



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)

Tuesday, October 17, 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 [17-4022](#) **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: Patrick Craig, *et al.* v. City of Stockton, a municipal corporation, *et al.* (San Joaquin County Superior Court Case No. STK-CV-UWM-2017-0006371)

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

Department: City Attorney

3.2 [17-4024](#) 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 [17-4026](#) PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Recommended Action: City Manager

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

Department: City Attorney

3.4 [17-4028](#) 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

3.5 [17-4082](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Recommended Action:

Number of Parcels: One

Address: 2135 S. Airport Way, Stockton, California

APN: 169-077-03

Owner: City of Stockton

Agency Negotiators: Kurt Wilson, City Manager

Under Negotiation: Price and Terms

This Closed Session is authorized pursuant to Section 54956.8 of the
Government Code.

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. RECOGNITIONS, ANNOUNCEMENTS, OR REPORTS

10. 1 [17-4093](#) CITY MANAGER REPORT ON STRATEGIC OBJECTIVES

Department: City Manager

**10. 2 [17-4088](#) PROCLAMATION: FILIPINO AMERICAN HISTORY MONTH IN
STOCKTON**

Recipients: The Little Manila Foundation and the Filipino American
National Historical Society (FANHS) Stockton Chapter

Department: Office of the Mayor

**10. 3 [17-4105](#) PROCLAMATION: WHITE CANE SAFETY / BLIND AMERICANS
EQUALITY DAY - OCTOBER 17, 2017**

Accepting the proclamation on behalf of Community Center for the Blind
and Visually Impaired:

Joni Bauer, Orientation and Mobility Specialist

Hayim Cohen, Adaptive Technology Instructor
Elsie Hirata, Case Manager
Matthew Morgan, Adaptive Technology Instructor
Laurie Pattingale, Independent Living Skills Instructor

Agenda revised 2017-10-16 to include this item

Department: Office of the Mayor

11. CONSENT AGENDA

11.1 [17-4057](#) NOMINEES FOR THE CALIFORNIA CORRECTIONAL HEALTH CARE SERVICES FACILITY CITIZENS' ADVISORY COMMITTEE

Recommended Action: RECOMMENDATION

It is recommended that the City Council by motion action, approve submitting a list of names to the California Correctional Health Care Services Facility (Facility), for selection by the Warden, of two representatives to serve on the Citizens' Advisory Committee (CAC).

Department: City Clerk

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

11.2 [17-4084](#) ADOPT A RESOLUTION APPOINTING A MEMBER OF THE MEASURE A CITIZENS' ADVISORY COMMITTEE

Recommended Action: RECOMMENDATION

It is recommended that the City Council adopt a resolution ratifying the appointment of Julia Cox to fill the seat vacated by David Renison for a term beginning immediately upon appointment and ending January 31, 2019.

Department: City Clerk

Attachments: [Attachment A - Redacted Application](#)
[Proposed Resolution - Measure A Appointment](#)

11.3 [17-4060](#) APPROVAL OF CITY COUNCIL MINUTES

Recommended Action: RECOMMENDATION

Approve the minutes from the City Council meeting of July 25, 2017, August 8, 2017 and August 22, 2017

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

Attachments: [2017-07-25 Minutes for Approval](#)
[2017-08-08 Minutes for Approval](#)
[2017-08-22 Minutes for Approval](#)

11.4 [17-4063](#) 2018 CITY COUNCIL/SUCCESSOR AGENCY/STOCKTON PUBLIC

**FINANCING AUTHORITY/STOCKTON PARKING AUTHORITY
MEETING CALENDAR**

Recommended Action: RECOMMENDATION

It is recommended that the City Council, Successor Agency, Stockton Public Financing Authority and Stockton Parking Authority adopt by motion action the 2018 Concurrent City Council/Successor Agency/Stockton Public Financing Authority/Stockton Parking Authority Meeting Calendar.

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

Attachments: [Attachment A - 2018 Meeting and Closed Days Calendar](#)

**11.5 [17-3940](#) APPROVE 200-YEAR URBAN LEVEL OF FLOOD PROTECTION
AREA FINDING FOR RECLAMATION DISTRICT 2042**

Recommended Action: RECOMMENDATION

It is recommended that City Council adopt a Resolution approving a 200-year urban level of flood protection adequate progress finding for the Reclamation District 2042 boundary area.

Department: Community Development

Attachments: [Attachment A - RD 2042 Map](#)

[Attachment B - SB 5 Overview](#)

[Attachment C - 200-Year Floodplain Map](#)

[Proposed Resolution - RD 2042 Adequate Progress](#)

[Exhibit 1 - Adequate Progress Report 2017 - RD 2042](#)

**11.6 [17-3987](#) FINAL MAP AND SUBDIVISION AGREEMENT FOR CANNERY
PARK, UNIT NO. 5 PROJECT**

Recommended Action: RECOMMENDATION

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

1. Approve the final map; and

2. Authorize the City Manager to execute the subdivision agreement, accept on behalf of the public all offers of dedication, and record the final map for Cannery Park, Unit No. 5, Tract No. 3640; and

