



# City of Stockton

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

## Meeting Agenda

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

*Anthony Silva, Mayor/Chair*  
*Christina Fugazi, Vice Mayor/Vice Chair*  
*Elbert H. Holman Jr. (District 1)*  
*Daniel R. Wright (District 2)*  
*Susan Lofthus (District 3)*  
*Moses Zapien (District 4)*  
*Michael D. Tubbs (District 6)*

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Tuesday, March 24, 2015

4:00 PM

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

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Closed Session 4:00 | 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 [15-1362](#) **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      [15-1363](#)      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      [15-1364](#)      CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION**

Number of Cases: Three

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      [15-1395](#)      PUBLIC EMPLOYEE PERFORMANCE EVALUATION:**

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**

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 [15-1430](#) APPROVE EVENTS CENTER CAPITAL IMPROVEMENT PROGRAM  
BUDGET TO ALLOW SMG TO ENTER INTO A CONTRACT WITH  
CLICK EFFECTS FOR THE REPLACEMENT OF THE VIDEO  
PRODUCTION SYSTEM AT THE STOCKTON ARENA AND  
STOCKTON BALLPARK

**Recommended Action:** RECOMMENDATION

It is recommended that the City Council approve by motion an amended 2015-2019 Capital Improvement Plan budget to allow SMG to enter into a contract with Click Effects in the amount of \$55,500 for the replacement of the video production at the Stockton Arena and Stockton Ballpark.

**Department:** Community Services

12.2 [15-1473](#) MOTION AUTHORIZING EXTENSION OF CONTRACT WITH PETER  
JUAREZ TO OPERATE OAK PARK TENNIS COMPLEX

**Recommended Action:** RECOMMENDATION

It is recommended that the City Council adopt a motion approving and authorizing a one year extension of the existing contract with Peter Juarez for continued operation of the Oak Park Tennis Complex through March 31, 2016, and authorizing the City Manager to take appropriate actions to carry out the purpose and intent of the motion.

**Department:** Community Services

**Attachments:** [Attachment A - 3rd Amendment to Oak Park Tennis Center](#)

12.3 [15-1479](#) EXTENSION OF HYLAND ONBASE HOSTED SOLUTION  
AGREEMENT WITH NEKO INDUSTRIES, INC.

**Recommended Action:** RECOMMENDATION

Staff recommends that City Council approve a motion accepting findings which support an exception to the competitive bidding process, and authorize the City Manager to approve an extension of the Hyland OnBase Online Hosted Solution Agreement with NEKO Industries, Inc. in an amount not to exceed \$222,684 using the County of Sonoma cooperative purchasing agreement with NEKO Industries, Inc. (Attachments A, B and C).

Department: Information Technology

Attachments: [Attachment A - Cooperative Purchasing Agreement](#)  
[Attachment B - Letter from County of Sonoma extending Agreement](#)  
[Attachment C - Agreement NEKO Industries](#)

**12.4     [15-1547](#)     APPROVAL OF CITY COUNCIL MINUTES**

Recommended Action: RECOMMENDATION

Approve the minutes of September 23, 2014, December 16, 2014, and  
January 27, 2015 City Council meetings.

Department: City Clerk

Attachments: [2014-09-23 Council](#)  
[2014-12-16 Council](#)  
[2015-01-27 Council](#)

**13.     ADMINISTRATIVE MATTERS**

**14.     UNFINISHED BUSINESS**

**15.     NEW BUSINESS**

**15.1     [15-1482](#)     EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT FOR THE OPEN  
WINDOW PROJECT**

Recommended Action: RECOMMENDATION

City of Stockton

It is recommended the City Council adopt a resolution approving a  
365-day Exclusive Negotiating Rights Agreement between the City of  
Stockton and Open Window Project, LLC, for the proposed Open  
Window mixed-use project in Downtown Stockton.

Parking Authority

It is recommended the Parking Authority of the City of Stockton adopt a  
resolution approving a 365-day Exclusive Negotiating Rights Agreement  
between the Parking Authority and Open Window Project, LLC, for the  
proposed Open Window mixed-use project in Downtown Stockton.

Department: Economic Development

**Attachments:**    [Attachment A - Project Site Map](#)  
[Attachment B - Aerial Photo](#)  
[Proposed Resolution - City-Developer ENRA](#)  
[Exhibit 1 - Open Window Project ENRA](#)  
[Proposed Resolution - Parking Authority-Developer ENRA](#)  
[Exhibit 1 - Open Window Project ENRA](#)

**15.2    [15-1542](#)    RECOMMENDATION FROM THE CHARTER REVIEW AD-HOC  
COMMITTEE RELATING TO THE CHARTER REVIEW ADVISORY  
COMMISSION MEMBERSHIP AND TERM OF SERVICE**

**Recommended Action:**    Recommendation

The Charter Review Ad-Hoc Committee recommends that the City council adopt a Resolution to maintain the current 15 member commission make up, extend the commission's current term to end June 30, 2016, immediately appoint three new members to the commission to fill existing vacancies and allow the newly elected/appointed Councilmembers to retain or replace existing commission members with a citizen of their choice.

**Department:**    City Clerk

**Attachments:**    [Attachment A - CRAC Membership Applications](#)  
[Proposed Resolution - CRAC Term Extension](#)

**16.    HEARINGS\*\*\*\***

**16.1    [15-1381](#)    PUBLIC HEARING IMPLEMENTING PEG (PUBLIC, EDUCATIONAL  
AND GOVERNMENTAL ACCESS) SUPPORT FEE WITH STATE  
VIDEO FRANCHISE SERVICE PROVIDERS WITHIN THE CITY OF  
STOCKTON**

**Recommended Action:**    RECOMMENDATION

At the conclusion of the public hearing, it is recommended that the City Council approve a resolution authorizing the implementation of a 1% PEG (Public, Educational and Governmental Access) support fee with State video franchise service providers to use for facilities and equipment associated with the City of Stockton Government Access Channel 97 and broadcast of public meetings and information and appropriate first year revenue and expenditures.

**Department:**    City Manager

**Attachments:**    [Attachment A - SMC 11-24 State Video Service Franchises](#)  
[Proposed Resolution - Implementing PEG Fee](#)

**17.    COUNCIL COMMENTS**

**18.    ADJOURNMENT**

## INFORMATIONAL ITEMS

*\*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.*

*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.*