

**MINUTES
CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT
AGENCY/PUBLIC FINANCING AUTHORITY/PARKING AUTHORITY
CONCURRENT
MEETING OF JULY 12, 2016**

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

The CLOSED SESSION of the City Council of the City of Stockton scheduled for 4:00 PM was canceled.

~~1. CLOSED SESSION CALL TO ORDER/ROLL CALL~~

~~2. ADDITIONS TO CLOSED SESSION AGENDA~~

~~3. ANNOUNCEMENT OF CLOSED SESSION~~

~~3.1 16-2812 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION~~

~~Number of Cases: Four~~

~~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)~~

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

~~3.2 16-2813 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.~~

~~3.3 16-2814 PUBLIC EMPLOYEE PERFORMANCE EVALUATION:~~

~~City Manager~~

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

~~3.4 16-2815 CONFERENCE WITH LEGAL COUNSEL -- INITIATION OF LITIGATION~~

~~Number of Cases: One~~

~~Based on existing facts and circumstances, there is significant
exposure to litigation pursuant to Government Code Section 54956.9
(c).~~

~~4. PUBLIC COMMENT*~~

~~5. RECESS TO CLOSED SESSION~~

6. REGULAR SESSION CALL TO ORDER/ROLL CALL - 5:31 PM

Roll Call

Present:

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

7. INVOCATION/PLEDGE TO FLAG

Pastor Frank Gonsalves of Harvest Church Ministries provided the
Invocation. The Pledge of Allegiance was led by Councilmember
Blower.

8. REPORT OF ACTION TAKEN IN CLOSED SESSION

NOTE: Closed Session was cancelled this evening.

9. ADDITIONS TO REGULAR SESSION AGENDA

None

10. PROCLAMATIONS, COMMENDATIONS, OR INVITATIONS

10.1 Certificate of Recognition: Driving Donated Fire Truck to Empalme, Mexico

Recipient: Captain Jose Ivan Sanchez Baltazar

Susanna Dominguez, Stockton Sister Cities - Interpreted for Captain Baltazar

12. CONSENT AGENDA

Approve the Consent Agenda with a single vote, save item 12.7 which was considered separately

Moved by: Daniel Wright, seconded by Michael Blower.

Vote: Motion carried 7-0

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

12.1 16-2837 JUNE 7, 2016 PRIMARY MUNICIPAL ELECTION RESULTS

Approve **Resolution 2016-07-12-1201** declaring the results of the June 7, 2016 Primary Municipal Election.

Legislation Text

Proposed Resolution - Certifying Election Results

Exhibit 1 - Election Results Registrar Certification

Exhibit 2 - Election Results by Precinct

Approved Resolution 2016-07-12-1201

12.2 16-2750 APPROVE BY MOTION A SINGLE FAMILY HOUSING REHABILITATION LOAN FOR 27 WEST CHURCHILL STREET

Motion 2016-07-12-1202

1. Approving a \$110,000 CalHome Loan to Jerry Ruff for repairs to his

home located at 27 West Churchill Street; and

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

Legislation Text

Attachment A - Vicinity Map

Attachment B - Photos

Attachment C - Housing Program Guidelines

Attachment D - CalHome Loan Agreement

12.3 16-2564 APPROVE RESOLUTION TO EXECUTE OPERATING AGREEMENT BETWEEN SAN JOAQUIN COUNTY REGIONAL FIRE DISPATCH AUTHORITY AND CITY OF STOCKTON FOR THE PROVISION OF EMERGENCY AND NON-EMERGENCY DISPATCH SERVICES AND ADMINISTRATIVE SUPPORT

Approve **Resolution 2016-07-12-1203** authorizing the City Manager to enter into an Operating Agreement between the San Joaquin County Regional Fire Dispatch Authority ("SJCRFDA"); comprised of the Lathrop-Manteca Fire District, City of Lodi, City of Manteca, City of Tracy, and City of Stockton for the provision of emergency and non-emergency fire dispatch services. It is further recommended that the City Manager take appropriate actions to carry out the purpose and intent of this resolution.

