



# 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

*Anthony Silva, Mayor/Chair*  
*Christina Fugazi, Vice Mayor/Vice Chair (District 5)*  
*Elbert H. Holman Jr. (District 1)*  
*Daniel R. Wright (District 2)*  
*Susan Lofthus (District 3)*  
*Michael C. Blower (District 4)*  
*Michael D. Tubbs (District 6)*

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Tuesday, May 10, 2016

4:00 PM

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

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**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 [16-2610](#) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Number of Cases: Five

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: Julita Tamargo, et al. v. City of Stockton (San  
Joaquin County Superior Court Case No.  
STK-CV-UAT-2012-0012137)

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

Department: City Attorney

**3.2      [16-2611](#)      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      [16-2612](#)      PUBLIC EMPLOYEE PERFORMANCE EVALUATION:**

Recommended Action:      City Manager

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

Department: City Attorney

**3.4      [16-2613](#)      CONFERENCE WITH LEGAL COUNSEL - INITIATION OF  
LITIGATION**

Number of Cases: One

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

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 [16-2647](#) APPROVAL OF CITY COUNCIL MINUTES

**Recommended Action:** Approve the minutes from the February 23, 2016, March 29, 2016, April 26, 2016 City Council meetings and minutes from the March 26, 2016 Special City Council meeting.

**Department:** City Clerk

**Attachments:** [2016-02-23 Minutes for Approval](#)  
[2016-03-29 Minutes for Approval](#)  
[2016-04-26 Minutes for Approval](#)  
[2016-03-26 Special Minutes for Approval](#)

12.2 [16-2403](#) APPROVE FINDINGS AND PURCHASE OF ONE LONG REACH  
BOOM CRANE TRUCK

**Recommended Action:** RECOMMENDATION

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

1. findings which support and justify an exception to the competitive bid process.

2. the purchase of one Freightliner M2-106 long reach boom crane truck through a National Joint Powers Alliance (NJPA) contract with Altec Industries, Inc., of Dixon, CA, in the amount of \$206,970.29.

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:** Public Works

**Attachments:** [Attachment A - Quote from Altec](#)  
[Attachment B - Altec NJPA Contract](#)

12.3 [16-2447](#) APPROVE FINDINGS AND PURCHASE OF ONE HIGH-CAPACITY  
CRANE TRUCK

**Recommended Action:**

RECOMMENDATION

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

1. findings supporting an exception to the competitive bid process, and
2. the purchase of one Peterbilt 365 high-capacity crane truck through a National Joint Powers Alliance (NJPA) contract with Altec Industries, Inc., of Dixon, CA, in the amount of \$349,350.45.

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:** Public Works

**Attachments:** [Attachment A - Quote from Altec](#)  
[Attachment B - Altec NJPA Contract](#)

12.4 [16-2487](#)

**APPROVE RESOLUTION AUTHORIZING EXECUTION OF MASTER AGREEMENT ADMINISTERING AGENCY - STATE AGREEMENT FOR FEDERAL-AID PROJECTS AND ALL FUTURE PROGRAM SUPPLEMENT AGREEMENTS**

**Recommended Action:**

RECOMMENDATION

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

1. Execute a revised Master Agreement Administering Agency - State Agreement for Federal-Aid Projects (Master Agreement) with the California Department of Transportation (Caltrans).
2. Execute all future Program Supplement Agreements to the Master Agreement, including any amendments.

It is further 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:** [Proposed Resolution - Master Agreement for Federal-Aid Projects](#)  
[Exhibit 1 - Master Agreement](#)

12.5 [16-2496](#)

**APPROVE RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL CALIFORNIA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY CERTIFICATIONS**

**Recommended Action:**

RECOMMENDATION

It is recommended that the City Council adopt a resolution to authorize the City Manager or his designee to sign all California Department of Transportation (Caltrans) Right-of-Way Certifications.

