



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, August 8, 2017

4:00 PM

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

Closed Session 4:00 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 [17-3861](#) **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 [17-3863](#) 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 [17-3867](#) CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

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

3.4 [17-3878](#) CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: Two

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

Department: City Attorney

3.5 [17-3908](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Number of Parcels: 59

Address, APN, and Owner listed respectively:

525 N. Center Street, Stockton, California 95202, 137-190-29, City of Stockton; 546 N. Madison Street, Stockton, California 95202, 137-190-30, Stockton Unified School District; 120 W. Oak Street, Stockton, California 95202, 137-190-33, City of Stockton; 445 W. Weber Ave J, Stockton,

California 95203, 137-260-12, Riverrock Properties LLC; 605 and 517 W. Weber Ave, Stockton, California 95203, 137-260-16, and 17, City of Stockton Redevelopment Agency; 627 W. Weber Ave, Stockton, California 95203, 137-260-35, Waterfront Office Towers Owners et al.; 321 W. Weber Ave, Stockton, California 95203, 137-270-23, Patricia A. and Patrick J. Kennedy Trust et al.; -No Addresses on Property- Stockton, California 95202, 137-360-58, Regent Weber LLC; 501 W. Weber Ave, 102, 105, 500, 113, and 117, Stockton, California 95203, 137-380-14, thru 137-330-18, Butterfield Weber LLC et al.; 509 W. Weber Ave, 101, 202, 203, 204, 205, 209, 213, and three unassigned units, Stockton, California 95203, 137-390-01, thru 137-390-11, Sierra Vista Apartments II LP, et al.; 509 W. Weber Ave 217, and one unassigned unit, Stockton, California 95203, 137-390-12, and 13. Dockside One; 555 N. El Dorado Street, Stockton, California 95202, 139-060-30, City of Stockton; 121 E. Lindsay Street, Stockton, California 95202, 139-070-03, Francisco Villalobos, et al.; 128 E. Fremont Street, Stockton, California 95202, 139-070-04, Jason Duran; 441 N. Hunter Street, Stockton, California 95202, 139-070-05, Joseph S. Escove Trust; 135 E. Lindsay Street, Stockton, California 95202, 139-070-07, Rosa Flores Trust; 400 N. El Dorado Street, Stockton, California 95202, 139-070-09, Joseph Quang and Diana Tho Nguyen; 425 N. El Dorado Street, Stockton, California 95202, 139-070-10, City of Stockton; 436 N. El Dorado Street, Stockton, California 95202, 139-070-13, Dennis Erardi; 6 and 20 E. Lindsay Street, Stockton, California 95202, 139-080-01, and 02, City of Stockton; 305 N. El Dorado Street 301, Stockton, California 95202, 139-080-03, A T C Building Co.; Address: 345 N. El Dorado Street, Stockton, California 95202, 139-080-04, City of Stockton; 31 Channel Street, Stockton, California 95202, 139-100-01, State of California; 1 N. El Dorado Street, Stockton, California 95202, 149-020-14, Eduardo and Ximena D. Araya; 9 S. El Dorado Street, Stockton, California 95202, 149-030-08, Pellarin Enterprises; 35 S. El Dorado Street, Stockton, California 95202, 149-030-10, Bank of Tokyo; 400 E. Main Street 504, Stockton, California 95202, 149-150-24, City of Stockton; 343 E. Main Street 329, Stockton, California 95202, 149-160-08, Cort Tower LLC; 311 E. Main Street 202, Stockton, California 95202, 149-160-12, Stockton Building Co.; 317 E. Main Street, Stockton, California 95202, 149-160-13, County of San Joaquin; 42 N. Sutter Street 503, Stockton, California 95202, 149-170-01, 42NSUTTER LLC; 401 E. Main Street, Stockton, California 95202, 149-170-04, United Way of San Joaquin County Corporation; 20 N. Sutter Street, Stockton, California 95202, 149-170-05, Kress Building LLC; 415 E. Main Street, Stockton, California 95202, 149-170-06, Yik Hwan and Lois Eunjoo Oh; 417 E. Main Street, Stockton, California 95202, 149-170-07, Disco Azteca PTP; 435 and 445 E. Main Street, Stockton, California 95202, 149-170-08, and 09, City of Stockton; 440 E. Weber Ave, Stockton, California 95202, 149-170-11, Weber LLC, 37 N. California Street, Stockton, California 95202, 149-170-12, City of Stockton Redevelopment Agency; 27 N. California Street, Stockton, California 95202, 149-170-25, City of Stockton; 420 and 430 E. Main Street, Stockton, California 95202, 149-170-29, and 30; Weber LLC

