



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

Tuesday, March 23, 2021

4:00 PM

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

Closed Session 4:00 PM :: Regular Session 5:30 PM

During this time of local health concerns, City Hall has limited socially-distanced seating available to the public. Due to these concerns, you are strongly encouraged to watch the meeting online and you can submit your public comments electronically.

1. You can view the live meeting at <http://www.stocktongov.com/government/Meetings/councilMeetings.html> or cable TV Channel 97.
2. eComment - click <https://stockton.granicusideas.com/meetings> to submit an eComment(s). Only one comment per agenda item, per person will be included into the record.
3. Email – City.Clerk@stocktonca.gov if you prefer to email your comments in. Only one comment per agenda item, per person will be included into the record.
4. Public comment voicemail - (209) 937-8459 if you wish to leave your public comment in the form of a voicemail, it will be transcribed and emailed to the City Clerk. Only one comment per agenda item, per person will be included into the record.
5. WebEx virtual participation - if you wish to join the meeting virtually to provide public comment please contact the City Clerk's Office at (209) 937-8458 or city.clerk@stocktonca.gov no later than 5:00 PM the day of the meeting. You will be asked to provide your name, phone number, your email, and the item you wish to speak on. You will be emailed instructions to log into WebEx to participate in the meeting.

1. **CLOSED SESSION CALL TO ORDER/ROLL CALL**
2. **ADDITIONS TO CLOSED SESSION AGENDA**
3. **ANNOUNCEMENT OF CLOSED SESSION**
- 3.1 [21-0128](#) **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Number of Cases: Two

Name of Case: Deputy Fire Chief II Matthew Duaime (Workers'
Compensation Board Case No. ADJ12150548)

Name of Case: Kurt Wilson v. City Council of Stockton, et al. (San
Joaquin County Superior Court Case No.
STK-CV-UWM-2019-12404)

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

Department: City Attorney

3.2 [21-0130](#) **CONFERENCE WITH LABOR NEGOTIATOR**

Recommended Action: Agency Designated Representative: City Manager Harry Black

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 [21-0132](#) **PUBLIC EMPLOYEE PERFORMANCE EVALUATION:**

Recommended Action: City Manager

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

Department: City Attorney

3.4 [21-0134](#) **CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION**

Recommended Action: Number of Cases: One

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

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. RECOGNITIONS, ANNOUNCEMENTS, OR REPORTS

**10.1 [21-0162](#) COMMENDATION: 50 YEARS OF SERVICE TO THE UNIVERSITY OF
THE PACIFIC AND THE COMMUNITY**

Recommended Action: RECIPIENT: Dr. Eugene Pearson

Department: Office of the Mayor

**10.2 [21-0210](#) COMMENDATION: THE GREATER STOCKTON CHAMBER OF
COMMERCE AND CENTRAL VALLEY ASSOCIATION OF
REALTORS - 2020 STOCKTONIAN OF THE YEAR**

Department: Office of the Mayor

10.3 [21-0214](#) PROCLAMATION: AMERICAN RED CROSS MONTH - MARCH 2021

Department: Office of the Mayor

**10.4 [21-0209](#) PROCLAMATION: MAY 2021 ASIAN AMERICAN PACIFIC ISLANDER
HERITAGE MONTH**

Department: Office of the Mayor

10.5 [21-0211](#) PROCLAMATION: MAY 2021 DENUNCIATION ANTI-ASIAN HATE

Department: Office of the Mayor

**10.6 [21-0212](#) PROCLAMATION: MARCH 23, 2021 VIETNAM WAR EAR VETERANS
RECOGNITION DAY**

Department: Office of the Mayor

**10.7 [21-0213](#) PROCLAMATION: NATIONAL SOCIAL WORK MONTH - MARCH
2021**

Department: Office of the Mayor

11. PUBLIC COMMENTS* – MATTERS NOT ON THE AGENDA

12. CONSENT AGENDA

**12.1 [21-0200](#) ADOPT A RESOLUTION APPROVING THE DISPLAY OF THE
GREEK FLAG IN COMMEMORATION OF THE 200TH ANNIVERSARY
OF GREEK INDEPENDENCE DAY**

Recommended Action: RECOMMENDATION

It is recommended that the City Council adopt a resolution authorizing the City of Stockton to display the Greek Flag from March 25, 2021 to March 29, 2021.

