

December 1, 2015, 7:00 p.m.

City Council Chambers, 333 Civic Center Plaza

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

Mayor Maciel called the meeting to order at 7:00 p.m., and led the Pledge of Allegiance

Pastor Kevin James, New Creation Bible Fellowship, offered the invocation.

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

Troy Brown, City Manager, presented the Employee of the Month award for December 2015, to Elaine Adams, Public Works

Troy Brown introduced new Fire Chief, Randall Bradley

1. CONSENT CALENDAR

ACTION Following the removal of items 1.D, 1.J, 1.M, 1.N, and 1.O, it was moved by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt the consent calendar. Roll call vote found all in favor; passed and so ordered. Motion carried 5:0.

- A. Adopt Council Minutes – Regular meeting minutes of November 3, 2015, and closed session minutes of November 16, 2015, were approved.
- B. Waive Second Reading and Adopt Ordinance 1202 an Ordinance of the City of Tracy Amending Sections 10.08.010, 10.08.100, 10.08.270, 10.08.320, 10.08.600, 10.08.610, 10.08.790, 10.08.1080, 10.08.1100, 10.08.1200, 10.08.1280, 10.08.1390, 10.08.1580, 10.08.3140, 10.08.3180, and Adding Sections 10.08.302, 10.08.808, 10.08.852, 10.08.861, 10.08.3197 and 10.08.3199 of the Tracy Municipal Code Relating to Conformance with the General Plan Housing Element and Other Consistency Changes – Ordinance 1202 was adopted.
- C. Award a Construction Contract to the Lowest Responsible Bidder for the Advanced Traffic Signal System on Tracy Boulevard (Sixth Street/Beechnut Avenue to Clover Road) and Fiber Optic System from City Hall to the Wastewater Treatment Plant, CIPs - 72089 & 74112, and Authorize the Mayor to Execute the Contract – Resolution 2015-191 awarded the Construction Contract.
- E. Authorize the Appointment of Two Youth and Two Adult Commissioners to the Youth Advisory Commission – Resolution 2015-192 authorized the appointment of commissioners.

- F. Authorize an Amendment of the City's Classification and Compensation Plan and Position Control Roster Reinstating a Full-Time Technical Theatre Supervisor and Reallocating One Full-Time Theatre Operations and Technical Assistant and Two Part Time Program Assistant Positions to a Technical Theatre Supervisor Position in the Cultural Arts Division – Resolution 2015-193 authorized the amendment to the City's Classification and Compensation Plan and Position Control Roster.
- G. Approval to Purchase Fuelmaster Automated Fuel Management System to Replace PetroVend Automated Fuel Management System at the City's Boyd Service Center – Resolution 2015-194 approved the purchase of the Fuelmaster Automated Fuel Management System.
- H. Authorize a Master Subscription Agreement and Service Order with Fuseforward Cloud Services Ltd. for Wastewater Computerized Maintenance Management System Services and Authorize the Mayor to Execute the Service Order – Resolution 2015-195 authorized a Master Subscription Agreement and Service Order with Fuseforward.
- I. Approve a Professional Services Agreement with Eler & Kalinowski, Inc., a California Corporation for an Update to the Urban Water Management Plan; and Approve Supplemental Appropriations in the Amounts of \$67,000 and \$20,000 From the Water Fund – Resolution 2015-196 approved the Professional Services Agreement.
- K. Authorize Amendment of the City's Classification and Compensation Plans and Position Control Roster by Approving the Establishment of a New Classification Specification and Salary Range for Finance Division Manager in the Administrative Services Department - Resolution 2015-197 authorized the amendment to the City's Classification and Compensation Plans and Position Control Roster.
- L. Approve Amendment No. 1 to the Professional Services Agreement with Goodwin Consulting Group, Inc. for the Analysis of Fiscal Impacts from New Development and Approve Funding Allocation – Resolution 2015-198 approved Amendment No. 1 to the Professional Services Agreement.
- P. Adopt a Resolution Authorizing the Approval of (1) the Modification of the Loan Secured by Mountain View Townhomes, (2) The Assignment and Assumption for the Loan Between Sutter Ville SJC Holding Company LLC., and the Tracy Mountain View Associates, LP. And (3) The Subordination of the Loan to New Construction and Permanent Financing – Resolution 2015-199 authorized the modification of the loan secured by Mountain View Townhomes, Assignment and Assumption for the loan between Sutter Ville SJC Holding Co. LLC., and the Subordination of the Loan to new construction
- D. City Staff Requests City Council to: (1) to Rename Schulte Road West of Lammers Road as Promontory Parkway and (2) Authorize Initiation of a Process for Renaming Existing Schulte Road Between Corral Hollow Road and Lammers Road (along Union Pacific Railroad Tracks)

Council Member Mitracos pulled this item and expressed support of the street name change to Promontory Parkway. Council Member Mitracos is interested in using the name Cordes as a street name.

