



City of Stockton

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

Meeting Agenda - - Revised

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

Anthony Silva, Mayor/Chair

Paul Canepa, Vice Mayor/Vice Chair (District 3)

Elbert H. Holman Jr. (District 1)

Katherine M. Miller (District 2)

Moses Zapien (District 4)

Dyane Burgos Medina (District 5)

Michael D. Tubbs (District 6)

Tuesday, February 25, 2014

4:00 PM

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

Closed Session 3:30 | Regular Session 5:30

- 1. CLOSED SESSION CALL TO ORDER/ROLL CALL**
- 2. ADDITIONS TO CLOSED SESSION AGENDA**
- 3. ANNOUNCEMENT OF CLOSED SESSION**
- 3.1 [14-0171](#) 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.

Department: City Attorney

3.2 [14-0172](#) 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.

Department: City Attorney

4. PUBLIC COMMENT*

5. RECESS TO CLOSED SESSION

6. REGULAR SESSION CALL TO ORDER/ROLL CALL

7. INVOCATION/PLEDGE TO FLAG

8. REPORT OF ACTION TAKEN IN CLOSED SESSION

9. ADDITIONS TO REGULAR SESSION AGENDA**

10. PROCLAMATIONS, COMMENDATIONS, OR INVITATIONS

11. CITIZENS' COMMENTS, ANNOUNCEMENTS, OR INVITATIONS*

12. CONSENT AGENDA

**12.1 [13-0569](#) AUCTIONEER SERVICES FOR THE SALE OF SURPLUS PERSONAL
PROPERTY FOR THE CITY OF STOCKTON**

RECOMMENDATION

Adopt a motion approving findings for an exception to the competitive
bidding process through use of 1) a sole source local vendor South Bay

Auto Auction of Stockton, CA and 2) the San Joaquin County's auction services cooperative agreement with First Capital Auction of Vallejo, CA, to authorize the sale of surplus personal property deemed not needed for public use and to authorize the City Manager to enter into a three year contract with South Bay Auto Auction with two additional one year options to extend and to take appropriate actions necessary to carry out the purpose and intent of this motion.

Department: Administrative Services

Attachments: [Attachment A - SJC RFP Offsite Vehicle/Equipment Auction Services](#)

[Attachment B - First Capital Proposal to SJC](#)

[Attachment C - Contract with SJC](#)

[Attachment D - Extended Agreement](#)

[Attachment E - Professional Services Contract - Auction Services SouthBay](#)

12.2 [13-1021](#)

**COUNCIL DIRECTION REGARDING THE ROLES OF THE CHARTER
REVIEW AD-HOC COMMITTEE AND CHARTER REVIEW ADVISORY
COMMISSION**

RECOMMENDATION

The Council Charter Review Ad-Hoc Committee recommends that the Council approve by motion action revisions to the role of the Charter Review Advisory Commission and the scope of work of the Charter Review Advisory Committee. It is also recommended that by this motion the Council reaffirm and clarify the expectations of staff support to the Charter Review Advisory Commission.

Department: Council City Charter Review Ad-Hoc Committee

Attachments: [Attachment A - Resolution 2013-06-11-1502-01](#)

[Attachment B - Resolution 2013-06-11-1502-02](#)

12.3 [13-1062](#)

MEDICAL CANNABIS REFUND REQUEST

RECOMMENDATION

It is recommended that the City Council adopt a motion authorizing the refund of the operator's permit fee in the amount of \$30,000 to the Stockton Non-Profit Collective, Inc., DBA Port of Stockton Wellness Center.

Department: Administrative Services

Attachments: [Attachment A - Original Request for Refund and Receipt of Payment](#)

[Attachment B - Approved Request for Refund](#)

12.4 [14-0011](#)

**AWARD OF CONSTRUCTION CONTRACT AND MID-YEAR
APPROPRIATION FOR PITTS PARK LIGHTING SYSTEM REPAIR,**

PROJECT NO. PW 13-32

RECOMMENDATION

It is recommended that the City Council approve a motion to adopt the plans and specifications for the Pitts Park Lighting System Repair, Project No. PW 13-32, and authorize the City Manager to execute a Construction Contract in the amount of \$37,520 to the lowest bidder, Studebaker Brown Electric, Inc. of Roseville, CA.