It is further 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:** [Proposed Resolution - CalTrans Right-of-way Certifications](#)

**12.6**     [16-2506](#)

**APPROVE RESOLUTION AMENDING THE BUDGET AND  
AUTHORIZING THE CITY MANAGER TO EXECUTE A  
PROFESSIONAL SERVICES CONTRACT WITH R3 CONSULTING  
GROUP, INC. FOR THE PERFORMANCE REVIEW AND BILLING  
AUDIT OF THE FRANCHISED WASTE HAULERS**

**Recommended Action:**

RECOMMENDATION

It is recommended that the City Council adopt a resolution authorizing the City Manager to execute a Professional Services Contract with R3 Consulting Group, Inc. of Roseville, CA, in the amount of \$120,000, for the Performance Review and Billing Audit of the Franchised Waste Haulers.

It is further 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:** [Proposed Resolution - R3 Consulting Group](#)

[Exhibit 1 - Contract with R3](#)

**12.7**     [16-2512](#)

**APPROVE A PROFESSIONAL SERVICES CONTRACT WITH  
KITCHELL CORPORATION FOR A FACILITIES CONDITION  
ASSESSMENT, PROJECT NO. O&M 16-018**

**Recommended Action:**

RECOMMENDATION

It is recommended that the City Council approve a motion authorizing the City Manager to execute a Professional Services Contract with Kitchell Corporation (Kitchell), of Sacramento, CA, in the amount of \$174,198, to prepare a Facilities Condition Assessment, Project No. O&M 16-018 for various City buildings and structures.

It is further 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 - Facility Inventory Index](#)  
[Attachment B - Contract with Kitchell](#)

**13. ADMINISTRATIVE MATTERS**

**14. UNFINISHED BUSINESS**

**15. NEW BUSINESS**

**15.1 [16-2579](#) APPOINTMENT TO THE STOCKTON CIVIL SERVICE COMMISSION**

Recommended Action: RECOMMENDATION

Resolution appointing two commissioners the Civil Service  
Commission/Equal Employment Commission for terms commencing July  
1, 2016 and ending June 30, 2019.

Department: City Clerk

Attachments: [Attachment A - Redacted Applications](#)  
[Proposed Resolution - CSC Appointment](#)

**15.2 [16-2580](#) APPOINTMENT TO THE STOCKTON PORT COMMISSION**

Recommended Action: RECOMMENDATION

Adopt a resolution to appoint one Commissioner to fill the vacancy on the  
Stockton Port Commission for a term commencing July 1, 2016 and  
ending June 30, 20.

Department: City Clerk

Attachments: [Attachment A - Redacted Applications](#)  
[Proposed Resolution - Stockton Port Commission Appointment](#)

**15.3 [16-2628](#) ADOPT A RESOLUTION CANCELING AND RESCHEDULING THE  
MAY 24, 2016 PUBLIC HEARING TO CONSIDER ADOPTION OF  
PROPOSED WATER RATE INCREASES**

**Recommended Action:**

**RECOMMENDATION**

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

1. Cancel the May 24, 2016 Public Hearing to consider adoption of proposed water rate increases, previously set by City Council Resolution 2016-03-29-1506,
2. Authorize and direct the City Manager to schedule a new Public Hearing to consider the adoption of a revised schedule of maximum allowable rates, and
3. Authorize and direct the City Manager to mail notice of the Public Hearing to all record owners of parcels subject to the proposed rate increases as well as tenants who are directly responsible for the payment of water service charges.

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

**Department:**

Municipal Utilities

**Attachments:**

[Proposed Resolution - Rescheduling Water Rate Increases Public Hearing Exhibit 1 - Prop 218 Notice](#)

**16. HEARINGS\*\*\*\***

**16.1 [16-2519](#) SECOND PUBLIC HEARING REGARDING PROPOSED CHARTER AMENDMENTS TO BE PLACED ON THE 2016 GENERAL ELECTION BALLOT**

**Recommended Action:**

**RECOMMENDATION**

It is recommended that the Council hold the second of potentially three public hearings to consider Charter amendments proposed by the Charter Review Ad-Hoc Committee, and adopt a motion to provide direction to the City Manager, City Attorney, and City Clerk regarding the proposals to be developed into ballot measures for the 2016 General Election, whether any revisions to the operative language of the proposals should be made, including direction on Article XI - City Auditor, and whether the Charter amendment proposals should be consolidated into one measure or multiple measures.