Legislation Text

Attachment A - Management Partners Report - Regional Fire Dispatch

Attachment B - Fully Executed Joint Powers Agreement

Proposed Resolution - SJCRFDA COS Operating Agreement

Exhibit 1 - SJCRFDA COS Operating Agreement

Approved Resolution 2016-07-12-1203

12.4 16-2774 APPROVE RESOLUTION TO ACCEPT GRANT AND EXECUTE STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL STANDARD AGREEMENT 16G-LA49

Approve **Resolution 2016-07-12-1204** to:

1. Authorize the acceptance of grant funding from the State of California Department of Alcoholic Beverage Control, in the amount of \$100,000, for the Grant Assistance to Local Law Enforcement Agencies Project; and

2. Authorize the City Manager to execute, on behalf of the City of Stockton, all required contracts or agreements with the granting agency, provide additional information and furnish such documents as may be required, execute all documents and amendments or extensions pertaining to the grant project, and make all required appropriations in compliance with and for the purposes stated in the project agreement.

Legislation Text

Proposed Resolution - Standard Agreement 16G-LA49 - ABC 2016-2017

Exhibit 1 - Standard Agreement 16G-LA49 - ABC 2016-2017

Approved Resolution 2016-07-12-1204

12.5 16-2799 MODIFY PREVIOUSLY APPROVED AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM GRANT APPLICATION PER DIRECTION FROM THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Approve **Resolution 2016-07-12-1205** authorizing the City Manager to:

1. Rescind Resolution No. 2016-05-24-1205 previously adopted on May 24, 2016.
2. Adopt a new resolution to include additional information requested by the California Department of Housing and Community Development (HCD).
3. Authorize the City Manager to submit a joint application with Visionary Home Builders (Visionary) to the Strategic Growth Council (SGC) for the Hunter Street Apartments project.

Legislation Text

Attachment A - Resolution

Proposed Resolution - Grant Application

Approved Resolution 2016-07-12-1205

12.6 16-2586 APPROVE RESOLUTION TO FILE THE NOTICE OF EXEMPTION NO. CE003-15, APPROVE THE PLANS AND SPECIFICATIONS, AND AWARD A CONSTRUCTION CONTRACT TO ROBERT BURNS CONSTRUCTION, INC. FOR THE FIRE STATION NO. 10 DRIVEWAY AND PARKING LOT (PROJECT NO. PW1412)

Approve **Resolution 2016-07-12-1206** authorizing the City Manager to:

1. Approve the filing of Notice of Exemption No. CE003-15 under the California Environmental Quality Act (CEQA) for the Fire Station No. 10 Driveway and Parking Lot (Project No. PW1412).
2. Approve the plans and specifications for the Fire Station No. 10 Driveway and Parking Lot (Project No. PW1412).
3. Transfer funding from the Fire Station No. 6 Apparatus Bay Exhaust Fan Installation (Project No. PW1511) in the amount of \$30,000 to the Fire Station No. 10 Driveway and Parking Lot (Project No. PW1412), and cancel the Fire Station No. 6 Apparatus Bay Exhaust Fan Installation project.
4. Award a Construction Contract in the amount of \$119,090.75 to Robert Burns Construction, Inc. of Stockton, CA, for the Fire Station No. 10 Driveway and Parking Lot (Project No. PW1412).

Legislation Text

Attachment A - Vicinity Map

Proposed Resolution

Exhibit 1 - Notice of Exemption

Exhibit 2 - Construction Contract

Approved Resolution 2016-07-12-1206

12.7 16-2864 MEMORANDA OF UNDERSTANDING WITH THE STOCKTON POLICE OFFICERS' ASSOCIATION AND THE FIRE SERVICES MANAGEMENT UNIT

Legislation Text

Around the Bench Memo - Item 12.7 "To be delivered" material

Item 12.7 "To be delivered" material

Approved Resolution 2016-07-12-1207

Public Comment

Julie Cox - would like Stockton to be a full service City; noted 73% of City's budget is earmarked for the Police and Fire Departments; opposes changes to Memoranda of Understanding (MOU)

Motec Sanchez - spoke to 73% of the City budget going to the Police and Fire Departments; would like to see improved relationship between the Stockton Police Department and the

community

Kathryn Nance, President, Stockton Police Officers Association - spoke to Memoranda of Understanding (MOU); disagrees with statements that Police retention is the Council's number one priority, the long term financial plan is priority; supports MOU as it will help with recruitment

Approve **Resolution 2016-07-12-1207** approving the Memoranda of Understanding between the City of Stockton and the Stockton Police Officers' Association and Fire Services Management Unit, and the incorporation of additional expenditures in the fiscal year 2016-2017 budget to fund salary and benefits adjustments.