In addition, it is recommended that the City Council authorize the City Manager to make a mid-year appropriation from Stockton Consolidated Landscape Maintenance Assessment District No. 96-2, Zone C-7, North Stockton Projects III, Reserve for Continuing Appropriations, to Zone C-7, Maintenance and Repair Services.

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

Department: Public Works

Attachments: [Attachment A - Vicinity Map - Pitts Park](#)
[Attachment B - Construction Contract](#)

12.5 [14-0012](#)

PURCHASE OF ONE TRACTOR WITH ATTACHMENT

RECOMMENDATION

It is recommended that the City Council approve a motion to approve findings and authorize the purchase of one New Holland tractor and aerator attachment from Garton Tractor, Inc. of Stockton, CA in the amount of \$175,049.08.

Department: Public Works

Attachments: [Attachment A - Quotes from Garton Tractor, Inc.](#)

12.6 [14-0055](#)

BLOSSOM INDUSTRIAL PARK ANNEXATION REFUND REQUEST

RECOMMENDATION

It is recommended that the City Council approve a motion authorizing a refund to David Rajkovich in the amount of \$64,766.66 for the planning application fees on the Blossom Industrial Park annexation project.

Department: Community Development

Attachments: [Attachment A - Refund Request Form](#)
[Attachment B - Community Development Department Planning Fee Schedule](#)

**12.7 [14-0058](#) CITY COUNCIL APPOINTMENTS TO THE CULTURAL HERITAGE
BOARD
RECOMMENDATION**

It is recommended that the City Council adopt a resolution appointing Debbie Hernandez, Wesley Swanson and Robert Holzer to the Cultural Heritage Board for terms effective immediately and ending on December 31, 2017.

Department: Community Development

Attachments: [Attachment A - Applications for Recommended Appointments](#)
[Proposed Resolution - Appointment of CHB Members](#)

**12.8 [14-0102](#) CREATE ONE NEW CLASSIFIED/REPRESENTED CLASSIFICATION
FOR THE POLICE DEPARTMENT**

RECOMMENDATION

It is recommended that the City Council adopt a resolution creating one new classified/represented classification and establishing the salary range for Supervising Parking Enforcement Officer.

Department: Human Resources

Attachments: [Proposed Resolution - Supervising Parking Enforcement Officer](#)

**12.9 [14-0132](#) MIRACLE MILE IMPROVEMENT DISTRICT PROPOSED 2014
ANNUAL OPERATING BUDGET, ASSESSMENT, AND 2013 ANNUAL
REPORT**

RECOMMENDATION

It is recommended that the City Council adopt a resolution approving the proposed 2014 Operating Budget, Assessment, and 2013 Annual Report for the Property Based Improvement District commonly known as the Miracle Mile Improvement District, a nonprofit corporation.

Department: Economic Development

Attachments: [Attachment A - Resolution 2012-06-26-1601](#)
[Attachment B - MMID Boundary Map](#)
[Attachment C - Resolution 2012-12-04-1202](#)
[Attachment D - City-owned Property](#)
[Proposed Resolution - MMID 2014 Budget](#)
[Exhibit 1 - MMID 2014 Budget](#)
[Exhibit 2 - MMID 2014 Assessment](#)
[Exhibit 3 - MMID 2013 Report and 2014 Action Plan](#)

- 12.10 [14-0128](#) **SET A PUBLIC HEARING FOR COUNCIL TO PROCEED WITH THE VACATION OF A PORTION OF NAVY DRIVE BETWEEN THE BURLINGTON NORTHERN AND SANTA FE RAILROAD CROSSING AND WASHINGTON STREET AND RESERVING A PUBLIC UTILITY EASEMENT ALONG NAVY DRIVE, WITH ACTIONS RELATED THERETO**

RECOMMENDATION

It is recommended that the City Council adopt a resolution setting a Public Hearing for April 1, 2014, to proceed with the vacation of a portion of Navy Drive between the Burlington Northern and Santa Fe (BNSF) railroad crossing and Washington Street at the Port of Stockton and reserving a public utility easement along Navy drive from the BNSF property to Washington Street, with actions related thereto.