Agency Negotiators: Kurt Wilson, City Manager

Under Negotiation: Price and Terms

This Closed Session is authorized pursuant to section 54956.8 of the Government Code.

Department: City Attorney

3.6 [17-3865](#) PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Two

Recommended Action: City Manager and City Attorney

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

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

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 given by Pastor Pat McClanahan of the Gravity Church

8. REPORT OF ACTION TAKEN IN CLOSED SESSION

9. ADDITIONS TO REGULAR SESSION AGENDA**

10. PROCLAMATIONS, COMMENDATIONS, OR INVITATIONS

10.1 [17-3912](#) CERTIFICATE OF RECOGNITION: GROCERY OUTLET

Recommended Action: RECOMMENDATION

Recipients: Bobby and Ronica McGhee, Store Owners and Ronald Hill, Night Manager

Department: Office of the Mayor

Attachments: [Certificate - Stockton Grocery Outlet](#)

11. CONSENT AGENDA

11.1 [17-3881](#) APPROVAL OF CITY COUNCIL MINUTES

Recommended Action: RECOMMENDATION

Approve the minutes from the City Council Meetings of June 20, 2017 and July 11, 2017.

Department: City Clerk

Attachments: [2017-06-20 Minutes for Approval](#)
[2017-07-11 Minutes for Approval](#)

11.2 [17-3851](#) **APPROVE MOTION AUTHORIZING AN AGREEMENT WITH CALIFORNIA GRAPETTES GIRLS FASTPITCH SOFTBALL FOR THE MANAGEMENT OPERATION, REPAIR, AND MAINTENANCE OF ARNAIZ SOFTBALL COMPLEX**

Recommended Action: RECOMMENDATION

It is recommended that the City Council adopt a motion approving findings that support an exception to the competitive bidding process and authorizing the City Manager to execute a five-year agreement with California Grapettes Girls Fastpitch Softball, also known as California Grapettes Girls Softball, Inc., for the operation and maintenance of Arnaiz Stadium. It is further recommended that this approval authorize the City Manager to take appropriate actions to carry out the purpose and intent of the motion.

Department: Community Services

Attachments: [Attachment A - Arnaiz Stadium 2017 Agreement](#)

11.3 [17-3895](#) **EMERGENCY BYPASS PUMPING FOR THE FOURTEEN MILE SANITARY SEWER PUMP STATION**

Recommended Action: RECOMMENDATION

It is recommended that the City Council approve a motion to accept findings and justify an exemption to the competitive bidding process for emergency bypass pumping at the Fourteen Mile Sanitary Sewer Pump Station located on Wright-Elmwood Tract. Rain-for-Rent Inc. of Stockton was retained by the Municipal Utilities Department (MUD) to provide emergency bypass pumping. Final costs are not yet known; however, staff will return to the City Council for ratification of final expenditures.

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

Department: Municipal Utilities

11.4 [17-3793](#) **AWARD A CONTRACT FOR GOODS AND SERVICES TO VALLEY LANDSCAPING & MAINTENANCE, INC. FOR LANDSCAPE SERVICES AT DELTA WATER TREATMENT PLANT**

Recommended Action:

RECOMMENDATION

It is recommended that the City Council approve a motion to award a five-year goods and services contract to Valley Landscaping & Maintenance, Inc. of Lodi, CA, in the amount of \$104,700 for landscape services at the Delta Water Treatment Plant.

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

Department: Municipal Utilities

Attachments: [Attachment A - Landscape Services Contract](#)

**11.5 [17-3831](#) EXECUTION OF A CONTRACT WITH ROBERTSON-BRYAN, INC.
FOR PROJECT MANAGER SERVICES**

Recommended Action:

RECOMMENDATION

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

Award a Professional Services Contract to Robertson-Bryan, Inc. of Elk Grove, CA in the amount of \$991,362, for a period of three (3) years with one (1) year extension through the completion of Phase 2 of the Regional Wastewater Control Facility Progressive Design-Build Project for professional engineering services as a Project Manager for the City of Stockton, (Project No. M16022).

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

Department: Municipal Utilities

Attachments: [Attachment A - Professional Services Contract - Robertson-Bryan](#)

**11.6 [17-3599](#) APPROVE RESOLUTION TO AUTHORIZE THE PURCHASE OF
FOURTEEN VARIOUS PICKUP TRUCKS**

Recommended Action:

RECOMMENDATION

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

1. Approve the purchase of 14 pickup trucks from Big Valley Ford of Stockton, CA, in the amount of \$563,557.90.
2. Appropriate funds in the amount of \$254,883.60 from the Wastewater Utility Fund fund balance (431-0000-287.00-00) to purchase of six of the 14 pickup trucks from Big Valley Ford.
3. Appropriate funds in the amount of \$308,674.30 from the Fleet Internal Service Fund fund balance (501-0000-101.00-00) to purchase of eight of the 14 pickup trucks from Big Valley Ford.

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 - Big Valley Ford Bid](#)

[Attachment B - Pickup Truck Replacement List](#)

[Proposed Resolution - Purchase of Fourteen Pickup Trucks](#)

11.7 [17-3697](#)

**APPROVE MOTION TO AUTHORIZE THE PERSHING AVENUE
SEWER TRUNK LINE REHABILITATION**

Recommended Action:

RECOMMENDATION

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

1. Award a Professional Services Contract to West Yost Associates of Davis, CA, in the amount of \$123,204, for design services for the Pershing Avenue Sewer Trunk Line Rehabilitation (Project No. M17023).
2. Approve findings pursuant to Stockton Municipal Code section 3.68.070 in support of an exception to the competitive bidding process.

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 motion.

Department:

Public Works

Attachments:

[Attachment A - Vicinity Map](#)

[Attachment B - Professional Services Contract with West Yost Associates](#)

11.8 [17-3727](#)

**APPROVE RESOLUTION TO AUTHORIZE THE FREMONT SQUARE
SIDEWALK RECONSTRUCTION PATH**

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 Fremont Square Sidewalk Reconstruction Path (Project No. PW1438/ATPL-5008(140)).
2. Award a Construction Contract in the amount of \$480,971.20 to A.M. Stephens Construction Co., Inc. of Lodi, CA, for the Fremont Square Sidewalk Reconstruction Path (Project No. PW1438/ATPL-5008(140)).

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 - Vicinity Map](#)

[Attachment B - Resolution 2015-01-13-1201](#)

[Proposed Resolution - Fremont Square Sidewalk Reconstruction Path](#)

[Exhibit 1 - Construction Contract](#)

**11.9 [17-3741](#) APPROVE MOTION TO AUTHORIZE THE HIGH FRICTION SURFACE
TREATMENT PROJECT**

Recommended Action:

RECOMMENDATION

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

1. Award a Professional Services Contract to CSG Consultants, Inc. of Pleasanton, CA, in the amount of \$93,884, for design services for the High Friction Surface Treatment (Project No. PW1622/Federal Project No. HSIPL-5008(153)).
2. Approve findings pursuant to Stockton Municipal Code section 3.68.070 in support of an exception to the competitive bidding process.