Moved by: Anthony Silva, seconded by Michael Blower.

Vote: Motion carried 7-0

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

13. ADMINISTRATIVE MATTERS

None

14. UNFINISHED BUSINESS

None

15. NEW BUSINESS

None

11. CITIZENS' COMMENTS, ANNOUNCEMENTS, OR INVITATIONS

Vincent Sayles - shared exercise beliefs

Ralph White - spoke to current events throughout the United States; presented policy procedure request from the Stockton Black Leadership Council regarding police related shootings (document filed)

Document filed by Ralph White - Stockton Police Related Shootings

Robert Wooten - shared experience with being arrested in his home earlier this year; shared a letter from the City referencing a claim he filed regarding the incident

Jemal Guillory - spoke in support of Police reform and the policy procedures presented by the Stockton Black Leadership Council

Motec Sanchez - spoke in support of Police reform and the policy procedures presented by the Stockton Black Leadership Council; shared personal experience working with the community

Reverend Robert Hailey - spoke in support of Police reform; supports reopening the Fair Oaks Library; spoke to police recruitment

16. HEARINGS

16.1 16-2636 PUBLIC HEARING TO CONSIDER ADOPTION OF THE 2015 URBAN WATER MANAGEMENT PLAN

Legislation Text

Proposed Resolution - 2015 Urban Water Management Plan

Exhibit 1 - 2015 DRAFT Urban Plan

Approved Resolution 2016-07-12-1601.pdf

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

Robert Granberg, Acting Municipal Utilities Director - gave report to Council with the aid of a PowerPoint Presentation (filed)

PowerPoint Presentation - 2015 Urban Water Management Plan

Approve **Resolution 2016-07-12-1601** approving and adopting the 2015 Urban Water Management Plan with any amendments adopted at the hearing and authorizing transmittal to the California Department of Water Resources.

Moved by: Elbert Holman, seconded by Michael Blower.

Vote: Motion carried 7-0

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

16.2 16-2619 APPEAL OF THE PLANNING COMMISSION'S DENIAL OF THE REQUEST FOR A USE PERMIT TO ALLOW THE OFF-SALE OF BEER AND WINE IN AN EXISTING MINI-MART WITH GASOLINE SALES AND A VARIANCE TO REDUCE THE MINIMUM SEPARATION REQUIREMENT BETWEEN AN OFF-SALE ALCOHOLIC BEVERAGE ESTABLISHMENT AND AN ACADEMIC

SCHOOL, FOR PROPERTY LOCATED AT 3440 EAST MAIN STREET (P15-0420)

NOTE: Public Hearing continued to the August 23, 2016 City Council meeting at the request of the appellant.

Legislation Text

Attachment A - Location Map and Aerial Photograph

Attachment B - Locations of Alcoholic Beverage Licenses

Attachment C - Letter from SUSL and E-Mail from Area Resident

Attachment D - Public Petitions to Support the Proposed Project

Attachment E - Letter of Appeal

Proposed Resolution - Denial to Use Permit and Variance

Exhibit 1 - Site and Floor Plans

Document filed by Manpreet Singh - Request for Continuation of Item 16.2

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

Approve **Motion 2016-07-12-1602** to continue the public hearing to August 23, 2016

Moved by: Anthony Silva, seconded by Daniel Wright.

Vote: Motion carried 6-1

Yes: Michael Blower, Elbert Holman, Susan Lofthus, Anthony Silva, Michael Tubbs, and Daniel Wright.

No: Christina Fugazi .

16.3 16-2758 APPEAL OF THE PLANNING COMMISSION'S DENIAL OF A USE PERMIT TO ESTABLISH A TRANSITIONAL HOUSING FACILITY FOR A MAXIMUM OF 16 RESIDENTS IN AN EXISTING STRUCTURE AT 801 S. CALIFORNIA STREET (P15-0275) - NOTE: PUBLIC HEARING CONTINUED FROM COUNCIL MEETING OF MAY 10, 2016

Legislation Text

Attachment A - Appeal Letter

Attachment B - Location Map

Attachment C - Site Plan and Floor Plan

Attachment D - Project Description

Attachment E - May 9, 2016 Letters of Opposition

Proposed Resolution - Use Permit Appeal - 801 South California Street

Approved Resolution 2016-07-12-1603

NOTE: Two letters of opposition were received for item 16.3 on Monday May 9, 2016 (documents filed)