Department: Economic Development

Attachments: [Attachment A - Navy Drive Vicinity Map](#)

[Attachment B - Navy Drive Aerial Map](#)

[Proposed Resolution - To set Public Hearing for Navy Drive Abandonment](#)

[Exhibit 1 - Navy Drive Legal Description Parcel 6](#)

[Exhibit 2 - Navy Drive Legal Description Parcel 7](#)

[Exhibit 3 - Navy Drive Legal Description Parcel 10](#)

- 12.11 [14-0130](#) **ADOPTION OF A RECOGNIZED OBLIGATION PAYMENT SCHEDULE**

RECOMMENDATION

It is recommended that the Successor Agency to the former Redevelopment Agency of the City of Stockton ("Successor Agency") approve a resolution adopting the Recognized Obligation Payment Schedule for the period of July 1 through December 31, 2014, (Exhibit 1 to the Resolution) as required under Health and Safety Code Section 34177 (m).

Department: Economic Development

Attachments: [Attachment A - Resolution 11-0251](#)

[Proposed Resolution - SA - Recognized Obligation Payment Schedule July-Dec](#)

[Exhibit 1 - ROPS 14-15A, July - December 2014](#)

- 12.12 [14-0131](#) **INTERGOVERNMENTAL AGREEMENT WITH THE COSUMNES COMMUNITY SERVICES DISTRICT (COSUMNES CSD) FIRE DEPARTMENT FOR THE PURPOSE OF PROVIDING AUTOMATIC/MUTUAL AID WITH THE CITY OF STOCKTON FIRE DEPARTMENT**

RECOMMENDATION

It is recommended that the City Council approve and adopt a resolution authorizing the City Manager to enter into an Intergovernmental Agreement between the City of Stockton and the Cosumnes Community Services District (Cosumnes CSD) Fire Department for the provision of Automatic/Mutual Aid with the City of Stockton Fire Department. In addition, it is recommended that the City Manager be further authorized to take appropriate actions to carry out the purpose and intent of this resolution.

Department: Fire

Attachments: [Proposed Resolution - Mutual Aid Agreement Cosumnes FD](#)
[Exhibit 1 - Agreement Automatic Aid-Mutual Aid with Cosumnes CSD Fire Depa](#)

12.13 [14-0133](#)

**CIVIL SERVICE/EQUAL EMPLOYMENT COMMISSION'S 2013
ANNUAL REPORT**

RECOMMENDATION

Please accept the attached Civil Service/Equal Employment Commission's 2013 report as an information item pursuant to City Charter Section 2525.

Department: Human Resources

Attachments: [2013 Annual Report to City Council](#)

12.14 [14-0137](#)

APPROVAL OF CITY COUNCIL MINUTES

Approve the minutes from the January 21, 2014 special meeting.

Department: City Clerk

Attachments: [2014-01-21 Special Council Meeting Minutes](#)

12.15 [14-0159](#)

**APPROVE CONSTRUCTION CONTRACT WITH MECHANICAL
ANALYSIS/REPAIR, INC. (MARTECH) FOR THE ENGINE
CONVERSION OF WATER WELLS 25 AND 26**

RECOMMENDATION

It is recommended that the City Council approve by motion the project plans, specifications, addenda, and all environmental findings; and authorize the City Manager to execute a construction contract with Mechanical Analysis/Repair, Inc. (MarTech) of Lodi in the amount of \$282,719.55 for the engine conversion of water wells 25 and 26.

This motion will also authorize the City Manager to take appropriate actions to carry out the purpose and intent of this motion.

Department: Municipal Utilities

Attachments: [Attachment A - Contract - 2014-01-28 - Water Well 25 & 26 Diesel Engine Conv](#)

- 12.16 [14-0161](#) **MOTION AUTHORIZING RELEASE OF REQUEST FOR PROPOSALS (RFP) FOR AN ONLINE PERIODICAL INDEX SYSTEM FOR THE STOCKTON-SAN JOAQUIN COUNTY PUBLIC LIBRARY**

RECOMMENDATION

It is recommended that the City Council adopt a motion authorizing a Request for Proposals (RFP) to provide an Online Periodical Index (also known as an online index of magazines and journals or online database) for the Stockton-San Joaquin County Public Library for a five year period.

Department: Community Services

- 12.17 [14-0184](#) **APPOINTMENT OF CITY MANAGER**

RECOMMENDATION

It is recommended that the City Council adopt a resolution affirming the appointment of Kurt Wilson as City Manager for the City of Stockton and authorizing the Mayor, on behalf of the City Council, to enter into an agreement setting forth the terms and conditions of employment with Kurt Wilson, effective February 1, 2014.

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

Attachments: [Proposed Resolution - City Manager Appointment](#)

[Exhibit 1 - Agreement for City Manager \(Kurt Wilson\)](#)

13. ADMINISTRATIVE MATTERS

14. UNFINISHED BUSINESS

15. NEW BUSINESS

- 15.1 [14-0007](#) **MEASURES A & B IMPLEMENTATION PLAN - PHASE I**

RECOMMENDATION

Adopt a resolution approving the Phase I elements of the Implementation Plan for Measures A and B, amending the 2013-14 General Fund Annual Budget to include Measure A revenues and first phase of expenditures, and authorizing 120 sworn and 43 civilian staff positions to be phased in over four fiscal years including forty (40) additional Police Officer positions in the Police Department, one Senior

Human Resources Analyst in Human Resources, one Program Manager II (Confidential), one Supervising Accountant, one Senior Accountant and one Finance Assistant in Administrative Services Department with recruitment to begin in Fiscal Year 2013-14.

Department: Police

Attachments: [Attachment A - Measure A Implementation Plan](#)

[Proposed Resolution - Measure A & B Implementation Plan](#)

15.2 [14-0074](#)

**AMENDMENT OF STOCKTON MUNICIPAL CODE CHAPTER 5.28_
PAWNBROKERS, SECONDHAND DEALERS, AND JUNK DEALERS**

RECOMMENDATION

It is recommended the City Council adopt an ordinance amending Stockton Municipal Code Chapter 5.28 "Pawnbrokers, Secondhand Dealers, and Junk Dealers," in order to comply with State law, restructure and clarify the code provisions, provide a more comprehensive application process and include a penalty provision for violations.

Department: Police

Attachments: [Attachment A - Ordinance re Pawnbrokers, Cash for Gold Stores, etc redline v1](#)

[Proposed Ordinance - Pawnbrokers, Cash for Gold Stores, etc.](#)

15.3 [14-0202](#)

**FISCAL YEAR 2012-13 FOURTH QUARTER GENERAL FUND
BUDGET UPDATE AND YEAR-END PROJECTION**

RECOMMENDATION

It is recommended that the City Council accept this report, adopt a resolution amending the Fiscal Year 2012-13 Annual Budget to address a shortfall in funding for Debt Administration and amend the Adopted Budget Council Resolution 2013-06-25-1601-01, Section 7 to provide for the retention of \$3.1 million of the Ending Fund Balance in the General Fund.

Department: Administrative Services

Attachments: [Attachment A - General Fund 4th Quarter Budget Update](#)

[Attachment B - Revenue Summary FY 2012-13 Year End Projection](#)

[Proposed Resolution - 2013-14 Q4 Budget Update](#)

15.4 [14-0211](#)

**FISCAL YEAR 2013-2014 FIRST QUARTER GENERAL FUND
STATUS UPDATE AND AUTHORIZATION TO AMEND THE FY
2013-2014 GENERAL FUND BUDGET**

RECOMMENDATION

It is recommended that the City Council accept by motion this status report on the 2013-2014 General Fund budget, and adopt a resolution amending the Fiscal Year 2013-2014 General Fund Budget to address increased property tax appropriations of \$987,000.

Department: Administrative Services

Attachments: [Attachment A - 2013-14 General Fund Q1 Budget Update](#)

[Proposed Resolution - 2013-14 Q1 Budget Update](#)

16. HEARINGS***

- 16.1 [13-789](#) PLANNING COMMISSION RECOMMENDATION TO DENY THE BEAR CREEK EAST SPECIFIC PLAN AND THE ASSOCIATED GENERAL PLAN AMENDMENT, PREZONING, AND AMENDMENTS TO EIGHT MILE ROAD AND WEST LANE PRECISE ROAD PLANS, AT THE PROJECT SITE LOCATED SOUTH OF EIGHT MILE ROAD, EAST OF WEST LANE, NORTH OF BEAR CREEK AND WEST OF THE UNION PACIFIC RAILROAD (P13-225)**

RECOMMENDATION

Staff brings forward a resolution affirming the Planning Commission's recommendation to deny the application for adoption of the Bear Creek East Specific Plan and the related General Plan Amendment, Prezoning, and amendments to the Eight Mile Road and West Lane Precise Road Plans, at the project site located south of Eight Mile Road, East of West Lane, North of Bear Creek and West of the Union Pacific Railroad.

Department: Community Development

Attachments: [Attachment A - Project Location Maps](#)

[Attachment B - Specific Plan Land Use and Circulation](#)

[Attachment C - December 12, 2013 Planning Commission Staff Report](#)

[Attachment D - Written Comments Received](#)

[Attachment E - Appeal Letter](#)

[Proposed Resolution - Environmental Impact Report](#)

[Proposed Resolution - General Plan Amendment](#)

[Proposed Resolution - Bear Creek East Specific Plan](#)

[Proposed Resolution - Prezoning](#)

[Proposed Resolution - Eight Mile Road and West Lane Precise Road Plan Amendment](#)

- 16.2 [14-0056](#) APPEAL OF THE PLANNING COMMISSION'S DENIAL OF THE REQUEST FOR A USE PERMIT TO UPGRADE THE OFF-SALE OF BEER AND WINE TO THE OFF-SALE OF GENERAL ALCOHOLIC**

**BEVERAGES IN AN EXISTING 1,500 SQUARE-FOOT
CONVENIENCE STORE AT 4511 PACIFIC AVENUE (P13-163)**

RECOMMENDATION

It is recommended that the City Council adopt a resolution denying the appeal and upholding the Planning Commission's denial of the request for a Use Permit to upgrade the off-sale of beer and wine (Type 20 License) to the off-sale of general alcoholic beverages (Type 21 License) in an existing convenience store at 4511 Pacific Avenue.

Department: Community Development

Attachments: [Attachment A - Appeal Letter](#)

[Attachment B - Project Location Maps](#)

[Attachment C - November 14, 2013 Planning Commission Staff Report](#)

[Attachment D - Findings for Denial](#)

[Proposed Resolution-Affirming Planning Commission's Denial](#)

16.3 [14-0075](#)

**APPEAL OF THE PLANNING COMMISSION'S DENIAL OF THE
REQUEST FOR A USE PERMIT TO UPGRADE THE OFF-SALE OF
BEER AND WINE TO THE OFF-SALE OF GENERAL ALCOHOLIC
BEVERAGES IN AN EXISTING RETAIL OUTLET AT 8025 NORTH EL
DORADO STREET (P13-148)**

RECOMMENDATION

It is recommended that the City Council adopt a resolution denying the appeal and upholding the Planning Commission's denial of the request for a Use Permit to upgrade the off-sale of beer and wine to the off-sale of general alcoholic beverages. However, at Council's direction, staff has also provided a resolution granting the appeal and approving the Use Permit with findings and conditions of approval.

Department: Community Development

Attachments: [Attachment A - City Council Report of January 14, 2014 with Attachments](#)

[Attachment B – City Council Minutes of January 14, 2014](#)

[Attachment C - Draft Use Permit](#)

[Proposed Resolution Denying Appeal](#)

[Proposed Resolution Granting Appeal](#)

17. COUNCIL COMMENTS

18. ADJOURNMENT

INFORMATIONAL ITEMS

1 [14-0047](#) ANNUAL FILING PERIOD FOR STATEMENTS OF ECONOMIC INTEREST - FORM 700

NOTIFICATION

This item is to serve as notification to department staff, board and commission members, and elected and appointed officials, of the filing requirement and approaching deadline for the annual Statement of Economic Interest Statement (Form 700) filing. Completed statements are required to be filed with the Office of the City Clerk by April 1, 2014, as set by the Fair Political Practices Commission. The reporting period covered is January 1, 2013 through December 31, 2013.

Department: City Clerk

**Citizens may comment on any subject within the jurisdiction of the City Council/ Successor Agency to the Redevelopment Agency, 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 the City Council/Successor Agency to the Redevelopment Agency/Public Financing Authority are conducted in English. The City of Stockton does not furnish interpreters and, if one is needed, it shall be the responsibility of the person needing one. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meetings of the City Council/ Successor Agency to the Redevelopment Agency/Public Financing Authority, please contact the Office of the City Clerk at (209) 937-8459 at least 48 hours prior to the meeting to enable the City/Agency to make reasonable arrangements to ensure accessibility.

CHALLENGING CITY DECISIONS: The time limit within which to commence any lawsuit or legal challenge to any quasi-judicative 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-judicative 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.