

February 15, 2011, 7:00 p.m.

City Council Chambers, 333 Civic Center Plaza

Web Site: www.ci.tracy.ca.us

Mayor Ives called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

The invocation was given by Pastor Rob Krenik of Calvary Chapel of Tracy.

Roll call found Council Members Abercrombie, Elliott, Rickman, Mayor Pro Tem Maciel, and Mayor Ives present.

Mayor Ives and Council Member Abercrombie presented Certificates of Recognition to D.A.R.E. graduates from Wanda Hirsh and George Kelly Elementary Schools.

1. CONSENT CALENDAR – It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
 - A. Minutes Approval – Regular meeting minutes of January 4, 2011, and closed session minutes of February 1, 2011, were approved.
 - B. Award of a Construction Contract to Premier Cathodic Protection, Inc. of Langley, Washington, for Construction of the John Jones Water Treatment Plant (JJWTP) Buried Piping Corrosion Protection Project - CIP 75103, Approve an Appropriation of Funds in the Amount of \$200,000 from the Water Capital Fund (F513), and Authorize the Mayor to Execute the Construction Contract – Resolution 2011-031 awarded the construction contract and approved the appropriation.
 - C. Approve Amendment 1 to the Professional Services Agreement (PSA) with Shah Kawasaki Architects to Provide Additional Services for the Phased Design of Fire Stations 96 and 92 - CIPs 71061 & 71062, and Authorization for the Mayor to Execute the Agreement – Resolution 2011-032 approved Amendment 1 for a not to exceed amount of \$24,700.
 - D. Support of the Enterprise Zone Program – Resolution 2011-033 was adopted in support of the Enterprise Zone program.
 - E. Finding that it is in the Best Interest of the City to Forego the Formal Request for Proposal Process and Approval of an Amendment to the Agreement with CH2M Hill for Calendar Year 2011 Work for the Geographic Information System (GIS) for Public Works Utility System and Citywide GIS and Authorization for the Mayor to Sign the Agreement for a Not to Exceed Amount of \$997,500 – Resolution 2011-034 found that it was in the best interest of the City to forego the formal request for proposal process and approved the amendment to the agreement with CH2M Hill.

2. ITEMS FROM THE AUDIENCE - Paul Miles, 1397 Mansfield Street, addressed Council regarding his complaint alleging police misconduct. Mr. Miles presented material in support of his complaint, including a letter from Chief Thiessen dated December 10, 2009, a letter from Leon Churchill Jr., dated February 1, 2011, a recording of witness statements, and Sergeant Sheneman's report and notes. Mr. Miles requested that all documents be entered into the record.
3. DECLARE THE CITY OWNED PROPERTY ON VALPICO ROAD ADJACENT TO THE RED MAPLE VILLAGE CENTER APN 246-130-15 SURPLUS AND PROVIDE DIRECTION TO STAFF TO NEGOTIATE A PURCHASE AGREEMENT WITH KITCHELL FOR A PROPOSED MULTI-FAMILY PROJECT - Andrew Malik, Director of Development and Engineering Services, presented the staff report. The City owns two acres of property on Valpico Road, just east of the Red Maple Shopping Center on the northeast corner of Tracy Boulevard and Valpico Road. The site was identified as a location for a new fire station to replace the fire station located at the corner of Central Avenue and Tracy Boulevard (Station 97). Since there are alternative sites available in the area, the City wishes to sell the site on Valpico Road and use the proceeds of the sale to secure property to accommodate the future relocation of Fire Station 97.

Kitchell Development, the owner/developer of the Red Maple Shopping Center, has plans to develop multi-family residential immediately east of the Raley's grocery store in the shopping center. The shopping center and surrounding area was designated as "Village Center" as part of the General Plan, which promoted the development of residential uses near shopping opportunities to encourage pedestrian connections and walkable developments.

Residential uses fronting Valpico Road will alleviate previous Council concerns that all residential uses would be hidden behind the Raley's building. As shown on the conceptual plan, Kitchell proposes to utilize the City's property and portions of the existing Red Maple Village property to develop a high amenity fully integrated residential project with the grocery and retail shops nearby. This type of integrated residential and retail development would further the City's General Plan Policies relative to promoting mixed use developments to encourage multiple modes of connectivity such as bike, pedestrian, automobile etc.

Council considered several options regarding the sale of this property including:

1. Do not declare the property surplus. Do not sell the property.
2. Declare the property surplus and direct staff to negotiate the sale with the adjacent property owner, Kitchell Development, for multi-family residential.
3. Declare the property surplus and send out a Request-for-Proposals (RFP) for interest in the property for residential or other commercial uses.

Execution of a purchase agreement with Kitchell Development will result in a positive impact to the General Fund which could be used to address additional fire resource needs in the area.

Staff recommended that the Council direct staff to begin negotiations with Kitchell Development for the sale of the City owned two acre site adjacent to the Red Maple

Shopping Center on Valpico Road for development of an integrated multi-family residential project and use the proceeds of the sale to purchase a suitable site in the general area for future construction of a fire station.

Council Member Abercrombie asked when was the last time the City talked to anyone about purchasing a specific piece of property. Mr. Malik stated approximately one year ago. Council Member Abercrombie asked if there was any desire to go back to those individuals. Mr. Malik indicated that could be discussed with Kitchell Development or the owners of the multi-family sites.

Council Member Elliott asked staff to enumerate the benefits of option 2 vs. option 3. Mr. Malik explained that Kitchell was the neighboring property owner. Council Member Elliott asked if there was any expressed interest in that property from other parties. Mr. Malik stated no.