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

Department: Community Development

Attachments: [Attachment A - Vicinity Map](#)
[Proposed Resolution - Cannery Park Unit No 5 Project](#)
[Exhibit 1 - Subdivision Agreement](#)
[Exhibit 2 - Final Map](#)

**11.7 [17-4036](#) SUMMARY VACATION AND ABANDONMENT OF SIX PUBLIC
UTILITY EASEMENTS ON A PORTION OF SIERRA VISTA
APARTMENTS**

Recommended Action: RECOMMENDATION

It is recommended that the Council adopt a resolution:

1. Approving the summary abandonment of six public utility easements on a portion of Seven Oaks Unit No. 2, better known as Sierra Vista Apartments, on Twelfth Street between Phelps and Oroville Streets; 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 - Vicinity Map - Sierra Vista abandonment](#)
[Attachment B - Aerial Map - Sierra Vista abandonment](#)
[Proposed Resolution - Sierra Vista Abandonment](#)
[Exhibit 1 - PUE Sierra Vista abandonment](#)
[Exhibit 2 - PUE Sierra Vista abandonment](#)

**11.8 [17-3995](#) AWARD A CONSTRUCTION CONTRACT TO AMERINE SYSTEMS,
INC. FOR THE WILSON WAY SUBWAY PUMP STATION
IMPROVEMENTS AND BID ADDITIVE HARDING WAY SUBWAY
PUMP STATION IMPROVEMENTS**

Recommended Action:

RECOMMENDATION

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

1. Approve the plans and specifications for the Wilson Way Subway Pump Station Improvements, Project No. M15011 and Bid Additive Harding Way Subway Pump Station Improvements, Project No. M15010.
2. Award a Construction Contract in the amount of \$359,878 to Amerine Systems, Inc. of Oakdale, CA for the Wilson Way Subway Pump Station Improvements, Project No. M15011 and Bid Additive Harding Way Subway Pump Station Improvements, Project No. M15010 (Exhibit 1 to Resolution).
3. Approve the filing of Notice of Exemption No. CE026-17 under the California Environmental Quality Act for the Wilson Way Subway Pump Station Improvements, Project No. M15011 and Bid Additive Harding Way Subway Pump Station Improvements, Project No. M15010 (Exhibit 2 to Resolution).

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: Municipal Utilities

Attachments: [Proposed Resolution - Wilson Way Subway Pump](#)
[Exhibit 1 - Construction Contract Amerine Systems](#)
[Exhibit 2 - Notice of Exemption](#)

11.9 [17-3994](#)

**APPROVE RESOLUTION TO AUTHORIZE APPROVAL OF THE
GRANT AGREEMENT WITH THE STATE OF CALIFORNIA DIVISION
OF BOATING AND WATERWAYS FOR SURRENDERED AND
ABANDONED VESSEL EXCHANGE AND AMEND THE FISCAL
YEAR 2017-18 ANNUAL BUDGET**

Recommended Action:

RECOMMENDATION

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

1. Authorize the acceptance of grant funding from the State of California's Division of Boating and Waterways, in the amount of \$67,500, for the Surrendered and Abandoned Vessel Exchange;
2. Amend the Fiscal Year (FY) 2017-18 Annual Budget to increase the Police Grants & Special Programs expenditure and revenue appropriation by a total of \$67,500, appropriate a ten percent local match in the amount of \$6,750;
3. Authorize the City Manager to execute all required contracts or agreements with the granting agency, provide additional information, and furnish such documents as may be required, execute all documents and amendments or extensions pertaining to the grant project, and make all required appropriations in compliance with, and for the purposes stated in, the project contract; and
4. Authorize the City Manager to take all necessary and appropriate actions to carry out the purpose and intent of the resolution.

Department: Police

Attachments: [Proposed Resolution - SAVE 2017](#)
[Exhibit 1 - SAVE 2017](#)

**11.10 [17-4054](#) REJECT ALL BIDS FOR THE PARKS MAINTENANCE AND
JANITORIAL PROJECT**

Recommended Action:

RECOMMENDATION

It is recommended that the City Council approve a motion to reject all bids received for Parks Maintenance and Janitorial, Project No. OM-18-010, 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 - Project Bid Abstract](#)

**11.11 [17-3960](#) APPROVE CONTRACT CHANGE ORDER NO. 2 WITH EMERGENCY
VEHICLE OUTFITTERS FOR PATROL VEHICLE BUILD**

Recommended Action:

RECOMMENDATION

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

1. Approve findings pursuant to Stockton Municipal Code section 3.68.070 in support of an exception to the competitive bidding process.
2. Authorize the City Manager to execute Contract Change Order No. 2 to add \$454,781.21 for the conversion of 47 additional Police Interceptor Utility Vehicles.
3. Authorize the extension of Contract No. 2016-03-29-1205 with Emergency Vehicle Outfitters of Elk Grove, CA, for Patrol Vehicle Build (PUR 15-029) for an additional year to June 17, 2019.
4. Amend Contract No. 2016-03-29-1205 with Emergency Vehicle Outfitters for Patrol Vehicle Build (PUR 15-029) to provide for annual modification services not to exceed the original contract amount of \$439,656.33.

