

**MINUTES**  
**CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY/PUBLIC**  
**FINANCING AUTHORITY/PARKING AUTHORITY CONCURRENT**  
**MEETING OF FEBRUARY 21, 2017**

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

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**1. CLOSED SESSION CALL TO ORDER/ROLL CALL - 4:30 PM**

Roll Call

Present:

Jesús Andrade  
Christina Fugazi  
Elbert Holman  
Susan Lenz  
Susan Lofthus  
Michael Tubbs  
Daniel Wright

**2. ADDITIONS TO CLOSED SESSION AGENDA**

None

**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.

**3.2 17-3332 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.

Legislation Text

**3.3 17-3334 PUBLIC EMPLOYEE PERFORMANCE EVALUATION:**

City Manager

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

Legislation Text

**4. PUBLIC COMMENT**

None

**5. RECESS TO CLOSED SESSION**

The Council recessed to Closed Session at 4:36 PM. The Council returned from Closed Session and recessed at 4:45 PM.

**6. REGULAR SESSION CALL TO ORDER/ROLL CALL**

Roll Call

Present:

Jesús Andrade  
Christina Fugazi  
Elbert Holman  
Susan Lenz  
Susan Lofthus  
Michael Tubbs  
Daniel Wright

**7. INVOCATION/PLEDGE TO FLAG**

**7.1 17-3402 Invocation**

Pastor Barbara Bridges, Restoration for Life Ministries provided the Invocation.

Legislation Text

The Pledge of Allegiance was led by Councilmember Lofthus

**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 CERTIFICATE OF RECOGNITION - Stockton Sikh Temple**

RECIPIENT: Gulwinder Singh, President - in appreciation for extraordinary service to the City's neighbors affected by the Oroville Dam crisis.

Gulwinder Singh - thanked staff for recognizing the efforts of the Sikh community

Legislation Text

**10.2 PROCLAMATION - Rotary Read-In Day in Stockton, February 21, 2017**

RECIPIENT: Sharon Tweedy on behalf of the Stockton Rotary Club

Sharon Tweedy - expressed appreciation for receipt of award

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

Diana Buettner - spoke in opposition of removing public members from meetings; supports release of police body camera video

Ralph White - spoke in opposition to Mayor's staff salaries

Cynthia Gail Boyd - spoke to public safety at last Council meeting

Ted Gonzales - congratulated newly elected Councilmembers and Mayor Tubbs on behalf of the Mexican American Human Rights Association; spoke to Harding Way and Wilson Way area clean-up efforts; sanctuary city efforts; resolution recognizing ethnic diversity and civil rights

Clyde Williams - spoke to renaming of Fair Oaks Library after Warren Gaines

Reverend Ernest Williams - spoke to renaming Fair Oaks Library after Warren Gaines (document filed)

Document filed by Rev. Ernest Williams - Renaming of Fair Oaks Library

Warren Gaines - spoke to diversity in Police and Fire Departments

Elecorria Dukes - spoke to interactions with police officers; information on police incident involving nephew Keenan Bradley

Dionne Smith Downs - spoke to the death of her son James Rivera; police and autopsy information

Karen Anderson - spoke to bible study event at the homeless shelter; dumping trash on Calaveras River levee; installation of a Blue Eye neighborhood watch sign in her neighborhood

Foley Ashaolu - shared bible verse with Council

Aaron Paradiso - spoke to meeting with Police Chief Eric Jones; body camera/surveillance video for Colby Friday shooting

Vernell Hill - invited Council to the Name Dedication/Grand Opening on April 7, 2017 at the new Affordable Housing Project, Zettie Miller's Haven at 1545 Rosemarie Lane, Stockton

Ramiro Reyes - spoke to protests at Council meetings; working with the community

Denise Friday - spoke to the loss of her son Colby Friday

Bobby Bivens - urged Council to call upon the United States Federal Bureau of Investigation and the United States Attorney General to investigate local shootings to provide answers and resolution within the community

## **12. CONSENT AGENDA**

Approve the Consent Agenda with a single vote

**Moved by:** Elbert Holman, seconded by Jesús Andrade.

**Vote:** Motion carried 7-0

**Yes:** Jesús Andrade, Christina Fugazi , Elbert Holman, Susan Lenz, Susan Lofthus, Michael Tubbs, and Daniel Wright.

**NOTE:** Mayor Tubbs called for recess at 6:30 PM. The Council reconvened at 7:12 PM.

### **12.1 16-3203 APPOINTMENTS TO THE COMMUNITY DEVELOPMENT COMMITTEE**

**Resolution 2017-02-21-1201** appointing one member to the Community Development Committee to represent Council District 6.

Legislation Text

Proposed Resolution - CDC Appointments

Attachment A - CDC Application

## **12.2 17-3352 APPOINTMENTS TO CITY COMMITTEES AND COMMISSIONS**

**Resolution 2017-02-21-1202** ratifying Councilmember appointments to the Measure A Citizens' Advisory Committee, Planning Commission, and Water Advisory Group.

Legislation Text

Proposed Resolution - Committee Appointments

Attachment A - Measure A - Applications

Attachment B - Planning Commission Applications

Attachment C - WAG Applications

Approved Resolution 2017-02-21-1202

## **12.3 17-3379 APPROVAL OF MINUTES**

**Motion 2017-02-21-1203** approving the minutes from the City Council Meetings of January 24, 2017 and February 7, 2017.

Legislation Text

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.**

**Resolution 2017-02-21-1204:**

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.

Legislation Text

Attachment A - Vicinity Map

Attachment B - Resolution No. 06-0216

Proposed Resolution

Exhibit 1

Approved Resolution 2017-02-21-1204

## **12.5 17-3281 APPROVE RESOLUTION TO AUTHORIZE THE ANIMAL SHELTER ELECTRICAL SERVICES UPGRADE**

**Resolution 2017-02-21-1205:**

1. Approving 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. Approving the plans and specifications for the Animal Shelter Electrical Services Upgrade (Project No. PW1321).
3. Awarding 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).
4. Authorizing the City Manager to take appropriate and necessary actions to carry out the purpose and intent of this resolution.

Legislation Text

Attachment A - Vicinity Map

Proposed Resolution

Exhibit 1 - Notice of Exemption CE001-17

Exhibit 2 - Construction Contract

Approved Resolution 2017-02-21-1205

**12.6 17-3285 APPROVE RESOLUTION TO AUTHORIZE THE FIRE STATION NO. 2 BURN ROOM RESTORATION (PW1503)**

**Resolution 2017-02-21-1206:**

1. Authorizing the City Manager to 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. Rejecting the low bid from Haggerty Construction, Inc.
3. Approving the plans and specifications for the Fire Station No. 2 Burn Room Restoration (Project No. PW1503).
4. Awarding 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).
5. Authorizing the City Manager to take appropriate and necessary actions to carry out the purpose and intent of this resolution.

Legislation Text

Attachment A - Vicinity Map

Proposed Resolution

**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**

**Motion 2017-02-21-1207:**

1. Authorizing the City Manager to 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. Executing associated agreements and undertake actions to accept and receive the funding in the event that the funding requests are successful.
3. Authorizing the City Manager to take appropriate and necessary actions to carry out the purpose and intent of this motion.

Legislation Text

**13. ADMINISTRATIVE MATTERS**

None

**14. UNFINISHED BUSINESS**

None

**15. NEW BUSINESS**

**15.1 16-3189 APPOINTMENT TO THE STOCKTON PARKS AND RECREATION COMMISSION**

Legislation Text

Attachment A - Redacted Applications

Proposed Resolution - Parks and Recreation Appointment

Approved Resolution 2017-02-21-1501

Approve **Resolution 2017-02-21-1501** appointing Jamie Bossuat 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.

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

**Vote:** Motion carried 7-0

**Yes:** Jesús Andrade, Christina Fugazi , Elbert Holman, Susan Lenz, Susan Lofthus, Michael Tubbs, and Daniel Wright.

**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**

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

PowerPoint presentation - Item 15.2 520 N. El Dorado Street

Legislation Text

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

Approved Resolution 2017-02-21-1502

Gavin Reid, Frontier Real Estate Development, representing appellant - spoke in support of the project; strict adherence to national security safety protocols; recognized Stockton's renaissance post-bankruptcy; project brings 15-25 new jobs to community

Terri Medved, Executive Director, Market Director - Banking at JP Morgan Chase & Co - spoke in support of the project

Jasmine Leek - spoke in support of the project

Josh Doane, District Manager, Starbucks - spoke in support of the project; new jobs and additional revenue to the city

Angel Picon - spoke in support of the project; hiring applicants from within the city

Tristan Osborn - spoke to adherence of design guidelines that fit within downtown commercial requirements; supports denial

Gavin Reed, Frontier Real Estate Development - spoke to acceptable amendments to project design; willingness to compromise on architectural flexibility to add pedestrian friendly elements on site; brick pavers; street scale lighting; increase safety design; agrees to accept conditional amendment to the project

Approve **Motion 2017-02-21-1502** to overturn the Planning Commission's denial of the Chase Bank and Starbucks design review; adding a condition on making modifications to the architecture and safety design presented for adoption

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

**Vote:** Motion carried 7-0

**Yes:** Jesús Andrade, Christina Fugazi , Elbert Holman, Susan Lenz, Susan Lofthus,

**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**

Legislation Text

Proposed Resolution - Reaffirming Human Rights

Approved Resolution 2017-02-21-1503

Al Moncada - spoke in support of the resolution; thanked Mayor and councilmembers for their leadership; shared personal story

Motec Sanchez - spoke in support of resolution for a sanctuary city

Gary Gershon - spoke to national political climate; spoke in support of the resolution

Bobby Bivens - spoke in support of the resolution; suggested an amendment to the resolution to include additional language in the second paragraph (document filed)

Document filed by Bobby Bivens - Item 15.3

Approve **Resolution 2017-02-21-1503** reaffirming Stockton's commitment to the support of human rights, inclusiveness, environmental protection, affordable healthcare, religious freedom and respect.

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

**Vote:** Motion carried 7-0

**Yes:** Jesús Andrade, Christina Fugazi , Elbert Holman, Susan Lenz, Susan Lofthus, Michael Tubbs, and Daniel Wright.

**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)**

Legislation Text

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

Approve **Resolution 2017-02-21-1601** adopting 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.

**Moved by:** Elbert Holman, seconded by Christina Fugazi .

**Vote:** Motion carried 7-0

**Yes:** Jesús Andrade, Christina Fugazi , Elbert Holman, Susan Lenz, Susan Lofthus, Michael Tubbs, and Daniel Wright.

**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)**

Legislation Text

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

**NOTE:** A memo dated February 15, 2017 from the property owner, Amar Mathfallu relating to Item 16.2 request for continuance to March 28, 2017 was distributed around the bench

Around the Bench Memo - Amar Mathfallu - Item 16.2

**NOTE:** Councilmember Lofthus left the meeting at 8:31 PM. Councilmember Lofthus returned to the meeting at 8:34 PM.

Approve **Motion 2017-02-21-1602** approving the continuance of the opened Public Hearing for Item 16.2 to the Council meeting of March 28, 2017

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

**Vote:** Motion carried 6-0

**Yes:** Jesús Andrade, Christina Fugazi , Elbert Holman, Susan Lenz, Michael Tubbs,

and Daniel Wright.  
**Absent:** Susan Lofthus.

**16.3 17-3283 TEFRA PUBLIC HEARING FOR THE HUNTER STREET APARTMENTS  
LOCATED AT 804 NORTH HUNTER STREET**

Legislation Text

Attachment A - Vicinity Map

Proposed Resolution - TEFRA Hunter Street

Approved Resolution 2017-02-21-1603

PowerPoint Presentation - Item 16.3 TEFRA Public Hearing Hunter Street Apartments

Approve **Resolution 2017-02-21-1603:**

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.
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.

**Moved by:** Elbert Holman, seconded by Christina Fugazi .

**Vote:** Motion carried 6-0

**Yes:** Jesús Andrade, Christina Fugazi , Elbert Holman, Susan Lenz, Michael Tubbs, and Daniel Wright.

**Absent:** Susan Lofthus.

**17. COUNCIL COMMENTS**

Mayor Tubbs - spoke to Council meeting decorum; council remains dedicated to working through issues; thanked those who stayed and to the police officers for their service

Councilmember Wright - thanked Sergeant Pearce and Supervisor Tom Patti for their attendance at the Community Forum at Calvary First Assembly Church; results of discussions to be posted on [www.facebook.com/CouncilmemberDanWright](http://www.facebook.com/CouncilmemberDanWright)

Vice Mayor Holman - spoke to Item 12.7 "One Voice" Project lobbying for federal funding for infrastructure projects at upcoming Washington DC trip; attending Black Women's Organization for Political Action (BWOPA) meeting February 22, 2017 6:00 PM at Mimi's Restaurant as a guest speaker

Councilmember Andrade - announced first office hour in Weston Ranch 6:00 PM Wednesday, February 22, 2017 at Mountain Mikes Pizza; spoke to passage of human rights resolution reaffirming city values

Councilmember Fugazi - announced Arts Expression Souper Supper fundraiser at Stockton Hilton Friday, February 24, 2017 6:00 PM; Tune In Tune Up San Joaquin

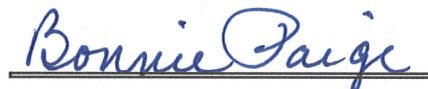
County Fairgrounds Saturday, February 25, 2017 8:00 AM-Noon; Pride Center Red Carpet Gala, Sunday February 26, 2017 4:00 - 8:00 PM; General Plan meeting with Envision Stockton at Haggin Museum Monday, February 27, 2017 5:30 - 7:30 PM; Chinese New Year event Civic Auditorium, Sunday February 26, 2017; March Madness Fremont Street Clean Up, Saturday March 11, 2017 meet at 404 E. Fremont Street 8:30-11:30 AM

Councilmember Lofthus - shared invitation to hear Congressman Jerry McNerney speak on status of Proposition 47 Grant, Seventh Day Adventist Church 6940 North El Dorado Street, March 5th, 2017 6:30 PM

Vice Mayor Holman - shared information on Congressman Jerry McNerney Town Hall meeting to discuss status of Affordable Care Act, Mayfair Seventh Day Adventist Church, 6940 North El Dorado Street 6:00-7:30 PM; spoke to San Joaquin District Attorney's new unit to combat elder abuse and identity theft

Mayor Tubbs - thanked Johnny Hernandez of Sky Zone providing free admission to residents impacted by recent shooting; spoke to University of the Pacific Men's basketball game attendance; San Joaquin County Board of Supervisors meeting discussing collaboration efforts regarding homeless solutions; Council strategic planning session meeting; attendance with Vice Mayor Holman at the Mayor's Clergy lunch; filled staff positions with two local Stocktonians

**18. ADJOURNMENT - 9:03 PM**

A handwritten signature in blue ink that reads "Bonnie Paige". The signature is written in a cursive style and is positioned above a horizontal line.

BONNIE PAIGE, CMC  
CITY CLERK, CITY OF STOCKTON