

June 2, 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 7:02 p.m. and led the Pledge of Allegiance.

The invocation was offered by Pastor Kevin James, New Creation Bible Fellowship.

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

Mayor Maciel recognized the D.A.R.E graduates from Tom Hawkins, West Valley Christian and South West Elementary schools.

Mayor Maciel presented a proclamation to Marshall Rose, President – Crime Stoppers, Inc.

1. CONSENT CALENDAR

**ACTION**

Motion made by Mayor Pro Tem Rickman and seconded by Council Member Young to adopt the Consent Calendar with the exception of item 1C and 1F. Roll call vote found Council Members Mitracos, Young, Mayor Pro Tem Rickman and Mayor Maciel in favor; passed and so ordered. Council Member Vargas absent. Motion carried: 4-0-1

- A. Adopt Council Minutes – Regular meeting minutes of May 19, 2015, and special meeting minutes of May 12, 2015 and May 19, 2015 were approved.
- B. Award a Construction Contract for the MacArthur Drive 24-Inch Water Line Project – CIP 75108 to the Lowest Responsive Bidder, Authorize an Allocation of \$525,000 from SMPA Fund 352, and Authorize the Mayor to Execute the Contract – Resolution 2015-077 awarded a construction contract.
- D. Approve a Supplemental Appropriation of \$402,000 for Engineering Plan Review in the FY 14/15 City Budget – Resolution 2015-078 approved a supplemental appropriation.
- E. Authorize the Mayor to Execute an Amendment to Cooperative Agreement C-12-045 with SJCOG for Proposition 1B PTMISEA Funds to Extend the Time of the Agreement to Allow for Reimbursement from the State of California – Resolution 2015-079 authorized an amendment to Cooperative Agreement.
- G. Approve Amendment No. 2 to the Memorandum of Understanding (MOU) Between the City of Tracy and the Grand Foundation to Discontinue the Foundation's Concession Management Responsibilities and Authorize the Mayor to Execute the Amendment – Resolution 2015-080 approved amendment No. 2 to MOU between the City and the Grand Foundation.

- H. Approve Memorandum of Understanding (MOU) with California State University Stanislaus, for use of City Facilities to Administer their Executive MBA Cohort Program in Tracy; and Authorize the Mayor to Execute the MOU – Resolution 2015-081 approved MOU with California State University Stanislaus.
- I. Approve Memorandum of Understanding (MOU) With Notre Dame De Namur University, for Use of City Facilities to Administer their Bachelor of Science in Business Administration and Masters of Business Administration Degree Programs; and Authorize the Mayor to Execute the MOU – Resolution 2015-082 approved MOU with Notre Dame De Namur.
- J. Authorize the Mayor to Execute Amendments to the Mayor's Youth Community Support Network Reconnecting Our Youth Grant Agreements with Sow A Seed Community Foundation and Counseling and More, to Increase the Not to Exceed Amount to Match Available Funding from the County of San Joaquin – Resolution 2015-083 authorized execution of amendments to agreements.
- K. Accept Travel Report from City Attorney Regarding Attendance at League of California Cities City Attorney's Conference – Report accepted
- C. Adoption of the Appropriations Limit for Fiscal Year 2015-2016 for the City of Tracy

Mayor Maciel pulled this item to inquire about the difference between fees and taxes.

Allan Borwick, Budget Officer, Administrative Services, presented the staff report.

Council comments and questions followed.

**ACTION** Motion was made by Mayor Maciel and seconded by Mayor Pro Tem Rickman to adopt Resolution 2015-084 appropriating limits for Fiscal Year 2015-2016 for the City of Tracy. Voice vote found Council Members Mitracos, Young, Mayor Pro Tem Rickman and Mayor Maciel in favor; passed and so ordered. Council Member Vargas absent.

- F. Approve a Sponsorship Agreement for the 2015/2016 Presenting Season Programs at the Grand Theatre Center for the Arts with Singh Dental Center Whereby Singh Dental Center will Provide \$12,600 and Authorize the Mayor to Execute the Agreement

Dr. Singh pulled the item to briefly provide a brief background of herself and her practice and expressed her enthusiasm for the opportunity to partner with the City.

**ACTION** Motion made by Mayor Maciel and seconded by Mayor Pro Tem Rickman to adopt Resolution 2015-085 approving a sponsorship agreement. Voice vote found Council Members Mitracos, Young, Mayor Pro Tem Rickman and Mayor Maciel in favor; passed and so ordered. Council Member Vargas absent.

## 2. ITEMS FROM THE AUDIENCE

Sue Miller expressed concern regarding the recent fire at the Agra Marketing Business which caused many residents in that area to get sick. Ms. Miller urged the Council to consider denying renewal of Agra's contract.

Diana Milligan expressed concern regarding the odor problems caused by Agra which has prevented the residents in that area from barbequing outside their homes. Ms. Milligan urged the Council to consider denying renewal of Agra's contract which expires in September.

Margaret Briones expressed her concern regarding the City's landscaping. Ms. Briones indicated the landscaping is not done well and the company the City is using now is as bad as the previous one. Ms. Briones commented on the high volume of garage sale signs taped on light poles creating an unpleasant appeal within the City and asked what can be done about removal of those signs. Street sweeping was another concern Ms. Briones had regarding cars not being moved for cleaning. Ms. Briones added it is a waste of money for the sweeper to be out if residents are not aware of the schedule.

## 3. CONDUCT A PUBLIC HEARING AND ADOPT A RESOLUTION TO VACATE RIGHT-OF-WAY FOR CHABOT COURT SOUTH OF GRANT LINE ROAD AND TO RESERVE AN EASEMENT FOR PUBLIC UTILITIES AND PUBLIC ACCESS

Kul Sharma, Utilities Director, presented the staff report.

Mayor Maciel opened the public hearing. There were no speakers; Mayor Maciel closed the public hearing.

**ACTION** Motion made by Mayor Pro Tem Rickman and seconded by Council Member Mitracos to adopt Resolution 2015-086 to vacate Chabot Right-of-Way south of Grant Line Road and reserve an easement for public utilities and public access. Voice vote found Council Members Mitracos, Young, Mayor Pro Tem Rickman and Mayor Maciel in favor; passed and so ordered. Council Member Vargas absent.

## 4. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A PRELIMINARY AND FINAL DEVELOPMENT PLAN TO CONSTRUCT A 795,732 SQUARE FOOT INDUSTRIAL DISTRIBUTION BUILDING WITH CORRESPONDING PARKING AND LANDSCAPE IMPROVEMENTS AND TO CONSIDER AN AMENDMENT TO THE I-205 CORRIDOR SPECIFIC PLAN REGARDING BUILDING HEIGHT, LOCATED AT 8450 ARBOR AVENUE - APPLICANT IS DCT INDUSTRIAL OPERATING LLC; OWNERS ARE GREGG AND ROBERT CHRISTENSEN - APPLICATION NUMBERS D14-0028 AND SPA15-0002

Victoria Lombardo, Development Services Department, presented the staff report.

Applicant David Haugen, Sr. Vice President, DCT Industrial, presented a brief report to the Council.

Council comments and questions followed.

Mayor Maciel opened the public hearing.

Margaret Briones expressed concern about the landscaping improvement of this project during a drought and suggested that the applicant consider using drought tolerant turf.

Mayor Maciel closed the public hearing.

Council discussion continued.

Applicant requested to continue this item to another meeting.

**ACTION** Motion was made by Council Member Young and seconded by Mayor Maciel to continue this item to a later meeting date for full Council consideration. Voice vote found Council Members Mitracos, Young, Mayor Pro Tem Rickman and Mayor Maciel in favor; passed and so ordered. Council Member Vargas absent.

Mayor Maciel called a recess at 8:44 p.m.

Mayor Maciel reconvened the meeting at 8:50 p.m.

5. PUBLIC HEARING TO CONSIDER AMENDMENTS TO TRACY MUNICIPAL CODE 11.28 WATER MANAGEMENT AND IMPLEMENTATION OF PHASE III and IV WATER RESTRICTIONS Resolution 2015-088

Kul Sharma, Utilities Director, and Stephanie Reyna-Hiestand, Water Resources Coordinator, presented the staff report.

Mayor Maciel opened the public hearing

Kevin Clark owner of Fremont Pool Supply expressed concern about the water restrictions on pool owners prohibiting them to add water or refilling swimming pools and hot tubs.

Robert Tanner referenced an article in the Tracy Press about an incident where there was running water and nothing was done about it considering the severe drought. Mr. Tanner suggested should a similar future incident arise that the police inform the property authorities to shut it off.

Terrance Langley expressed that during this drought crisis the community should come together to help each other.

Mayor Maciel closed the public hearing.

Council comments and questions followed.

Nora Pimentel, City Clerk, read title of Ordinance 1196 into the record.

**ACTION** Motion made by Mayor Pro Tem Rickman and seconded by Council Member Mitracos to waive reading of full text of Ordinance 1196. Voice vote found Council Members Mitracos, Young, Mayor Pro Tem Rickman and Mayor Maciel in favor; passed and so ordered. Council Member Vargas absent

**ACTION** Motion made by Mayor Pro Tem Rickman and seconded by Council Member Mitracos to introduce Ordinance 1196. Voice vote found Council Members Mitracos, Young, Mayor Pro Tem Rickman and Mayor Maciel in favor; passed and so ordered. Council Member Vargas absent.

**ACTION** Motion made by Mayor Pro Tem Rickman and seconded by Council Member Mitracos to adopt Resolution 2015-087 authorizing the implementation of Phase III and IV water restrictions. Voice vote found Council Members Mitracos, Young, Mayor Pro Tem Rickman and Mayor Maciel in favor; passed and so ordered. Council Member Vargas absent.

6. INTRODUCE ORDINANCE AMENDING CHAPTER 4.20, REGULATION OF MASSAGE, OF THE TRACY MUNICIPAL CODE Resolution 2015-090

Jeremy Watney, Police Captain, presented the staff report.

Sharon Gibson, massage therapist, expressed support of the ordinance being adopted.

City Clerk Nora Pimentel read title of Ordinance 1197 into the record.

**ACTION** Motion made by Mayor Pro Tem Rickman and seconded by Council Member Mitracos to waive reading of full text of Ordinance 1197. Voice vote found Council Members Mitracos, Young, Mayor Pro Tem Rickman and Mayor Maciel in favor; passed and so ordered. Council Member Vargas absent.

**ACTION** Motion made by Mayor Pro Tem Rickman and seconded by Council Member Mitracos to introduce Ordinance 1197. Voice vote found Council Members Mitracos, Young, Mayor Pro Tem Rickman and Mayor Maciel in favor; passed and so ordered. Council Member Vargas absent.

7. Council Items

A. Appointment of City Council Subcommittee to Interview Applicants to Fill a Vacancy on the San Joaquin County Commission on Aging

Nora Pimentel, City Clerk, presented the staff report.

Council Member's Young and Mitracos volunteered to serve as the subcommittee.

**ACTION** Motion made by Council Member Young and seconded by Council Member Mitracos to each serve on the Council subcommittee to interview applicants to fill a vacancy on the San Joaquin County Commission on aging. Voice vote found Council Members Mitracos, Young, Mayor Pro Tem Rickman and Mayor Maciel in favor; passed and so ordered. Council Member Vargas absent.

Mayor Pro Tem Rickman announced the upcoming Tracy IPFES Holy Ghost Festa taking place on June 6-7, 2015 at the Portuguese Hall, 940 W. Ninth Street. The Queens of this year's festa will be presented at 9:00 p.m. on the 6<sup>th</sup> and on Sunday morning June 7, 2015 the parade will begin formation at the Portuguese Hall. The festa continues into next week with bloodless bullfights on Friday, June 12, 2015 at Campo Pequeno behind the Portuguese Hall.

Mayor Pro Tem Rickman reported reading an article that the State may block water sale between City, Farmers and requested information on potential liability that the City may face.

Troy Brown, City Manager, responded and assured Mayor Pro Tem Rickman that an email updating the Council on that specific matter was sent out to the Council.

Council Member Young announced the upcoming 150<sup>th</sup> Annual Juneteenth event taking place on June 6, 2015 from 10:00 a.m. to 5:00 p.m. at Lincoln Park and encouraged everyone to come and celebrate.

Council Member Mitracos reported attending the Small Dog Park Ribbon Cutting.

8. ADJOURNMENT

**ACTION** Motion made by Mayor Pro Tem Rickman and seconded by Council Member Young, to adjourn the meeting. Voice vote found Council Member Mitracos, Young, Mayor Pro Tem Rickman and Mayor Maciel in favor; passed and so ordered. Council Member Vargas absent. Time: 9:51 p.m.

The above agenda was posted at the Tracy City Hall on May 28, 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