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 motion.

Department: Public Works

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

[Attachment B - Public Interest Finding - PW1622](#)

[Attachment C - Professional Services Contract](#)

**11.10 [17-3747](#) APPROVE RESOLUTION TO AUTHORIZE THE BLACK OAK PUBLIC
UTILITY EASEMENT SANITARY SEWER REHABILITATION
PROJECT**

Recommended Action:

RECOMMENDATION

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

1. Approve the Notice of Exemption No. CE017-17 under the California Environmental Quality Act for the Black Oak Public Utility Easement Sanitary Sewer Rehabilitation (Project No. M15002).
2. Approve the plans and specifications for the Black Oak Public Utility Easement Sanitary Sewer Rehabilitation (Project No. M15002).
3. Reject the low bid from SAK Construction, LLC of O'Fallon, Missouri, for the Black Oak Public Utility Easement Sanitary Sewer Rehabilitation (Project No. M15002).
4. Award a Construction Contract in the amount of \$1,702,029 to Insituform Technologies, LLC of Chesterfield, Missouri for the Black Oak Public Utility Easement Sanitary Sewer Rehabilitation (Project No. M15002).

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 - Vicinity Map](#)

[Proposed Resolution - Black Oak Sanitary Sewer Rehabilitation](#)

[Exhibit 1 - Notice of Exemption](#)

[Exhibit 2 - Construction Contract](#)

12. ADMINISTRATIVE MATTERS

13. UNFINISHED BUSINESS

14. NEW BUSINESS

14.1 [17-3902](#) ALLOCATION OF FUNDS TO SUPPORT HOMELESSNESS INITIATIVES

Recommended Action:

RECOMMENDATION

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

1. Allocate the \$100,000 of FY 2016-17 general funds programmed for homelessness towards clean-up efforts; and
2. Allocate the use of \$300,000 in Community Development Block Grant (CDBG) funds in the FY 2017-18 Budget towards permanent housing for homeless households; and
3. Allocate the additional \$607,521 in Emergency Solutions Grant (ESG) funds on a proportionate basis to emergency shelter, homelessness prevention, and rapid re-housing providers in accordance with the adopted FY 2017-18 Annual Action Plan; and
4. Authorize the City Manager, or his designee, to take necessary and appropriate actions to carry out the purpose and intent of the motion.

Department:

Economic Development

15. HEARINGS****

15.1 [17-3593](#) APPEAL OF THE PLANNING COMMISSION'S DENIAL OF A USE PERMIT TO ALLOW THE OFF-SALE OF BEER AND WINE AT 2122 S. AIRPORT WAY (P16-0656)

Recommended Action:

RECOMMENDATION

Staff recommends that the City Council uphold the Planning Commission's denial of a Use Permit to allow the off-sale of beer and wine at 2122 S. Airport Way, in accordance with the findings of fact detailed herein.

Department:

Community Development

Attachments:

[Attachment A - Location Map and Aerial Photograph](#)

[Attachment B - Rancho Market Business License Application](#)

[Attachment C - Liquor License Map](#)

[Attachment D - Community Outreach](#)

[Proposed Resolution - Recommend Denial of Use Permit](#)

[Exhibit 1 - Site Plan and Floor Plan](#)

16. CITIZENS' COMMENTS, ANNOUNCEMENTS, OR INVITATIONS*

17. COUNCIL COMMENTS

18. ADJOURNMENT

INFORMATIONAL ITEMS

1 [17-3884](#) **COUNCIL COMMITTEE / BOARDS & COMMISSION MINUTES**

Recommended Action: RECOMMENDATION

Information only, no action required.

Department: City Clerk

Attachments: [Attachment - June 15, 2017 Civil Service Commission Minutes](#)

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 August
3, 2017, in compliance with the Brown Act.**

**Bret Hunter, CMC
Interim 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.*

****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-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.