Mayor Pro Tem Maciel asked if the property had to compete for RGA's. Mr. Malik stated this property would be considered part of the priority growth center of the City.

Council Member Rickman asked if the property was offered to other developers. Mr. Malik stated Kitchell has been the property owner for the neighboring properties and up until now the City has been following the path for a fire station. Mr. Malik further stated it was a two acre piece surrounded by residential.

Mayor Ives invited members of the public to address Council on the item.

A representative of Kitchell Development stated the most recently constructed multi-family project similar to this plan would be Waterstone. Council Member Rickman asked how many units would be on the two acre site. The representative stated approximately 25 to 30 units per acre.

Mr. Malik added that all the approvals for the architecture and design would come before Council for consideration.

Robert Tanner, 1371 Rusher Street, asked about a reference to \$700,000 in Kitchell's letter to the City. Mr. Malik explained the reimbursement process and added there was a reimbursement through the City for improvements Kitchell made on Valpico Road.

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt Resolution 2011-035 declaring the City owned property on Valpico Road adjacent to the Red Maple Village Center, APN 246-130-15, surplus and directed staff to negotiate a purchase agreement with Kitchell for a proposed multi-family project. Voice vote found all in favor; passed and so ordered.

4. **APPOINT FIVE APPLICANTS TO THE MEASURE E RESIDENTS' OVERSIGHT COMMITTEE** - Council Member Abercrombie indicated he and Council Member Rickman had interviewed 26 applicants for five vacancies on the newly created committee. It was moved by Council Member Abercrombie and seconded by Council Member Rickman to appoint Arch Bakerink, Robert Tanner, and George Riddle to serve three year terms, which will expire on March 1, 2014. Larry Hite and David Ciesco were appointed to two year terms, which will expire on March 1, 2013. Voice vote found all in favor; passed and so ordered.

5. ITEMS FROM THE AUDIENCE – None.

6. COUNCIL ITEMS

- A. Appointment of City Council Subcommittee to Interview Applicants for Vacancies on the Transportation Advisory Commission - There are six vacancies on the Transportation Advisory Commission due to three term expirations, and three mid-term resignations. The vacancies are being advertised and the recruitment will close on February 22, 2011. In accordance with Resolution 2004-152, a two-member subcommittee needs to be appointed to interview the applicants and make a recommendation to the full Council.

Council Member Abercrombie and Mayor Pro Tem Maciel volunteered.

- B. Consider a Request from Council Member Abercrombie to Place an Item for Discussion on a Future City Council Agenda Regarding an Agreement Between the County of San Joaquin and AMR-West for Emergency Ambulance Service in San Joaquin County - Council Member Abercrombie stated he requested consideration of the item because Council has had no previous voice in the agreement, which impacts the Fire Department and Tracy residents. Council Member Abercrombie stated his concerns included response time standards, ambulance providing 504 unit hours per week in Tracy, base rate for advanced life support, the rate of the increase, supplies and dispatch.

Council Member Abercrombie asked if it would be possible for Council to discuss their concerns to staff and preclude any action. Dan Sodergren, City Attorney, indicated it would involve direction from Council.

Council Member Rickman stated he was concerned with the response times and asked who determined what injury received a particular code, 2, 3, etc.

Mayor Pro Tem Maciel asked how the agreement pertained to Council when the Council was not a party to it. Mayor Pro Tem Maciel added he was looking for a more objective report, possibly from the Fire Department.

Council Member Elliott referred to dispatch and asked if the City was prohibited from having input into what it dispatched. Council Member Elliott indicated he wanted to make sure that Tracy is getting the coverage it requires.

Mr. Churchill stated he had been notified that Fire Administration has several concerns and that follow up would occur between Chief Nero, himself and the County.

Mayor Ives invited members of the public to address Council on the item.

Dave Helm, 1000 Central Avenue, asked for clarification regarding code 2 and code 3. Mayor Ives responded he did not believe Council had that information. Council Member Abercrombie provided an excerpt from the agreement regarding coded calls. Mr. Helm asked why calls could not be dispatched to Tracy Fire and the EMR.

George Riddle, 1850 Harvest Landing Lane, stated he expected one responder to arrive in an appropriate time frame with the necessary tools, and not have to pay for multiple responders.

Mayor Ives indicated Council would leave it up to Council Member Abercrombie and staff to pursue.

Mayor Pro Tem Maciel indicated there must be some involvement between the City and the overall process. Mr. Churchill responded there are operational implications in the proposed contract that impact Tracy and other communities, and indirectly, the Council. Mr. Churchill stated Chief Nero planned to respond directly.

Chief Nero provided some background information.

Mayor Ives indicated it might be helpful for the Council and the public to receive an update on March 1, 2011.

Mayor Pro Tem Maciel requested staff provide Council with issues and options and the cost.

Mayor Ives stated he was in Washington D.C. and met with representatives regarding the Altamont Corridor Express, and language to a bill pertaining to the Schulte Road property. Mayor Ives also represented the City on funding for the MacArthur Road overpass.

Mayor Ives indicated he visited the Governor's office yesterday to discuss the impacts to the City of Tracy if redevelopment funds and enterprise zones were eliminated.

7. ADJOURNMENT - It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adjourn. Voice vote found all in favor; passed and so ordered. Time 8:12 p.m.

The above agenda was posted at the Tracy City Hall on February 3, 2011. The above are summary minutes. A tape recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk