



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

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 20, 2018

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 [17-4217](#) **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Number of Cases: Six

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: Tammy Braxton v. City of Stockton, et al. (San
Joaquin County Superior Court Case No.
STK-CV-UPI-2016-0009386)

Name of Case: Paul Singh, et al. v. City of Stockton, et al. (San
Joaquin County Superior Court Case No.
STK-CV-UCR-2016-003660)

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

Department: City Attorney

3.2 [18-4432](#) 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 [18-4433](#) PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Recommended Action: City Manager

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

Department: City Attorney

3.4 [18-4434](#) 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. RECOGNITIONS, ANNOUNCEMENTS, OR REPORTS
- 10.1 [18-4452](#) CERTIFICATE OF RECOGNITION: STOCKTON PORTS

Recommended Action:

RECOMMENDATION

Certificate of Recognition - Kicking off the Stockton Ports 2018 Season

Department:

Office of the Mayor

Attachments:

[Certificate - Stockton Ports 2018](#)

11. CONSENT AGENDA
- 11.1 [18-4406](#) AUTHORIZE THE CITY MANAGER TO EXECUTE A 5-YEAR
CONTRACT WITH CB MERCHANT SERVICES FOR DEBT
COLLECTION SERVICES

Recommended Action:

RECOMMENDATION

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

1. Approve the findings that support an exception to the competitive bidding requirement pursuant to Stockton Municipal Code section 3.68.070(A)(3) for negotiated contracts following solicitation of competitive proposals.

2. Authorize the City Manager to execute a 5-year contract with CB Merchant Services for debt collection services.

3. Authorize the City Manager to take appropriate and necessary actions to carry out the purpose and intent of this motion.

Department:

Administrative Services

Attachments:

[Attachment A - Agreement with CB Merchant Services](#)

**11.2 [18-4442](#) APPROVE RESOLUTION AUTHORIZING THE CITY ATTORNEY TO
ENTER INTO AN AGREEMENT FOR LEGAL SERVICES WITH
SLOAN, SAKAI YEUNG AND WONG, LLP**

Recommended Action: RECOMMENDATION

It is recommended that the City Council adopt a resolution approving the Agreement for Legal Services with Sloan, Sakai Yeung and Wong, LLP ("Sloan Sakai").

Department: City Attorney

Attachments: [Proposed Resolution - Sloan Sakai Agreement](#)
[Exhibit 1 - Retention Agreement](#)

11.3 [18-4405](#) APPROVAL OF CITY COUNCIL MINUTES

Recommended Action: RECOMMENDATION

Approve the minutes from the Special City Council meeting of January 29, 2018

Department: City Clerk

Attachments: [2018-01-29 - Minutes for Approval](#)

**11.4 [18-4368](#) SUMMARY VACATION AND ABANDONMENT OF A PORTION OF
PUBLIC UTILITY EASEMENT AT 3412 PERLMAN DRIVE**

Recommended Action: RECOMMENDATION

It is recommended that the City Council adopt a resolution:

1. Approving a summary abandonment of a portion of the public utility easement located at 3412 Perlman Drive;
2. Authorizing the filing of Notice of Exemption No. CE03-18 under the California Environmental Quality Act (CEQA) for a portion of the public utility easement located at 3412 Perlman Drive; and
3. Authorizing 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](#)
[Proposed Resolution - 3412 Perlman Drive](#)
[Exhibit 1 - Legal Description](#)
[Exhibit 2 - Plat](#)
[Exhibit 3 - NOE - CE03-18](#)

11.5 [18-4447](#) **APPROVE A RESOLUTION TO ADOPT THE PRINCIPLES OF THE
CONVENTION ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN**

Recommended Action: RECOMMENDATION

It is recommended that the City Council approve a resolution adopting the principles of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).

Department: Office of the Mayor

Attachments: [Proposed Resolution - Principles of the CEDAW](#)

11.6 [18-4374](#) **ADOPT FINDINGS WHICH SUPPORT AND JUSTIFY AN EXCEPTION
TO THE COMPETITIVE BID PROCESS AND AUTHORIZE
PAYMENTS TO SAN JOAQUIN GENERAL HOSPITAL FOR MEDICAL
EXAMS**

Recommended Action: RECOMMENDATION

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

1. Approve findings which support and justify an exception to the competitive bid process and authorize payments to San Joaquin General Hospital for the costs of providing medical examinations following a sexual assault, as required by California Penal Code section 13823.95 in an amount of \$1,824 per exam; and

2. Authorize the City Manager to take appropriate actions to carry out the purpose and intent of the Resolution.

Department: Police

Attachments: [Proposed Resolution - San Joaquin General Hospital Medical Examinations](#)

11.7 [17-4090](#) **APPROVE MOTION TO AUTHORIZE THE AMENDED
RESTATEMENT AND AFFIRMATION AGREEMENT BETWEEN THE
CITY OF STOCKTON AND CALIFORNIA DEPARTMENT OF
TRANSPORTATION FOR THE FRENCH CAMP ROAD/I-5
INTERCHANGE RECONSTRUCTION**

Recommended Action: RECOMMENDATION

It is recommended that the City Council approve a motion authorizing the City Manager to execute the amended Restatement and Affirmation Agreement between the City of Stockton and the California Department of Transportation for the French Camp Road/I-5 Interchange Reconstruction (Project No. PW9945).

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 - Restatement and Affirmation Agreement](#)

11.8 [17-4186](#) **APPROVE CONTRACT CHANGE ORDER NO. 2 WITH PSOMAS
FOR THE THORNTON ROAD WIDENING PROJECT AND
AMENDMENT NO. 1 WITH WSP, INC. FOR THE HAMMER LANE
WIDENING PROJECT**

Recommended Action: RECOMMENDATION

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

1. Execute Contract Change Order No. 2 to the Professional Services Contract with Psomas, in the amount of \$206,000, for construction management services during construction of the Thornton Road Widening, Project No. PW1428.
2. Execute Amendment No. 1 to the Professional Services Contract with WSP, Inc. for the Hammer Lane Widening Phase 3B, Project No. PW1427, in the amount of \$994,993.56, to add construction management services to be performed on the Thornton Road Widening, Project No. PW1428.
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 - Vicinity Map](#)
[Attachment B - Balancing Contract Change Order No. 2](#)
[Attachment C - Amendment to Parsons Brinkerhoff Contract](#)

11.9 [17-4252](#) **APPROVE RESOLUTION TO AUTHORIZE THE PUMP STATION
ROOF REPAIR PROJECT**

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. CE039-17 under the California Environmental Quality Act for the Pump Station Roof Repair, Project No. M13026.
2. Approve the plans and specifications for the Pump Station Roof Repair, Project No. M13026.
3. Appropriate funds in the amount of \$30,620 from the Stormwater Utility Fund balance (441-0000-287) to the Storm Pump Station Improvements (447-7783-670) for the Pump Station Roof Repair, Project No. M13026.
4. Award a Construction Contract in the amount of \$103,150 to Comfort Air, Inc. of Stockton, CA, for the Pump Station Roof Repair, Project No. M13026.

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 - Pump Station Roof Repair](#)

[Exhibit 1 - Notice of Exemption](#)

[Exhibit 2 - Construction Contract](#)

12. ADMINISTRATIVE MATTERS

13. UNFINISHED BUSINESS

14. NEW BUSINESS

- 14.1 [18-4375](#) APPROVAL OF THE 2018 STOCKTON TOURISM BUSINESS
IMPROVEMENT DISTRICT BUDGET AND SERVICE PLAN AND THE
2017 ANNUAL REPORT**

Recommended Action:

RECOMMENDATION

It is recommended that the City Council adopt a resolution:

1. Approving the 2018 Annual Service Plan;
2. Approving the 2018 Operating Budget and Assessment;
3. Approving the 2017 Annual Report for the Stockton Tourism Business Improvement District; and
4. Authorizing the City Manager to take necessary and appropriate actions to carry out the purpose of this resolution.

Department: Economic Development

Attachments: [Proposed Resolution - 2018 Visit Stockton](#)

[Exhibit 1 - Visit Stockton Annual Service Plan 2018](#)

[Exhibit 2 - Visit Stockton Annual Report 2017](#)

[Exhibit 3 - Visit Stockton Budget 2018](#)

14.2 [17-4017](#)

**AMENDMENT TO THE SMG OPERATING AGREEMENT TO
INCLUDE THE DOWNTOWN MARINA AND EXTEND THE TERM**

Recommended Action:

RECOMMENDATION

It is recommended that the City Council adopt a resolution:

1. Authorizing the execution of an Amendment to the Agreement with SMG (C-11-093 NP, Resolution 11-0022) for the operation of the event venues to

* Add the Marina Operation to the Agreement.

* Extend the term to 2026 with a 5-year extension option through 2031.

* Amend the incentive structure of the Agreement.

2. Authorizing 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 - Resolution 11-0022 and SMG Management Agreement](#)

[Proposed Resolution - SMG Operating Agreement](#)

[Exhibit 1 - Amendment to SMG Management Agreement](#)

14.3 [18-4410](#)

**APPROVE A RESOLUTION REAFFIRMING AND REENACTING
PREVIOUSLY APPROVED UTILITY RATES AND SERVICE
CHARGES TO PURSUE PROPERTY OWNER UTILITY ACCOUNT**

DELINQUENCIES

Recommended Action: RECOMMENDATION

Staff recommends Council approve a resolution reaffirming and reenacting previously approved utility rates and service charges.

It is further recommended that the City Manager be authorized to take such other actions as are appropriate to carry out the intent of the resolution.

Department: Administrative Services

Attachments: [Proposed Resolution - Utility Rates and Service Charges](#)

14.4 [18-4391](#) **ALLOCATE \$300,000 OF COUNCIL STRATEGIC PRIORITIES FUNDING FOR RESTRICTED INFRASTRUCTURE USE**

Recommended Action: RECOMMENDATION

It is recommended that the City Council approve a motion to allocate \$300,000 in Council Strategic Priorities Funding for restricted infrastructure use.

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

Department: Public Works

15. **HEARINGS******

16. **PUBLIC COMMENTS – MATTERS NOT ON THE AGENDA**

17. **COUNCIL COMMENTS**

18. **ADJOURNMENT**

INFORMATIONAL ITEMS

1 [18-4378](#) **CIVIL SERVICE/EQUAL EMPLOYMENT COMMISSION'S 2017 ANNUAL REPORT**

Recommended Action: RECOMMENDATION

Informational item only. No action is necessary.

Department: Human Resources

Attachments: [Attachment A - Commission's 2017 Annual Report to Council](#)
[Attachment B - Commission's 2017 Attendance Report](#)

2 [18-4348](#) **COUNCIL COMMITTEE / BOARDS & COMMISSION MINUTES**

Recommended Action:

RECOMMENDATION

Information only. No action required.

Department:

City Clerk

Attachments:

[2017-07-20 - Civil Service Commission Minutes](#)

[2017-08-17 - Civil Service Commission Minutes](#)

[2017-09-21 - Civil Service Commission Minutes](#)

[2017-10-19 - Civil Service Commission Minutes](#)

[2017-11-16 - Civil Service Commission Minutes](#)

[2017-12-21 - Civil Service Commission Minutes](#)

[2018-01-18 - Civil Service Commission 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 13, 2018, in compliance with the Brown Act.

**Bret Hunter, CMC
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.