



City of Stockton

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

Meeting Agenda - Final

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

Michael D. Tubbs Mayor/Chair
Elbert H. Holman Jr. Vice Mayor/Vice Chair (District 1)
Daniel R. Wright (District 2)
Susan Lofthus (District 3)
Susan Lenz (District 4)
Christina Fugazi (District 5)
Jesús M. Andrade (District 6)

Tuesday, February 7, 2017

4:30 PM

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

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

1. **CLOSED SESSION CALL TO ORDER/ROLL CALL**
2. **ADDITIONS TO CLOSED SESSION AGENDA**
3. **ANNOUNCEMENT OF CLOSED SESSION**
- 3.1 [17-3329](#) **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: Jessica Glynn v. City of Stockton (United States
District Court, Eastern District Case No.
2:15-CV-00529-KJM-DB)

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

Department: City Attorney

3.2 [17-3331](#) **CONFERENCE WITH LABOR NEGOTIATOR**

Recommended Action: Agency Designated Representative: City Manager Kurt Wilson

Employee Organizations: Unrepresented Units, Stockton City Employees'
Association, Operating Engineer's Local 3, Mid-Management/Supervisory
Level Unit, Unrepresented Management/Confidential, Law Department,
Stockton Police Management Association, Stockton Firefighters Local
456 International Association of Firefighters, Stockton Fire Management,
Stockton Police Officers' Association (SPOA)

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

Department: City Attorney

3.3 [17-3333](#) **PUBLIC EMPLOYEE PERFORMANCE EVALUATION:**

Recommended Action: City Manager

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

Department: City Attorney

4. PUBLIC COMMENT*

5. RECESS TO CLOSED SESSION

6. REGULAR SESSION CALL TO ORDER/ROLL CALL

7. INVOCATION/PLEDGE TO FLAG

*The Invocation will be provided by Pastor Harry Brown of the New Day Community
Church.*

8. REPORT OF ACTION TAKEN IN CLOSED SESSION

9. ADDITIONS TO REGULAR SESSION AGENDA**

10. PROCLAMATIONS, COMMENDATIONS, OR INVITATIONS

10.1 [17-3342](#) **COMMENDATION: MABLE CHOICE**

Recommended Action: Recipient: Mable Choice

Department: Office of the Mayor

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

12. **CONSENT AGENDA**

12.1 [16-3270](#) **ACCEPT PUBLIC FACILITY FEE ANNUAL REPORTS FOR FISCAL
YEAR 2015-16.**

Recommended Action: RECOMMENDATION

It is recommended that the City Council accept by motion the Public Facility Fee Program Annual Reports for Fiscal Year 2015-16 (Attachment A) to comply with the Mitigation Fee Act reporting requirements.

Department: Administrative Services

Attachments: [Attachment A - FY 2015-16 PFF Annual Report](#)

[Attachment B - PFF Funds Available Fund Balances](#)

[Attachment C - Total Impact Fee Revenues](#)

[Attachment D - Total Impact Fee Expenditures](#)

12.2 [17-3313](#) **ACCEPT BY MOTION THE QUARTERLY INVESTMENT REPORT
FOR QUARTER ENDED DECEMBER 31, 2016**

Recommended Action: RECOMMENDATION

It is recommended that the City Council accept by motion the Quarterly Investment Report for the quarter ended December 31, 2016.

Department: Administrative Services

Attachments: [Attachment A - Quarterly Investment Report for Quarter Ended 123116](#)

12.3 [17-3356](#) **APPROVAL OF CITY COUNCIL MINUTES**

Approve minutes from the City Council Special Meeting of January 10, 2017.

Department: City Clerk

Attachments: [2017-01-10 Minutes for Approval](#)

12.4 [16-3184](#) **ACCEPT VARIOUS COMMITTEE MINUTES FOR FILING**

Recommended Action:

RECOMMENDATION

It is recommended that City Council adopt a motion to accept for filing the minutes of the following Council Committees and the Charter Review Commission:

August 26, 2015 Council Community Improvement and Crime Prevention Committee meeting;

August 26, 2015, September 23, 2015, and October 28, 2015 Charter Review Advisory Commission meetings;

October 22, 2015 and December 7, 2015 City Council Charter Review Ad-Hoc Committee meetings; and

October 3, 2016 and December 12, 2016 Audit Committee Meetings

Department: City Clerk

Attachments: [2015-08-26 Community Improvement and Crime Prevention Minutes](#)

[2015-08-26 Charter Review Advisory Commission Minutes](#)

[2015-09-23 Charter Review Advisory Commission Minutes](#)

[2015-10-28 Charter Review Advisory Commission Minutes](#)

[2015-10-22 Charter Review Ad-Hoc Committee Minutes](#)

[2015-12-07 Charter Review Ad-Hoc Committee Minutes](#)

[2016-10-03 Audit Committee Meeting Minutes](#)

[2016-12-12 Audit Committee Meeting Minutes](#)

12.5 [16-3260](#) **APPROVE DOWNTOWN STOCKTON ALLIANCE PROPOSED 2017 ANNUAL OPERATING BUDGET, ASSESSMENT, AND 2016 ANNUAL REPORT**

Recommended Action:

RECOMMENDATION

It is recommended that the City Council adopt a resolution approving the proposed 2017 Operating Budget, Assessment, and 2016 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.

Department: Economic Development

Attachments: [Attachment A - ROPS 16-17 - Resolution OB 2016-01-27-0601](#)

[Proposed resolution - 2017 DSA assessment](#)

[Exhibit 1 - 2017 DSA Budget](#)

[Exhibit 2 - 2017 DSA Assessment](#)

[Exhibit 3 - 2016 Annual Report](#)

12.6 [16-3264](#) **AWARD A CONSTRUCTION CONTRACT TO ROBERT BURNS CONSTRUCTION, INC. FOR THE SWENSON PARK NORTH PUMP STATION ACCESS ROAD REHABILITATION PROJECT - PROJECT**

NO. M16015

Recommended Action: RECOMMENDATION

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

1. Approve the plans and specifications for the Swenson Park North Pump Station Access Road Rehabilitation Project, Project No. M16015.
2. Award a Construction Contract in the amount of \$179,954.56 to Robert Burns Construction, Inc. of Stockton, CA for the Swenson Park North Pump Station Access Road Rehabilitation, Project No. M16015 (Exhibit 1 to Resolution).
3. Approve the filing of Notice of Exemption No. CE022-16 under the California Environmental Quality Act (CEQA) for the Swenson Park North Pump Station Access Road Rehabilitation, Project No. M16015 (Exhibit 2 to Resolution).
4. Approve the appropriation of \$179,954.56 from the Capital Improvement Program, Account No. 437-7785-670.20-62 (Municipal Wastewater Utility - Capital Improvement Program Wastewater - Sanitary Pump Station Rehabilitation).

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

Department: Municipal Utilities

Attachments: [Proposed Resolution - Swenson Park Access Road M16015](#)

[Exhibit 1 - Construction Contract - Swenson Park M16015](#)

[Exhibit 2 - NOE CE022-16 - M16015](#)

12.7 [16-3271](#)

APPROVE PILOT STUDY OF CALCIUM NITRATE (BIOXIDE) TO CONTROL ODOR AND CORROSION FOR CITY SEWER INFRASTRUCTURE, APPROVE FINDINGS AND APPROVE AGREEMENT WITH EVOQUA WATER TECHNOLOGIES LLC

Recommended Action:

RECOMMENDATION

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

1. Approve pilot study of calcium nitrate (Bioxide) to control odor and corrosion for city sewer infrastructure.
2. Approve findings to support and justify an exception to the competitive bidding process.
3. Authorize the City Manager to execute an agreement with Evoqua Water Technologies LLC, of Sarasota, Florida, for the purchase of equipment and calcium nitrate (Bioxide(r)) in an amount not to exceed \$125,000 through a cooperative purchase agreement with Dublin San Ramon Services District.

