

April 5, 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 Reverend Vijh, Sant Nirankari Mission.

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

Leon Churchill, Jr., City Manager, presented the Employee of the Month award for April 2011, to Barbara Harb, Economic Development Department.

Mayor Ives presented a proclamation to Don Sader, D.A.R.E. Coordinator, and Larry Hite, declaring April 8, 2011 National D.A.R.E. day.

Mayor Ives presented a proclamation to Jazmin Hurtado, Sexual Assault Prevention Specialist, Women's Center of San Joaquin County, declaring April Sexual Assault Awareness Month.

Mayor Ives presented a proclamation to Walter McGinnis, Senior Volunteer, Lolly Hansen Senior Center, declaring April National Volunteer Month.

Mayor Ives presented a proclamation to Valda Van Gelderen, Donate Life Ambassador, California Transplant Donor Network, declaring April DMV/Donate Life California Month.

1. CONSENT CALENDAR – Following the removal of items 1.A, 1.E, 1.H and 1.I it was moved by Council Member Abercrombie and seconded by Council Member Maciel to adopt the Consent Calendar. Roll call vote found all in favor; motion carried 5:0.
 - A. Minutes Approval – Regular meeting minutes of February 15, 2011, special meeting minutes of February 28, 2011, and closed session minutes of March 15, 2011, were approved. Council Member Elliott stated there was an omission in his comments on Item 3 relating to the Sustainability Action Plan (SAP), for the February 1, 2011, regular City Council minutes. Carole Fleischmann, Assistant City Clerk stated she would review the recording and amend the minutes as necessary. Mayor Ives stated the regular meeting minutes of February 1, 2011 were adopted as modified.
 - B. Award a Construction Contract for the Street Patch & Overlay (FY 2010-11) – CIP 73121, Traffic Signal Loop Detectors and Controllers Replacement at Various Locations in the City – CIP 72070, & 72075, to Desilva Gates Construction of Dublin, California, and Authorize the Mayor to Execute the Contract – Resolution 2011-064 approved the contract in the amount of \$520,774.

- C. Authorize a Professional Services Agreement with BKF Engineers of Pleasanton, CA, for a Not to Exceed Amount of \$58,800 to Provide Professional Engineering Services for the Preparation of Environmental Documents, Plans, Specifications and Cost Estimates for the Traffic Signal at Lammers Road and Schulte Road (West) Project - CIP 72068, and Authorize the Mayor to Execute the Agreement – Resolution 2011-065 authorized the agreement.
- D. Acceptance of the Bessie Avenue Reconstruction Phase 1 (Eleventh Street to Carlton Way) Project - CIPs 73101, 74076, 74082, 74086, 75095, 75101, 76027 (Federal Project Number ESPL 5192(028)), Completed by Desilva Gates Construction of Dublin, California, and Authorization for the City Clerk to File the Notice of Completion – Resolution 2011-066 accepted the project
- F. Approve the Second Amendment to the Offsite Improvement Agreement with Winco Holdings, Inc. of Boise, Idaho, to Extend Time for Completion of Work and Authorize the Mayor to Execute the Amendment – Resolution 2011-067 approved the amendment.
- G. Acceptance of the Additional Parking for the Civic Center Area Project – CIP 71065, Completed by Rodgers Construction & Engineering Company, Inc., of Stockton, California, and Authorization for the City Clerk to File the Notice of Completion – Resolution 2011-068 accepted the project.
- J. Award a Construction Contract to Knife River Construction of Stockton, California, for Construction of the Kavanagh Avenue Extension West of Corral Hollow Road Project - CIP 73097, and Authorize the Mayor to Execute the Contract – Resolution 2011-069 approved the contract in the amount of \$430,982.50.
- E. Authorize Establishment of Stop Signs to Replace Existing Yield Signs at Various Locations throughout the City – Kul Sharma, City Engineer, presented the staff report. The Development and Engineering Services Department has received comments from a concerned resident regarding existing yield signs at the intersection of Twelfth Street and Adam Street. Currently, the intersection is controlled by a two-way yield sign on Adam Street. Traffic on Adam Street sometimes does not yield to Twelfth Street traffic and creates traffic conflict points at the intersection. The current City practice is to use stop signs to provide a greater right of way control and enforceability at intersections compared to yield signs. Staff completed a city wide survey of intersections that are controlled with yield signs and identified a total of nine intersections: Twelfth Street & Adam Street; Twelfth Street & Wall Street; Twelfth Street & Roosevelt Ave; Twelfth Street & El Portal Street; Twelfth Street & E Street; Twelfth Street & F Street; Mae Ave & Hollywood Ave; Highland Ave & Roosevelt Ave, and Standridge Road & Vallerand Road. To provide uniformity and consistency staff recommended converting the existing yield controlled intersections with stop signs.

The Police Department staff has reviewed the proposed changes and concurred with the recommendation. City crews will install the necessary signs during spring and summer of this year. Funding for the maintenance of City streets,

which includes striping and installation of stop signs, is included in the Public Works Department operating budget.

Robert Tanner, 1371 Rusher Street, questioned whether accidents had been reported at these locations. Mr. Tanner stated he lived close to the Standridge and Vallerand intersection and was not aware of any accidents at this location, particularly during the past two years. Mr. Sharma responded there had been an accident at Twelfth and Adam and a number of near misses. However, staff had reviewed all nine intersections and determined that the physical and site conditions indicate it will be safer to install Stop signs as opposed to Yield signs. Mr. Tanner asked if the City really needed to spend the money, and inquired as to the cost for each intersection.

Andrew Malik, Director of Development and Engineering Services, stated the cost amounted to approximately \$500 per intersection and was included in the annual maintenance fund budget.

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt Resolution 2011-070 authorizing Stop signs to replace existing Yield signs at various locations throughout the City. Voice vote found all in favor; passed and so ordered.

- H. Award a Construction Contract to Coastside Concrete of Santa Rosa, California, for the Lowell Avenue Bikeway Improvement Project - CIP 78113, and Authorize the Mayor to Execute the Contract – Paul Miles, 1397 Mansfield Street, asked if locations would be provided for bicycle parking. Mr. Sharma responded bicycle racks were provided at City Hall, and the Transit Station. Staff is looking to place bike racks at other locations and there is a possibility of some funding being available for the project. It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt Resolution 2011-071 awarding a construction contract in the amount of \$44,671 to Coastside Concrete of Santa Rosa, California, for the Lowell Avenue Bikeway Improvement Project, CIP 78113, and authorizing the Mayor to execute the contract. Voice vote found all in favor; passed and so ordered.
- I. Approving Consent of an Assignment and Assumption Agreement for the Existing Development Agreement of Bank of America Properties with the New Buyer, Authorizing the Mayor to Execute the Agreement, and Authorizing the City Clerk to File the Agreement with the San Joaquin County Recorder – Andrew Malik presented the staff report. The Developer's predecessor in interest, BA Properties Inc., a Delaware corporation (BAPI) entered into a Development Agreement dated July 20, 1999, with the City. The Development Agreement was recorded in the Official Records of San Joaquin County on August 20, 1999, as Document number 99106319. BAPI assigned all its interests and obligations under the Development Agreement to Shea Homes Limited Partnership, a California limited partnership (SHLP) pursuant to an Assignment and Assumption Agreement that was recorded on October 1, 1999 as Document number 99124396 of the San Joaquin County Records. Pursuant to that certain Assignment and Assumption Agreement, recorded on the Official Records of San Joaquin County on May 3, 2001, as Document number 01083735, SHLP assigned all its interests under the Development Agreement to South Tracy

Industrial Park, LLC. As the first step of a complex financial transaction, the City Council recently approved an Assignment and Assumption Agreement, recorded on the Official Records of San Joaquin County on March 23, 2011, as Document number 2011-035445, whereby South Tracy Industrial Park, LLC, assigned all its interests under the Development Agreement to STIP SPE II, LLC, the developer of the South Tracy Industrial Park Subdivision (Developer). To complete the financial transaction, the Developer now desires to assign its respective interests under the Development Agreement to HOF Financial I, LLC, a Delaware limited liability company (Assignee) to that portion of the property shown on the map attached to the staff report.

City staff reviewed the request to approve an assignment and found it to be consistent with the Development Agreement. Pursuant to the Development Agreement, the City had to consent to an assignment of developer's rights, interests, and obligations in the Development Agreement. The Assignee has acknowledged and understands that any outstanding obligations of the Developer under the Development Agreement will be assumed by the Assignee. The new Assignment and Assumption Agreement have been executed by both the Developer and the Assignee. The Assignment and Assumption Agreement is on file with the City Engineer.

Council Member Elliott inquired whether there was an underlying problem due to the number of previous transactions. Mr. Malik responded no; sale of the property did not require the City's consent. The action is to complete some administrative work which will facilitate sales and development in the area.

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt Resolution 2011-072 approving Consent of an Assignment and Assumption Agreement for the Existing Development Agreement of Bank of America Properties with the new buyer, authorizing the Mayor to execute the Agreement, and authorizing the City Clerk to file the Agreement with the San Joaquin County Recorder. Voice vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Steve Nicolaou, Attorney, commented on an article in a recent edition of the Tracy Press related to employee claims against the City. Mr. Nicolaou stated insurance is available to cover employees' claims against companies employing 10 or more people.

Dave Helm, 1000 North Central Avenue, reported his business in downtown Tracy had been hit by vandals recently causing approximately \$2,000 worth of damage to his property. Mr. Helm suggested the violence is more widespread than the original downtown area, and while he appreciated the two-man patrol car he had seen neither the Gang Suppression Unit nor the Street Crimes Unit which he understood would be assigned to the downtown area.

