



# City of Stockton

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

## Meeting Agenda - - Revised City Council/Successor Agency to the Redevelopment Agency/Public Financing Authority/Parking Authority Concurrent

*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)*

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Tuesday, October 3, 2017

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 [17-4021](#) **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      [17-4023](#)      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      [17-4025](#)      PUBLIC EMPLOYEE PERFORMANCE EVALUATION:**

Recommended Action:      City Manager

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

Department: City Attorney

**3.4      [17-4027](#)      CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION**

Number of Cases: Two

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**

**10.1 [17-4061](#) CERTIFICATE OF RECOGNITION: STOCKTON HEAT  
CELEBRATION OF 2017-18 SEASON**

**Recommended Action:** Recipients: Brian Petrovek, CEO of the Stockton Heat Hockey Club

**Department:** Office of the Mayor

**Attachments:** [Certificate - Stockton Heat](#)

*Agenda revised 2017-09-28 to include this item*

**10.2 [17-4062](#) CERTIFICATE OF RECOGNITION: RESTORE STOCKTON AND  
GRAVITY CHURCH**

**Recommended Action:** Recipient: David Cicileo, Pastor

**Department:** Office of the Mayor

*Agenda revised 2017-09-28 to include this item*

**11. CONSENT AGENDA**

**11.1 [17-4042](#) APPOINTMENTS TO THE CLIMATE ACTION PLAN ADVISORY  
COMMITTEE**

**Recommended Action:** RECOMMENDATION

Adopt a resolution appointing ten members to the Climate Action Plan Advisory Committee for two-year terms beginning immediately upon ratification and ending September 30, 2019.

**Department:** City Clerk

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

[Proposed Resolution - Climate Action Plan Appointments](#)

**11.2 [17-4035](#) AMENDING THE CITY MANAGER EMPLOYMENT CONTRACT**

**Recommended Action:** RECOMMENDATION

It is recommended that the City Council adopt a resolution amending certain compensation terms for the City Manager and authorizing the Mayor, on behalf of the City Council, to execute the amendments to the employment agreement.

**Department:** City Council/Successor Agency to the Redevelopment Agency/Public Financing Authority/Parking Authority Concurrent

**Attachments:** [Proposed Resolution - City Manager Employment Contract Amendment](#)

[Exhibit 1 - City Manager Employment Contract - Kurt Wilson](#)

11.3     [17-3993](#)     **APPROVE MOTION TO AUTHORIZE A MEMORANDUM OF  
UNDERSTANDING WITH COMMUNITY PARTNERSHIP FOR  
FAMILIES OF SAN JOAQUIN COUNTY**

**Recommended Action:**     RECOMMENDATION

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

1. Execute a Memorandum of Understanding with the Community Partnership for Families of San Joaquin County in the amount of \$135,000 annually to provide Community Programs and Services for residents of Stockton.

2. Approve findings pursuant to Stockton Municipal Code section 3.68.070 in support of an exception to the competitive bidding process.

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:**     City Manager

**Attachments:**     [Attachment A - MOU with Community Patnership for Families](#)

11.4     [17-3914](#)     **APPROVE TITLE 5 - FINANCIAL MANAGEMENT OF THE COUNCIL  
POLICY MANUAL**

**Recommended Action:**     RECOMMENDATION

It is recommended that the Council adopt by resolution new Financial Management policies.

**Department:**     City Manager

**Attachments:**     [Attachment A - Council Policy Manual Table of Contents](#)

[Proposed Resolution - Council Policy Manual Update](#)

[Exhibit 1 - Council Policies - Title 5 Financial Management](#)

11.5     [17-3885](#)     **AUTHORIZE THE CITY MANAGER TO APPLY TO THE STATE  
WATER RESOURCES CONTROL BOARD CLEAN WATER STATE  
REVOLVING FUND PROGRAM, EXECUTE A FINANCIAL  
ASSISTANCE AGREEMENT FOR THE PLANNING, DESIGN, AND  
CONSTRUCTION OF THE REGIONAL WASTEWATER CONTROL  
FACILITY MODIFICATIONS PROJECT, PLEDGE REVENUES AS  
SECURITY FOR PAYMENT OF THE FINANCING AGREEMENT, AND  
REIMBURSEMENT OF CITY'S EXPENDITURES PAID PRIOR TO  
STATE WATER BOARD APPROVAL**

**Recommended Action:**

**RECOMMENDATION**

It is recommended that the Council adopt three resolutions to:

1. Authorize the designation of the City Manager as the representative to apply for, file and execute a Financial Assistance Agreement and amendments with the State Water Resources Control Board Clean Water State Revolving Fund Program for the planning, design, and construction of the Regional Wastewater Control Facility Modifications Project and make other certifications.
2. Authorize the City Manager to dedicate and pledge Net Revenues of the Wastewater Utility Enterprise Fund as a source of revenue for the repayment of any and all Clean Water State Revolving Fund Program financing for the planning, design, and construction of the Regional Wastewater Control Facility Modifications Project.
3. Authorize the City Manager to reimburse the City's capital expenditures related to the Regional Wastewater Control Facility Modifications Project.