**Department:**

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

**Attachments:** [Attachment A - Article II, IV, VI, VII and XI - Current](#)  
[Attachment B - Article II, IV, VI, VII, XI - Redline](#)  
[Attachment C - Ordinance - Districts Transition Example](#)  
[Attachment D - Article IV The City Council - Current](#)  
[Attachment E - Article IV The City Council - Redline](#)  
[Attachment F - Article IV Section 410 Compensation - Current](#)  
[Attachment G - Article IV Section 410 Compensation Redline](#)  
[Attachment H - Article V Section 510 City Council Actions - Current](#)  
[Attachment I - Article V Section 510 City Council Actions - Redline](#)  
[Attachment J - Article XI The Mayor Section 1102 - Current](#)  
[Attachment K - Article XI The Mayor Section 1102 - Redline](#)  
[Attachment L - Article XV City Auditor - Current](#)  
[Attachment M - Article XV City Auditor - CRAC's Redline Version](#)  
[Attachment N - Article XV City Auditor - Staff's Redline Version](#)  
[Attachment O - Article XIX Budget and Fiscal Affairs - Current](#)  
[Attachment P - Article XIX Budget and Fiscal Affairs - Redline](#)  
[Attachment Q - Proposed Ordinance - Budget and Fiscal](#)  
[Attachment R - Ballot Measure Timeline](#)

**16.2      [16-2604](#)      APPEAL OF THE PLANNING COMMISSION'S DENIAL OF A USE  
PERMIT TO UPGRADE FROM THE OFF-SALE OF BEER AND WINE  
TO THE OFF-SALE OF GENERAL ALCOHOLIC BEVERAGES IN AN  
EXISTING CONVENIENCE STORE AT 7906 N. EL DORADO STREET  
(P15-0453)**

**Recommended Action:**      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 from the off-sale of beer and wine to the off-sale of general alcoholic beverages in an existing convenience store at 7906 N. El Dorado Street.

**Department:**      Community Development

**Attachments:** [Attachment A - Appeal Letter](#)  
[Attachment B - Location Map and Aerial Photograph](#)  
[Attachment C - Locations of Active On-Sale and Off-Sale Alcohol Licenses](#)  
[Attachment D - Attorney's Letter to Planning Commission](#)  
[Attachment E - Petition of Support](#)  
[Proposed Resolution - Use Permit Appeal - 7906 North El Doado Street](#)  
[Exhibit 1 - Site and Floor Plans](#)

**16.3      [16-2605](#)      APPEAL OF THE PLANNING COMMISSION'S DENIAL OF A USE**



**PERMIT TO ESTABLISH A TRANSITIONAL HOUSING FACILITY FOR  
A MAXIMUM OF 16 RESIDENTS IN AN EXISTING STRUCTURE AT  
801 S. CALIFORNIA STREET (P15-0275)**

**Recommended Action:** RECOMMENDATION

It is recommended that the City Council adopt a resolution denying the appeal and upholding the Planning Commission's denial of the Use Permit to establish a transitional housing facility for a maximum of 16 residents in an existing structure at 801 S. California Street.

**Department:** Community Development

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

[Attachment B - Location Map](#)

[Attachment C - Site/Floor Plan](#)

[Attachment D - Project Description](#)

[Proposed Resolution - Use Permit Appeal - 801 South California Street](#)

**17. COUNCIL COMMENTS**

**18. ADJOURNMENT**

**INFORMATIONAL ITEMS**

**1     [15-2283](#)     COUNCIL COMMITTEE / BOARDS & COMMISSION MINUTES**  
Information only, no action required.

**Department:** City Clerk

**Attachments:** [2015-06-10 Measure W Oversight Committee Minutes](#)

**2     [16-2632](#)     UPDATE - BOARDS AND COMMISSIONS TRAINING**

Summary of results of the Board and Commission training, provided by the University of the Pacific Eberhardt School of Business in 2015.

**Department:** City Clerk

**Attachments:** [UOP Boards and Commissions Training Update](#)

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**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 May 5,  
2016, in compliance with the Brown Act.**

**Bonnie Paige, CMC**

**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](http://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-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.*