Documents filed by City Clerk Bonnie Paige - Letters of Opposition to item 16.3

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

David Kwong, Community Development Director - gave a report to Council with the aid of a PowerPoint presentation (filed)

PowerPoint Presentation - 801 S. California Street

Public Comment

Michelle Spragg, Facilities Planner, Stockton Unified School District - spoke in opposition to the issuance of the use permit; noted proximity of facility to Spanos Elementary School

Annie Podesto - spoke in opposition; noted there is no oversight at this location; spoke to findings in the Journal of Psychology

Phillip Hammons, applicant - spoke in support; clarified use of the facility and goals of the program; applicant agrees to stipulate in the approval that they will not house any registered sex offenders (290s)

Rajinder Sharma, building owner - spoke in support; noted building has been vacant for 4 years; having the building occupied will help deter crime

Arun Mohindra, building owner - spoke in support; noted homeless problem in the area

Approve **Resolution 2016-07-12-1603** denying the appeal and upholding the Planning Commission's denial of the Use Permit to establish a transitional housing facility for a maximum of 16 residents in an existing structure at 801 S. California Street.

Moved by: Christina Fugazi , seconded by Daniel Wright.

Vote: Motion carried 5-2

Yes: Christina Fugazi , Susan Lofthus, Anthony Silva, Michael Tubbs,

and Daniel Wright.

No: Michael Blower, and Elbert Holman.

16.4 16-2759 APPEAL OF THE PLANNING COMMISSION'S DENIAL OF A USE PERMIT TO UPGRADE FROM THE OFF-SALE OF BEER AND WINE TO THE OFF-SALE OF GENERAL ALCOHOLIC BEVERAGES IN AN EXISTING CONVENIENCE STORE AT 7906 N. EL DORADO STREET (P15-0453) - NOTE: PUBLIC HEARING CONTINUED FROM COUNCIL MEETING OF MAY 10, 2016

Legislation Text

Attachment A - Appeal Letter

Attachment B - Location Map and Aerial Photograph

Attachment C - Locations of Active On-Sale and Off-Sale Alcohol Licenses

Attachment D - Attorney's Letter to Planning Commission

Attachment E - Petition of Support

Proposed Resolution - Use Permit Appeal - 7906 North El Dorado Street

Exhibit 1 - Site and Floor Plans

Approved Resolution 2016-07-12-1604

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

David Kwong, Community Development Director - gave a report to Council with the aid of a PowerPoint presentation (filed)

PowerPoint Presentation - 7906 N. El Dorado Street

Manju Trehan, applicant - spoke to approval of the use permit; noted surrounding stores are taking business from their store; request is to upgrade existing license not issue a new one; applicants will surrender their current type 20 license; shared that they have received no opposition from community

Approve **Resolution 2016-07-12-1604** denying the appeal and upholding the Planning Commission's denial of the request for a Use Permit to upgrade from the off-sale of beer and wine to the off-sale of general alcoholic beverages in an existing convenience store at 7906 N. El Dorado Street.

Moved by: Daniel Wright, seconded by Michael Tubbs.

Vote: Motion carried 5-2

Yes: Michael Blower, Christina Fugazi , Susan Lofthus, Michael Tubbs, and Daniel Wright.

No: Elbert Holman, and Anthony Silva.

17. COUNCIL COMMENTS

Councilmember Holman - clarified comments made by Reverend Robert Hailey, noting his involvement in the investigation; requested study session on illegal fireworks in Stockton, second by Vice Mayor Fugazi

Vice Mayor Fugazi - appreciated work done by the Black Leadership Council; requested closing the meeting in honor of Maxine Bennett

Moment of silence for Maxine Bennett

18. ADJOURNMENT - 7:23 PM

INFORMATIONAL ITEMS

**1 16-2816 MEASURE W CITIZENS' OVERSIGHT COMMITTEE
ANNUAL REPORT OF REVENUES AND EXPENDITURES FOR
FISCAL YEAR 2014-15**

This item is informational only and does not require City Council action.

Legislation Text

Attachment A - Measure W Annual Report for FY 2014-15



BONNIE PAIGE, CMC
CITY CLERK, CITY OF STOCKTON