

July 21, 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 7:00 p.m. and led the Pledge of Allegiance.

Invocation was led by Pastor Scott McFarland, Journey Christian Church.

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

Mayor Maciel announced that item seven was heard at a special meeting held at 6:45 p.m.

Mayor Maciel presented outgoing San Joaquin Commission on Aging Commissioner Terry Sonnefeld with a Certificate of Recognition.

Mayor Maciel presented Certificates of Recognition to Hector Hernandez on behalf of Tracy Soccer Club for the 50th Anniversary as a community soccer organization and for their historical contributions to the sport of soccer in the Tracy Community.

1. CONSENT CALENDAR

ACTION Following the removal of item 1D, 1N and 1P, it was moved by Mayor Pro Tem Rickman and seconded by Council Member Young to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered. Motion carried 5:0

- A. Adopt Council Minutes – Closed session minutes of July 7, 2015, regular meeting minutes from July 7, 2015 and special meeting minutes from June 9, 2015 were approved.
- B. Approve an Offsite Improvement Agreement (OIA) for Cordes Ranch Phase 1A Non-Program Roadway Improvements on Old Schulte Road, Hansen Road, Old Road "E", 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 – Resolution 2015-119 approved an Offsite Improvement Agreement.
- C. Acceptance of the Library Entrance Doors Replacement Project - CIP 78147, Completed by T. Amaral's Done Right Construction of Livermore California, 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 2015-120 accepted the Library Entrance Doors Replacement Project.

- E. Approve an Offsite Improvement Agreement With SR95 Ventures, LLC, Lincoln Investors Grant Line, LLC, and EBA Grant Line, LLC, for the Gateway Apartments on Grant Line Road, and Authorization for the Mayor to Execute the Agreement – Resolution 2015-121 approved an Offsite Improvement Agreement.
- F. Approve Amendment 1 to the Professional Services Agreement with West Yost Associates for the Design of the Booster Pump Station at the John Jones Water Treatment Plant to Serve Tracy Hills Development and Authorize the Mayor to Execute the Agreement – Resolution 2015-122 approved amendment 1 to a Professional Services Agreement.
- G. Approve Amendment No. 1 to Task Order No. CH 01-13 to Master Professional Services Agreement (MPSA) With CH2M Hill for Design of Wastewater Treatment Plant (WWTP) Effluent Outfall Pipeline to the Old River – Resolution 2015-123 approved amendment 1 to a Master Professional Services Agreement.
- H. Approve Task Order No. 8 to the Master Professional Services Agreement with Associated Right Of Way Services, Inc. to Provide Right of Way Services for Intersection Improvements at Eleventh Street and MacArthur Drive (Western Intersection) - CIP 72069, and Authorize the City Manager to Execute Future Amendments to this Task Order, if Needed – Resolution 2015-124 approved task order 8 to a Master Professional Services Agreement.
- I. Approval of the Final Subdivision Map and Subdivision Improvement Agreement for Brookview II, Tract 3658, Authorization for the Mayor to Execute the Agreement, and Authorization for the City Clerk to File the Subdivision Improvement Agreement with the San Joaquin County Recorder - Resolution 2015-125 approved an agreement for Brookview II.
- J. Authorize a Professional Services Agreement with Maze & Associates Accounting Corporation for Professional Auditing Services, Authorize the City Manager to Execute any Subsequent Agreement Extensions and Contract Contingencies, and Authorize the Mayor to Execute the Agreement - Resolution 2015-126 authorized an Agreement with Maze & Associates.
- K. Authorization to Enter into a Five Year Agreement with Microsoft for Automatic Software Updates for Desktop Computers and Servers and Authorization for the Mayor to Execute the Agreement - Resolution 2015-127 authorized a Five Year Agreement with Microsoft.
- L. Authorize a Contract with Superior Auto Parts (Monument Car Parts) for Vehicle and Equipment Parts, Authorize the City Manager to Execute Subsequent Contract Extensions, and Authorize the Mayor to Execute the Contract – Resolution 2015-128 authorized a contract with Monument Car Parts.
- M. Authorize a Professional Services Agreement with West Coast Arborists for Tree Maintenance Services in the Tracy Consolidated Landscape Maintenance District and General Fund Areas, Authorize the City Manager to Execute Subsequent Agreement Extensions, and Authorize the Mayor to Execute the Agreement - Resolution 2015-129 authorized an Agreement with West Coast Arborists.