**Department:** Municipal Utilities

**Attachments:** [Attachment A - State Revolving Fund Application Form](#)  
[Proposed Resolution 1 - State Revolving Fund Application](#)  
[Proposed Resolution 2 - Pledging Funds as Security](#)  
[Proposed Resolution 3 - Reimbursement of Capital Expenditures](#)

**11.6     [17-3882](#)     APPROVE MOTION TO PURCHASE POLICE EQUIPMENT FROM  
AXON ENTERPRISES, INC.**

**Recommended Action:**

**RECOMMENDATION**

It is recommended that City Council adopt, by motion, findings to support the purchase of police equipment from Axon Enterprises, Inc.

**Department:** Police

**Attachments:** [Attachment A - Axon Enterprises Inc.](#)

**11.7     [17-3917](#)     RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE  
AND SUBMIT THE TRANSPORTATION DEVELOPMENT ACT CLAIM  
FOR FISCAL YEAR 2017-18**

**Recommended Action:**

**RECOMMENDATION**

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

1. Authorize the City Manager or his Designee to execute and submit a claim to the San Joaquin Council of Governments for Fiscal Year 2017-18 Transportation Development Act funds in the amount of \$57,003.
2. Authorize the City Manager or his Designee to deposit the funds in the TDA Fund Balance (Fund 034) for reimbursement of the 2015 Sidewalk, Curb and Gutter Repair Program (Project No. PW1531), pursuant to the TDA funding requirements.

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:** [Proposed Resolution - Transportation Development Act Claim FY 2017-18](#)  
[Exhibit 1 - Transportation Development Act Claim Form](#)

**11.8     [17-3840](#)     APPROVE CONTRACT CHANGE ORDER NO. 3 WITH STANTEC  
CONSULTING SERVICES, INC. FOR THE THORNTON ROAD  
WIDENING PROJECT**

**Recommended Action:**

**RECOMMENDATION**

It is recommended that the City Council approve a motion authorizing the City Manager to execute Contract Change Order No. 3 to the contract, in the amount of \$145,000, with Stantec Consulting Services, Inc. for design support services during construction of the Thornton Road Widening, Project No. PW1428.

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](#)  
[Attachment B - Contract Change Order No. 3](#)

**11.9     [17-3841](#)     APPROVE MOTION TO AWARD CONTRACT FOR DESIGN OF THE  
INSTALL LEFT-TURN LANE ON THORNTON ROAD AT HAMMER  
LANE AND ON LOWER SACRAMENTO ROAD AT THORNTON  
ROAD/PACIFIC AVENUE PROJECT**

**Recommended Action:**

**RECOMMENDATION**

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

1. Award a Professional Services Contract to Siegfried Engineering, Inc. of Stockton, CA, in the amount of \$87,949, for design services for the Install Left-Turn Lane on Thornton Road at Hammer Lane and on Lower Sacramento Road at Thornton Road/Pacific Avenue, Project No. PW1518/Federal Project No. CML-5008(156).

2. Approve findings pursuant to Stockton Municipal Code section 3.68.070 in support of an exception to the competitive bidding process.

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](#)

[Attachment B - Professional Services Contract](#)

**11.10**    [17-3850](#)

**APPROVE RESOLUTION TO AUTHORIZE THE HVAC AND ROOF  
REPLACEMENT PROJECT AT THE REGIONAL WASTEWATER  
CONTROL FACILITY**

**Recommended Action:**

**RECOMMENDATION**

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

1. Approve the Notice of Exemption No. CE025-17 under the California Environmental Quality Act for the MUD Cogeneration, Maintenance, Belt Press, and Old Digester Buildings HVAC and Roof Replacement, Project Nos. M15006, M15007, M15008, and M15013.
2. Approve the plans and specifications for the MUD Cogeneration, Maintenance, Belt Press, and Old Digester Buildings HVAC and Roof Replacement, Project Nos. M15006, M15007, M15008, and M15013.
3. Appropriate funds in the amount of \$235,000 from the Wastewater Utility Fund fund balance (431-0000-287.00-00) to the Wastewater Capital Maintenance (431-4331-606) for the MUD Cogeneration, Maintenance, Belt Press, and Old Digester Buildings HVAC and Roof Replacement, Project Nos. M15006, M15007, M15008, and M15013.
4. Award a Construction Contract in the amount of \$1,523,339 to Comfort Air, Inc. of Stockton, CA, for the MUD Cogeneration, Maintenance, Belt Press, and Old Digester Buildings HVAC and Roof Replacement, Project Nos. M15006, M15007, M15008, and M15013.

