ADOPTION OF AN ORDINANCE AMENDING TITLE 16 REGARDING THE APPEAL AND RECONSIDERATION PROCESS REQUIRING A SUPERMAJORITY FOR THE CITY COUNCIL TO REVERSE OR RECONSIDER ANY DECISION OF THE PLANNING COMMISSION

RECOMMENDATION


Summary

As currently outlined in Title 16, Chapters 16.88, 16.100, 16.128, and 16.220, both appeal and reconsideration processes require a supermajority (5 votes) for the City Council to reverse or reconsider any decision made by the Planning Commission. However, the Stockton City Charter requires that the City Council act by majority vote to pass both resolutions and ordinances. To maintain consistency with the Charter, reconcile these differences, and create consistency amongst the City’s policy documents, including Rosenberg’s Rules of Order, the proposed comprehensive ordinance amendment has been drafted for City Council consideration (Attachment A).

On January 11, 2018, Planning Commission considered the proposed ordinance amendment and voted 5 to 2, to table the item to the January 25th Planning Commission Meeting.

Staff recommends that Council adopt the ordinance amendment as proposed.

DISCUSSION

Background


In 1993, Stockton Municipal Code (SMC) Title 16, Section 16-089.1 “Appeal” was amended by ordinance to require five (5) concurring votes of the City Council to overrule or modify a decision of the Planning Commission. This requirement was carried over to the current version of the Code in sections 16.100.020 (previous section 16-450.020 added by ordinance in August 2004) and 16.100.040.
In June 1996, section 16-188 was added by ordinance to provide the requirements for the application, filing, processing, and review of Development Agreements. Included in that procedure is a requirement that Commission decisions only be overturned with a supermajority vote by Council. This requirement carried over to the current version of the Code, SMC Chapter 16.128, Section 16.128.070.

Chapter 16.220 (previous chapter 16-140), Sections 16.220.070, 16.220.080, 16.220.090 was amended by ordinance in 1984, 1988, 1989. That Chapter provides the authority, duties, and requirements for the rules pertaining to Cultural Resources, including the rules on designation of Landmarks, Historic Preservation Districts, historic sites. All of these sections contain a supermajority requirement for Council to overturn or modify recommendations from the Commission.

On November 8, 1994, Stockton City Charter Article V, Section 503, was amended by the voters as follows:

No ordinance or resolution shall become effective without receiving the affirmative votes of a majority of the members of the City Council, except as otherwise specifically provided in this Charter. Prior to this date, the City Charter required a 2/3rds vote to pass a resolution.

Present Situation

Recognizing the need to be consistent with the City Charter and the 1994 voter approved Charter Amendment, staff drafted a comprehensive code amendment to create internal consistency between the City of Stockton’s Charter, Development Code, and other policy documents, including Rosenberg’s Rules of Order.

Planning Commission Action

On January 11, 2018, The Planning Commission considered the proposed ordinance amendment. The Planning Commission expressed concerns voting on the item without having a clear picture as to the intent of the 1994 City Charter amendment and the Municipal Code Sections proposed to be amended. Staff provided information on the research that was done for staff report and spoke to the limited information available in the records on the intent of the 1994 Charter amendment. Staff also explained that research into the intent of the 1994 Charter amendment and previous Code amendments would not affect the need for the Stockton Municipal Code to be consistent with the Stockton City Charter.

A motion passed (5-2) to table the item to the January 25th Planning Commission meeting. A second passed (7-0) directing staff to provide additional history on the specific code sections being amended and to provide the original ballot for the 1994 City Charter Amendment.

Environmental Clearance

The proposed ordinance does not constitute a project under the California Environmental Quality Act (CEQA) because the revised regulations will not result in any physical change to the environment, and any subsequent project under the ordinances will be subject to individual environmental review, therefore, no environmental analysis is needed.
Financial Summary

There is no anticipated financial impact to the City as a result of these code amendments.

Attachment A - Proposed Ordinance - Redline Version