Department: City Clerk

Attachments: [Proposed Resolution - Flag Display](#)

12.2 [21-0036](#) **APPROVE A MOTION TO UTILIZE CALNET NEXTGEN
PARTICIPATING AGREEMENT FOR CELLULAR VOICE AND DATA
SERVICES**

Recommended Action: RECOMMENDATION

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

1. Authorize the City Manager to utilize the State of California CALNET NextGeneration (NextGen) contract (Attachment A) for AT&T Mobility cellular voice and data services for the remainder of the contract, which expires on June 30, 2023, and exercise any optional extensions to this agreement;
2. Authorize the City Manager to utilize the State of California contract with AT&T for Public Safety (FirstNet) broadband services (Attachment B) for the remainder of the contract, which expires on October 21, 2023, and exercise any optional extensions to this agreement;
3. Authorize the City Manager to utilize the State of California CALNET NextGen contract for Verizon Wireless cellular voice and data services (Attachment C) for the remainder of the contract, which expires on June 30, 2023, and exercise any optional extensions to this agreement;
4. Authorize the City Manager to utilize the State of California CALNET NextGen contract for Verizon Wireless CALNET First Responder Cellular Services (FirstNet) (Attachment C) for the remainder of the contract, which expires on June 30, 2023, and exercise any optional extensions to this agreement;
5. Authorize the City Manager to enter into these agreements in the estimated amount of \$3,783,218;
6. Approve findings that support and justify an exception to the competitive bid process; and
7. Authorize the City Manager to take necessary and appropriate actions to carry out the purpose and intent of this motion.

Department: Information Technology

Attachments: [Attachment A - ATT CALNET NextGen Cellular](#)
[Attachment B - ATT CALNET NextGen FirstNet](#)
[Attachment C - Verizon CALNET NextGen Cellular FirstNet](#)

13. ADMINISTRATIVE MATTERS

14. UNFINISHED BUSINESS

15. NEW BUSINESS

**15.1 [21-0082](#) APPROVE THE 2021 STOCKTON TOURISM BUSINESS
IMPROVEMENT DISTRICT BUDGET AND SERVICE PLAN, AND
2020 ANNUAL REPORT**

Recommended Action: RECOMMENDATION

It is recommended that the City Council adopt a resolution:

1. Approving the 2021 Annual Service Plan for the Stockton Tourism Business Improvement District.
2. Approving the 2021 Operating Budget and Assessment for the Stockton Tourism Business Improvement District.
3. Approving the 2020 Annual Report for the Stockton Tourism Business Improvement District.
4. Authorizing the City Manager, or designee, to take necessary and appropriate actions to carry out the purpose of this resolution.

Department: Economic Development

Attachments: [Proposed Resolution - TBID Visit Stockton 2021](#)
[Exhibit 1 - TBID Visit Stockton 2021 Service Plan](#)
[Exhibit 2 - TBID Visit Stockton 2020 Annual Report](#)
[Exhibit 3 - TBID Visit Stockton 2021 Budget](#)

**15.2 [21-0089](#) APPROVE DOWNTOWN STOCKTON ALLIANCE PROPOSED 2021
ANNUAL OPERATING BUDGET AND THE 2020 ANNUAL REPORT**

Recommended Action: RECOMMENDATION

It is recommended that the City Council adopt a resolution:

1. Approving the 2021 Operating Budget of the Downtown Stockton Alliance, a non-profit corporation, which operates the Downtown Stockton Management District;
2. Approving the 2020 Annual Report; and
3. Authorizing the City Manager, or designee, to take necessary and appropriate actions to carry out the purpose of this resolution.

Department: Economic Development

Attachments: [Proposed Resolution - DSA Budget and Annual Report](#)
[Exhibit 1 - DSA 2021 Budget](#)
[Exhibit 2 - DSA 2020 Annual Report](#)

15.3 [21-0088](#) **MIRACLE MILE IMPROVEMENT DISTRICT PROPOSED 2021
ANNUAL OPERATING BUDGET AND 2020 ANNUAL REPORT**

Recommended Action: RECOMMENDATION

It is recommended that the City Council adopt a resolution:

1. Approving the proposed 2021 Operating Budget for the Property Based Improvement District commonly known as the Miracle Mile Improvement District.
2. Approving the 2020 Annual Report for the Miracle Mile Improvement District.
3. Authorizing the City Manager, or designee, to take necessary and appropriate actions to carry out the purpose of this resolution.

Department: Economic Development

Attachments: [Attachment A - MMID Boundary Map](#)
[Proposed Resolution - 2021 MMID](#)
[Exhibit 1 - MMID 2021 Budget](#)
[Exhibit 2 - MMID 2020 Annual Report](#)

15.4 [21-0090](#) **COMMUNITY CHOICE AGGREGATION FEASIBILITY STUDY
INFORMATIONAL PRESENTATION**

Recommended Action: RECOMMENDATION

Staff will present findings from MRW & Associates, Tierra Resource Consultants, and EBP-US regarding the Community Choice Aggregation (CCA) feasibility study that Council authorized in September 2020. Council is asked to understand the operational and fiscal elements associated with pursuing an initiative such as this and provide guidance regarding its interest in participating in a CCA program.

Department: City Manager

Attachments: [Attachment A - Stockton CCA Feasibility Study](#)
[Attachment B - Figure ES-4](#)

15.5 [21-0100](#) **ADOPT RESOLUTION TO AUTHORIZE REMOVAL OF CITY STREET
TREES AND STUMPS**

Recommended Action: RECOMMENDATION

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

1. Approve the Notice of Exemption No. NOE04-21 under the California Environmental Quality Act for Removal of City Street Trees and Stumps, Project No. WP21024.
2. Approve the specifications for Removal of City Street Trees and Stumps, Project No. WP21024.
3. Award a Construction Contract in the amount of \$622,650 to The Original Mowbray's Tree Service, Inc. of San Bernardino, CA, for Removal of City Street Trees and Stumps, Project No. WP21024.

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 - Stump Removal Map and List](#)

[Attachment B - Tree Removal Map and List](#)

[Proposed Resolution - Removal of City Trees and Stumps](#)

[Exhibit 1 - NOE04-21](#)

[Exhibit 2 - Construction Contract](#)

15.6 [21-0145](#) **APPOINTMENT TO THE STOCKTON CIVIL SERVICE COMMISSION**

Recommended Action: RECOMMENDATION

It is recommend that the City Council approve a resolution appointing one commissioner to the Civil Service Commission/Equal Employment Commission for a term effective immediately and ending June 30, 2023.

Department: City Clerk

Attachments: [Attachment A - Redacted Applications - SCS](#)

[Proposed Resolution - CSC Appointment](#)

16. HEARINGS**

16.1 [20-7584](#) **ADOPT THE 2020 GENERAL PLAN AND HOUSING ELEMENT ANNUAL PROGRESS REPORTS AND AUTHORIZE STAFF TO SEND THE REPORTS TO THE STATE**

Recommended Action: RECOMMENDATION

It is recommended that City Council adopt by motion the 2020 Annual Progress Reports (APRs) for the Envision Stockton 2040 General Plan and the 2015-2023 Housing Element and authorize Staff to send the reports to the State of California Department of Housing and Community Development (HCD) and the Office of Planning and Research (OPR) as required by State Law.

Department: Community Development

Attachments: [Attachment A - 2020 General Plan APR](#)

[Attachment B - 2020 Housng Element APR](#)

16.2 [21-0052](#)

APPEAL OF THE PLANNING COMMISSION'S DENIAL OF A COMMISSION USE PERMIT TO ESTABLISH A RETAIL STOREFRONT CANNABIS BUSINESS, ADMINISTRATIVE USE PERMIT TO ESTABLISH A RETAIL NON-STOREFRONT (DELIVERY ONLY) CANNABIS BUSINESS, AND A WAIVER OF CANNABIS BUSINESS LOCATION REQUIREMENTS - AT 6709 PLYMOUTH ROAD, SUITES C & D (APPLICATION NO. P20-0596)

Recommended Action: RECOMMENDATION

Staff recommends that the City Council adopt a resolution to:

1. Reverse the Planning Commission's denial of a Commission Use Permit to allow the establishment of a proposed retail storefront cannabis business, in accordance with the findings and subject to the conditions herein;
2. Reverse the Planning Commission's denial of an Administrative Use Permit to allow a retail non-storefront (delivery only) cannabis business, in accordance with the findings and subject to the conditions herein; and
3. Approve a Waiver to reduce the location requirement to separate commercial cannabis businesses from childcare centers from at least 600 feet to approximately 574 feet.

Department: Community Development

Attachments: [Attachment A - Location Map](#)

[Attachment B - Appeal Letter](#)

[Attachment C - Proposed Site Plan](#)

[Attachment D - Neighborhood Context Information](#)

[Attachment E - Existing Retail Storefront Businesses](#)

[Attachment F - Resolution 2021-01-14-0302](#)

[Proposed Resolution - CC Approval of P20-0596](#)

[Exhibit 1 - Proposed Plans](#)

- 17. CITY MANAGER'S UPDATE
- 18. COUNCIL COMMENTS
- 19. ADJOURNMENT

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 March 16, 2021, in compliance with the Brown Act.

Eliza R. Garza, CMC
City Clerk

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.*

***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.*

****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.*

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-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.