

July 7, 2015, 7:00 p.m.

City Council Chambers, 333 Civic Center Plaza

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

Mayor Maciel called the City Council meeting to order at 7:04 p.m. and led the Pledge of Allegiance.

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

Troy Brown, City Manager presented April Uribe, Police Department, with the July 2015 Employee of the Month award.

Mayor Maciel presented Cindy Gustafson with a certificate of appointment to the San Joaquin County Commission on Aging for a term ending June 30, 2018.

Mayor Maciel presented Certificate of Recognition to Bill Field, founder and President of Surtec, Inc. for being selected as California Small Business of the Year.

1. CONSENT CALENDAR

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

- A. Adopt Council Minutes – Closed session minutes of June 16, 2015, and regular meeting minutes from June 16, 2015 were approved.
- B. Approval of Resolutions: (1) Initiating Proceedings for the Annual Levy for Tracy Consolidated Landscape Maintenance District, (2) Preliminarily Approving the Engineer's Report for the Tracy Consolidated Landscape Maintenance District, (3) Declaring the Intention to Levy Annual Assessments, and (4) Setting the Date for the Public Hearing – Resolution 2015-096 initiated the proceedings for annual levy and collection of assessments for TCLMD, Resolution 2015-097 preliminarily approved the Engineer's Report. Resolution 2015-098 approved declaring the City's intention to levy annual assessments for the TCLMD.

Council Member Young abstained from the vote on this item.

- C. Authorize Amendment of the City's Classification Plan by Approving Revisions to the Classification Specification for Crime Prevention Specialist – Resolution 2015-099 approved revisions to classification specification for Crime Prevention Specialist.

- E. Authorize Amendment of the Position Control Roster by Approving the Reallocation of Two Part-Time Arts Education Coordinator Positions to One Recreation Program Coordinator I Position in the Cultural Arts Division – Resolution 2015-100 approved position reallocation in the Cultural Arts Division.
- F. Authorization to Award Chemical Bids for Water and Wastewater Treatment for Fiscal Year 2015 – 2016 – Resolution 2015-101 awarded chemical bids for FY 2015-16.
- H. Approve Amendment Number Six to the Professional Services Agreement with Kimley-Horn and Associates for the Tracy Hills Specific Plan Amendment Subsequent Environmental Impact Report and Technical Analysis Related to Tentative Maps – Resolution 2015-102 approved professional services agreement with Kimley-Horn and Associates.
- J. Approve an Offsite Improvement Agreement (OIA) for Cordes Ranch Phase 1A - Program Roadway Improvements on Old Schulte Road and Hansen Road, Intersection Improvements and Traffic Signal on Old Schulte Road and Hansen Road (Intersection #51), and Intelligent Transportation System on Old Schulte Road, Hansen Road, and Intersection #51, and Associated Improvements for the Federal Express Ground Facility and Authorization for the Mayor to Execute the Agreement – Resolution 2015-103 approved an Offsite Improvement Agreement.
- K. Approve an Offsite Improvement Agreement for the Cordes Ranch Phase 1C Non-Program Roadway Improvements on Old Schulte Road and Mountain House Parkway and Associated Improvements for the Crossroads Building 1 and Authorization for the Mayor to Execute the Agreement – Resolution 2015-104 approved an Offsite Improvement Agreement.
- L. Approve an Offsite Improvement Agreement for the Cordes Ranch 6.48 Million Gallon Per Day Potable Water Booster Pump Station, Pressure Reducing Valve (PRV), and the Water Tank Site Improvements at the Southeast Corner of Hansen Road and Old Road E, and Authorization for the Mayor to Execute the Agreement – Resolution 2015-105 approved an Offsite Improvement Agreement.
- M. Approve the Final Subdivision Map for the Bungalows Unit 2, Tract 3860 – Resolution 2015-106 approved final map.
- N. Award a Construction Contract to the Lowest Responsive and Responsible Bidder for the Police Communication Tower Access Driveway - CIP 71081A, and Authorize the Mayor to Execute the Contract – Resolution 2015-107 awarded a construction contract.
- O. Authorize an Amendment Reducing the 2015 Lease Payment for City Property at the Corner of Eleventh Street and Chrisman Road – Resolution 2015-108 amended reducing the 2015 lease payment.
- D. Authorize Amendment of the City's Classification and Compensation Plans by Approving Revisions to the Classification Specification and Salary Range for Economic Development Manager.

Council Member Vargas pulled this item for consideration. No staff report was requested. Council comments and questions followed.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Young to adopt Resolution 2015-109 amending City's classification and compensation plans. Voice vote found all in favor, passed and so ordered.

- G. Approve Amendment Number One to the Master Professional Services Agreement with Land Logistics, Inc. for Project Management and Planning Assistance

Council Member Vargas pulled this item for consideration.

Bill Dean, Interim Development Services Director, presented the staff report. Council comments and questions followed.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Young to adopt Resolution 2015-110 amended Master Professional Services Agreement. Voice vote found all in favor, passed and so ordered.

- I. Approve an Offsite Improvement Agreement (OIA) for Cordes Ranch Phase 1A Non-Program Roadway Improvements on Old Schulte Road, Hansen Road, Old Road "E", Old and New Road "E", and North and South Road "I" and Other Associated Improvements for the Federal Express Ground Facility and Authorization for the Mayor to Execute the Agreement – Item continued to July 21, 2015.
- P. Approve a Supplemental Appropriation in the Amount of \$1,500,000 from the South MacArthur Finance and Implementation Plan (Fund 352) to CIP 73126 for the Widening and Reconstruction of MacArthur Drive Between Schulte Road and Valpico Road

Council Member Vargas pulled this item for consideration.

Kul Sharma, Utilities Director, presented the staff report. Council comments and questions followed.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2015-111 approved supplemental appropriation. Voice vote found all Council Members in favor, passed and so ordered.

2. ITEMS FROM THE AUDIENCE - Marty Steiner expressed concern that the improvement agreements for the Fed Ex ground facility should have been in place by now and urged the Council to resolve the issues holding up the project. Mr. Steiner added it is critical that the agreement is approved by the next meeting in order for Fed Ex to open their facility.

Dr. Rai, President of Sant Nirankari Mission, Tracy, invited the Council and the community to attend a seminar with the theme "A World without Walls" on July 8, 2015, from 7:00 p.m. – 9:00 p.m. at 22713 South 7th Street, Banta.

3. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE I-205 CORRIDOR SPECIFIC PLAN REGARDING BUILDING HEIGHT LIMITATIONS AND 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, LOCATED AT 8450 ARBOR AVENUE - APPLICANT IS DCT INDUSTRIAL OPERATING LLC; OWNERS ARE GREGG AND ROBERT CHRISTENSEN - APPLICATION NUMBERS D14-0028 AND SPA14-0002

Victoria Lombardo, Senior Planner, Development Services, presented the staff report.

Mayor Maciel opened the public hearing.

Dave Haugen, Senior Vice President, DCT Industrial, Calvin Coatsworth, Mike Goldstein, Executive Managing Director, Colliers International presented the City Council with a powerpoint presentation.

Council Comments and questions followed.

Sophia Valenzuela, CEO, Tracy Chamber of Commerce, spoke on behalf of the Chamber of Commerce expressing concern about recent criticism on the development along the I-205 corridor. This has led to mixed emotion in the business community and concern with the process being used to approve permits. If all requirements are being met by perspective businesses the perception is that an approval should be granted. The specific issue with building warehouses is more complex than a simple permit approval. In the eye of the business community the developer complied with all the necessary requirements set forth. Because of this recent issue there is fear that future investors will be concerned with the instability of the City's permitting process. Ms. Valenzuela on behalf of the Chamber urged the Council to become unified in their decision making and keep in mind the best interest of the Tracy business community.

Steve Nicolaou, expressed concern about the DCT application potentially being denied after the applicant followed the rules and spent a considerable amount of money, it would be a travesty and the message would suggest that the City is flaky and capricious. Mr. Nicolaou stated the proposed location is ideal and suggested that going forward the Council should have a discussion on what their vision is on the I-205 corridor.

Mayor Maciel closed the public hearing. Council comments and questions followed.

ACTION Motion was made by Mayor Maciel and seconded by Council Member Young to adopt Resolution 2015-112 approving amendment to Specific Plan. Roll call vote found Council Member Young and Mayor Maciel in favor, Council Members Mitracos, Vargas and Mayor Pro Tem Rickman opposed. Motion failed: 2:3

ACTION Motion made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2015-113 denying Application D14-0028 and SPA14-002 due to inconsistency with the Specific Plan. Roll call vote found Council Members Mitracos, Vargas and Mayor Pro Tem Rickman in favor; Council Member Young and Mayor Maciel opposed, passed and so ordered. Motion carried 3:2.

Mayor Maciel called a recess at 9:38 p.m.

Mayor Pro Tem Rickman excused himself from the dais at 9:38 p.m. for the remainder of the meeting.

Mayor Maciel reconvened the meeting at 9:47 p.m.

4. CONSIDER DIRECTING STAFF TO TERMINATE THE WASTEWATER REVOCABLE LICENSE AGREEMENT WITH THE WEST SIDE IRRIGATION DISTRICT

Steve Bayley, Utilities Department, presented the staff report.

Council Comments and questions followed.

ACTION Motion was made by Council Member Mitracos and seconded by Council Member Young to terminate agreement. Voice vote found Council Members Mitracos, Vargas, Young and Mayor Maciel in favor, passed and so ordered. Mayor Pro Tem Rickman - absent.

