

**January 20, 2015, 7:00 p.m.**

City Council Chambers, 333 Civic Center Plaza

Web Site: [www.ci.tracy.ca.us](http://www.ci.tracy.ca.us)

Mayor Maciel called the City Council meeting to order at 7:01 p.m. and led the pledge of Allegiance.

The invocation was offered by Deacon Jack Ryan.

Roll call found Council Members Mitracos, Rickman, Vargas, Young and Mayor Maciel present.

Carole Fleischmann, Interim City Clerk, administered Oath of Office to newly appointed City Clerk Nora Pimentel.

Troy Brown, City Manager, presented the 2014 Employee of the Year award to Carlo Fanto, Information Services.

Troy Brown, City Manager, presented the Employee of the Month award for January, 2015 to Steve Bliss, Fire Department.

Mayor Maciel presented a Certificate of Appointment to Planning Commissioner Robert Tanner.

Mayor Maciel presented Certificate of Appointment to Leslie Douglas and a Certificate of Recognition to Alex Holgiun, Parks and Recreation Commission.

Mayor Maciel presented a proclamation to Achyut Varma, volunteer from HSS, in recognition of Health for Humanity Yogathon.

1. CONSENT CALENDAR

**ACTION** Motion made by Council Member Rickman, seconded by Council Member Young to adopt the Consent Calendar with the exception of items 1E, 1F and 1H. Roll call vote found all in favor; passed and so ordered. Motion carried 5:0

- A. Set a Public Hearing Date and Adopt a Resolution Related to the City's Intent to Vacate a Portion of Right-of-Way for North MacArthur Drive, South of I-205 - Resolution 2015-005 authorized the intent to vacate a portion of the right-of-way, and set a public hearing date for February 17, 2015.
- B. Minor Amendment to the Plaza One Final Development Plan to Replace Parking Stalls with an Outdoor Dining Area Adjacent to the Building at 2986 West Grant Line Road - Applicant is JS Kendall Construction, Inc. for Plaza One, LLC - Resolution 2015-006 approved the amendment.

- C. Award a Construction Contract to the Lowest Responsive and Responsible Bidder for the Sewer and Storm Drain Replacement FY 2014-2015 Project CIP 74098 and 76062 and Authorize the Mayor to Execute the Contract - Resolution 2015-007 awarded the contract.
- D. Approve Agreement between the City of Tracy, the South County Fire Authority, and the San Joaquin County Emergency Medical Services Agency to Provide Non-Transport Advanced Life Support Services and Authorize the Mayor to Execute the Agreement - Resolution 2015-008 approved the agreement.
- G. Approve Amendment No. 2 to the Professional Services Agreement between the City of Tracy and Management Partners, Inc. and Approve Funding Allocation - Resolution 2015-009 approved the agreement.
- E. Authorization to Enter Into a Professional Services Agreement With Central Valley Softball Umpire Association to Perform Umpiring Services for the City of Tracy and for the Mayor to Sign the Agreement - Resolution 2015-010 authorized the Professional Services Agreement.

Jolene Jaurequi, Recreation Coordinator, presented the staff report.

Paul Miles expressed his concern regarding paying for umpiring services and wanted to know more about the history of these services.

**ACTION** Council Member Rickman motioned to adopt Resolution 2015-010 authorizing the agreement.. Voice Vote found all in favor; passed and so ordered.

- F. Authorize the Purchase of Two Patrol Vehicles (Chevrolet Caprice and Chevrolet Tahoe) from Folsom Chevrolet of Folsom, California

Mark Duxbury, Interim Police Chief, Police Department, presented the staff report.

Paul Miles inquired if this was the lowest bid and what due diligence was done.

**ACTION** Motion made by Council Member Rickman, seconded by Council Member Vargas to adopt Resolution 2015-011 authorizing the purchase of two patrol vehicles. Council Member Vargas seconded the motion. Voice vote found all in favor; passed and so ordered.

- H. Approve Amendments to the City Council Policy Related to Procedures for Preparation, Posting and Distribution of Agenda and the Conduct of Public Meetings Including Changing from Summary to Action Minutes

Carole Fleischmann, Interim City Clerk, presented the staff report.

