



City of Stockton

City Council/Successor
Agency of the
Redevelopment
Agency/Public Financing
Authority/Parking Authority
Concurrent Agenda

Meeting Agenda - - Revised

City Council/Successor Agency to the Redevelopment Agency/Public Financing Authority/Parking AuthorityConcurrent

Michael D. Tubbs Mayor/Chair

Elbert H. Holman Jr. Vice Mayor/Vice Chair (District 1)

Daniel R. Wright (District 2)

Susan Lofthus (District 3)

Susan Lenz (District 4)

Christina Fugazi (District 5)

Jesús M. Andrade (District 6)

Tuesday, February 21, 2017

4:00 PM

Council Chamber, City Hall, 425 N. El Dorado
Street, Stockton CA

Closed Session 4:00 PM :: Regular Session 5:30 PM

1. **CLOSED SESSION CALL TO ORDER/ROLL CALL**
2. **ADDITIONS TO CLOSED SESSION AGENDA**
3. **ANNOUNCEMENT OF CLOSED SESSION**
- 3.1 [17-3330](#) **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Number of Cases: Six

Name of Case: Wells Fargo Bank v. City of Stockton (San
Joaquin County Superior Court Case No.
39-2012-00277662)

Name of Case: Wells Fargo Bank, National Association, as
Indenture Trustee v. City of Stockton (San
Joaquin County Superior Court Case No.
39-2012-00280741)

Name of Case: In re City of Stockton, California - Debtor (United
States Bankruptcy Court, Eastern District of
California Case No. 2012-32118)

Name of Case: Richard Price, et al. v. City of Stockton,
Redevelopment Agency, et al. (United States
District Court, Eastern District Case No.
CIV.S-02-0065 LKK JFM)

Name of Case: Jessica Glynn v. City of Stockton (United States
District Court, Eastern District Case No.
2:15-CV-00529-KJM-DB)

Name of Case: Nathaniel Smith v. City of Stockton, *et al.* (United
States District Court, Eastern District Case No.
2:15-CV-00363-KJM-AC)

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

Department: City Attorney

3.2 [17-3332](#) CONFERENCE WITH LABOR NEGOTIATOR

Recommended Action: Agency Designated Representative: City Manager Kurt Wilson

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 Management Association, Stockton Firefighters Local
456 International Association of Firefighters, Stockton Fire Management,
Stockton Police Officers' Association (SPOA)

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

Department: City Attorney

3.3 [17-3334](#) PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Recommended Action: City Manager

This Closed Session is authorized pursuant to Government Code Section
54957.

Department: City Attorney

4. PUBLIC COMMENT*

5. RECESS TO CLOSED SESSION

6. REGULAR SESSION CALL TO ORDER/ROLL CALL

7. INVOCATION/PLEDGE TO FLAG

7.1 [17-3402](#) Invocation to be provided by Pastor Barbara Bridges, Restoration for Life Ministries

Department: City Clerk

8. REPORT OF ACTION TAKEN IN CLOSED SESSION

9. ADDITIONS TO REGULAR SESSION AGENDA**

10. PROCLAMATIONS, COMMENDATIONS, OR INVITATIONS

10.1 [17-3393](#) COMMENDATION: GULWINDER SINGH

Recipient: Gulwinder Singh, President, Sikh Temple Stockton

Department: Office of the Mayor

11. CITIZENS' COMMENTS, ANNOUNCEMENTS, OR INVITATIONS*

12. CONSENT AGENDA

12.1 [16-3203](#) APPOINTMENTS TO THE COMMUNITY DEVELOPMENT
COMMITTEE

Recommended Action: RECOMMENDATION

Staff recommends that the City Council adopt a resolution appointing one member to the Community Development Committee to represent Council District 6.

Department: City Clerk

Attachments: [Proposed Resolution - CDC Appointments](#)

[Attachment A - CDC Application](#)

12.2 [17-3352](#) APPOINTMENTS TO CITY COMMITTEES AND COMMISSIONS

Recommended Action: RECOMMENDATION
Resolution ratifying Councilmember appointments to the Measure A Citizens' Advisory Committee, Planning Commission, and Water Advisory Group.

Department: City Clerk

Attachments: [Proposed Resolution - Committee Appointments](#)

[Attachment A - Measure A - Applications](#)

[Attachment B - Planning Commission Applications](#)

[Attachment C - WAG Applications](#)

This item amended 2017-02-17 to include Planning Commission application for Anne Mallett

12.3 [17-3379](#) APPROVAL OF MINUTES

Recommended Action:

RECOMMENDATION

Approve the minutes from the City Council Meetings of January 24, 2017 and February 7, 2017.

Department: City Clerk

Attachments: [2017-01-24 - Minutes for Approval](#)

[2017-02-07 - Minutes for Approval](#)

12.4 [16-3135](#)

**AMENDMENT OF THE LOWER SACRAMENTO ROAD
REIMBURSEMENT AGREEMENT WITH WOODSIDE NORTHBROOK
ESTATES, INC.**

Recommended Action:

RECOMMENDATION

It is recommended that the City Council adopt a Resolution:

1) Amending the Lower Sacramento Road Reimbursement Agreement with Woodside Northbrook Estates, Inc.; and

2) Appropriating an additional \$81,378 from Public Facility Fee Street Improvement Funds for the reimbursement of eligible costs.

3) Authorizing the City Manager, or his designee, to take necessary and appropriate actions to carry out the purpose and intent of the Resolution.

Department: Community Development

Attachments: [Attachment A - Vicinity Map](#)

[Attachment B - Resolution No. 06-0216](#)

[Proposed Resolution](#)

[Exhibit 1](#)

12.5 [17-3281](#)

**APPROVE RESOLUTION TO AUTHORIZE THE ANIMAL SHELTER
ELECTRICAL SERVICES UPGRADE**

Recommended Action:

RECOMMENDATION

It is recommended that the City Council adopt a resolution authorizing the City Manager to:

1. Approve the Notice of Exemption No. CE001-17 under the California Environmental Quality Act (CEQA) for the Animal Shelter Electrical Services Upgrade (Project No. PW1321).
2. Approve the plans and specifications for the Animal Shelter Electrical Services Upgrade (Project No. PW1321).
3. Award a Construction Contract in the amount of \$86,600 to GA Technical Services, Inc. of Upland, CA, for the Animal Shelter Electrical Services Upgrade (Project No. PW1321).

It is also recommended that the City Manager be authorized to take appropriate and necessary actions to carry out the purpose and intent of this resolution.

Department:

Public Works

Attachments:

[Attachment A - Vicinity Map](#)

[Proposed Resolution](#)

[Exhibit 1 - Notice of Exemption CE001-17](#)

[Exhibit 2 - Construction Contract](#)

12.6 [17-3285](#)

**APPROVE RESOLUTION TO AUTHORIZE THE FIRE STATION NO. 2
BURN ROOM RESTORATION (PW1503)**

Recommended Action:

RECOMMENDATION

It is recommended that the City Council adopt a resolution authorizing the City Manager to:

1. Approve the Notice of Exemption No. CE002-17 under the California Environmental Quality Act (CEQA) for the Fire Station No. 2 Burn Room Restoration (Project No. PW1503).
2. Reject the low bid from Haggerty Construction, Inc.
3. Approve the plans and specifications for the Fire Station No. 2 Burn Room Restoration (Project No. PW1503).
4. Award a Construction Contract in the amount of \$106,140 to the second lowest bidder, Greentech Industry, Inc. of Concord, CA, for the Fire Station No. 2 Burn Room Restoration (Project No. PW1503).

It is also recommended that the City Manager be authorized to take appropriate and necessary actions to carry out the purpose and intent of this resolution.

Department:

Public Works

Attachments: [Attachment A - Vicinity Map](#)
[Proposed Resolution](#)
[Exhibit 1 - Notice of Exemption](#)
[Exhibit 2 - Greentech Construction Contract](#)

12.7 [17-3314](#) **APPROVE MOTION TO AUTHORIZE THE SUBMITTAL OF
PROJECTS TO THE SAN JOAQUIN COUNCIL OF GOVERNMENTS
FOR "ONE VOICE" PROJECT PRIORITIES FOR FEDERAL FISCAL
YEAR 2017-18**

Recommended Action: RECOMMENDATION

It is recommended that the City Council approve a motion authorizing the City Manager to:

1. Submit three projects to the San Joaquin Council of Governments (SJCOG) for proposed federal funding as part of the annual "One Voice" trip to Washington, D.C.

2. Execute associated agreements and undertake actions to accept and receive the funding in the event that the funding requests are successful.

It is also recommended that the City Manager be authorized to take appropriate and necessary actions to carry out the purpose and intent of this motion.

Department: Public Works

13. **ADMINISTRATIVE MATTERS**

14. **UNFINISHED BUSINESS**

15. **NEW BUSINESS**

15.1 [16-3189](#) **APPOINTMENT TO THE STOCKTON PARKS AND RECREATION
COMMISSION**

Recommended Action: RECOMMENDATION

Resolution appointing one commissioner to fill a vacancy on the Parks and Recreation Commission for the remainder of a four-year term commencing immediately and ending December 31, 2020.

Department: City Clerk

Attachments: [Attachment A - Redacted Applicaitons](#)
[Proposed Resolution - Parks and Recreation Appointment](#)

15.2 [17-3276](#) **APPEAL OF THE PLANNING COMMISSION'S DENIAL OF A DESIGN
REVIEW APPLICATION FOR A PROPOSED COMMERCIAL
BUILDING HOUSING CHASE BANK AND STARBUCKS LOCATED
AT 520 N. EL DORADO STREET**

Recommended Action:

RECOMMENDATION

Staff recommends that the City Council uphold the Planning Commission's denial of the Chase Bank/Starbucks Design Review application and adopt a resolution to:

1. Deny an application for a proposed commercial building housing Chase Bank and Starbucks located at 520 N. El Dorado Street based on a finding of inconsistency with the General Commercial Design Guidelines; and
2. Direct the City Manager to work with the applicant to achieve consistency with the General Commercial Design Guidelines, including at a minimum moving the building to the El Dorado Street property line and placing the drive-through away from public view.

Department: Community Development

Attachments: [Attachment A - Location Map](#)

[Attachment B - Site Plan & Elevations](#)

[Attachment C - Site Context Photos](#)

[Attachment D - Citywide Guidelines, General Guidelines & Other Documents](#)

[Attachment E - Letters from Applicant](#)

[Proposed Resolution - Inconsistent Findings](#)

15.3 [17-3401](#)

ADOPT A RESOLUTION REAFFIRMING STOCKTON'S COMMITMENT TO THE SUPPORT OF HUMAN RIGHTS, INCLUSIVENESS, ENVIRONMENTAL PROTECTION, AFFORDABLE HEALTHCARE, RELIGIOUS FREEDOM, AND RESPECT

Department: City Clerk

Attachments: [Proposed Resolution - Reaffirming Human Rights](#)

Agenda ammended 2017-02-17 to add this item

16. HEARINGS****

16.1 [17-3299](#)

ADOPTION OF AN INITIAL STUDY/PROPOSED MITIGATED NEGATIVE DECLARATION AND APPROVAL OF A PRECISE ROAD PLAN FOR THE MINER AVENUE COMPLETE STREETS PROJECT, LOCATED BETWEEN CENTER STREET AND THE UNION PACIFIC RAILROAD UNDERPASS (P16-0560)

Recommended Action:

RECOMMENDATION

It is recommended that the City Council accept the Planning Commission's recommendation and adopt a Resolution for an Initial Study/Proposed Mitigated Negative Declaration and approve the Precise Road Plan for the Miner Avenue Complete Streets Project, in accordance with the Findings for Decision in the Proposed Resolution.

Department: Community Development

Attachments: [Attachment A - Location Map and Aerial Photograph](#)
[Attachment B - Existing Miner Avenue Plan](#)
[Attachment C - Public Draft Initial Study/Proposed Mitigated Neg Declaration](#)
[Attachment D - Final Initial Study/Mitigated Negative Declaration](#)
[Proposed Resolution - Recommendation of approval](#)
[Exhibit 1 - Precise Road Plan](#)

**16.2 [17-3369](#) APPEAL OF THE PLANNING COMMISSION'S DENIAL OF A USE
PERMIT TO ESTABLISH A BAR WITH THE ON-SALE OF GENERAL
ALCOHOLIC BEVERAGES IN AN EXISTING BUILDING AT 222
NORTH SUTTER STREET (P16-0307)**

Recommended Action: RECOMMENDATION

It is recommended that the City Council adopt a resolution denying the appeal and upholding the Planning Commission's denial of the Use Permit to establish a bar with the on-sale of general alcoholic beverages in an existing building at 222 North Sutter Street, in accordance with the findings of fact detailed herein.