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 - Wastewater Control Facility HVAC and Roof](#)

[Exhibit 1 - Notice of Exemption](#)

[Exhibit 2 - Construction Contract](#)

11.11 [17-3854](#)

**ADOPT AMENDMENTS TO TITLE 10, CHAPTER 10.04 OF THE  
MUNICIPAL CODE - VEHICLES AND TRAFFIC SPEED LIMIT  
UPDATE FOR VARIOUS STREETS**

**Recommended Action:**

**RECOMMENDATION**

It is recommended that the City Council adopt an ordinance amending various sections of Title 10, Chapter 10.04 of the Stockton Municipal Code to update existing speed limits, establish new speed limits, change speed zone boundaries, and make editorial corrections.

**Department:** Public Works



Attachments:    [Attachment A - Speed Limit Update Vicinity Map](#)  
[Attachment B - Proposed Ordinance \(Redline Version\)](#)  
[Proposed Ordinance - Title 10](#)

**12.     ADMINISTRATIVE MATTERS**

**13.     UNFINISHED BUSINESS**

**14.     NEW BUSINESS**

**14.1    [17-4033](#)     APPOINTING MEMBERS TO THE STOCKTON CIVIL SERVICE  
COMMISSION**

Recommended Action:    RECOMMENDATION

Adopt a resolution appointing two members to the Civil Service  
Commission/Equal Employment Commission for a term commencing  
immediately and ending June 30, 2021.

Department:    City Clerk

Attachments:    [Attachment A - Redacted Applications](#)  
[Proposed Resolution - Civil Service Commission Appointments](#)

**14.2    [17-3873](#)     AUTHORIZE SECOND AMENDMENT TO THE DOWNTOWN  
INFRASTRUCTURE INFILL INCENTIVE REIMBURSEMENT  
AGREEMENT WITH OPEN WINDOW PROJECT LLC**

Recommended Action:    RECOMMENDATION

It is recommended that the City Council adopt a resolution:

1. Authorizing a Second Amendment to the Downtown Infrastructure Infill  
Incentive Reimbursement Agreement with Open Window Project, LLC, to  
increase the total reimbursement amount to \$6.18 million and make the  
funding non-contingent on the City's annual budget approval process; and

2. Authorizing the City Manager to take necessary and appropriate actions  
to carry out the purpose and intent of the resolution.

Department:    Economic Development

Attachments:    [Attachment A - Resolution 2016-10-18-1204](#)  
[Attachment B - Resolution 2017-05-09-1103](#)  
[Proposed Resolution - Open Window Reimbursement Agreement](#)  
[Exhibit 1 - Second Amendment](#)

**15.     HEARINGS\*\*\*\***

15.1 [17-4003](#) **PUBLIC HEARING FOR THE 2017 EDWARD BYRNE MEMORIAL  
JUSTICE ASSISTANCE GRANT PROGRAM AWARD**

**Recommended Action:** RECOMMENDATION

It is recommended, at the conclusion of the public hearing, that City Council adopt a resolution:

1. Approving Amendment No. 6 to the Interlocal Memorandum of Understanding between the City of Stockton and County of San Joaquin for the Edward Byrne Memorial Justice Assistance Grant Program Award;
2. Approving the recommended use of funds (\$355,647) as stated in the JAG Program 2017 Funding Recommendations;
3. Approving the appropriation of grant funds upon receipt of an executed Grant Agreement; and
4. Authorizing the City Manager to execute all grant award documents as required by the U.S. Department of Justice Bureau of Justice Assistance.

**Department:** Police

**Attachments:** [Proposed Resolution - JAG 2017](#)  
[Exhibit 1 - JAG 2017 - Amendment 6 to Interlocal MOU](#)

16. **CITIZENS' COMMENTS, ANNOUNCEMENTS, OR INVITATIONS\***

17. **COUNCIL COMMENTS**

18. **ADJOURNMENT**

**INFORMATIONAL ITEMS**

1 [17-3922](#) **STOCKTON ECONOMIC STIMULUS PLAN UPDATE**

**Recommended Action:** RECOMMENDATION

Per Council direction, an update on the Stockton Economic Stimulus Plan is provided 18 months after implementation. The report is provided for informational purposes only, and no Council action is required.

**Department:** City Council/Successor Agency to the Redevelopment Agency/Public Financing Authority/Parking Authority Concurrent

**Attachments:** [Attachment A - 2015-11-17-1602 SESP Resolution](#)  
[Attachment B - SESP Summary Unit Counts for Issued Residential Permits](#)

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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 September 28, 2017, in compliance with the Brown Act.**

**Bret Hunter, CMC  
Interim City Clerk**

**By: \_\_\_\_\_**

**Deputy**

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*\*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-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.*