Robert Tanner asked what the difference was between summary and action minutes.

Paul Miles stated his objections to the approval of action minutes.

**ACTION**

Motion made by Council Member Rickman, seconded by Council Member Vargas to adopt Resolution 2015-012 approving amendments to the City Council Policy related to procedures for preparation, posting and distribution of the agenda and the conduct of public meetings including changing from summary to action minutes. Voice vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE - Leah Austin commented on the Council Member appointment process conducted on January 6, 2015. Ms. Austin stated more reform is needed, and more time needs to be allocated for deliberation. Peter Barrett concurred with Ms. Austin and added not enough consideration was given to what the people wanted to say. Mr. Barrett added he would have liked more time for discussion.

A resident commented about his involvement in bringing people together in other cities. Cities need to work to make the citizens feel engaged. The resident added that a conscious effort needs to be made to make sure things work for everyone represented.

Paul Miles alleged that last year the City was ethically challenged; he referred to the credit card issue related to a former City Manager.

A resident commented about the City Council appointment process which took place on January 6, 2015, and suggested there was a lack of transparency which needs to be addressed.

3. CONDUCT A PUBLIC HEARING AND ADOPT A RESOLUTION OF NECESSITY AUTHORIZING THE INITIATION OF EMINENT DOMAIN PROCEEDINGS TO ACQUIRE PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS ON CERTAIN REAL PROPERTIES FOR CONSTRUCTION OF A WASTEWATER EFFLUENT DISCHARGE PIPELINE FROM THE WASTEWATER TREATMENT PLANT TO THE OLD RIVER AND AUTHORIZE THE DEPOSIT OF \$200 FOR THE ALVES PARCEL, \$3,800 FOR THE PERRY PARCELS, AND \$11,900 FOR THE HOLLY COMMERCE CENTER PARCEL WITH THE STATE OF CALIFORNIA – CONDEMNATION DEPOSIT FUND

Steve Bayley, Project Specialist presented the staff report.

Mayor Maciel opened the public hearing.

Robert Tanner stated that the discussion related to the process of eminent domain should have been discussed in closed session prior to bringing the item forward.

Paul Miles stated that there was not enough information for the Council to make a decision.

Mayor Maciel closed the public hearing.

Council Member Rickman expressed he was not in favor of supporting this item.

Council Member Vargas stated that the staff report was incomplete and requested the item be brought back at another time. Council Member Vargas stated she wanted to see an exhibit which showed the property lines for parcels and location of the easements within those parcels.

Troy Brown, City Manager echoed that he would not feel comfortable with Council making a serious policy decision around eminent domain when Council believes they don't have the appropriate information to vote. Mr. Brown stated this item will be delayed for a few weeks but staff will provide a thorough report around negotiating parameters associated with the remaining parcels in closed session and then have a discussion to initiate the proceedings.

4. INTRODUCTION OF AN ORDINANCE AMENDING TITLE 9, CHAPTER 9.52 OF THE TRACY MUNICIPAL CODE, KNOWN AS FLOODPLAIN REGULATIONS AND SETTING A PUBLIC HEARING DATE AND TIME FOR ADOPTION OF THE ORDINANCE

This item was continued to a later date.

5. RECEIVE STATUS REPORT AND PROVIDE DIRECTION ON POTENTIAL CITY/SAN JOAQUIN COUNTY PARTNERSHIP FOR DEVELOPMENT OF A SOUTH COUNTY REGIONAL PARK SOUTH OF LEGACY FIELDS AND NORTH OF I-205

David Ferguson, Director of Public Works, presented the staff report.

Council Member Mitracos disclosed that she served as a commissioner on the San Joaquin County Parks and Recreation Commission for more than two terms. Council Member Mitracos stated she had reviewed old records related to parks in general and that the estimated maintenance costs for the park are high.

Robert Tanner commented that the maintenance cost is high and inquired if it is standard practice for a city to pay for the maintenance for a regional park built by the county.

Council Member Mitracos provided a brief background of what was done in the development of Mickey Grove Park.

Council Member Young suggested that the City and County share maintenance costs.

Maria Hurtado, Assistant City Manager, briefly reviewed with the Council what was approved in August related to the partnership concept. Since then staff has moved forward on the negotiation and this report is to provide an update on how negotiations are being formed.

Council reached consensus to accept the report with the following amendments:

- Look into sharing the cost of maintenance
- Keep the Council apprised on design options and final approval on conceptual design
- Return to Council before it is completely approved
- Provide maintenance estimates
- Potential revenue costs

## 6. ITEMS FROM THE AUDIENCE

Paul Miles urged the City Council to review the documentation he entered into the record and to hold this Council to a higher standard.

Mayor Maciel called for a recess at 9:09 p.m.

Council reconvened the meeting at 9:18 p.m.

## 7. COUNCIL ITEMS

- A. Consider Whether an Item Related to Development Agreements, Approved and Amended, Together with a Presentation by Staff, Should be Included on a Future City Council Agenda for Discussion

Carole Fleischmann, Interim City Clerk, presented the staff report.

Council Member Vargas stated she wanted to establish transparency regarding public benefit monies and clarity on what those benefits are. Maria Hurtado, Assistant City Manager, stated that staff would return with a staff report to review potential amendments to the Development Agreement procedure specific to the community benefit that the City receives. Following consensus, Council directed staff to return with a staff report at the first meeting in March, 2015.

- B. Review Appointments to Council Committees

Carole Fleischmann, Interim City Clerk, presented the staff report.

The following appointments were made:

City Chamber Liaison - Mayor Maciel, Alt Council Member Young  
 City School Liaison - Mayor Maciel, Council Member Rickman  
 Investment review Committee - Mayor Maciel, Council Member Mitracos  
 South County Fire - Council Member Rickman, Mayor Maciel  
 Public Facility financing - Council Member Young, Council Member Mitracos  
 City Selection Committee - Mayor Maciel  
 Community Development Block Grant - Vacant  
 Council of Governments - Mayor Maciel, Council Member Young  
 Citizen Advisory Committee - Council Member Young  
 San Joaquin Water Advisory Commission - David Ferguson,  
 Alt Council Member Mitracos  
 San Joaquin Partnership - Mayor Maciel

San Joaquin Rail Commission - Mayor Maciel  
 Solid Waste - Council Member Young  
 Special City Selection Commission - Council Member Mitracos,  
 Alt Council Member Vargas  
 League of California Cities, Central Valley - Council Member Vargas  
 Oversight Board of the Successor Agency - Mayor Maciel  
 Joint City County Criminal Task Force - Council Member Rickman,  
 Council Member Vargas, Alt Mayor Maciel  
 San Joaquin Council of Government One Voice - Mayor Maciel,  
 Alt Council Member Young  
 Altamont Regional Authority - Vacant\*  
 \*Mayor Maciel by default

**ACTION** Motion made by Council Member Rickman, seconded by Council Member Young to approve the appointments as discussed. Voice vote found Council Members Mitracos, Young, Mayor Pro Tem Rickman and Mayor Maciel in favor; Council Member Vargas opposed.

C. Appointment of Mayor Pro Tempore

Carole Fleischmann, Interim City Clerk, presented the staff report.

**ACTION** Motion made by Council Member Vargas, seconded by Council Member Mitracos to appoint Council Member Rickman as Mayor Pro Tempore. Council Member Voice vote found all in favor; passed and so ordered.

Mayor Maciel stated he wanted to revisit the Legacy Field's issue. Mayor Maciel suggested an agenda item or a workshop to discuss the next steps. The two step agenda process for Council items was waived and Troy Brown, City Manager suggested a workshop at the first meeting in March, 2015.

Mayor Pro Tem Rickman spoke about the Amazon Fulfillment Center and stated it was impressive.

Council Member Vargas stated she had requested an update on the communication towers for Council discussion, and wanted to know when the project will be up and running.

Council Member Young thanked everyone who supported the Martin Luther King event.

8. ADJOURNMENT

**ACTION** Motion made by Mayor Pro Tem Rickman, seconded by Council Member Young, to adjourn the meeting. Voice vote found all in favor; passed and so ordered. Time: 10:30 p.m.

The above agenda was posted at the Tracy City Hall on January 15, 2015. The above are action minutes. A recording is available at the Office of the City Clerk.

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Mayor

ATTEST:

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City Clerk