Department: Community Development

Attachments: [Attachment A - Appeal Letter](#)
[Attachment B - Aerial Photograph and Site Plan](#)
[Attachment C - Floor Plan](#)
[Attachment D - Street Elevation](#)
[Attachment E - Census Tract Liquor Licenses](#)
[Attachment F - Supplemental Information from Applicant Attorney](#)
[Attachment G - Corrected Calls for Police Service](#)
[Proposed Resolution - Recommend Denial](#)

**16.3 [17-3283](#) TEFRA PUBLIC HEARING FOR THE HUNTER STREET
APARTMENTS LOCATED AT 804 NORTH HUNTER STREET**

Recommended Action: RECOMMENDATION

It is recommended that the City Council adopt a resolution:

1. Approving the issuance of multifamily housing revenue bonds by the California Statewide Communities Development Authority (CSCDA) in an amount not to exceed \$30,000,000 on behalf of Visionary Home Builders of California.

Note: The bonds will not be a debt of the city, nor will they obligate the City in any way.

2. Authorizing the City Manager, or his designee, to take actions that are necessary and appropriate to carry out the purpose and intent of the resolution.

Department: Economic Development
Attachments: [Attachment A - Vicinity Map](#)
[Proposed Resolution - TEFRA Hunter Street](#)

17. COUNCIL COMMENTS

18. ADJOURNMENT

INFORMATIONAL ITEMS

1 [17-3397](#) COUNCIL COMMITTEE / BOARDS & COMMISSION MINUTES

Information only, no action required.

Department: City Clerk
Attachments: [2017-01-12 Council Audit Committee Minutes](#)

2 [17-3398](#) COUNCIL COMMITTEE / BOARDS & COMMISSION MINUTES

Information only, no action required.

Department: City Clerk
Attachments: [2017-01-18 - Measure W Oversight Committee Minutes](#)

3 [17-3399](#) COUNCIL COMMITTEE / BOARDS & COMMISSION MINUTES

Information only, no action required.

Department: City Clerk
Attachments: [2017-01-19 Civil Service Commission Minutes](#)

4 [17-3400](#) COUNCIL COMMITTEE / BOARDS & COMMISSION MINUTES

Information only, no action required.

Department: City Clerk
Attachments: [2017-01-25 - Successor Agency Oversight Board Minutes](#)

CERTIFICATE OF POSTING

**I declare, under penalty of perjury, that I am employed by the City of Stockton
and that I caused this agenda to be posted in the City Hall notice case on
February 17, 2017, in compliance with the Brown Act.**

Bonnie Paige, CMC

By: _____

Deputy

**Citizens may comment on any subject within the jurisdiction of the City Council/Successor Agency to the Redevelopment Agency/Public Finance Authority/Parking Authority, including items on the Agenda. Each speaker is limited to three minutes. Speakers must submit "Request to Speak" cards to the City Clerk, and be prepared to speak when called. No speaker cards will be received after the close of the Citizen's Comments portion of the meeting.*

****Additions to the Agenda - Government Code Section 54954.2(b)(2), allows members of the City Council present at the meeting to take immediate action, with either a two-thirds or unanimous vote, to place an item on the agenda that action must be taken and that the item came to the attention of the City subsequent to the agenda being posted.*

***Speakers should hold comments on items listed as a Hearing until the Hearing is opened. If a large number of people desire to speak at a Hearing, the Mayor/Chair may reduce the amount of time allocated to each speaker to three (3) minutes.*

All proceedings before this meeting body are conducted in English. The City of Stockton does not furnish language interpreters and, if one is needed, it shall be the responsibility of the person needing one.

In accordance with the Americans With Disabilities Act and California Law, it is the policy of the City of Stockton to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the Office of the City Clerk located at 425 North El Dorado Street, Stockton, California 95202 during normal business hours or by calling (209) 937-8459, at least 5 days in advance of the hearing/meeting. Advance notification within this guideline will enable the City/Agency to make reasonable arrangements to ensure accessibility.

Materials related to an item on this agenda submitted to City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 425 North El Dorado Street, Stockton, California 95202, during normal business hours. Such documents are also available on the City's website at www.stocktongov.com subject to staff's ability to post the documents before the meeting.

CHALLENGING CITY DECISIONS: The time limit within which to commence any lawsuit or legal challenge to any quasi-judicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-judicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. If a person wishes to challenge the nature of the above section in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Stockton, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.