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 - CCO No. 2 with EVO](#)
[Attachment B - Service Contract with EVO](#)
[Attachment C - CCO No. 1 with EVO](#)

11.12 [17-3847](#)

**APPROVE MOTION TO AWARD A SERVICE CONTRACT TO
COMFORT AIR, INC. FOR CITY OF STOCKTON FACILITIES
ON-CALL PLUMBING MAINTENANCE AND REPAIR SERVICES**

Recommended Action:

RECOMMENDATION

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

1. Award a Service Contract in the amount not to exceed \$225,000 annually to Comfort Air, Inc. of Stockton, CA, for City of Stockton On-Call Plumbing Maintenance and Repair Services, Project No. OM-17-112 and to authorize up to two one-year extensions to this contract.
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 - Contract with Comfort Air](#)

**11.13 [17-3859](#) RESOLUTION SETTING A PUBLIC HEARING TO ESTABLISH AN
UNDERGROUND UTILITY DISTRICT IN THE STOCKTON
DOWNTOWN AREA**

Recommended Action: RECOMMENDATION

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

1. Set a public hearing by the City Council for November 7, 2017, to determine whether public necessity, health, safety, or welfare requires the formation of an underground utility district in the Stockton downtown area bound by Miner Avenue, Aurora Street, Weber Avenue, and Sutter Street pursuant to Stockton Municipal Code section 13.36.020.
2. Authorize the City Clerk to notify all affected property owners by mail of the public hearing pursuant to Stockton Municipal Code section 13.36.020.
3. Authorize the City Clerk to publish notice of this public hearing in a newspaper of local circulation, at least ten (10) days prior to said hearing.
4. Approve the proposed area to be included in the Downtown Underground Utility District.

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 - SMC Chapter 13.36](#)
[Proposed Resolution - Downtown Underground Utility District](#)
[Exhibit 1 - Map](#)

**11.14 [17-3886](#) APPROVE MOTION TO AWARD A SERVICE CONTRACT TO
WEATHERPROOFING TECHNOLOGIES, INC. FOR ROOF
MAINTENANCE AND LEAK RESPONSE SERVICES**

Recommended Action:

RECOMMENDATION

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

1. Award a three-year Service Contract not to exceed the amount of \$526,837 to Weatherproofing Technologies, Inc. of Beachwood, OH, for the Roof Maintenance and Leak Response Services, Project No. OM-17-031.
2. Authorize the City Manager to execute up to two one-year extensions to this contract, at an annual cost of \$198,667 and \$204,990, respectively, for a cumulative contract total not to exceed the amount of \$930,504.
3. 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 - Contract with WTI Inc.](#)

12. ADMINISTRATIVE MATTERS

13. UNFINISHED BUSINESS

14. NEW BUSINESS

**14.1 [17-4069](#) APPROVE RENEWAL OF THE MIRACLE MILE PROPERTY AND
BUSINESS IMPROVEMENT DISTRICT**

Recommended Action:

RECOMMENDATION

It is recommended that the City Council adopt a Resolution of Intention:

1. Approving the renewal of the Miracle Mile Property and Business Improvement District;
2. Accepting the Petition of Property Owners;
3. Preliminarily approving the Management District Plan and Engineer's Report;
4. Approving the proposed Boundary Map;
5. Setting a date for a Public Hearing of Protest for December 5, 2017;
6. Providing for property owner ballots provided by the District to be mailed by the City; and
7. Authorizing the City Manager to sign the ballot for City-owned property in favor of the renewal.

Department: Economic Development

Attachments: [Proposed Resolution - MMPBID](#)
[Exhibit 1 - Boundary Map](#)
[Exhibit 2 - Management District Plan](#)
[Exhibit 3 - Public Notice](#)

15. HEARINGS****

**15.1 [17-3961](#) APPEAL OF THE PLANNING COMMISSION'S DENIAL OF A USE
PERMIT TO ESTABLISH A PROPOSED MEDICAL CANNABIS
DISPENSARY IN AN INDUSTRIAL, GENERAL ZONE AT 2401
STAGECOACH RD**

Recommended Action: RECOMMENDATION

Staff recommends that the City Council adopt a Resolution to approve the appeal and overturn the Planning Commission's Denial of a Use Permit to allow the establishment of a proposed medical cannabis dispensary at 2401 Stagecoach Road, in accordance with the findings detailed herein.

Department: Community Development

Attachments: [Attachment A - Appeal Letter](#)
[Attachment B - Location Map and Aerial Photograph](#)
[Attachment C - Project Description](#)
[Attachment D - Neighborhood Context Map](#)
[Attachment E - Dispensary Map and Cannabis Businesses](#)
[Attachment F - Community Meeting Notice](#)
[Proposed Resolution - Recommended Approval of Use Permit](#)
[Exhibit 1 - Site Plan and Floor Plan](#)

16. PUBLIC COMMENTS – MATTERS NOT ON THE AGENDA

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 October 16, 2017, in compliance with the Brown Act.

**Bret Hunter, CMC
Interim City Clerk**

**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.