5. PUBLIC HEARING TO CONSIDER AN EXTENSION OF THE DEVELOPMENT REVIEW PERMITS FOR TWO ADJACENT RESIDENTIAL APARTMENT PROJECTS: (1) THE 184-UNIT VALPICO APARTMENTS (ON APPROXIMATELY 8.75-ACRES LOCATED ON THE NORTH SIDE OF VALPICO ROAD, ADJACENT TO THE RITE AID STORE, NORTHEAST OF THE INTERSECTION OF VALPICO ROAD AND GLENBRIAR DRIVE, ASSESSOR'S PARCEL NUMBERS 246-140-13 AND 14, APPLICATION NUMBER D12-0004) AND (2) THE 60-UNIT MACDONALD APARTMENTS (ON APPROXIMATELY 2.87 ACRES LOCATED ON THE NORTH SIDE OF VALPICO ROAD, NORTHWEST OF THE INTERSECTION OF VALPICO ROAD AND GLENBRIAR DRIVE, ASSESSOR'S PARCEL NUMBER 246-140-12, APPLICATION NUMBER D12-0006)

Bill Dean, Interim Development Services Director, presented the staff report.

Council comments and questions followed.

Eric Taylor, applicant, expressed looking forward to building the project and mentioned that the suggestion offered by Council Member Vargas about adding 10% orchard trees to the project would be implemented.

Teresa, a resident who lives in the area of Green Briar where the proposed apartments are to be built, expressed concern with an increase in traffic congestion and spike in crime due to the proposed apartments.

Paul Fern echoed Teresa's sentiments related to the increase in traffic and crime in the area, Mr. Fern would prefer to see lower density homes in the area.

Robert Tanner expressed concern with the suggested 10% orchard type trees to be implemented during this drought and urged the Council to consider drought tolerant trees instead.

Fidel Garcia, Neighborhood Watch captain has seen an increase in crime within a mile radius. Mr. Garcia also expressed concern with traffic and urged the council to reconsider the project or do something about the traffic.

Ray Fontano expressed concern about traffic on Valpico and the potential spike in crime. Mr. Fontano urged the council to condense the project or eliminate the traffic issue.

Council comments and questions followed.

Fidel Garcia expressed that it was a waste of money to send out a public notice when there was no action to be taken only to extend a permit.

Mayor Maciel closed the public hearing.

Council discussion continued.

ACTION Motion was made by Council Member Vargas and seconded by Council Member Young to adopt Resolution 2015-114 amended to include additional 10% drought tolerant orchard type trees to the project. Voice vote found Council Member's Mitracos, Vargas, Young and Mayor Maciel in favor, passed and so ordered. Mayor Pro Tem Rickman - absent.

6. PUBLIC HEARING TO CONSIDER A PLANNED UNIT DEVELOPMENT (PUD) ZONE PRELIMINARY AND FINAL DEVELOPMENT PLAN TO CONSTRUCT AN APPROXIMATELY 3,000 SQUARE FOOT RESTAURANT WITH DRIVE THRU, PARKING AREA AND LANDSCAPING IMPROVEMENTS, LOCATED NORTH OF THE TEXAS ROADHOUSE RESTAURANT AT 2242 NAGLEE ROAD, ASSESSOR'S PARCEL NUMBER 212-290-48. APPLICANT IS VMI ARCHITECTS INC. PROPERTY OWNER IS THE CITY OF TRACY; APPLICATION NUMBER D15-0002

Scott Claar, Development Services Department, presented the staff report.

John Becker, Becker Commercial Properties, made a few comments.

Mayor Maciel opened the public hearing, there were no speakers. Mayor Maciel closed the public hearing.

ACTION Motion was made by Council Member Young and seconded by Council Member Vargas to adopt resolution 2015-115 approved final development plan for construction. Voice vote found Council Members Mitracos, Vargas, Young and Mayor Maciel in favor, passed and so ordered. Mayor Pro Tem Rickman - absent

7. ITEMS FROM THE AUDIENCE – Conrad Levoit a resident of Tracy since 1984 expressed concern about an action taken tonight and requested that the City’s Mission and identity be readdressed and pinpoint who the City of Tracy is within the next 6 months.

8. COUNCIL ITEMS– Council Member Vargas congratulated the Champion Wrestling Team and Albert Landeros. Council Member Vargas asked Troy Brown, City Manager to provide an update related to an email sent to the Council earlier regarding the Corral Hollow and Linne Road project.

Council Member Young reported that the Fourth of July event was a success. Council Member Young acknowledged the late Mr. Rowland Cheney for his art work “Harvest of Progress”.

9. ADJOURNMENT

ACTION Motion made by Council Member Young and seconded by Council Member Vargas, to adjourn the meeting. Voice vote found Council Members Mitracos, Vargas, Young and Mayor Maciel in favor, passed and so ordered. Mayor Pro Tem Rickman - absent.

The above agenda was posted at the Tracy City Hall on July 2, 2015. The above are action minutes. A recording is available at the Office of the City Clerk.

Mayor

ATTEST:

City Clerk