

**MINUTES  
CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT  
AGENCY/PUBLIC FINANCING AUTHORITY/PARKING AUTHORITY CONCURRENT  
MEETING OF FEBRUARY 23, 2016**

---

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

---

**1. CLOSED SESSION CALL TO ORDER/ROLL CALL 4:32 PM**

Roll Call

Present:

Christina Fugazi

Elbert Holman

Susan Lofthus

Daniel Wright

Absent:

Anthony Silva, and Michael Tubbs.

**2. ADDITIONS TO CLOSED SESSION AGENDA**

None

**3. ANNOUNCEMENT OF CLOSED SESSION**

**3.1**

**16-2342 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Number of Cases: Five

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: Julita Tamargo, et al. v. City of Stockton, et al. (San Joaquin County Superior Court Case No. 39-2012-00287553)

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

### **3.2 16-2343 PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

City Manager

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

### **3.3 16-2344 CONFERENCE WITH LABOR NEGOTIATOR**

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.

### **3.4 16-2413 CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION**

Number of Cases: One

### **4. PUBLIC COMMENT**

None.

### **5. RECESS TO CLOSED SESSION 4:33 PM**

The Council recessed to Closed Session at 4:33 PM. The Council returned from Closed Session and recessed at 5:00 PM

### **6. REGULAR SESSION CALL TO ORDER/ROLL CALL 5:35 PM**

Roll Call

Present:

Christina Fugazi  
Elbert Holman  
Susan Lofthus  
Anthony Silva  
Michael Tubbs  
Daniel Wright

### **7. INVOCATION/PLEDGE TO FLAG**

Pastor Matt Gonzales of the Innovation Church provided the Invocation. The Pledge of Allegiance was led by Councilmember Wright.

**8. REPORT OF ACTION TAKEN IN CLOSED SESSION**

City Attorney John M. Luebberke announced that there was no reportable action taken during Closed Session this evening.

**9. ADDITIONS TO REGULAR SESSION AGENDA**

None

**10. PROCLAMATIONS, COMMENDATIONS, OR INVITATIONS**

10.1 COMMENDATION: Posthumous Commendation for his historical contribution to the community, State of California, and the Nation, as a veteran of the U.S. Army, pioneer, miner, freedom fighter, stagecoach driver and deliveryman, as submitted by Willie Harris, President of the Black Stuntsman's Association.

RECIPIENT: Willie Robison

Willie Harris, President of the Black Stuntman's Association - accepted the Commendation on behalf of Mr. Robison

10.2 PROCLAMATION: February 25, 2016 declared Rotary Read-In Day in Stockton

RECIPIENT: The following members were present to receive the Proclamation:

Gary Frush and Sharon Tweedy, Rotary Club of Stockton  
Ray Call, North Stockton Rotary  
Jeff Pragg and Kendra Hall, Stockton Pacific Rotary  
Tom Murphy, Stockton Sunrise Rotary

10.3 PROCLAMATION: Helping Other People Expand (HOPE) Awareness Month February 2016

RECIPIENT: David May

10.4 CERTIFICATE OF RECOGNITION: Toys for Tots

RECIPIENTS:

Petty Officer 2nd Class Albert Acosta  
Staff Sergeant Kyle L. Bronson  
First Sergeant Bryen E. Campbell  
Sergeant Sean P. Degruy

Sergeant Donald E Delasota  
Sergeant Marco A. Delrealmendoza  
Sergeant Cody Kimbrell  
Corporal Larry Mata  
Corporal Travis J. Menacher  
Sergeant Joseph L. Meyers  
Corporal Dustin D. Miller  
Gunnery Sergeant Valentin Monroy  
Captain Nicole L. Porter  
Gunnery Sergeant Cesar A. Santos  
Sergeant Troy L. Woodie  
Patrick Asuega  
Chardany Asuega  
Bernice Flores  
Glenn Jose  
Stephanie Maldonado  
Sharde Norman  
Christopher Neumann  
Heather Newman  
Teloma Su'a  
Rachelle Su'a  
Joshua Su'a  
Janet Su'a  
Janell Su'a  
Maneafaiga Toilolo  
Lisett Valadez  
Xaira Valadez  
Amaryah Valdez

#### Public Comment

Melody Powers - shared information on being an organ donor; requested permission to fly "Donate Life" flag during the month of April (document filed)

Document Filed by Melody Powers - Donor Network West

June Wallace, Community Development Liason for Donor Network West - spoke to organ donation statistics; flying "Donate Life" flag during month of April

George Apostolopoulos - provided PowerPoint presentation about Ygrene Works (filed).

PowerPoint Presentation - Ygrene Works

## **12. CONSENT AGENDA**

Approve the Consent Agenda with a single vote, save items 12.2, 12.3, 12.6, and



Approve the Consent Agenda with a single vote, save items 12.2, 12.3, 12.6, and 12.10 which were considered separately.

**Moved by:** Elbert Holman, seconded by Daniel Wright.

**Vote:** Motion carried 6-0

**Yes:** Christina Fugazi , Elbert Holman, Susan Lofthus, Anthony Silva, Michael Tubbs, and Daniel Wright.

**12.1 15-2159 APPROVE REFUND OF STORMWATER SERVICE CHARGES COLLECTED**

Approve **Motion 2013-02-23-1201** authorizing the refund of Wastewater service charges to Oldcastle APG West Inc. (OAWI) in the amount of \$81,567.08.

Legislation Text

Attachment A - Oldcastle APG West Inc Refund Request

Attachment B - Proof of Payment - Copy of Check that Cleared Bank

**12.2 15-2257 ACCEPT BY MOTION QUARTERLY INVESTMENT REPORT FOR QUARTERS ENDING MARCH 30, 2015, JUNE 30, 2015, SEPTEMBER 30, 2015, AND DECEMBER 31, 2015**

Legislation Text

Attachment A - Quarterly Investment Report - Quarter Ended 3-31-15

Attachment B - Quarterly Investment Report - Quarter Ended 6-30-15

Attachment C - Quarterly Investment Report - Quarter Ended 9-30-15

Attachment D - Quarterly Investment Report - Quarter Ended 12-31-15

Approve **Motion 2016-02-23-1202** accepting the Quarterly Investment Reports for the quarters ending March 30, 2015, June 30, 2015, September 30, 2015, and December 31, 2015.

**Moved by:** Christina Fugazi , seconded by Michael Tubbs.

**Vote:** Motion carried 6-0

**Yes:** Christina Fugazi , Elbert Holman, Susan Lofthus, Anthony Silva, Michael Tubbs, and Daniel Wright.

**12.3 15-2210 RESCIND CITY COUNCIL RESOLUTIONS 98-0058, 01-0125, AND 02-0362, AND REPLACE THE YOUTH ADVISORY COMMISSION WITH THE TEEN LEADERSHIP COUNCIL OF THE PODESTO TEEN IMPACT CENTER AS THE OFFICIAL VOICE FOR YOUTH IN THE CITY OF STOCKTON**

Legislation Text

Attachment A - Teen Leadership Council Bylaws

Proposed Resolution - Teen Leadership Council

Approved Resolution 2016-02-23-1203

Approve **Resolution 2016-02-23-1203** rescinding City Council Resolutions 98-0058, 01-0125, and 02-0362, and designating the Teen Leadership Council of the Podesto Teen Impact Center as the official body advising the City Council on matters concerning the youth of Stockton, including the designation of one member as a representative to the Stockton Parks and Recreation Commission.

**Moved by:** Michael Tubbs, seconded by Christina Fugazi .

**Vote:** Motion carried 6-0

**Yes:** Christina Fugazi , Elbert Holman, Susan Lofthus, Anthony Silva, Michael Tubbs, and Daniel Wright.

**12.4 16-2312 MOTION APPROVING A THREE YEAR OPERATING AGREEMENT FOR OAK PARK TENNIS COMPLEX**

Approve **Motion 2016-02-23-1204** authorizing the City Manager to execute a three year agreement (Attachment A) with Peter Juarez for the operation of the Oak Park Tennis Complex. It is further recommended that the motion authorize the City Manager to take necessary actions to carry out the intent of this motion.

Legislation Text

Attachment A - Oak Park Tennis Center 2016 Peter Juarez agreement

Attachment B - Oak Park Tennis Center Map of area

**12.5 15-2239 AWARD A SERVICE CONTRACT TO WEST COAST ARBORISTS, INC. FOR TREE REMOVAL SERVICES, PROJECT NO. O&M 16-007**

Approve **Motion 2016-02-23-1205** authorizing the City Manager to:

1. Approve the plans and specifications for Project No. O&M 16-007 for tree removal services.

2. Award a three year Service Contract in the amount of \$257,800 to West Coast Arborists, Inc. of Stockton, California.

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

Legislation Text

Attachment A - Service Contract

Attachment B - Schedule of Values

**12.6 15-2284 RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS, APPROPRIATING FUNDS, ADJUSTING BUDGETED FEDERAL FUNDING AND AWARDING A CONSTRUCTION CONTRACT FOR THE CENTER STREET AND EL DORADO STREET OVERPASS REHABILITATION, PROJECT NO. PW9748/FEDERAL PROJECT NO. BRLS-5008(103)**

Legislation Text

Attachment A - Vicinity Map

Proposed Resolution - El Dorado Street Overpass

Exhibit 1 - Construction Contract

Approved Resolution 2016-02-23-1206

Approve **Resolution 2016-02-23-1206** authorizing the City Manager to:

1. Approve the plans and specifications for the Center Street and El Dorado Street Overpass and Rehabilitation, Project No. PW9748/Federal Project No. BRLS-5008(103).
2. Appropriate funding to the Measure K Maintenance Fund (082) in the amount of \$179,800.
3. Appropriate funding to the Capital Grants Fund (308) in the amount of \$1,387,767.
4. Adjust the budgeted federal funding for Project No. PW9748 to reflect the actual federal grant amount of \$2,416,869.
5. Award a Construction Contract in the amount of \$1,567,567 to the lowest bidder, Truesdell Corporation (Truesdell), of Tempe, AZ, for the Center Street and



El Dorado Street Overpass Rehabilitation, Project No. PW9748/Federal Project No. BRLS-5008(103)

**Moved by:** Elbert Holman, seconded by Susan Lofthus.

**Vote:** Motion carried 6-0

**Yes:** Christina Fugazi , Elbert Holman, Susan Lofthus, Anthony Silva, Michael Tubbs, and Daniel Wright.

**12.7 15-2254 PURCHASE FORCE OPTIONS AND DRIVING SIMULATOR FOR THE CITY OF STOCKTON POLICE DEPARTMENT**

Approve **Motion 2016-02-23-1207** adopting findings to support the purchase of the MILO Range Pro Training Systems force options simulator and associated installation equipment for \$49,680, and the FAAC, Inc. Driving Force Simulator for \$120,445, for a total project cost not to exceed \$170,125.

Legislation Text

Attachment A - Force Options and Driving Simulator 90-Day Quote

**12.8 16-2307 AWARD A CONSTRUCTION CONTRACT TO BMV CONSTRUCTION GROUP INC. FOR TENANT IMPROVEMENTS TO 400 EAST MAIN STREET FOR THE RELOCATION OF CITY HALL**

Approve **Motion 2016-02-23-1208** to:

1) Awarding a construction contract for the plans and specifications included in the Request for Sealed Bids for Stockton City Hall Relocation 3rd and 4th Floor Tenant Improvements (PUR 15-021) to BMV Construction Group, Inc., in the amount of \$420,000, and

2) Authorizing the City Manager to take necessary and appropriate actions to carry out the purpose and intent of this motion.

Legislation Text

Attachment A - BMV Construction Contract

**12.9 16-2315 ADOPT A RESOLUTION APPROVING THE DOWNTOWN STOCKTON ALLIANCE PROPOSED 2016 ANNUAL OPERATING BUDGET, ASSESSMENT, AND 2015 ANNUAL REPORT**

**Resolution 2016-02-23-1209** approving the proposed 2016 Operating Budget, Assessment, and 2015 Annual Report for the Property and Business



Improvement District commonly known as the Downtown Stockton Alliance, a non-profit corporation, which operates the Downtown Stockton Management District.

Legislation Text

Attachment A - SRD 2015-09-22-1208

Proposed Resolution - 2016 DSA assessment

Exhibit 1 - DSA 2016 Budget

Exhibit 2 - 2016 DSA PBID Assessments

Exhibit 3 - DSA annual report 2015

Approved Resolution 2016-02-23-1209

## **12.10 16-2370 APPROVAL OF COUNCIL MINUTES**

Legislation Text

2015-12-08 - Council Meeting Minutes

2016-01-12 City Council Minutes

2016-01-26 City Council Minutes

Approve **Motion 2016-02-23-1210** approving the minutes from the December 8, 2015 and January 12, 2016 City Council Meetings.

**Moved by:** Christina Fugazi , seconded by Daniel Wright.

**Vote:** Motion carried 5-0

**Yes:** Christina Fugazi , Elbert Holman, Susan Lofthus, Anthony Silva, and Daniel Wright.

**Recuse:**Michael Tubbs.

**NOTE:** Minutes from the 2015-12-08 and 2016-01-12 meetings were approved with a vote of 5-0. Due to the lack of a second for the motion, minutes from the 2016-01-26 meeting will be considered at a later date.

## **12.11**

**16-2374 APPROVE RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO AN AGREEMENT FOR LEGAL SERVICES WITH THE FIRM OF SILVER & WRIGHT, LLP**

Services with Silver & Wright, LLP.

Legislation Text

Proposed Resolution

Exhibit 1 - Agreement

Approved Resolution 2016-02-23-1211

**13. ADMINISTRATIVE MATTERS**

None

**14. UNFINISHED BUSINESS**

None

**11. CITIZENS' COMMENTS, ANNOUNCEMENTS, OR INVITATIONS**

The following people spoke to water issues:

Heidi Hecht  
Kathleen Gapusan  
Steve Colangelo  
Virginia Sanchez  
Kaitlyn Lichter  
Cynthia Rios  
Tina Zavala  
Rebecca Danis  
Vanessa Bowman  
Frank Wanner  
Diana Buettner  
Ben Kaos  
Marcus McDaniel  
Daniela Valencia  
Anamaria Silva  
Steven Bojorques

Document Filed by Rebecca Danis - CBS Mutation and Low Sulfur Diet

Ralph White - spoke to Council authority to direct staff; water issues

Motecuzoma Sanchez - asked that agendas be provided/distributed in Spanish;  
spoke in opposition to water rate increase

The following people spoke to animal issues:

Dr. Richard Turner  
Dr. Julie Daman  
Dr. Mary Ann Cox-Martin  
Jacek Kostyrko  
Debbie Newton  
Sharon Robinson  
Laurie Wilkinson (document filed)  
Rita C.  
Lynn D.  
Linda Dashwower

Document Filed by Laurie Wilkinson - California Animal Laws

James Young - spoke to clean water, pot holes in his neighborhood; wants to help the Mayor

Vincent Sayles - shared exercise ideas

Reverend Dwight Williams - noted upcoming Measure A Citizens Advisory Committee meeting on Thursday, March 3rd at 5:30 PM.

John Arbos - spoke to homeless issues in Stockton

Ralph White - spoke to vacant lots, building permit fees in South Stockton; spoke to role of Council

**NOTE:** Bonnie Paige, City Clerk - read into the record a letter from Nicholas Hatten, Executive Director of the San Joaquin Pride Center, regarding first amendment rights and public perception (document filed).

Document filed by City Clerk Bonnie Paige - Letter from Nicholas Hatten

## **16.1 16-2371 CONSIDERATION OF THE DOWNTOWN STOCKTON OPEN WINDOW DEVELOPMENT PROJECT**

Legislation Text

Attachment A - Location Map

Attachment B - Master Development Plan

Attachment C - Initial Study and Proposed Mitigated Negative Declaration

Attachment D - Development Agreement

Attachment E - Option Agreement

Attachment F - Water Supply Assessment Report

Attachment G - Existing and Proposed Land Use Conditions

Attachment H - Illustrative Examples of MDP Area

Attachment I - Vicinity Map

City Council Proposed Resolution 1

City Council Proposed Resolution 2

Exhibit 1

Proposed Ordinance

Parking Authority Proposed Resolution

Exhibit 1

Approved Resolution 2016-02-23-1601-01

Approved Resolution 2016-02-23-1601-02

Approved Ordinance 2016-02-23-1601

Parking Authority Approved Resolution PA 2016-02-23-1601

**NOTE:** A memorandum containing correspondence regarding item 16.1 was distributed around the bench (document filed).

Documents filed by City Clerk Bonnie Paige - Agenda Item 16.1 Open Window Development Project

David Kwong, Director Community Development Department - presented Open Window Development Project to Council with the aid of a PowerPoint Presentation

PowerPoint Presentation - Open Window Development Project

Micah Runner, Director Economic Development Department - spoke to remaining elements of the proposal

Zac Cort - spoke to start of Open Window Project; resurgence of downtown; introduced David Garcia

David Garcia, Community Development Director of Ten Space - gave report to Council with the aid of a PowerPoint presentation

PowerPoint Presentation - Ten Space



Zac Cort - spoke to working with Downtown Stockton City Alliance; Tim Egkan

Public Comments:

The following people spoke in support of the Open Window Project:

Linda Derivi  
Cathy Casiguin  
Nicolette Dee Borijoc  
Maisy Macato  
Yolanda Amen  
Matthew Amen  
Chris Kimble  
Cameron Burns  
Tristan Osborn  
Dan Leavitt  
Jared Rusten  
Daniel O'Connell  
Brandon Piasecki  
Jon Mendelson  
Carol Ornelas  
Nate Knodt  
Kari McNickle  
Katelyn Roedner Sutter  
Greg Bahr

Bobby Bivens, President of the Stockton Branch of the National Association for the Advancement of Colored People (NAACP) - expressed desire for diversity and equality in project related jobs; low income and homeless housing; invited Council to the Youth Summit at Delta College on Saturday February 27th

Carlos Ocampo - spoke in opposition; addressed access for youth; gentrification

David Garcia - spoke to inclusionary housing plan

Approve **Resolution 2016-02-23-1601-01**

1. Adopting a Mitigated Negative Declaration and Mitigation Monitoring Report;
2. Approving a Master Development Plan; and
3. Approving a Water Supply Assessment Report (SB610) for the Open Window project in Downtown Stockton, in accordance with the Findings for Decision and Conditions of Approval detailed herein (MDP1-14).

**Moved by:** Christina Fugazi , seconded by Susan Lofthus.

**Vote:** Motion carried 6-0

**Yes:** Christina Fugazi , Elbert Holman, Susan Lofthus, Anthony Silva, Michael Tubbs, and Daniel Wright.

Approve **Resolution 2016-02-23-1601-02**

1. Approving an Option Agreement between the City of Stockton and Open Window Project LLC, for the disposition of City-owned properties; and
2. Making a Finding of Conformity with the General Plan in accordance with California Government Code 65402 and Stockton Development Code section 16.72.030.D.

**Moved by:** Michael Tubbs, seconded by Daniel Wright.

**Vote:** Motion carried 6-0

**Yes:** Christina Fugazi , Elbert Holman, Susan Lofthus, Anthony Silva, Michael Tubbs, and Daniel Wright.

**Ordinance 2016-02-23-1601**

1. Approving a Development Agreement

**Moved by:** Elbert Holman, seconded by Anthony Silva.

**Vote:** Motion carried 6-0

**Yes:** Christina Fugazi , Elbert Holman, Susan Lofthus, Anthony Silva, Michael Tubbs, and Daniel Wright.

Approve **Resolution PA 2016-02-23-1601** as follows:

1. Approving an Option Agreement between the Parking Authority and Open Window Project LLC, for the disposition of Parking Authority-owned properties; and
2. Making a Finding of Conformity with the General Plan in accordance with California Government Code 65402.

**Moved by:** Susan Lofthus, seconded by Christina Fugazi .

**Vote:** Motion carried 6-0

**Yes:** Christina Fugazi , Elbert Holman, Susan Lofthus, Anthony Silva, Michael Tubbs, and Daniel Wright.

## 17. COUNCIL COMMENTS

None

## 15. NEW BUSINESS

### 15.1 16-2412 CITY COUNCIL DISTRICT 4 CANDIDATE INTERVIEWS AND SELECTION

Legislation Text

Attachment A - Marcie Bayne Redacted Application

Attachment B - Michael Blower Redacted Application

Attachment C - Susan Lenz Redacted Application

Attachment D - Jimmie Rishwain Redacted Application

Proposed Resolution - District 4 Appointment

Approved Resolution 2016-02-23-1501

The following people spoke in support of Michael Blower:

Jerry Abbott  
Rick Jones  
Chad Sublet  
Brad Stahl  
Paul Jacobson  
Frank Orello

**Interview - Marcie Bayne**

**Interview - Michael Blower**

**Interview - Susan Lenz**

**Interview - Jimmie Rishwain**

Approve **Resolution 2016-02-23-1501** appointing Michael Blower to fill the vacant Council seat in District 4. The vacancy was created when Councilmember Moses Zapien was appointed to serve on the San Joaquin County Board of Supervisors.

**Moved by:** Anthony Silva, seconded by Elbert Holman.

**Vote:** Motion carried 6-0

**Yes:** Christina Fugazi , Elbert Holman, Susan Lofthus, Anthony Silva, Michael Tubbs, and Daniel Wright.

**NOTE:** City Clerk Bonnie Paige administered the Oath of Office to newly appointed Councilmember Michael Blower

**16. HEARINGS**

None

**18. ADJOURNMENT - 1:14 AM**

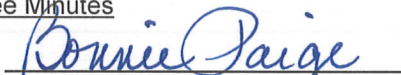
**INFORMATIONAL ITEMS**

**1 15-2283 COUNCIL COMMITTEE / BOARDS & COMMISSION MINUTES**

Information only, no action required.

Legislation Text

2015-06-10 Measure W Oversight Committee Minutes



BONNIE PAIGE, CMC  
CITY CLERK, CITY OF STOCKTON