pages 29-32)

6.06) CC Resolution 06-0182 approving a Release and Settlement Agreement for settlement - SAN LUIS & DELTA-MENDOTA WATER AUTHORITY AND WESTLANDS WATER DISTRICT v City of Stockton, et al (Santa Clara superior Court Case No. 105CV054222), (ATTY) (Pages 33-34)

6.07) CC Resolution 06-0183 authorizing the City Manager to amend the contract with WEST COAST ARBORISTS for tree trimming, in the amount of $67,000 for trimming of trees in District 6. (P&R) (Pages 35-41)

6.08) CC Resolution 06-0184 approving findings and authorizing the replacement purchase of ten pickup trucks through the State of California Department of General Services Procurement Division from COALINGA MOTORS in the amount of $142,049.88. (PW) (Pages 42-45)

6.09) CC Resolution 06-0185 accepting a Non-Collusion Affidavit, approving specifications and awarding a contract for the replacement purchase of one loader/backhoe tractor to HOLT OF CALIFORNIA in the amount of $55,025. (PW) (Pages 46-49)

6.10) CC Resolution 06-0186 rejecting all bids received on August 11, 2005, for the Fire Companies 7, 10 & 11 Ambulance Bay Expansion (Rebid), Project No. 04-27. (PW) (Pages 50-55)

6.11) CC Resolution 06-0187 authorizing the execution of a Quitclaim Deed to convey title of the abandoned portion of West Market Street to REGENT WEBER, LLC. (RED) (Pages 56-63)

6.12) CC Resolution 06-0188 confirming the appointment of J. GORDON PALMER, JR. as CITY MANAGER for the City of Stockton and authorizing the Mayor, on behalf of the City Council, to enter into an Agreement setting forth the terms and conditions of employment with J. Gordon Palmer, Jr., effective March 7, 2006. (MAYOR) (Pages 64-72)

6.13) RD Resolution R06-014 authorizing a Hold Vacant Agreement with the DANIEL MULHOLLAND TRUST regarding the two vacant units at 525/529 East Hazleton Avenue. (RED) (Pages 73-80)

6.14) CC Approval of minutes of the Special City Council Meeting Study Session RD RE: Redevelopment Bonds held on March 28, 2006 and minutes of Joint Special City Council Meeting with San Joaquin County Board of Supervisors re: Sewer and Water Services Adjacent to Airport held on February 21, 2006. (CLERK) (Pages 81-88)

Motion: Approve 6. CC/RD CONSENT AGENDA
Moved by Vice Mayor Giovanetti, seconded by Councilmember Bestolarides.

Vote: Motion carried 7-0.
Yes: Councilmember Bestolarides; Councilmember Chapman; Councilmember Lee; Councilmember Martin; Councilmember Nabor; Vice Mayor Giovanetti; Mayor Chavez

7. UNFINISHED BUSINESS - None

8. NEW BUSINESS (06:19 PM)

8.01) CC Minor Amendment No. 1 to the previously-approved agreements with A.G. SPANOS COMPANY et al, (DA2-04), KELLY TRUST/GRUPE INVESTMENT COMPANY (DA3-04), ROBERT LAUCHLAND (DA6-04), CARL THOMPSON (DA7-04), and adopting addendums to the Final Negative Declarations (IS15-04 & IS18-04) for the City of Stockton Sphere of Influence No. 1 and No. 2 Projects. (CD) (Pages 87-117) (06:19 PM)

Jim Glaser, Community Development Director, gave the staff report with the aid of a Powerpoint Presentation. (FILED) Mr. Glaser clarified that the staff report inadvertently transposed two of the DA numbers. The staff report stands corrected as: Carol Thompson (DA6-04) and Robert Lauchland (DA7-
Trevor Atkinson, representing Campaign for Common Ground, spoke in opposition of the item.

Mike Hakeem spoke in favor of the item.

Howard Seligman, representing Richard and Robert Lauchland, spoke in support of the item.

Dale Stocking spoke in opposition of the item.

Kevin Huber, representing the Grupe Company, spoke in support of the item.

Eric Parfrey, representing the Sierra Club, spoke in opposition of the item.

Steve Herum called to speak

Councilmember Chapman called to speak

Vice Mayor Giovanetti spoke in support of the item.

Councilmember Martin called to speak

Councilmember Chapman called to speak

Motion: Approve CC Resolution 06-0189 adopting Minor Amendment No. 1 to the previously-approved agreements with A.G. SPANOS COMPANY et al. (DA2-04), KELLY TRUST/GRUPE INVESTMENT COMPANY (DA3-04), ROBERT LAUCHLAND (DA6-04), CARL THOMPSON (DA7-04), and adopting addendums to the Final Negative Declarations (IS15-04 & IS18-04) for the City of Stockton Sphere of Influence No. 1 and No. 2 Projects.

Moved by Vice Mayor Giovanetti, seconded by Councilmember Lee.

Councilmember Lee called to speak

Councilmember Bestolarides called to speak

Councilmember Nabors called to speak

Ren Nosky called to speak

Councilmember Martin called to speak

Mayor Chavez called to speak

Vote: Motion carried 6-1.
Yes: Councilmember Bestolarides; Councilmember Chapman; Councilmember Lee; Councilmember Martin; Vice Mayor Giovanetti; Mayor Chavez
No: Councilmember Nabors

9. PUBLIC HEARINGS** (07:31 PM)

9.01) CC Hearing to consider public comments/testimony regarding abandonment of a portion of West Hazelton Avenue/South Madison Street for Fire Station No. 2. (RED) (Pages 118-124)

(07:31 PM)

Mayor Chavez declared the public hearing open.

Steve Pinkerton, Redevelopment Director, gave the staff report with the aid of a Powerpoint Presentation (FILED).

Mayor Chavez declared the public hearing closed.
Councilmember Lee left the meeting at 7:33 p.m.

Motion: Approve **Resolution 06-0190** for abandonment of a portion of street right-of-way, portion of West Hazelton Avenue/South Madison Street for Fire Station No. 2. Moved by Councilmember Chapman, seconded by Vice Mayor Giovanetti.

**Vote:** Motion carried 6-0.
Yes: Councilmember Bestolarides; Councilmember Chapman; Councilmember Martin; Councilmember Nabors; Vice Mayor Giovanetti; Mayor Chavez
Absent: Councilmember Lee

Councilmember Lee joined the meeting at 7:34 p.m.

**9.02)** CC. Hearing to consider public comments/testimony regarding Clara K. Massie Trust, et al., rezoning (Z-10-05) from IG (Industrial, General) to RL (Residential, Low Density) and the adoption of a Final Initial Study/Mitigated Negative Declaration (IS19-05) and findings and Mitigation Monitoring/reporting Program for the Little John's Creek South Rezoning and tentative subdivision map project, for property located on the west side of State Route 99 West Frontage Road and North of Little John's Creek (CD) (Pages 125-169) (07:34 PM)

Mayor Chavez declared the public hearing open.

Jim Glaser, Community Development Director, introduced Mike Niblock, Deputy Director, who gave the staff report with the aid of a Powerpoint Presentation (FILED).

Mayor Chavez declared the public hearing closed.

1. **Resolution approving the Final Initial Study/Mitigated Negative Declaration (IS19-05) and adopting the "Findings and Mitigation Monitoring/Reporting Program for the Little John's Creek South Rezoning and Tentative Subdivision Map Project," dated January 27, 2006; and 2. Ordinance approving the rezoning of a 5.15-acre site from IG (Industrial, General) to RL (Residential, Low Density) (Z-10-05). Findings for each of the above-recommended actions have been incorporated into the respective resolution and ordinance that are attached to this newsletter. (07:40 PM)

Motion: Approve **Resolution 06-0191** approving the Final Initial Study/Mitigated Negative Declaration (IS19-05) and adopting the "Findings and Mitigation Monitoring/Reporting Program for the Little John's Creek South Rezoning and Tentative Subdivision Map Project," dated January 27, 2006; and 2. **Ordinance 009-06 (effective May 11, 2006)** approving the rezoning of a 5.15-acre site from IG (Industrial, General) to RL (Residential, Low Density) (Z-10-05). Findings for each of the above-recommended actions have been incorporated into the respective resolution and ordinance that are attached to this newsletter.

Moved by Councilmember Nabors, seconded by Councilmember Bestolarides.

**Vote:** Motion carried 7-0.
Yes: Councilmember Bestolarides; Councilmember Chapman; Councilmember Lee; Councilmember Martin; Councilmember Nabors; Vice Mayor Giovanetti; Mayor Chavez

**9.03)** CC Hearing to consider public comments/testimony regarding the Initial Study/Negative Declaration and Zoning requests of DAN MCMANUS, et al. (CD) (Pages 170-205) (07:41 PM)

1. **Resolution approving Initial Study/Negative Declaration (IS21-05) and adopting the findings for the "Proposed Auto Storage Zoning Project" and 2. Ordinance approving a zoning (Z-11-05) from unzoned to IG (Industrial, General), for property located on the west side of Union Street, between Park and Oak Streets

Mayor Chavez declared the public hearing open.

Jim Glaser, Community Development Director, introduced Mike Niblock, Deputy Director, who gave the staff
report with the aid of a Powerpoint Presentation FILED.

Mayor Chavez declared the public hearing closed.

Motion: Approve 9.03) 1. Resolution 06-0192 approving Initial Study/Negative Declaration (IS21-05) and adopting the findings for the "Proposed Auto Storage Zoning Project" and 2. Ordinance 010-06 (effective May 11, 2006) approving a zoning (Z-11-05) from unzoned to IG (Industrial, General), for property located on the west side of Union Street, between Park and Oak Streets
Moved by Councilmember Martin, seconded by Vice Mayor Giovanetti.

