Dennis Smallie

Mr. Smallie of the Downtown Stockton Alliance said that the Alliance supports the proposed revised agreement. He outlined the reasons for the Alliance’s position, and the benefits of LEED buildings.

Don Geiger

Mr. Geiger said "Don’t make the pursuit of a perfect agreement the enemy of a good agreement." He said the agreement is good for the community and the future and urged its adoption.

Vice Mayor Martin

The Vice Mayor asked Mr. Geiger for his interpretation of Section 8 of the Climate Action Plan, "The City shall, in consultation with the Attorney General and Sierra Club (make appropriate modifications and, if necessary, adopt additional measures to meet its targets)." He responded that this is something that needs to be considered in the Climate Action Plan and adopted as part of an ordinance, to ensure that the City is complying with its own plan.

City Attorney Ren Nosky

Mr. Nosky noted that Jim Moose, who participated with him in the drafting of this document on the City’s behalf, will be speaking to that issue and others.

Chris Eley

Mr. Eley urged adoption of the settlement agreement, stating that it discusses and embraces many things but obligates the City to do very little other than consider targets and goals.

Clifford Rechtschaffen

Mr. Rechtschaffen of State of California Attorney General’s Office said this is an historic opportunity for Stockton to take a leadership role. Modifications were made to the Settlement Agreement for clarity and flexibility while preserving the basic intent and nothing in the agreement relinquishes the
City's police power or discretionary land use authority, and the implementation will be based on the City's good faith.

In response to Councilmember Bestolarides' query about costs, Mr. Rechtschaffen said that the State is making a good faith effort to help the City obtain funding for the costs to implement the agreement. He said there is no way that a court would hold the City to a hypertechical, literal, unreasonable interpretation of the agreement when the City is acting pursuant to its legislative authority.

In response to Vice Mayor Martin's question on the timeline to implement the agreement, Mr. Rechtschaffen said he would commit to supporting the City in its reasonable efforts and oppose anyone who would state that these changes are unreasonable, and the Attorney General’s Office would support reasonable changes implemented by the City in the adoption of its ordinances.

In response to an earlier comment by Councilmember Lee, Mr. Rechtschaffen said that the agreement does not last indefinitely. It is a settlement agreement and once the City takes the steps required in paragraphs 3 through 8 of the Climate Action Plan, the City has complied with the settlement agreement. The Climate Action Plan then becomes the benchmark by which City's compliance is judged. There is no ongoing review at that point. He said that paragraph 8 states that the City will monitor what is done to make sure the plan is working. Paragraph 1 of the agreement says "the Climate Action Plan shall include the measures set forth in paragraphs 3 through 8,..." so the ongoing monitoring is part of the Climate Action Plan, which will control what the City does. The City's obligation is satisfied at that point and there is no need for further modification or further approval by the Attorney General or the Sierra Club. He said that if this agreement is not approved, there is a strong likelihood that the Attorney General's Office will join the existing litigation and intervene in the case that the Sierra Club brought against the City, but with great reluctance, as a last resort.

Mr. Rechtschaffen said that the Attorney General’s Office strongly opposes further delay. Fundamental differences would not be bridged by further negotiation.

**Vice Mayor Martin**

Vice Mayor Martin, referring to Mr. Huber's suggestions to add certain elements to the agreement for clarification, which she felt were common sense, said that she understood Mr. Rechtschaffen to say that an ordinance would allow those types of things to be added into the agreement.

Mr. Rechtschaffen clarified his statements, saying that at the point that the City implements paragraph 5 for example, dealing with transit, it will of
course write the ordinances at that point, getting public input in a way that accommodates common sense understanding. He said it is implicit that the City would exercise its discretionary authority reasonably.

The Vice Mayor asked if an ordinance could override the settlement agreement if it is more specific or is in conflict with the agreement.

Mr. Rechstachaffen said that the agreement does not say that the Council shall adopt an ordinance; it says that City staff shall present for Council review and consideration the following measures...There is nothing that precludes the Council from saying that an ordinance is too stringent and it should be changed. Nothing in the agreement would preclude that.

The Vice Mayor said she wants that record to be clear.