- O. Adopt Resolution Approving the 2015 Multi-Agency Post-Construction Stormwater Standards Manual as Required by Federal and State Regulations - Resolution 2015-130 approved 2015 Multi-Agency Post-Construction Stormwater Standards Manual.
- Q. Approve an Offsite Improvement Agreement for Cordes Ranch Phase 1B - Program Roadway and Recycled Water Improvements on Hansen Road and New Schulte Road, and Associated Improvements for the Medline Industrial Building and Authorization for the Mayor to Execute the Agreement - Resolution 2015-131 approved an Offsite Improvement Agreement.
- R. Approve an Offsite Improvement Agreement for Cordes Ranch Phase 1B Non-Program Roadway Improvements and Other Associated Improvements on Hansen Road, New Schulte Road, Capital Park Drive, and Road "H" for the Medline Industrial Building, and Authorization for the Mayor to Execute the Agreement – Resolution 2015-132 approved an Offsite Improvement Agreement.
- D. Authorize the Establishment of Preferential Parking on Twelfth Street and Beverdor Avenue Between Mae Avenue and East Street – Resolution 2015-133 authorized the establishment of preferential parking.
- N. Authorization to Enter into an Agreement with the San Luis & Delta-Mendota Water Authority for Sharing the Proportionate Cost of 2015-Mendota Canal Emergency Pumping Facility Project, Appropriation from the Water Fund and Authorization for the Mayor to Execute the Agreement.

Robert Tanner expressed concern about the ongoing water news and potential fines on districts and the recent seize and desist and inquired if this Council item would be affected.

Kul Sharma, Utilities Director, provided the staff report.

Council comments and questions followed.

Tim Silva expressed being against taking water from the Delta Mendota Canal, which was designed for agriculture not for drinking water. Mr. Silva urged the Council to reconsider.

Hector Hernandez expressed the same sentiments as Tim Silva.

Dotty, health care provider expressed that this is a huge health risk utilizing water that is potentially contaminated. Ms. Dotty urged the Council to consider other options to provide the community with healthy clean water.

Maureen, Health Wellness Specialist, concerned with water issues and urged the Council to make well informed decisions on behalf of the citizens.

Kul Sharma provided some additional general information in response to the speakers concerns.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2015-134 authorizing an Agreement with the San Luis and Delta-Mendota Water Authority. Voice vote found all in favor; passed and so ordered.

P. Award a Construction Contract for the Joe Wilson Pool Reconstruction Project - CIP 78152, to the Lowest Responsive Bidder, Authorize an Allocation of Funds from the General Fund 301, and Authorize the Mayor to Execute the Contract

Troy Brown, City Manager, reiterated that this item was inadvertently placed on consent and should have been an item for discussion.

Andrew Malik, Interim Assistant City Manager, provided a brief update on the outreach strategy and conceptual design for Joe Wilson. Kul Sharma, Utilities Director, provided an update on the construction contract.

Council comments and questions followed.

Molly stated that it has been 10 years since the Tracy community attended a council meeting to address the lack of swimming pools in the City. There are fewer pools today than there were in 2005. The City has to accept ownership of its mistakes and move forward. Molly urged the Council to consider a more strategic approach and merge the Dr. Power renovation and Ellis Swim Center into one single large project.

David Helm expressed concern about the Joe Wilson project from the beginning. Mr. Helm urged the Council to rethink and put this project on hold until the project can be completed at a lower cost.

Council discussion continued.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to direct staff to return on September 15, 2015 or sooner to provide options with existing design and more specific cost estimates with additives and perhaps bid the two projects at the same time.

Mayor Maciel called a recess at 8:43 p.m.

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

2. ITEMS FROM THE AUDIENCE – Wes Huffman briefly spoke about an incident that occurred on July 18 regarding an encounter with the City and the Tracy Breakfast Lions Club as they were asked not to use any city water in the preparation of pancakes for a Tracy Raider Football fund raiser. Mr. Huffman suggested for future reference that staff be authorized to make decisions.

Robert Tanner urged the Council to relook at the fireworks Ordinance; there were a lot of illegal fireworks activity prior to the fourth of July and a few days after. Mr. Tanner also inquired about the electronic board at the 11th Street overpass and suggested the board be updated regarding the reconstruction schedule.

Dotty a Registered Nurse with Sutter Community Hospital expressed concern regarding a significant staffing issue affecting the local community hospital. Within the last three years there has been a loss of 65 nurses. Dotty urged the Council and the community to stand with the nurses and speak on their behalf and call Dave Thompson at (209) 832-605.

William Rickman shared his concerns about the deplorable conditions at El Pescadero Skate Park. The concrete is broken, there used to be gang problems which have gotten better but now there are drugs being sold to the youth, and assaults, Mr. Rickman requested security presence to make the park a safer place for skateboarders, scooter and bikers.

Anne Marie Fuller and Danette Poole, Tracy Arts Commissioners, invited the Council and the community to the Tracy Arts and Cultural Festival on August 1, 2015 at Lincoln Park at 2:00 p.m. Admission is free to the public. This event is being presented by the Tracy Arts Commission.

Jordan expressed concern about recent water waste she observed in the City and emphasized the need to conserve water.

3. DISCUSSION AND DIRECTION REGARDING DEVELOPMENT POLICY AND ZONING ALONG THE I-205 CORRIDOR

William Dean, Interim Development Services Director, provided the staff report.

Council comments and questions followed.

Council Member Vargas' suggestion for the vision of the corridor included additional trees to give a sense of arrival through the entry ways of the City; facade should be a variation of textures and materials, non-boxy structures with more depth and height variations. Diminish the blighted areas to encourage more landscaping. Review the minimum standard of 15 gallon trees and change the gallon standard and tree species to scale down from shorter to taller.

Council Member Young suggested for future development not to allow heavy equipment on the frontage roads and include outdoor landscaping furnishing as a design standard on the corridor.

Council comments and questions ensued.

Mayor Pro Tem Rickman's vision is general commercial on the West side area between MacArthur and Paradise on both sides of the freeway East of Tracy Blvd (17-26).

Staff was directed to return in October and bring back a staff report to discuss architectural standards, design standards, aesthetics, zoning usage from Tracy Boulevard east to the Tracy City limits on 205 keeping in mind that property owners will need to be engaged.

Steve Nicolaou cautioned the Council about making rash decisions going forward. Land owners should develop their land and Council should take that into consideration when making decisions.

Rodger Birdsall expressed that the July 7, 2015 meeting was unbelievable and urged the Council to think before they act in the future.

David Helm spoke about the vision of other cities, it's valuable to have those broad discussions because today's standard may not be tomorrow's standard. The Council needs to define what they want to see with some flexibility.

Mayor Maciel asked for Council consensus to continue with the agenda past 11:00 p.m. The Council agreed to continue to work through the agenda.

Mayor Maciel called a recess at 10:55 p.m.

Mayor Maciel reconvened the meeting at 11:00 p.m.

4. PUBLIC HEARING TO CONSIDER (1) APPROVING THE ENGINEER'S ANNUAL LEVY REPORT; (2) ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT FOR FISCAL YEAR 2015/2016; and (3) AUTHORIZING THE BUDGET OFFICER TO MAKE NECESSARY ADJUSTMENTS TO THE CITY

Ann Bell, Management Analyst, Administrative Services, presented the staff report.

Mayor Maciel opened the public hearing.

Kevin Tobeck stated that there are issues with the Landscape Maintenance Districts which need to be addressed. Corral Hollow, Tracy Blvd, Schulte Road, and Lowell Avenue in front of West High School are a few places that require maintenance. The issue began about 18 - 24 months ago, there is a need to allocate additional resources because the majority of the LMD are underfunded to take care of maintenance of the districts for renovations or just to put in new plants. He suggested a few options to resolve the issue.

Mayor Maciel closed the public comment.

Council comments and questions followed.

Mayor Maciel disclosed that Council Member Young would vote on all Zones and abstain from voting on Zone 3 due to conflict of interest.

