



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)

Tuesday, August 23, 2016

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 [16-2902](#) **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Recommended Action:

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 [16-2904](#) **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 [16-2906](#) PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Recommended Action:

City Manager

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

Department:

City Attorney

3.4 [16-2908](#) CONFERENCE WITH LEGAL COUNSEL - INITIATION OF 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(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 [16-2954](#)

APPROVAL OF CITY COUNCIL MINUTES

Recommended Action: Approve minutes from the City Council meeting of August 9, 2016.

Department: City Clerk

Attachments: [2016-08-09 - City Council Minutes](#)

12.2 [16-2945](#)

ADOPT THE 2016-17 INTERNAL AUDIT PROGRAM

Recommended Action: RECOMMENDATION

The Council Audit Committee recommends that by motion action the City Council adopt the Fiscal Year 2016-17 Internal Audit Program. It is also recommended that the Council authorize by motion action the City Manager to execute a one-year extension to the contract with Moss Adams, LLC to provide Internal Audit Services.

Department: Council Audit Committee

Attachments: [Attachment A - FY 2016-17 Internal Audit Program](#)

12.3 [16-2897](#)

**ADOPT RESOLUTION TO APPLY FOR ELECTIVE COVERAGE OF
STATE DISABILITY INSURANCE FOR MEMBERS OF THE
OPERATIONS & MAINTENANCE UNIT (O&M), TRADES &
MAINTENANCE UNIT (T&M), AND WATER SUPERVISORY UNIT**

Recommended Action: RECOMMENDATION

It is recommended that the City Council: 1) Adopt a Resolution, in accordance with the Operations & Maintenance Unit (O&M); Trades & Maintenance Unit (T&M); and Water Supervisory Unit Memoranda of Understanding (MOUs), authorizing the City to apply for State Disability Insurance (SDI) elective coverage for members of O&M, T&M, and the Water Supervisory Unit, and 2) Authorize the City Manager to execute the application for SDI and take any necessary steps to implement SDI for O&M, T&M, and the Water Supervisory Unit.

Department: Human Resources

Attachments: [Exhibit A - Operations & Maintenance Unit Letter](#)

[Exhibit B - Trades & Maintenance Unit Letter](#)

[Exhibit C - Water Supervisory Unit Letter](#)

[Exhibit D - O & M Application for SDI Coverage](#)

[Exhibit E - T & M Application for SDI Coverage](#)

[Exhibit F - Water Supervisory Unit Application for SDI Coverage](#)

[Proposed Resolution - SDI Approval.doc](#)

12.4 [16-2927](#)

**ADOPT RESPONSE TO THE FOLLOW UP REPORT TO THE
2014-2015 CIVIL GRAND JURY REPORT FOR STOCKTON
MUNICIPAL UTILITIES DEPARTMENT: *STRUGGLING IN THE***

MUD, CASE NO. 1412

Recommended Action: RECOMMENDATION

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

1. Adopt the City Council's Response to the Follow Up Report to the 2014-2015 Civil Grand Jury Report for Investigating Case No. 1412 relating to the operations of Municipal Utilities Department (MUD);
2. Authorize the City Manager to sign the response on behalf of the City Council and to transmit the response to the Presiding Judge of the San Joaquin County Superior Court.

Department: Municipal Utilities

Attachments: [Attachment A - 2014-2015 Grand Jury Case 1412](#)
[Attachment B - 2014-15 Response to Grand Jury Case No 1412](#)
[Attachment C - Follow-Up Report](#)
[Attachment D - Grand Jury Response Letter 8-24-16](#)
[Attachment E - 3-9-2016 Letter from Grand Jury](#)
[Attachment F - 4-7-2016 City Manager response to 3-9-2016 letter](#)
[Attachment G - IPS Settlement Engineering Study](#)
[Attachment H - Hydrogen Sulfide Study](#)

**12.5 [16-2890](#) RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A
DUI STEP GRANT AWARD FROM THE STATE OF CALIFORNIA
OFFICE OF TRAFFIC SAFETY**

Recommended Action: RECOMMENDATION

It is recommended that the City Council adopt a resolution authorizing the City Manager to: 1) accept a DUI STEP grant award from the State of California Office of Traffic Safety in the amount of \$450,000, and make all necessary appropriations in compliance with and for the purposes stated in the grant application; and, 2) Execute the STEP Grant agreement and all related documents to carry out the purpose and intent of the grant award.

Department: Police

Attachments: [Proposed Resolution - OTS DUI STEP Grant](#)
[Exhibit 1 - OTS DUI STEP Grant Agreement](#)

**12.6 [16-2900](#) APPROVE CONTRACT CHANGE ORDER NO. 4 WITH ODYSSEY
ENVIRONMENTAL SERVICES INC. FOR PARK LANDSCAPE
MAINTENANCE, PARK JANITORIAL/SITE CLEANING SERVICE,
AND PLAY EQUIPMENT INSPECTION (PROJECT PW 13-02)**

Recommended Action:

RECOMMENDATION

It is recommended that the City Council approve a motion authorizing the City Manager to execute Contract Change Order No. 4 to the contract with Odyssey Environmental Services, Inc. (Odyssey) for Park Landscape Maintenance, Park Janitorial/Site Cleaning Service, and Play Equipment Inspection (Project PW 13-02) in the amount of \$181,950 to complete the restoration of three fields and provide maintenance services for the Stockton Soccer Complex.

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 - Contract Change Order 4](#)

12.7 [16-2826](#)

**AWARD A PROFESSIONAL SERVICES CONTRACT TO PSOMAS
FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE
THORNTON ROAD WIDENING, PROJECT NO. PW1428**

Recommended Action:

RECOMMENDATION

It is recommended that the City Council approve a motion authorizing the City Manager to award a Professional Services Contract in the amount of \$1,193,360 for construction management services with Psomas for the Thornton Road Widening, Project No. PW1428.

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 - Resolution 07-0382](#)

[Attachment B - Vicinty Map](#)

[Attachment C - Professional Services Contract](#)

12.8 [16-2827](#)

**APPROVE RESOLUTION TO AUTHORIZE THE 1025 EAST PARK
STREET STORM DRAIN UPGRADE (PROJECT NO. M16007)**

Recommended Action:

RECOMMENDATION

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

1. Approve the filing of Notice of Exemption No. CE012-16 under the California Environmental Quality Act (CEQA) for the 1025 East Park Street Storm Drain Upgrade (Project No. M16007).
2. Approve the plans and specifications for the 1025 East Park Street Storm Drain Upgrade (Project No. M16007).
3. Award a Construction Contract in the amount of \$74,237.19 to Sanact, Inc. dba Roto-Rooter of Livermore, CA, for the 1025 East Park Street Storm Drain Upgrade (Project No. M16007).

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 - 1025 East Park Street](#)

[Exhibit 1 - Notice of Exemption](#)

[Exhibit 2 - Construction Contract](#)

13. ADMINISTRATIVE MATTERS

14. UNFINISHED BUSINESS

15. NEW BUSINESS

15.1 [16-2919](#) DISCUSSION OF HOMELESSNESS SOLUTIONS

Recommended Action:

RECOMMENDATION

None. Information only.

Summary

At the May 24, 2016 Council meeting, Mayor Silva submitted a proposal for homeless services and requested staff analysis. This report provides background information regarding Stockton's homeless population and discusses the research conducted to develop the requested analysis. Council should consider this information carefully along with a companion item on this agenda that seeks direction regarding the Legislative Committee's work on tiny and micro houses.

Department:

City Manager

Attachments: [Attachment A - Local Area Service Providers](#)
[Attachment B - City Manager's Committee on Homeless Policy](#)
[Attachment C - Definitions](#)
[Attachment D - Biannual Point In Time Count](#)
[Attachment E – Charter Article XX Section 2000 and 2001](#)
[Attachment F - Code Violations](#)

15.2 [16-2920](#) **RECOMMENDATION OF THE LEGISLATIVE COMMITTEE TO
CONSIDER THE ADOPTION OF AN ORDINANCE AMENDING
TITLE 5, CHAPTER 5.16, SECTION 5.16.010, CHAPTER 5.76,
SECTION 5.76.010, TITLE 16, CHAPTER 16.80, SECTION
16.80.020.A, SECTION 16.80.310, AND CHAPTER 16.240,
SECTION 16.240.020 OF THE STOCKTON MUNICIPAL
CODE TO INCORPORATE TINY AND MICRO HOUSES**

Recommended Action: RECOMMENDATION

It is recommended that the City Council:

1. Consider the recommendation of the Legislative Committee regarding the adoption of an ordinance amending the Stockton Municipal Code to incorporate tiny and micro houses, and
2. Provide direction to staff and Legislative Committee regarding desired analyses, public outreach, ordinance revisions and other related policy actions, if any.

Department: Council Legislation/Environmental Committee

Attachments: [Attachment A - Legislative Committee Staff Report](#)
[Attachment B - SMC - Redline Version](#)
[Attachment C - Map of Proposed Micro Locations](#)

16. **HEARINGS******

16.1 [16-2881](#) **APPEAL OF THE PLANNING COMMISSION'S DENIAL OF THE
REQUEST FOR A USE PERMIT FOR PROPERTY LOCATED AT 3440
EAST MAIN STREET (P15-0420)**

Recommended Action:

RECOMMENDATION

It is recommended that the City Council adopt a resolution to deny the appeal and uphold the Planning Commission's denial of the following requests related to an existing mini-mart with gasoline sales:

1. A Use Permit to allow the off-sale of beer and wine in an existing mini-mart with gasoline sales; and
2. A Variance to allow a reduction of the required minimum 300-foot separation between an existing mini-mart with the proposed off-sale of beer and wine and a public academic school, for property located at 3440 East Main Street.

Department:

Community Development

Attachments:

[Attachment A - Letter Requesting Continuance](#)

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

[Attachment C - Locations of Active Alcoholic Beverage Licenses](#)

[Attachment D - Letter from SUSD and E-Mail from Area Resident](#)

[Attachment E - Public Petitions to Support the Proposed Project](#)

[Attachment F - Letter of Appeal](#)

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

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

16.2 [16-2828](#)

**PUBLIC HEARING AND VACATION OF A PORTION OF
WASHINGTON STREET BETWEEN PORT ROAD 13 AND NAVY
DRIVE**

Recommended Action:

RECOMMENDATION

It is recommended that the City Council adopt a resolution:

1. Authorizing the vacation, and any interest therein, of a portion of Washington Street between Port Road 13 and Navy Drive; and
2. Authorizing the reservation of a public utility easement; and
3. Authorizing the filing of Notice of Exemption No. CE010-16 under the California Environmental Quality Act (CEQA) for the abandonment of Washington Street between Port Road 13 and Navy Drive; and
4. Authorize the City Manager, or his designee, to take all the necessary and appropriate actions to carry out the purpose and intent of this resolution.

Department:

Economic Development

Attachments: [Attachment A - Vicinity Map](#)
[Attachment B - Aerial Map](#)
[Attachment C - Stockton Port District Property Map](#)
[Attachment D - Resolution No. 2016-07-26-1208](#)
[Attachment E - Resolution No. 08-0174](#)
[Attachment F - Resolution No. 2014-02-25-1210](#)
[Attachment G - Access Easement Agreement](#)
[Proposed Resolution - Vacation](#)
[Exhibit 1 - Port Road 13 Plat and Legal Descriptions](#)
[Exhibit 2 - Port Road 13 Notice of Exemption](#)

16.3 [16-3000](#)

ACCEPT THE 2016 PUBLIC HEALTH GOALS REPORT

Recommended Action: RECOMMENDATION

It is recommended that the City Council conduct a Public Hearing to accept and respond to public comment on the 2016 Public Health Goals Report. At the conclusion of the Public Hearing, it is recommended that the City Council approve a motion to accept the 2016 Public Health Goals Report and authorize the City Manager to take appropriate and necessary actions to carry out the purpose and intent of the motion.

Department: Municipal Utilities

Attachments: [Attachment A - 2016 Public Health Goals Report](#)

17. COUNCIL COMMENTS

18. ADJOURNMENT

INFORMATIONAL ITEMS

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 17, 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 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.