



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, March 18, 2014

3:30 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 [14-0285](#) **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Number of Cases: ~~Six~~ **Seven**

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: City of Stockton v. Central San Joaquin Water
Conservation District, et al. (San Joaquin County
Superior Court Case No. 39-2009-00231427)

Name of Case: Stockton Professional Firefighters, Local 456 v.
S. Jeff Piechura, et al. (San Joaquin County
Superior Court Case No. 39-2013-00301664)

***Name of Case: Animal Legal Defense Fund v. City of
Stockton, et al. (San Joaquin County Superior
Court Case No. 39-2014-00308593)***

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

Department: City Attorney

3.2 [14-0286](#) 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

3.3 [14-0351](#) 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

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 [14-0185](#) CONTRACT FOR COMPREHENSIVE DEVELOPMENT IMPACT FEE STUDY

RECOMMENDATION

It is recommended that the City Council authorize, by motion, the execution of an amendment to the professional services master contract with Economic & Planning Systems, Inc. for the second phase of a comprehensive development impact fee study (Attachment A).

Department: Community Development

Attachments: [Attachment A - Amendment to Professional Services Master Contract](#)

[Exhibit A to Attachment A](#)

[Exhibit B to Attachment A](#)

- 12.2 [14-0187](#) AMENDMENT TO PROFESSIONAL SERVICES MASTER CONTRACT WITH KIMLEY-HORN AND ASSOCIATES, INC. - DR. MARTIN LUTHER KING JR. BOULEVARD AND MARIPOSA ROAD BUS RAPID TRANSIT, PHASE IV (PROJECT NO. 13-03/FEDERAL PROJECT NO. CML-5008(123))

RECOMMENDATION

It is recommended that the City Council approve a motion authorizing an Amendment to Professional Services Master Contract with Kimley-Horn and Associates, Inc. in the amount of \$125,560 for design services for the Dr. Martin Luther King Jr. Boulevard (MLK Boulevard) and Mariposa Road Bus Rapid Transit, Phase IV (Project No. 13-03/Federal Project No. CML-5008(123)). 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 - BRT Phase IV](#)

[Attachment B - Amendment to Professional Services Master Contract with Kimk](#)

**12.3 [14-0191](#) ACQUISITION OF A PERMANENT WATERLINE EASEMENT AND A
TEMPORARY CONSTRUCTION EASEMENT FOR THE DELTA
WATER SUPPLY PROJECT**

RECOMMENDATION

It is recommended that the City Council adopt a resolution authorizing the acquisition of a permanent waterline easement and a temporary construction easement in connection with the Delta Water Supply Project.

Department: Economic Development

Attachments: [Attachment A - Resolution No. 05-0493](#)

[Attachment B - Resolution No. 09-0265](#)

[Attachment C - Vicinity Map](#)

[Attachment D - Aerial Map](#)

[Attachment E - Resolution No. 09-0151](#)

[Proposed Resolution - Easement Acquisition](#)

[Exhibit 1 - Agreement Sanguinetti](#)

**12.4 [14-0203](#) SUMMARY ABANDONMENT OF A STREET AND HIGHWAY
EASEMENT ON A PORTION OF ANDERSON STREET**

RECOMMENDATION

It is recommended that the Council adopt a resolution for the summary abandonment of a portion of a street and highway easement on a segment of Anderson Street located on APN 163-300-23.

Department: Economic Development

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

[Attachment B - Aerial Map - Anderson Abandonment](#)

[Proposed Resolution - Anderson Abandonment](#)

[Exhibit 1 - Anderson Abandonment](#)

[Exhibit 2 - Anderson Abandonment](#)

**12.5 [14-0208](#) APPROVE DESIGN CONTRACT WITH WMB ARCHITECTS, INC. FOR
THE WATER FIELD OFFICE IMPROVEMENTS PROJECT**

RECOMMENDATION

It is recommended that the City Council approve by motion authorizing

the City Manager to execute an Amendment to the Professional Services Master Contract for Building and Architectural Services with WMB Architects, Inc. of Stockton in the amount of \$72,000 for design and related services for the Water Field Office Improvements Project.

Department: Municipal Utilities

Attachments: [Attachment A - Amendment to Professional Services Master Contract - Water Fi](#)

12.6 [14-0215](#)

AMENDMENT TO PROFESSIONAL SERVICES MASTER CONTRACT WITH QUALITY TRAFFIC DATA, LLC - CONDUCTING TRAFFIC VOLUME COUNTS, CLASSIFICATION COUNTS, AND SPEED ZONE SURVEYS

RECOMMENDATION

It is recommended that the City Council approve a motion authorizing an Amendment to Professional Services Master Contract with Quality Traffic Data, LLC in the amount of \$36,790 for conducting traffic volume counts, classification counts, and speed zone surveys. 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 - Amendment to Professional Services Master Contract with Quali](#)

12.7 [14-0244](#)

AUTHORIZE SUBORDINATION OF A CITY LOAN PROVIDED TO WESTGATE COMMUNITY ASSOCIATES, L.P. (VISIONARY HOME BUILDERS) FOR THE WESTGATE TOWNHOMES

RECOMMENDATION

It is recommended that the City Council approve a motion:

1. Authorizing subordination of a City loan provided to Westgate Community Associates, L.P. (Visionary Home Builders) for the Westgate Townhomes affordable housing complex to new rehabilitation loans; and
2. Authorizing the City Manager, or his designee, to execute the Subordination Agreement(s) and take all necessary and appropriate actions to carry out the purpose and intent of the motion.

Department: Economic Development

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

[Attachment B - Subordination Agreement](#)

12.8 [14-0250](#)

MOTION AUTHORIZING RELEASE OF REQUEST FOR PROPOSALS

(RFP) FOR THE OPERATION OF ARNAIZ SOFTBALL COMPLEX

RECOMMENDATION

It is recommended that the City Council adopt a motion approving the findings and authorizing a Request for Proposals (RFP) for the management, operation, and maintenance of Arnaiz Softball Complex; and authorizing the City Manager to take appropriate actions to carry out the purpose and intent of the motion.

Department: Community Services

12.9 [14-0251](#)

**REPLACEMENT PURCHASE OF SEVEN POLICE PATROL
MOTORCYCLES**

RECOMMENDATION

It is recommended that the City Council approve a motion to approve findings and authorize the purchase of seven 2014 BMW R1200RT-P police patrol motorcycles through the County of Los Angeles' contract with Long Beach BMW Motorcycles of Long Beach, CA in the amount of \$184,731.61. 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 - Motorcycle Cost Comparison](#)

[Attachment B - Quote from Long Beach BMW Motorcycles](#)

12.10 [14-0252](#)

**APPROVE PURCHASE OF A BIOSOLIDS PUMP FROM SCHWING
BIOSET FOR THE REGIONAL WASTEWATER CONTROL FACILITY**

RECOMMENDATION

It is recommended that the City Council approve by motion findings for an exception to the competitive bid process and authorize the purchase and installation of a biosolids pump for use at the Regional Wastewater Control Facility from Schwing Bioiset of Somerset Wisconsin in the amount of \$339,200 (Attachment A).

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

Department: Municipal Utilities

Attachments: [Attachment A - Schwing Cost Proposal](#)

12.11 [14-0335](#)

RESTORATION WORK AT STEWART EBERHARDT BUILDING (SEB)

RECOMMENDATION

None. For information only.

Department: Public Works

12.12 [14-0306](#) APPROVAL OF CITY COUNCIL MINUTES

Approve for filing the minutes from the November 19, 2013; December 17, 2103; January 14, 2014; and, January 28, 2014 regular Council meetings; and, November 12, 2013 Special Council meeting.

Department: City Clerk

Attachments: [2013-11-19 Council Minutes for Approval](#)

[2013-12-17 Council Minutes for Approval](#)

[2014-01-14 Council Minutes for Approval](#)

[2014-01-28 Council Minutes for Approval](#)

[2013-11-12 Special Council Minutes for Approval](#)

13. ADMINISTRATIVE MATTERS

14. UNFINISHED BUSINESS

15. NEW BUSINESS

**15.1 [14-0293](#) CITY OF STOCKTON TRANSACTION AND USE TAX ORDINANCE
CITIZENS' OVERSIGHT COMMITTEE APPOINTMENTS**

RECOMMENDATION

It is recommended that the City Council adopt a resolution:

1. Ratifying the following appointments to the City of Stockton Transaction and Use Tax Ordinance Citizens' Oversight Committee:

- Ned Leiba (Mayor Silva)
- Don Mark Guzman (Vice Mayor Canepa)
- David Renison (Councilmember Holman)
- Joseph Johnson (Councilmember Miller)
- Gary Ingraham (Councilmember Zapien)
- Susan Mora Loyko (Councilmember Burgos Medina)
- Moses Elam (Councilmember Tubbs); and,

2. Adopting the revised City of Stockton Transaction and Use Tax Ordinance Citizens' Oversight Committee Charter that includes the provision addressing terms of the Committee members.

Department: City Clerk

Attachments: [Attachment A - Measure A Citizens' Oversight Committee Nominee Applications](#) :
[Attachment B - Measure A Citizens' Oversight Charter-redlined version](#)
[Proposed Resolution appointing members to the City of Stockton Transaction ar](#)
[Exhibit 1 - Measure A Citizens' Oversight Committee Charter](#)

16. HEARINGS***

- 16.1 [14-0142](#) ADOPT AN ORDINANCE AMENDING STOCKTON MUNICIPAL CODE,
TITLE 3, CHAPTER 3.68 - BIDDING, CONTRACTING AND
PURCHASING PROCEDURES, ARTICLE I - GENERAL PROVISIONS,
SECTION 3.68.090- LOCAL BUSINESS PREFERENCE**

RECOMMENDATION

It is recommended that the City Council adopt an ordinance amending Stockton Municipal Code, Title 3, Chapter 3.68 Bidding, Contracting and Purchasing Procedures, Article I, Section 3.68.090- Local Business Preference, which will give a five percent (5%) bid preference to businesses located within the City of Stockton, a two percent (2%) bid preference to businesses located within the County of San Joaquin, and eliminating the sales tax limitation, which currently prevents application of the preference to services.

Department: Economic Development

Attachments: [Attachment A - Ordinance 011-05](#)
[Attachment B - Ordinance Amending SMC Title 3, Chapter 3.68 \(red line versior](#)
[Proposed Ordinance Amending SMC Title 3, Chapter 3.68](#)

- 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](#)

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-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.