Vote: Motion carried 7-0.
Yes: Councilmember Bestolarides; Councilmember Chapman; Councilmember Lee; Councilmember Martin; Councilmember Nabors; Vice Mayor Giovanetti; Mayor Chavez

10. COUNCIL/REDEVELOPMENT AGENCY COMMENTS AND COMMITTEE REPORTS
(07:44 PM)

Vice Mayor Giovanetti

Vice Mayor Giovanetti reported that seventy-one Council of Governments members and spouses, including the City Manager, traveled to Washington D. C. They met with Senators Feinstein and Boxer, the Majority and Minority Whips and many committee chairpersons. He stated the Council of Governments represents all cities in the County as well as the unincorporated area who come together to prioritize projects. This benefits Congressional representatives and Senators when garnering the extremely limited County funds. He noted that Congressman Pombo supports this type of activity, which lays the groundwork for their decision making. Vice Mayor Giovanetti thanked the Council of Governments' staff, particularly Susan Filios, for organizing and coordinating the event, which he felt was extremely productive. In addition, he testified before the House of Representative's Subcommittee on Water and Power regarding our levees, the existing water conveyance, and the potential downside of allowing the limited resources for maintenance and repair of the levees to be in jeopardy, and the significant economic impact on the State and Central California as well as the national level. Vice Mayor Giovanetti expressed his gratitude and that it was a privilege for him, along with Supervisors Sieglock and Mow, to testify for the subcommittee to clearly define our issues.

Councilmember Martin - CM to follow up

Councilmember Martin stated she has received constituent calls regarding on-going management issues of the East Bay Municipal Utilities District (EBMUD); furniture at Greensboro Way and Bianchi Road; and rumors of a proposed dog park at Grupe Park. She stated there are plans for a dog park on Feather River Drive; not at Grupe Park.

She stated there is confusion regarding the tax initiative and how the tax increment money will be used to finance bonds. She requested clarification be conveyed via the website and The Record stating the initiative is to get back property tax money to finance bonds, not to create more taxes.

Councilmember Martin reported on the successful 2006 Mayor's Teen Conference held April 1, 2006. The event attracted 200 teens from throughout the City who met with Councilmembers and Mayor Chavez regarding teen issues, activities, and additional ways to use the Teen Center. The teens were guided through exercises in team work and personal development by nationally known motivational speaker Keith Hawkins.

Councilmember Lee

Councilmember Lee thanked Vice Mayor Giovanetti for the Washington D. C. report.

He commended Mayor Chavez for throwing the first ball (across home plate) at the season opening game between the Ports and Modesto Nuts.

Councilmember Lee made the comment that a chart should be created for a "Blue Shield Watch" to calculate how long it will take them to come aboard, now that differences with the County have been resolved.
Councilmember Lee congratulated the Cougars and Thunder for their hard work throughout the season. He commented that the Cougars had a difficult beginning and in the end, played some exciting soccer. He extended thanks to Dan Chapman for his work with the teams.

Councilmember Nabor

Councilmember Nabor commended the teens for their successful 2006 Mayor’s Teen Conference in addition to the increase in parent participation. She stated that she led a group discussion regarding “What could students do to help in their neighborhood?” She reported that the group had positive suggestions such as picking up trash or calling in suspicious illegal activities and identifying information. The students suggested that one should not subject oneself to danger to help in the community.

Councilmember Nabor asked of the City what type of enforcement could be done along major streets to keep them free of eyesores such as tires and automobiles repairs. City Manager Palmer responded that specific locations can be reported to Code Enforcement for investigation and action.

She welcomed Pastor LaVell Jones to Stockton, the new minister at Greater Faith Missionary Baptist Church, and invited the citizens of Stockton to attend and welcome him at 10:45 a.m. services each Sunday morning.

Councilmember Bestolarides

Councilmember Bestolarides apologized to Mayor Chavez and Councilmembers for his absence at the 2006 Mayor’s Teen Conference due to a family emergency.

He expressed his wishes for a Happy Easter to the City and the Council.

Mayor Chavez

Mayor Chavez thanked Councilmembers for their attendance at the 2006 Mayor’s Teen Conference. He stated there was a great turnout by youth and parents.

Mayor Chavez announced some City streets around City Hall and the Weber Point Events Center will start closing on Sunday, April 16 through April 25, 2006 for the Asparagus Festival.

Mayor Chavez made note of Ernie Shropshire Park that appeared in the Little Johns Creek project Powerpoint presentation. He said the park is a wonderful testament to a great individual in this community, Ernie Shropshire. He thanked Ernie Shropshire for all he has done and also for the work at Pixie Woods.

He also announced the Weber Point Events Center will host a Sunrise Service on Sunday, April 16, 2006, at 6 a.m.

11. ADJOURNMENT (07:58 PM)

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