Jim Moose

Mr. Moose, as outside legal counsel to the City, said he is not speaking in support of the agreement but wishes to explain some provisions and rebut the statement made by Mr. Arnone that this is legislative action and everything that follows would be mere implementation, and also his argument that this is an action subject to CEQA requiring an EIR. He referred to the approval resolution in the staff report that states that the Council does retain discretion, when presented with ordinances and the Climate Action Plan, to modify what is presented or even reject it outright. He said that he advised the City Attorney and the City Manager that the only way this agreement does not require compliance to CEQA is to ensure that the City is not committing itself to any course of action that has environmental impact, but is merely proposing things that ultimately will go through CEQA so issues can be aired and then presented to the Council where it can exercise its discretion. Related to the Climate Action Plan, he said the resolution makes it very clear that the Council can reject what is put before it and choose a "no project" alternative. He said that many concerns have some validity, but there will be ample time to air concerns.

Councilmember Chapman

Councilmember Chapman asked Mr. Moose, in his legal opinion, if the City needs to worry about others being hypertechnical.

Mr. Moose replied that he has been very happy with the professionalism of counsel for the Sierra Club. He said that if the agreement is approved tonight, it would be in final form, but all it does is create the process. What could change is the final version of what the Council adopts. Mr. Moose spoke of cost-effective ways to deal with GHG (Greenhouse Gas Emission).
In response to a question by Councilmember Chapman about how binding the agreement is, Mr. Moose said that the agreement binds staff in terms of what it proposes to Council, which Council can then accept or reject. He said that if the final version of the agreement is adopted and does not include "the wish list" the Attorney General would have no cause of action because the City as a whole would have satisfied the agreement through staff making these proposals. At that point it is matter of legislative discretion.

**Councilmember Lee**

Councilmember Lee asked Mr. Moose to elaborate on his statements.

Mr. Moose said that if the wish list was adopted without change by the Council, then the impact on projects could be assessed and alternatives sought.

Councilmember Bestolarides left the chambers at 9:09 p.m.

**Councilmember Eggman**

Councilmember Eggman reminded everyone that the overall agreement is to reduce GHG (Greenhouse Gas Emissions) and do the Climate Action Plan. Some options have been laid out, but the overall goal is to reduce GHG (Greenhouse Gas Emissions), which can be done in many ways.

Mr. Moose added that reducing GHG (Greenhouse Gas Emissions) in new development to the extent feasible is already included in the current General Plan.

**Vice Mayor Martin**

Vice Mayor Martin asked about projects that are in various stages of development, some with draft EIRs, some with actual EIRs.

Mr. Moose said that those projects are governed by Section 9, Early Climate Protection Actions, which was tweaked over the last two weeks. This requires City staff to propose certain things to the Council for consideration. As with the Climate Action Plan and the ordinance, the Council retains discretion on the outcome. There is nothing that speaks to codes and there is nothing in Section 9 about LEED Silver or build it green for interim projects. Mr. Moose said that related to projects for which EIRs are now being
prepared, the information for staff will be in the EIR. It is too late to go back
and re-do draft EIRs that are already "in the street." The language in Section
9(e), of Early Climate Protection Actions, is intended to provide some
flexibility for those projects. There is no intent to hold these projects up.

Related to the settlement agreement, Mr. Moose said that if a project is
working on an EIR now, items in Section 9(a) of the Early Climate Protection
Actions presumably would come in through the EIR as mitigation measures.

The Vice Mayor asked Mr. Moose about his experience with large buildings in
terms of the affect of these types of recommendations in commercial and
economic development.

Mr. Moose responded that he is not an expert on economic
consequences; the reality is that society must pay some cost to deal with this
issue.

Councilmember Bestolarides returned to the chambers at 9:16 p.m.

Eric Parfrey

Mr. Parfrey, who helped negotiate the agreement on behalf of the Sierra Club
with Dr. Dale Stocking, said that the agreement will begin to reverse decades
of sprawl and address global warming. He urged the Council to accept the
agreement tonight, stating that more delay "will result in this agreement falling
apart."

Councilmember Chapman

Councilmember Chapman, again brought forth his question regarding the fact
that the Attorney General's Office brought up not being overly hypertechnical
and asked for Mr. Parfrey to expound on the Sierra Club's position.

Mr. Parfrey said he agrees with interpretations by City Attorney
Nosky, Mr. Rechtschaffen from the Attorney General's Office, Mr. Moose,
and the City Manager. In response to the Councilmember's question about
flexibility related to technicalities in the future, Mr. Parfrey said he could not
answer that question and suggested referring it to the City Manager or the
City Attorney.

City Manager J. Gordon Palmer, Jr,
Mr. Palmer said that when interpreting some of the language, there are reasonable and logical things to consider, not necessarily changing the wording of this agreement.

**Councilmember Chapman**

Councilmember Chapman asked, related to the vehicle mile traveled (VMT) rate, if there is any city that has been able to lower its VMT rate down so it is equal to the population growth.

Mr. Palmer said that the agreement suggests that VMT is a per capita VMT and in actuality he believes in Stockton the VMT rate is below the growth rate of the population rate.

Councilmember Chapman asked what will happen if the City does not meet that standard five years from now.

Mr. Palmer responded that, as suggested in the monitoring component, one would look at how it is monitored and tracked and if it is not making that level, staff would suggest actions to Council.

**Councilmember Lee**

Councilmember Lee said he specifically wants to know what will happen to projects in the pipeline.

**City Manager J. Gordon Palmer, Jr.**

Mr. Palmer said the City's intent with Section 9, Early Climate Protection Actions, is that projects in the process do not get tied up for two years waiting for a Climate Action Plan to be done. He said his personal interpretation is that most of the information should be in the EIRs already.

**City Attorney Ren Nosky**

Mr. Nosky said that the changes made to Section 9, Early Climate Protection Actions, were principally geared towards addressing the comments made by Mr. Herum two weeks ago, that the previous Section 9 violated a previously decided case. To have language that would require specific provisions to be adopted on projects that are already in the pipeline, the City moved toward an analysis where these certain assessments will be done. As to the timing for
projects that have EIRs on the street right now, the intent is to allow them additional time until the last discretionary approval in advance of the first phase of building on that project. Mr. Nosky noted that Mr. Huber raised a concern about a tentative map that he is processing, and the City does not necessarily agree that it does not allow enough time, and certainly the City can look at negotiating something that gives them some comfort in a development agreement that the City is presently working on. He said he is not sure how Mr. Huber’s concern on that can be addressed tonight, as it is very vital for the City to hold on to the tentative map to be able to condition these projects in accordance with the Climate Action Plan. If that right is given up, it puts the City in a very weak position on that and all other projects.

Councilmember Lee asked if these projects would get derailed, to which Mr. Nosky said he does not believe they will.

**Vice Mayor Martin**

Vice Mayor Martin said they are speaking about three projects that already have EIRs or draft EIRs, which Mr. Nosky affirmed.

**Councilmember Lee**

Councilmember Lee asked about the notion of indemnifying the Sierra Club.

**City Attorney Ren Nosky**

Mr. Nosky said that section is intended in the event that the City has legal action filed against it by a party challenging the validity of the agreement. It means the City is committing itself to a joint defense with the Sierra Club. The Club, being a nonprofit, was very concerned about being dragged into a legal battle and the City has ensured, if it ends up defending the Sierra Club in a legal battle, that it will control the defense and select its legal counsel.

In response to another question by Councilmember Lee, Mr. Nosky said what the Sierra Club is specifically not waiving is the right to file legal action against projects that use the General Plan’s EIR to tier off of as they move forward. He said this could be a significant number.

Councilmember Lee commented, "They get two bites of the apple, they get to deal with us here and then they get to sue every project individually as they come forward."
Councilmember Bestolarides

Councilmember Bestolarides asked what will happen if the Morada suit prevails.

City Attorney Ren Nosky

Mr. Nosky clarified for the record that the Morada group did not reject the opportunity to participate in these settlement discussions. The issues of the Morada action against the General Plan are very different from those contemplated in this agreement, the action filed by the Sierra Club, and the issues important to the Attorney General. He said that the City is confident of its prospects in the Morada litigation. In the event that the City does not prevail in the litigation and the General Plan is invalidated, the City would certainly have the opportunity to recirculate that document and incorporate the provisions being discussed tonight.

Jim Moose

Mr. Moose said that they have not yet seen any briefs from Morada, but 90% of their complaint is related to water issues, as they are on wells and see the City as contributing to declines in those wells. Mr. Moose said he believes that the City’s position is very strong.

Councilmember Bestolarides

Councilmember Bestolarides asked if the Morada group prevails and ends up essentially throwing out the General Plan, will this agreement stay intact. He noted the agreement is to protect the General Plan and asked whether there is still an agreement if there is no General Plan.

Mr. Moose replied that there is nothing in the agreement that says it ceases to exist if there is no General Plan. He outlined possible scenarios that might occur through the courts. In a CEQA case challenging a General Plan, there would be a limited number of things that would have to be re-done.

Councilmember Bestolarides suggested it might be prudent to have something on this in the agreement.

Mr. Moose said that the Sierra Club might not agree to that. He repeated that there is no provision that says that if Morada prevails the agreement goes away.
Councilmember Eggman

Councilmember Eggman moved that the Council accept the settlement agreement.

Councilmember Bestolarides

Councilmember Bestolarides said that "We're close, from my perspective." He said that testimony by Mr. Hodgson, Mr. Allen, and Mr. Huber was compelling. He referred to Councilmember Nabors' statement to leave no stone unturned. Councilmember Bestolarides said he wants to support the settlement agreement but would like to move for a continuance to a date certain to bring sides closer together.

The Mayor reminded Councilmember Bestolarides that there is a motion on the floor.

Councilmember Bestolarides asked if there was any significance to hearing the opponents first in this process.

City Attorney Nosky responded that this is not a due process hearing so the situation is not an analogous situation.

Councilmember Bestolarides said he could not support the agreement without more time being allotted.

Councilmember Chapman

Councilmember Chapman said he would second Councilmember Bestolarides' motion, adding that this issue should be decided by vote at an absolute maximum of 30 days. He thanked Mr. Rechtschaffen for his interaction with City staff and interested parties. Councilmember Chapman said that just a little more time is needed.

Councilmember Eggman

Councilmember Eggman reminded all that everything still has to come before Council for final approval. Wordsmithing will come forward in ordinances that the Council can then approve. She stated that action should be taken tonight.
Councilmember Lee

Councilmember Lee said that this has not been a perfect process, it has not been framed correctly, and it was politically motivated by those who did not like the General Plan map. He said that he is moved by the fact that the document has evolved and is probably better for that. He said he believed that the City has not governed development as well as it could have. He said he supported the General Plan with some tweaking and that the important work to be done now will involve crafting the ordinances called for by this settlement. Referring to the term "job killer" he said that nothing will happen to jobs tomorrow; the Council is going to embark on a process to legislate the very things it said it would legislate when the General Plan was adopted. Councilmember Lee said that he has listened, and read, and does not see danger in the agreement. He said that the only danger is if anyone does not show up when the ordinances are being considered. He said this is about "raising the bar, improving the quality of life." He said that he had thought he would support a continuance but that is now clearly not going to happen.

Councilmember Nabors

Councilmember Nabors said that in light of the existent economic problems and the high number of foreclosures, while everyone is concerned with GHG (Greenhouse Gas Emissions) and global warming, the fact cannot be ignored that what the Council does tonight will affect future generations. As a policy making body, it is up to the Council to not just consider today, but the tomorrows to come. The Council needs to be very sure that what it is voting on tonight is something that has to be done, and is not subject to additional lawsuits. She supported voting for a continuance.

Councilmember Chapman

Councilmember Chapman asked the City Attorney if Councilmember Eggman's motion is denied, the Council can still consider the motion made by Councilmember Bestolarides, to which Mr. Nosky replied in the affirmative.

Councilmember Chapman said that hopefully with thirty extra days everyone will agree that this is the right document.