3. APPOINT SIX APPLICANTS TO THE TRANSPORTATION ADVISORY COMMISSION
ITEMS FROM THE AUDIENCE - There are six vacancies on the Transportation Advisory Commission due to term expirations and mid-term resignations. To fill the vacancies the City Clerk's office conducted a recruitment which opened on February 1, 2011, and closed on March 2, 2011. Eight applications were received. On March 17,

2011, a Council subcommittee consisting of Council Member Abercrombie and Mayor Pro Tem Maciel interviewed the applicants. In accordance with Resolution 2004-152, the Council subcommittee recommended six applicants for appointment. Three appointees will serve four year terms, two appointees will serve terms of three years and one month, and one appointee will serve a term of two years and one month. Council Member Abercrombie stated he and Mayor Pro Tem Maciel had interviewed some outstanding applicants. Council Member Abercrombie motioned to appoint the following applicants: Joseph Orcutt (Incumbent), John Favors, and Shane O'Neill to four year terms beginning May 1, 2011, and ending April 30, 2015. Mark Gainor and Daniel Ramey to three year terms beginning April 6, 2011, and ending April 30, 2014, and Adam Duran to a two year term beginning April 6, 2011, and ending April 30, 2013. Mayor Pro Tem Maciel seconded the motion. Voice vote found all in favor; passed and so ordered.

4. SECOND READING AND ADOPTION OF ORDINANCE 1157 AN ORDINANCE OF THE CITY OF TRACY ADOPTING THE 2010 CALIFORNIA BUILDING CODE, 2010 CALIFORNIA ELECTRICAL CODE, 2010 CALIFORNIA PLUMBING CODE, 2010 CALIFORNIA RESIDENTIAL CODE, 2010 CALIFORNIA MECHANICAL CODE, 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE, 2010 CALIFORNIA HISTORICAL BUILDING CODE, 2010 CALIFORNIA EXISTING BUILDING CODE, AND 2010 CALIFORNIA ENERGY CODE, ADOPTING ADMINISTRATIVE AND PENALTY PROVISIONS, ADOPTING CERTAIN CODE APPENDICES, ADOPTING MINIMUM DESIGN STANDARDS FOR CONCRETE SLABS, REPEALING SECTIONS TO ELIMINATE ANTIQUATED OR REPETITIVE LANGUAGE, CODIFYING BYLAWS FOR THE BUILDING BOARD OF APPEALS AND ADDING CHAPTER 9.62 TO THE TRACY MUNICIPAL CODE TO REQUIRE PLACARDING FOR POST-DISASTER SAFETY ASSESSMENTS – Following a request by Mayor Ives the Assistant City Clerk read the title of proposed Ordinance 1157. Council Member Abercrombie moved to waive reading of the text. Mayor Pro Tem Maciel seconded the motion. Voice vote found all in favor; passed and so ordered. Council Member Abercrombie motioned to adopt Ordinance 1157. Mayor Pro Tem Maciel seconded the motion. Roll call vote found Council Member Abercrombie, Mayor Pro Tem Maciel, Council Member Elliott, Council Member Rickman and Mayor Ives in favor; motion carried 5:0. Ordinance 1157 was adopted.
5. ITEMS FROM THE AUDIENCE - None
6. COUNCIL ITEMS
 - A. Consider an Item for Discussion on a Future City Council Agenda Regarding the Adoption of a Resolution Recommending the California Citizens Redistricting Commission Place San Joaquin County in One Congressional, Assembly, and State Senate District – Mayor Ives stated the action was to discuss whether this item would be brought forward at a future Council meeting for discussion and action.

Council Member Elliott stated he had requested the Council consider placing an item on a future agenda to discuss adopting a resolution recommending the California Citizens Redistricting Commission place San Joaquin County in one Congressional, Assembly, and State Senate District.

In 2008, Proposition 11 established an independent Citizens Redistricting Committee, to configure state, assembly and senate district lines. In 2010, Proposition 20 was approved which granted the Citizens Redistricting Committee the authority to configure congressional district lines as well. Currently, San Joaquin County is represented by two congressional districts, four state assembly districts, and two state senate districts. The districts encompass Alameda, Amador, Contra Costa, El Dorado, Fresno, Madera, Mariposa, Merced, Sacramento, Solano, Santa Clara, Stanislaus, Tuolumne and Yolo counties. Mr. Elliott added since the population of San Joaquin County continues to grow at a faster pace than the rest of the state it is important that San Joaquin County be placed into one congressional, assembly, and state senate district to provide a unified voice on issues affecting the County. Mr. Elliott encouraged the Council to take a stand on the issue.

Following a brief discussion Council agreed to bring an item back for discussion and action at the April 19, 2011 City Council meeting.

7. ADJOURNMENT – It was moved by Council Member Abercrombie and seconded by Mayor Pro Tem Maciel to adjourn. Voice vote found all in favor; passed and so ordered. Time 7:45 p.m.

The above agenda was posted at the Tracy City Hall on March 31, 2011. The above are summary minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk