



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 AuthorityConcurrent

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, March 28, 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 [17-3422](#) **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 [17-3424](#) 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 [17-3426](#) PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Recommended Action: City Manager

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

Department: City Attorney

3.4 [17-3429](#) 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

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. CONSENT AGENDA

**11.1 [17-3480](#) MAYORAL APPOINTMENT TO THE CALIFORNIA STATE UNIVERSITY
STOCKTON CENTER SITE AUTHORITY**

Recommended Action: It is recommended that the City Council approve a resolution appointing Councilmember Susan Lenz as the City's alternate member of the California State University Stockton Center Site Authority.

Department: City Clerk

Attachments: [Attachment 1 - Mayoral Appointments redline](#)

[Proposed Resolution - Mayoral Committee Assignment](#)

[Exhibit 1 - Mayoral Committee Assignments](#)

11.2 [17-3492](#) APPROVAL OF MINUTES

Recommended Action: RECOMMENDATION

Approve the minutes from the City Council Meetings of February 21 and March 7, 2017 and the City Council Special Meeting of February 20 and February 28, 2017.

Department: City Clerk

Attachments: [2017-02-20 - Minutes for Approval](#)

[2017-02-21 - Minutes for Approval](#)

[2017-02-28 - Minutes for Approval](#)

[2017-03-07 - Minutes for Approval](#)

11.3 [17-3309](#) ADOPT THE 2017 STATE AND FEDERAL LEGISLATIVE PROGRAMS

Recommended Action: RECOMMENDATION

It is recommended that by motion action, the City Council adopt the 2017 State and Federal Legislative Programs and authorize the City Manager to pursue the objectives outlined in these programs through advocacy efforts in Sacramento and Washington, D.C.

Department: City Manager

Attachments: [Attachment A - 2017 State Legislative Program - Redline](#)

[Attachment B - 2017 State Legislative Program - Final](#)

[Attachment C - 2017 Federal Legislative Program - Redline](#)

[Attachment D - 2017 Federal Legislative Program - Final](#)

**11.4 [17-3354](#) PURCHASE OF AUTOMATED LICENSE PLATE READER SYSTEM
FOR THE POLICE DEPARTMENT**

Recommended Action: RECOMMENDATION

It is recommended that the City Council, by motion, approve findings which support and justify use of a sole source exception to the competitive bidding requirement pursuant to Stockton Municipal Code section 3.68.070(A)(c) and authorize the purchase of four Automated License Plate Reader systems, and a one-year service contract with Lehr, a sole source provider for Vigilant Solutions, LLC.

Department: Police

Attachments: [Attachment A - Vigilant Solutions LLC](#)

[Attachment B - LEHR Quote STA-0533-02](#)

[Attachment C - SPD Draft General Order ALPR](#)

**11.5 [17-3389](#) APPROVE UPGRADE TO THE POLICE DEPARTMENT'S
BODY-WORN CAMERA SYSTEM**

Recommended Action: RECOMMENDATION

It is recommended that the City Council adopt, by motion, findings to support an exception to the competitive bidding requirement, and authorize the execution of a five-year Independent Contractor Agreement with VIEVU, LLC to upgrade and supply the Stockton Police Department's body-worn cameras; and authorize and execute a five-year VIEVU Solution Services Agreement for a web-based software application.

Department: Police

Attachments: [Attachment A - VIEVU Solution Services Agreement](#)

[Attachment B - Independent Contractor Agreement with VIEVU LLC](#)

**11.6 [17-3312](#) REJECT ALL BIDS FOR CONSTRUCTION OF THE FIRE STATION
NO. 4 KITCHEN RENOVATION (PROJECT NO. PW1411)**

Recommended Action: RECOMMENDATION

It is recommended that the City Council approve a motion rejecting all bids received for construction of the Fire Station No. 4 Kitchen Renovation (Project No. PW1411) pursuant to Stockton Municipal Code (SMC) section 3.68.160(B).

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](#)

**11.7 [17-3343](#) REJECT ALL BIDS FOR CONSTRUCTION OF THE POLICE
DEPARTMENT UNDER FREEWAY PARKING LOT IMPROVEMENTS
(PROJECT NO. PW1621)**

Recommended Action:

RECOMMENDATION

It is recommended that the City Council approve a motion rejecting all bids received for construction of the Police Department Under Freeway Parking Lot Improvements (Project No. PW1621) pursuant to Stockton Municipal Code section 3.68.160(B).

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](#)

12. ADMINISTRATIVE MATTERS

13. UNFINISHED BUSINESS

14. NEW BUSINESS

**14.1 [17-3431](#) APPOINTMENT TO SAN JOAQUIN COUNTY MOSQUITO
AND VECTOR CONTROL DISTRICT BOARD**

Recommended Action:

RECOMMENDATION

It is recommended that the City Council adopt a resolution to appoint one commissioner to fill the vacancy on the San Joaquin County Mosquito and Vector Control District Board for a term commencing immediately and ending on December 31, 2020.

Department: City Clerk

Attachments: [Attachment A - Redacted Applications](#)

[Proposed Resolution - Vector Control Appointment](#)

**14.2 [17-3462](#) ADOPT A RESOLUTION PROCLAIMING THE MONTH OF MARCH AS
"WOMEN'S HISTORY MONTH" IN STOCKTON**

Recommended Action:

RECOMMENDATION

It is recommended that the City Council adopt a Resolution to proclaim the month of March as "Women's History Month" in Stockton.

Department: Office of the Mayor

Attachments: [Proposed Resolution – Proclaiming March Womens History Month](#)

15. HEARINGS****

**15.1 [17-3447](#) APPEAL OF THE PLANNING COMMISSION'S DENIAL OF A USE
PERMIT TO ESTABLISH A BAR WITH THE ON-SALE OF GENERAL
ALCOHOLIC BEVERAGES IN AN EXISTING BUILDING AT 222
NORTH SUTTER STREET (P16-0307)**

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 Use Permit to establish a bar with the on-sale of general alcoholic beverages in an existing building at 222 North Sutter Street, in accordance with the findings of fact detailed herein.

Department: Community Development

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

[Attachment B - Aerial Photograph and Site Plan](#)

[Attachment C - Floor Plan](#)

[Attachment D - Street Elevation](#)

[Attachment E - Census Tract Liquor Licenses](#)

[Attachment F - Supplemental Information from Applicant Attorney](#)

[Attachment G - Corrected Calls for Police Service](#)

[Proposed Resolution - Recommend Denial](#)

15.2 [17-3394](#)

**PUBLIC HEARING TO ADOPT A RESOLUTION AMENDING THE
FIREWORKS ENFORCEMENT FEE AND AMENDING THE FISCAL
YEAR 2016-2017 ANNUAL BUDGET, AND ADOPT AN ORDINANCE
AMENDING STOCKTON MUNICIPAL CODE TITLE 8, CHAPTER 8.92,
SECTIONS 8.92.015 AND 8.92.090**

Recommended Action:

RECOMMENDATION

It is recommended that City Council approve a plan to reduce the use of illegal fireworks in the City of Stockton by:

Adopting an Ordinance:

1. Amending Stockton Municipal Code Title 8, Chapter 8.92, Section 8.92.015 to clarify the restrictions on the discharge and possession of dangerous fireworks; and
2. Amending Stockton Municipal Code Title 8, Chapter 8.92, Section 8.92.090 to increase the administrative penalty for violating the requirements in the Code.

Adopting a Resolution:

1. Amending the FY 2016-2017 Fee Schedule to increase the Fireworks Enforcement Fee;
2. Amending the FY 2016-2017 Annual Budget to increase the Safe & Sane Fireworks Program expenditure appropriation by \$60,000 and the revenue appropriation by \$44,085;
3. Amending the FY 2016-2017 Annual Budget to increase the 4th of July fireworks event expenditure appropriation by \$13,000; and
4. Authorizing the City Manager to take appropriate actions to implement the intent of the Resolution.

Department: Fire

Attachments: [Attachment A - Proposed Ordinance \(Redline Version\)](#)
[Proposed Resolution - Illegal Fireworks Permit Fee Increase](#)
[Proposed Ordinance - Title 8 - Fireworks](#)

16. CITIZENS' COMMENTS, ANNOUNCEMENTS, OR INVITATIONS*

17. COUNCIL COMMENTS

18. ADJOURNMENT

INFORMATIONAL ITEMS

1 [17-3502](#) COUNCIL COMMITTEE / BOARDS & COMMISSION MINUTES

Recommended Action: Information only, no action required.

Department: City Clerk

Attachments: [2015-02-18 Salary Setting Minutes](#)
[2015-03-05 Salary Setting Minutes](#)
[2017-02-22 Salary Setting Minutes](#)

2 [17-3504](#) COUNCIL COMMITTEE / BOARD & COMMISSION MINUTES

Recommended Action: Information only, no action required.

Department: City Clerk

Attachments: [2017-02-16 Civil Service Commission Minutes](#)

3 [17-3505](#) COUNCIL COMMITTEE / BOARDS & COMMISSION MINUTES

Recommended Action: Information only, no action required.

Department: City Clerk

Attachments: [2017-02-09 Council Audit Committee Minutes](#)

4 [17-3506](#) COUNCIL COMMITTEE / BOARDS & COMMISSION MINUTES

Recommended Action: Information only. No action required.

Department: City Clerk

Attachments: [2016-10-20 Measure W Oversight Committee Minutes](#)

5 [17-3507](#) COUNCIL COMMITTEE / BOARDS & COMMISSION MINUTES

Recommended Action: Information only. No action required.

Department: City Clerk

Attachments: [2016-10-19 Successor Agency Oversight Board 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 March
22, 2017, 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-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.