Vice Mayor Martin
Vice Mayor Martin said she had been leaning towards the promises put into the agreement and had hoped that the stakeholders who would be affected would be able to receive clarification. She said she has talked to many and listened to their concerns and the picture here is bigger than just preserving the General Plan. She said she sees a great deal of flexibility in how this document will be implemented and supports the plan as it is.

**Mayor Chavez**

The Mayor said he continues to support development that is well planned out with good infrastructure and services in place. He said that the agreement will provide a framework for future ordinances and moving forward will require the input from different sectors of the community to create those ordinances. He said he will support the agreement.

Motion: Approve **Resolution 08-0371** approving a Memorandum of Agreement with the ATTORNEY GENERAL OF CALIFORNIA and the SIERRA CLUB regarding the General Plan Litigation and adopting findings to support determinations that the Council's action in approving the Agreement is exempt from the California Environmental Quality Act. Moved by Councilmember Eggman, seconded by Mayor Chavez.

Vote: Motion carried 4-3

Yes: Councilmember Eggman, Councilmember Lee, Vice Mayor Martin, and Mayor Chavez.
No: Councilmember Bestolarides, Councilmember Chapman, and Councilmember Nabors.

8. **NEW BUSINESS**

None

9. **PUBLIC HEARINGS** 10:04 PM

9.01) CC/PFA .Joint City Council/Public Financing Authority meeting to consider public comments/testimony regarding LEASE REVENUE BONDS 2008 SERIES A (CAPITAL IMPROVEMENT PROJECTS).

NOTE: **This Item was heard concurrently with Public Financing Authority Item 7.01.**

City Council

At the conclusion of the public hearing it is recommended that the City Council
adopt a resolution approving the issuance and sale of the LEASE REVENUE BONDS in an amount not to exceed $45,000,000 to finance various capital improvements and approving related documents and official actions thereto.

Stockton Public Financing Authority ....

At the conclusion of the public hearing, it is recommended that the Stockton Public Financing Authority adopt a resolution approving the issuance and sale of the LEASE REVENUE BONDS in an amount not to exceed $45,000,000 to finance various capital improvements and approving related documents and official actions thereto.

(This item will be heard concurrently with Stockton Public Financing Authority agenda item 7.01.)

(FM) 10:05 PM

Affidavits of posting and publication are filed in the office of the City Clerk.

The Mayor declared the public hearing opened.

Mark Moses, Deputy City Manager

Mr. Moses said that this process originated nearly a year ago to deal with the untangling of interfund loans the City had with Public Facility Fee (PFF) funds. A central part of the strategy is to improve the financing structure of these loans and mitigate a pattern of borrowing between funds for projects. A year ago nearly all the loans were paid back that could be paid back and this completes the financing structure.

Kathleen VonAchen, Budget Manager

Ms. VonAchen provided the staff report with the aid of a PowerPoint presentation (filed).

Councilmember Bestolarides

Councilmember Bestolarides asked if this is the repayment of fund balances or is this backfilling projects where resources were use elsewhere and the capital projects need to be completed, adding,"Where is the money going?"

Mark Moses, Deputy City Manager
Mr. Moses replied that the debt already exists and funds that were lent out to other funds now can't be used for their projects. This is a source of financing to put the debt and repayment structure where it belongs.

There being no further speakers requesting to be heard, the Mayor declared the public hearing closed.

Motion: Approve the following:
1. CC Resolution 08-0372 approving the issuance and sale of the LEASE REVENUE BONDS in an amount not to exceed $45,000,000 to finance various capital improvements and approving related documents and official actions thereto;

2. PFA Resolution PF08-04 approving the issuance and sale of the LEASE REVENUE BONDS in an amount not to exceed $45,000,000 to finance various capital improvements and approving related documents and official actions thereto. Moved by Councilmember Eggman, seconded by Councilmember Lee.

Vote: Motion carried 7-0

Yes: Councilmember Bestolarides, Councilmember Chapman, Councilmember Eggman, Councilmember Lee, Councilmember Nabors, Vice Mayor Martin, and Mayor Chavez.

