

**March 17, 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 Father Dondi, Church of the Resurrection.

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

Mayor Maciel administered Oath of Office to Police Officers Daniel Garcia and Derek Perry. Police Chief Hampton concluded with the pinning of the badges.

Mayor Maciel presented a Certificate of Appointment to Measure E Residents' Oversight Committee Member Eleassia Davis for a term beginning March 4, 2015 and ending March 1, 2017.

Mayor Maciel presented Certificate of Recognition to outgoing Transportation Advisory Commissioner William Helpley.

1. CONSENT CALENDAR

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

- A. Council Minutes – Regular Minutes of September 16, 2014, Special Meeting Minutes of February 24, 2015, and Closed Session Minutes of March 3, 2015 – were approved.
- C. Approve the Final Subdivision Map and Subdivision Improvement Agreement for the Bungalows, Tract 3351, Authorize the Mayor to Execute the Agreement, and Authorize the City Clerk to file the Subdivision Improvement Agreement with the San Joaquin County Recorder – Resolution 2015-036 approved Agreement.
- D. Award a Construction Contract to the Lowest Responsive and Responsible Bidder for the Corral Hollow/Kavanagh Storm Water Pump Station Rehabilitation - CIP 76065, and Authorize the Mayor to Execute the Contract – Resolution 2015-037 awarded a construction contract.
- E. Acceptance of the Widening of Grant Line Road East of MacArthur Drive to the Eastern City Limit – CIPS 73048, 75046, 76028, 76036, 72025, 72087 and 72088, Authorization for the City Clerk to file the Notice of Completion and Authorization for the City Engineer to Release the Bonds and Retention Payment

– Resolution 2015-038 accepted the widening of Grant Line Road East of MacArthur Drive.

- F. Approve the Second Amendment to the Off-Site Improvement Agreement with Tracy Joint Unified School District Relating to Kimball High School, the First Amendment to the Deferred Improvement Agreement with Tracy Joint Unified School District Relating to Kimball High School, Authorize the Mayor to Execute the Agreement, and Authorize the City Clerk to file the Amendments with the San Joaquin County Recorder – Resolution 2015-039 approved the second amendment.
- G. Approval of Permits for the Consumption of Alcoholic Beverages on City Streets for Various Events in 2015 – Resolution 2015-040 approved permits for various events in 2015.
- B. Award a Construction Contract to Teichert /MCM, a Joint Venture of Davis, California, for the Reconstruction of the Eleventh Street - East Tracy Overhead Bridge Replacement Project- CIP 73063, Federal Project No. BHLS – 5192(020), Authorize the City Manager to Approve Required Change Orders, Authorize Appropriation of \$790,000 from Gas Tax Fund 245 to this Project, and Authorize the Mayor to Execute the Construction Contract – Resolution 2015- 041 awarded the construction contract.

Council Member Vargas pulled this item to commend staff on a job well done and expressed her enthusiasm seeing this project moving forward.

- ACTION** Motion made by Council Member Vargas, seconded by Mayor Pro Tem Rickman to adopt Resolution 2015-041 awarding a construction contract to Teichert/MCM. Voice vote found all in favor; passed and so ordered.
2. ITEMS FROM THE AUDIENCE – Robert Tanner, 1371 Rusher Street, suggested when citizens notice a street light out, call the City and provide a pole number and nearest address to that street light. In doing so, it will assist with keeping the streets lit and crime down. The number to call is 831-4481.
- Jody Adams, East Lake Circle, spoke about a recent pothole incident. In Mr. Adams opinion a vehicle damaged by bad road conditions that are not maintained should be compensated by the City. Mr. Adams expressed disappointment in hearing from Aimes, claim adjusters, Robert Smoke that 99% of claims are denied. Mr. Adams stated that the right thing to do is to look at the claims and if damage is caused by City streets and neglect of the roads they should be approved.
- Jacob, 1821 McKenna Drive, agreed with Mr. Adams comments and stated he drives down Chrisman Road every day and the road conditions are horrible. Jacob suggested that a speed limit sign be posted over by the 11<sup>th</sup> Street overpass.
3. HOLD A PUBLIC HEARING TO APPROPRIATE \$204,980 FROM THE FY 2013-14 AND 2014-15 CITIZENS OPTIONS FOR PUBLIC SAFETY “COPS” GRANT

PROGRAM FUNDING FOR THE PURCHASE OF OFFICER BODY-WORN CAMERAS, AND RELATED EQUIPMENT, FIND IT IS IN THE BEST INTEREST OF THE CITY TO FOREGO THE FORMAL REQUEST FOR BID PROCESS AND AUTHORIZE THE MAYOR TO EXECUTE A 5-YEAR CONTRACT WITH TASER INTERNATIONAL, INCORPORATED AND EVIDENCE.COM FOR DATA STORAGE – Resolution 2015-042

Lani Smith, Support Operations Manager and Police Chief Hampton presented the staff report.

Council comments and questions followed.

Mayor opened the public hearing

Kate Miller inquired about the new technology and asked if the recording could be deleted once recorded or is it permanent. Ms. Miller asked if a recording was lost or deleted but it was supposed to be kept for 99 years what would happen.

Mayor closed the public hearing.

Council discussion continued.

**ACTION** Motion made by Mayor Pro Tem Rickman, seconded by Council Member Vargas to adopt Resolution 2015-042 authorizing an appropriation of \$204,980 from the FY 2013-14 and 2014-15 Citizens Options for Public Safety Grant Program funding for the purchase of officer body-worn cameras, and related equipment; find it is in the best interest of the City to forego the formal request for bid process, and authorizing the Mayor to execute a 5-year contract with Taser International, Incorporated and Evidence.com for the data storage. Council Member Voice vote found all in favor; passed and so ordered.

4. PUBLIC HEARING TO CONSIDER THE ALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) FUNDS FOR FISCAL YEAR 2015-2016.

Mayor Maciel disclosed that his wife serves on the board of Tracy Interfaith Ministries and therefore recused himself from the discussion to avoid any conflict of interest. Council Member Young disclosed that she is a board member for the Boys and Girls Club and therefore recused herself from discussion. Mayor Maciel and Council Member young both left the dais at 8:17 p.m. Council Member Mitracos disclosed that her mother was a founding board member of McHenry House and she in the past has served as a board member. Ms. Mitracos did not recuse herself from discussion as that was over seven years ago but wanted to disclose that information.

Vanessa Carrera, Management Analyst, City Manager's office, presented the staff report.

Council comments and questions followed.

Mayor Pro Tem Rickman opened the public hearing.

Debbie Miller, Acting Director of Emerson House, stated that the application submitted was to add a dormitory. In order to accommodate more beds Emerson House needs to add living space. The estimate from the contractor was \$60,000 to \$70,000 for the remodel, Emerson House was allocated \$50,000 and hopes to be able to complete the project.

Valerie Simms, expressed concern related to an error that resulted in grant denial to VBR Foster Family Agency. Ms. Simms clarified that the agency does not receive any state, county or federal funds for domestic violence. Ms. Simms was not clear on why the agency did not receive the funding requested. She stated that funding was received in the past with the same language on the application.

Ashley Myrie inquired why VBR Agency was awarded five times before in previous years with the same verbiage in the application which is now being denied.

Jacob Sevilla expressed concern that there seemed to be reluctance in giving money to non-profits.

Mayor Pro Tem Rickman closed the public hearing.

Staff was directed to work with Ms. Simms of VBR to assist her with future CDBG application processes.

#### **ACTION**

Motion made by Council Member Mitracos, and seconded by Council Member Vargas to adopt amended Resolution 2015- 043 allocating Community Development Block Grant and Home Investment Partnership Program funds for Fiscal Year 2015-2016. Voice vote found Council Members Mitracos, Vargas, Mayor Pro Tem Rickman in favor; Council Member Young and Mayor Maciel abstained.

Council Member Young and Mayor Maciel returned to the dais at 8:52 p.m.

Mayor Maciel called a recess at 8:52 p.m.

Meeting was reconvened at 9:00 p.m.

5. DISCUSS AND PROVIDE DIRECTION ON CITY COUNCIL PROCEDURES FOR PREPARATION, POSTING AND DISTRIBUTION OF AGENDA AND THE CONDUCT OF PUBLIC MEETINGS, INCLUDING PROVISIONS RELATED TO COUNCIL MEMBER REQUESTS FOR MATTERS TO BE DISCUSSED BY COUNCIL

Dan Sodergren, City Attorney, presented the staff report.

By consensus the City Council directed staff to cancel the two step process and proceed with a one-step agenda process. This process would allow any Council Member to bring forward any item supported by a second Council Member. The

City Manager would schedule that item according to the workload; items may be agendaized as soon as the next meeting other items may take 30, 45, 60 days or longer to be brought forward depending on the item. A draft of the new one-step agenda process will be brought back to Council on April 7, 2015 for approval.

6. SECOND READING AND ADOPTION OF ORDINANCE 1195 AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTION 3.08.580, OF CHAPTER 3.08 (TRAFFIC REGULATIONS) OF TITLE 3 (PUBLIC SAFETY) OF THE TRACY MUNICIPAL CODE – Ordinance 1195 adopted.

Nora Pimentel, City Clerk, read into the record the title of Ordinance 1195.

**ACTION** Motion made by Mayor Pro Tem Rickman and seconded by Council Member Young to waive reading of text. Voice vote found all in favor; passed and so ordered.

**ACTION** Motion made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Ordinance 1195. Voice vote found all in favor; passed and so ordered.

7. DISCUSS WHETHER TO CANCEL THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR TUESDAY, APRIL 21, 2015 AND SCHEDULE A SPECIAL MEETING ON APRIL 28, 2015

Nora Pimentel, City Clerk, presented the staff report.

Council comments and questions followed.

**ACTION** It was motioned by Council Member Young and seconded by Mayor Maciel to reschedule the Tuesday, April 21, 2015 Council meeting to April 28, 2015. Voice vote found Council Member Young and Mayor Maciel in favor; Council Members Mitracos, Vargas and Mayor Pro Tem Rickman opposed.

Motion failed.

By consensus of the Council staff was directed to keep the regular April 21, 2015 Council meeting as scheduled.

8. ITEMS FROM THE AUDIENCE

Diana Diaz reported being assaulted at Pescadero Park on Saturday, March 14, 2015 at 4:00 p.m. Ms. Diaz wanted to petition an item on the next agenda to consider fencing off Pescadero Park for the safety of others.

9. COUNCIL ITEMS

Mayor Pro Tem Rickman wished everyone a happy St. Patrick's Day and announced the new animal shelter is open. Mayor Pro Tem Rickman expressed his concern about the increase in homelessness; he has been receiving numerous calls and texts from Tracy residents related to panhandling throughout

the City, hypodermic needles in parks, defecation, and encampments. Mayor Pro Tem Rickman inquired about what resources the City has to help or is there a need for different ordinances.

Staff will keep Council apprised on the homeless issue via emails, informational memos and other means.

Council Member Vargas announced the Tracy Guns and Roses upcoming charity basketball tournament on March 28, 2015 at Tracy High School a 6:15 p.m. Tickets are on sale \$8 for one, \$15 for two and \$20 for three.

Council Member Young announced the upcoming Tracy Women’s Forum Farewell event taking place on Friday, March 20, 2015 at the Tracy Community Center beginning at 9:00 a.m. Council Member Young also announced the State of the City Address taking place on March 26, 2015 at the Grand Theatre.

Mayor Pro Tem Rickman wished everyone a Happy Easter.

Council Member Mitracos reported having a wonderful time at the Once on this Island production put on by the Norte Dame De Namur at the Grand Theatre.

10. ADJOURNMENT

**ACTION** Motion made by Mayor Pro Tem Rickman and seconded by Council Member Young, to adjourn the meeting. Voice vote found all in favor; passed and so ordered. Time: 9:50 p.m.

The above agenda was posted at the Tracy City Hall on March 12, 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