ACTION

Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2015-135 approving the Engineer's Report regarding the proposed levy and collection of assessments for the Tracy Consolidated Landscape District, Fiscal Year 2015/2016, pursuant to the provisions of the Landscaping and Lighting Act of 1972. Voice vote found all in favor; passed and so ordered. Council Member Young abstained from voting on Zone 3.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2015-136 ordered the levy and collection of assessments within the Tracy Consolidated Landscape Maintenance District for Fiscal Year 2015/2016. Voice vote found all Council Members in favor; passed and so ordered. Council Member Young abstained on voting on Zone 3.

5. ACCEPT ANNUAL REPORT OF THE MEASURE E RESIDENTS' OVERSIGHT COMMITTEE

Anne Bell, Management Analyst, Administrative Services Department made a few opening remarks and acknowledged the Measure E Committee members and introduced Chair Michel Bazinet who presented the 2015 Annual Report for the Measure E Residents' Oversight Committee.

Council Member Vargas requested budget information related to consultants which she previously requested.

By consensus of the Council the report was accepted.

6. ACCEPT A REPORT ON PERSONNEL STAFFING WITHIN THE FIRE DEPARTMENT AND IMPACTS FOLLOWING THE CANCELLATION OF FIRE SERVICES CONTRACT BETWEEN TRACY RURAL FIRE DISTRICT AND MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT AND ADOPT A RESOLUTION ELIMINATING SIX FULL-TIME EQUIVALENT POSITIONS FROM THE CITY EMPLOYEE CONTROL ROSTER ALLOCATED UNDER THE FIRE DEPARTMENT

Dave Bramell, Division Chief, presented the staff report.

Council comments and questions followed.

Dave Helm expressed concern about the decrease in firefighters at a time when there is more housing construction and more people living in the City. Mr. Helm urged the Council to find a way to fully staff the fire department for the future, elimination of positions is a terrible idea.

Ryan Gall, Tracy Firefighter's Association expressed being in favor of the Council approving the three positions.

Robert Tanner inquired about the negotiations of the empty Mountain House Fire Station.

ACTION Motion made by Mayor Pro Tem Rickman and seconded by Council Member Mitracos to adopt Resolution 2015-137 eliminated six full-time equivalent positions from the Employee Position Control Roster allocated under the Fire Department and allocating three full-time equivalent positions as temporary over hires. Voice vote found all in favor passed and so ordered.

- 7. APPROVE AMENDMENTS TERMINATING THE PROPERTY DEVELOPMENT AND LEASE AGREEMENTS BETWEEN THE CITY OF TRACY AND TRACY BABE RUTH AND TRACY YOUTH SOCCER LEAGUE, AUTHORIZE THE MAYOR TO EXECUTE THE AMENDMENTS, AND PROVIDE DIRECTION REGARDING THE BID DOCUMENTS FOR CONSTRUCTION OF FIELDS AT LEGACY FIELDS

This item was heard earlier at 6:45 p.m. during a special meeting.

- 8. ITEMS FROM THE AUDIENCE – There were none.

9. COUNCIL ITEMS

- A. COUNCIL DESIGNATION OF VOTING DELEGATE AND UP TO TWO VOTING ALTERNATES FOR THE LEAGUE OF CALIFORNIA CITIES 2015 ANNUAL CONFERENCE BUSINESS MEETING

Nora Pimentel, City Clerk, presented the staff report.

Council comments followed.

ACTION Motion made by Mayor Pro Tem Rickman and seconded by Council Member Mitracos to adopt Resolution 2015-138 appointing Council Member Young as the voting Delegate and Council Member Vargas and Mayor Maciel as the voting alternates for the League of California Cities 2015 Annual Conference Business meeting. Voice vote found all in favor; passed and so ordered.

Mayor Pro Tem Rickman requested a discussion related to a local hire ordinance; Council Member Vargas supported the request. Staff was directed to return within 90 days and bring forward a staff report.

- 10. ADJOURNMENT- Time 11:58 pm

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.

The above agenda was posted at the Tracy City Hall on July 16, 2015. The above are action minutes. A recording is available at the Office of the City Clerk.

Mayor

ATTEST:

City Clerk