10. COUNCIL/REDEVELOPMENT AGENCY COMMENTS AND COMMITTEE REPORTS
10:17 PM


a) COMMITTEE REPORT

ACTION: Accept for filing

b) ISSUE: HOUSING ELEMENT UPDATE

RECOMMENDATION: None. Informational only.

b) ISSUE: DRAFT AFFORDABLE HOUSING STRATEGY

RECOMMENDATION: The Council Housing Committee recommends that the City Council adopt a resolution awarding a contract to Bay Area Economics in the amount of $29,500 to prepare Phase II of the Affordable Housing Strategy for the City of Stockton.
Motion: Approve accepting the Report of Chair Steve Bestolarides on the Council Housing Committee meeting of July 23, 2008 for filing. Moved by Councilmember Bestolarides, seconded by Councilmember Lee.

Vote: Motion carried 7-0

Yes: Councilmember Bestolarides, Councilmember Chapman, Councilmember Eggman, Councilmember Lee, Councilmember Nabors, Vice Mayor Martin, and Mayor Chavez.

**Bob Bressani, Interim Housing Director**

Mr. Bressani provided a brief PowerPoint presentation to the Council (filed).

Motion: Approve Resolution 08-0373 awarding a contract to Bay Area Economics in the amount of $29,500 to prepare Phase II of the Affordable Housing Strategy for the City of Stockton. Moved by Councilmember Bestolarides, seconded by Councilmember Chapman.

Vote: Motion carried 7-0

Yes: Councilmember Bestolarides, Councilmember Chapman, Councilmember Eggman, Councilmember Lee, Councilmember Nabors, Vice Mayor Martin, and Mayor Chavez.


a) COMMITTEE REPORT

ACTION: Accept for filing.

b) ISSUE: INVESTMENT MANAGEMENT UPDATE

RECOMMENDATION: None. Informational only.

c) ISSUE: UTILITY USER TAX ORDINANCE

RECOMMENDATION: None. Informational only.

d) ISSUE: BUDGET REVISION PROCESS UPDATE

RECOMMENDATION: None. Informational only.
(CM) 10:20 PM

Motion: Approve accepting the Report of Chair Clem Lee on the Budget/Finance/Economic Development Committee meeting of August 14, 2008 for filing. Moved by Councilmember Lee, seconded by Councilmember Eggman.

Vote: Motion carried 7-0

Yes: Councilmember Bestolarides, Councilmember Chapman, Councilmember Eggman, Councilmember Lee, Councilmember Nabors, Vice Mayor Martin, and Mayor Chavez.

COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY BOARD OF DIRECTORS COMMENTS 10:20 PM

Mayor Chavez (City Clerk to follow up)

The Mayor said that a Councilmember in Fairfield was killed earlier this week and he asked that the City Clerk send a letter of condolence to the City of Fairfield on behalf of the Council.

The Mayor noted that there will be no function this year to commemorate September 11 but it is important to not lose sight of what occurred on that day and its impact. He asked that the day be kept "in our minds and our hearts."

Councilmember Nabors

Councilmember Nabors reminded everyone of the Job Fair hosted by the Airport Corridor Action Team will be held Thursday, September 18 from 10 a.m. to 3 p.m. at the San Joaquin Fairgrounds Building 2, 1638 South Airport Way. Applications are being accepted during the Fair, which is sponsored by the City of Stockton and San Joaquin County WorkNet.

Katherine Gong Meissner, City Clerk

City Clerk Katherine Gong Meissner and Co-Chair of the Airport Corridor Action Team, adding on to Councilmember Nabor's comments regarding the Job Fair, noted that the first hour, from 9 to 10 a.m., doors will be opened for veterans and people with disabilities, the first time this has occurred in the City or for WorkNet. For others, the doors will open at 10 a.m.
Vice Mayor Martin

The Vice Mayor asked what the next step will be related to addressing items in the settlement agreement.

City Manager J. Gordon Palmer, Jr.

Mr. Palmer said that the City has already embarked on this, taking a look at the inventory about what must be done related to the Climate Action Plan. He said that, given the timelines, they will be moving fairly quickly. Some will be staff work and the Council may be approached related to some consultant work as well. Budget issues are a challenge and the Attorney General's Office realizes this.

In response to Vice Mayor Martin, Mr. Palmer said that the probable next steps for a number of projects is related to development agreements; and, with the action taken today, it allows the City to finalize the development agreements so they can move forward.

Councilmember Lee

Related to the settlement agreement approved this evening, Councilmember Lee said that his greatest sensitivity is towards projects already underway in some form, where the applicants have already been doing what they have been asked to do, and more. He would like staff to work with them if there is a way they can "get under the wire."

City Manager J. Gordon Palmer, Jr. said that the people in the process were on everyone's minds so their projects would not get tied up for years waiting for approval, but rather moving forward. He said he anticipates three development projects this year coming before the Council for consideration.

Councilmember Nabors
Councilmember Nabors voiced her hope that the time period it takes to get a permit will not be negatively affected.

11. **ADJOURNMENT 10:27 PM**

[Katherine Gong Meissner's signature]

KATHERINE GONG MEISSNER  
CITY CLERK OF THE CITY OF STOCKTON  
SECRETARY REDEVELOPMENT AGENCY
MINUTES
CITY COUNCIL/REDEVELOPMENT AGENCY CONCURRENT
SEPTEMBER 16, 2008

CITY HALL
CITY COUNCIL CHAMBERS
STOCKTON, CALIFORNIA

C-1. CC/RD CALL TO ORDER / ROLL CALL - 3 PM

Roll Call
Present:
Councilmember Bestolarides
Councilmember Chapman
Councilmember Lee
Councilmember Nabors
Vice Mayor Martin
Mayor Chavez

Absent:
Councilmember Eggman.

NOTE: Councilmember Eggman arrived at 3:02 PM.

C-2. CC/RD ANNOUNCEMENT OF CLOSED SESSION

C-2.1) CONFERENCE WITH LABOR NEGOTIATOR

Agency Designated Representatives:
J. Gordon Palmer, Jr.; Dianna Garcia

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.

C-2.2) CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

Number of Cases: One Two

Name of Case: Sierra Club v. City of Stockton, et al. (San Joaquin County
Superior Court No. CV 034405)

Name of Case: County of San Joaquin v. City of Stockton, et al.
(Stanislaus County Superior Court Case No. 379455).
This Closed Session is authorized pursuant to Section 54956.9(a) of the Government Code.

C-2.3) CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Number of Cases: One

Based on existing facts and circumstances whether to initiate litigation pursuant to Government Code section 54956.9(c).

C-3. CC/RD PUBLIC COMMENT

None

C-4. CC/RD RECESS TO CLOSED SESSION

The Council recessed to Closed Session at 3:02 PM. The Council returned from Closed Session and recessed at 4:25 PM.

1. CC/RD CALL TO ORDER/ROLL CALL 5:30 PM

Roll Call 5:30 PM
Present:
Councilmember Bestolarides
Councilmember Chapman
Councilmember Eggman
Councilmember Lee
Councilmember Nabors
Vice Mayor Martin
Mayor Chavez

2. CC/RD REPORT OF ACTION TAKEN IN CLOSED SESSION 5:30 PM

City Attorney Ren Nosky

Mr. Nosky announced that the City Council took no reportable action in Closed Session, but noted that items C-2.2 and C-2.3 were not discussed prior to the regular meeting agenda and will be continued by the Council at the conclusion of the regular meeting tonight.

3. INVOCATION/PLEDGE TO FLAG

Councilmember Lee provided the Invocation. The Pledge of Allegiance was led by Councilmember Chapman.

4. PROCLAMATIONS/COMMENDATIONS/CITY ANNOUNCEMENTS OR INVITATIONS 5:32 PM
4.01) PROCLAMATION: California Coastal Cleanup Day - September 19, 2008

RECIPIENT: Patricia Miller-Battiste, Sr. Community Service Officer, Stockton Police Department 5:32 PM

5. CITIZENS' COMMENTS, ANNOUNCEMENTS OR INVITATIONS* 5:33 PM

1. Deborah Gurley

Ms. Gurley of South Stockton thanked those responsible for cleaning up the ditch next to the school on Biegle Alley. She said that she asked the County employees who did the cleaning if they would clean up the graffiti on Biegle Alley but was told that the wall belongs to the City. She asked that the graffiti be removed by whomever is responsible for that location.