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

Department: Municipal Utilities

Attachments: [Attachment A - Evoqua Proposal](#)
[Attachment B - Coop Service Contract Bay Area Consortium Bioxide Bid 4-5-16](#)
[Attachment C - Agreement Evoqua Water Technologies](#)
[Attachment D - Evoqua Water Tech NOI to Award Contract Bid No 04-2016](#)

12.8 [17-3282](#) **AWARD A SERVICE CONTRACT TO ROOT TAMERS, INC. FOR
SANITARY SEWER ROOT TREATMENT SERVICES**

Recommended Action:

RECOMMENDATION

It is recommended that the City Council approve a motion to award a three-year service contract in an amount of \$303,820 per year to Root Tamers, Inc. of Redding, 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 this motion.

Department: Municipal Utilities

Attachments: [Attachment A - Root Tamers Agreement](#)

12.9 [17-3298](#) **APPROVE RATIFICATION OF EXPENDITURES FOR EMERGENCY
BYPASS PUMPING FOR THE NORTH SANITARY SEWER PUMP
STATION**

Recommended Action:

RECOMMENDATION

It is recommended that the City Council approve a motion ratifying the emergency expenditure of \$351,262.23 to Rain-for-Rent, Inc. of Stockton, for emergency bypass pumping for the North Sanitary Sewer Pump Station.

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

Department: Municipal Utilities

12.10 [16-3011](#) **APPROVE FINDINGS AND PURCHASE OF TWO FIRE ENGINES
AND ONE LADDER TRUCK**

Recommended Action: RECOMMENDATION

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

1. Approve findings pursuant to Stockton Municipal Code (SMC) section 3.68.070 in support of an exception to the competitive bidding process.
2. Approve the purchase of two fire engines and one ladder truck through a National Joint Powers Alliance (NJPA) contract with Rosenbauer America of Lyons, South Dakota and Wyoming, Minnesota in the amount of \$2,313,640.16.
3. Approve a down payment in the amount of \$462,740.16 from the Fleet Internal Service Fund (ISF).
4. Approve execution of a Master Lease-Purchase Agreement with Western Alliance Business Trust in an amount not to exceed \$1,900,000 for the balance of the purchase price.
5. Authorize legal fees in an amount not to exceed \$10,000 to be paid to Orrick, Herrington & Sutcliffe, LLP.
6. Authorize a budget amendment to the Fiscal Year 2016-17 Fleet ISF Annual Budget for the associated lease revenues and expenditures.

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

Department: Public Works

Attachments: [Attachment A - Quote from Rosenbauer America](#)
[Attachment B - Rosenbauer America NJPA Contract Award](#)
[Proposed Resolution - Fire Engine and Ladder Purchase](#)
[Exhibit 1 - Draft Master Lease Purchase Agreement](#)

13. ADMINISTRATIVE MATTERS

14. UNFINISHED BUSINESS

15. NEW BUSINESS

15.1 [17-3344](#) **ADOPT THE FISCAL YEAR 2016-17 ENTERPRISE RISK
ASSESSMENT FINAL REPORT**

Recommended Action:

RECOMMENDATION

The Council Audit Committee recommends that by motion action the City Council adopt the Fiscal Year 2016-17 Enterprise Risk Assessment Final Report.

Department: City Auditor

Attachments: [Attachment A - City of Stockton Enterprise Risk Assessment Report 11-01-16](#)

16. HEARINGS****

17. COUNCIL COMMENTS

18. ADJOURNMENT

INFORMATIONAL ITEMS

CERTIFICATE OF POSTING

I declare, under penalty of perjury, that I am employed by the City of Stockton and that I caused this agenda to be posted in the City Hall notice case on February 2, 2017, in compliance with the Brown Act.

Bonnie Paige, CMC

By: _____

Deputy

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

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

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

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

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

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

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