2. Don Aguillard

Mr. Aguillard said that the Council has been very gracious with its assistance and invited all to the Third Annual Disability Awareness Fair at Weber Point Events Center from 9 AM to 3 PM on September 19. Fifty resources will be available along with activities for the disabled and abled. This event will promote awareness of disabled issues and provide suggestions on how to help.

3. Larry Nordstrom

Mr. Nordstrom spoke again about his concerns related to the El Dorado Street Project, stating that over 103 trees have been removed and the quality of life in the neighborhoods has been destroyed. He said that the plan totally ignores the elements of pedestrian traffic and dictates solely to the automobile. He said that the design is wrong for the City and he is looking at mitigation, but the best efforts do nothing to remedy it. Planting trees does nothing for the corridor and pedestrians. He asked that when this project comes before Council that they send it back to be redesigned.

4. Motecuzoma Sanchez

Mr. Sanchez said that he has criticized the Council and the Mayor in the past when he was running for Mayor; however, he wished to thank the Council for their decision last Tuesday on the General Plan and the litigation agreement with the Attorney General and the Sierra Club. He referred to the referendum that is being circulated by The AG Spanos Companies, stating that those who are collecting signatures are misleading the community and the referendum is being promoted by people not from the community. He said that disagreeable elements in the General Plan were corrected with the agreement, which represents good government, and he congratulated the Council on its decision.

5. Vince Erardi

Mr. Erardi, speaking on Item 6.06 (DAVIS ROAD BRIDGE OVER PIXLEY SLOUGH
PROJECT), read for the record a letter he had written in June 2007 to CalTrans and the Community Development Department. "I am writing this letter to protest the contents of the draft environment document which has been prepared for the Davis Road Bridge over Pixley Slough. The document has not addressed the safety of the citizens in the Davis Road area south of the proposed bridge to the south side of the Elkhorn School. The bridge should not be constructed until a complete plan for the roadway is adopted and simultaneously completed. Completion of the widened bridge will only increase traffic flow and speeds, for which the existing Davis Road was not designed or is able to handle. In this area, we now have common speeds of 50 to 60 miles per hour, passing continually occurs over all areas, double-striped, single-striped lines, passing in the Elkhorn Drive intersection, passing on the right side on single strip lines, speeds of 50 to 60 miles per hour in the posted 25 mile per hour school zone. Numerous accidents have occurred and there is no question that more serious accidents will result at a higher rate due to the completion of the bridge without an integrated road plan. I am confident that the County, City, and CalTrans have standards for this situation which are not being addressed, and as public entities will be held liable for ignoring and adding to the existing unsafe situation. I request that the project be put on hold until a complete study and implementation plan be put in place to address the entire roadway." He said that there have been several community meetings and everyone in the City is aware of the problems. He also said that City Traffic Engineer Gary Tsutsumi agrees with him but no one has made an effort to do anything about the speed on the that road.

6. Robert Woehrle

Mr. Woehrle said he is a neighbor of Mr. Erardi and has actually had cars piled up in his driveway because of speed and passing attempts, and a fatality two doors down. He said that he is very concerned about the speed and the taking of their easement, and that just entering the street is a major task. He said nothing has been done and his questions are not being answered. He said that he is not opposed to reinforcing the bridge, but it should not be four lanes, turning Davis Road into a busy traffic vein.

Mayor Chavez

Mayor Chavez announced he would be removing Item 6.06 from the Consent Agenda for a short discussion after Citizen’s Comments are completed.

7. Tocan Nguyen

Ms. Nguyen continued her complaints of conspiracy, torture, air poisoning, misuse of funding, and voiced her political views.

Vice Mayor Martin left the Chambers at 5:50 and returned at 6:54 PM.

6. CC/RD CONSENT AGENDA 5:53 PM

Mayor Chavez announced that Items 6.05 and 6.06 would be removed from the Consent Agenda for further discussion. These items will be heard consecutively under Unfinished Business, Items 7.01 and 7.02.