ACTION Motion was made by Council Member Mitracos and seconded by Council Member Young to adopt Resolution 2015-200 approving the renaming of Schulte Road west of Lammers Road as Promontory Parkway and directing staff to initiate process for renaming existing Schulte Road between Corral Hollow Road and Lammers Road. Voice vote found all in favor; passed and so ordered.

J. Approval of a Cooperative Agreement Between the City of Tracy and San Joaquin County for the Widening of Corral Hollow Road from Parkside Drive to the I-580 Ramp and Authorize the Mayor to Execute the Agreement

Bob Sarvey, pulled this time and requested it be heard as a public hearing on a future agenda and expressed concern regarding safety, noise and vehicle pollution issues associated with the project.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2015-201 approving a Cooperative Agreement between the City of Tracy and San Joaquin County for the widening of Corral Hollow Road from Parkside Drive to the I-580 ramp and authorizing the Mayor to execute the agreement. Voice vote found all in favor; passed and so ordered.

M. Adopt the Compensation and Benefits Plan for the Confidential Management Unit

Robert Tanner pulled this item and asked for the financial impact associated with the Compensation and Benefits Plan for the Confidential Management Unit. Rachelle McQuiston, Administrative Director, responded \$414,000 during the term of the contract and approximately \$93,000 in ongoing costs.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2015-202 adopting the Compensation and Benefits Plan for the Confidential Management Unit. Voice vote found all in favor; passed and so ordered.

N. Adopt the Compensation and Benefits Plan for the Technical And Support Services Unit (TSSU)

Robert Tanner pulled this item and asked for the financial impact associated with the Compensation and Benefits Plan for the Technical and Support Unit. Rachelle McQuiston, Administrative Director, responded \$760,000 during the term of the contract and approximately \$171,000 in ongoing costs.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2015-203 adopting the Compensation and Benefits Plan for the Technical and Support Services Unit (TSSU). Voice vote found all in favor; passed and so ordered.

O. Adopt the Memorandum of Understanding Between the City of Tracy and the Tracy Mid-Managers Bargaining Unit (TMMBU)

Robert Tanner pulled this item and requested the financial impact associated with the Memorandum of Understanding with Tracy Mid-Managers Bargaining Unit. Rachelle McQuiston, Administrative Director, responded \$1,122,900 during the term of the contract and approximately \$252,500 in ongoing costs.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2015-204 adopting the new Memorandum of Understanding (MOU) between the City of Tracy and the Tracy Mid-Managers Bargaining Unit (TMMBU). Voice vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE - Paul Miles provided newer Council members with examples and some history related to allegations he has made against Police Chief Hampton and the Police Department. Mr. Miles submitted a letter dated December 1, 2015, with attachments.

Alison Quinteros addressed Council regarding a lot on the corner of Corral Hollow Road and Middlefield Drive in the Edgewood Development. Ms. Quinteros stated the lot should not be rezoned to residential and provided the following reasons to support her request: School overcrowding; job creation – Tracy needs more retail space to create new jobs; need for retail in south Tracy; and the constituents do not want the change.

Roger Birdsall reported that a fund raiser for Notre Dame raised over \$100,000 for scholarships and Tracy Hills donated \$33,000 towards the fund.

Benjamin Young on behalf of the Young family wished Council Member Young a happy birthday and thanked her for all the work she has done.

3. INTRODUCTION OF AN ORDINANCE ADDING A NEW SECTION 10.08.3198 TO TITLE 10 OF THE TRACY MUNICIPAL CODE RELATING TO DONATION CONTAINERS – CITY INITIATED – APPLICATION NUMBER ZA15-0004

Scott Claar, Senior Planner presented the staff report.

Sally Wooden, Goodwill Industries of San Joaquin Valley, expressed support of the ordinance and thanked Council for being proactive.

Council comments and questions followed.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Young to waive the reading of the text of proposed Ordinance 1203. Voice vote found all in favor; passed and so ordered.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Young to introduce Ordinance 1203, an Ordinance of the City of Tracy adding a

new Section 10.08.3198, donation containers, to the Tracy Municipal Code. Voice vote found all in favor; passed and so ordered.

4. INTRODUCTION OF AN ORDINANCE AMENDING SECTION 4.16.190 OF THE TRACY MUNICIPAL CODE MAKING IT A MISDEMEANOR TO BE IN A PARK AFTER DARK; AMENDING ARTICLE 14 OF CHAPTER 4.12 DEFINING AND MAKING AGGRESSIVE AND DANGEROUS SOLICITATION A MISDEMEANOR

Scott Muir, Police Corporal, and Ana Contreras, Code Enforcement Manager, presented the staff report.

Paul Miles expressed concerns about making it a misdemeanor being in a park after dark. It would be an encroachment of freedom and urged Council to think very carefully about the City park portion of the ordinance.

Council comments and questions followed.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Young to waive the reading of the text of proposed Ordinance 1204. Voice vote found all in favor; passed and so ordered.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to introduce Ordinance 1204, an Ordinance of the City of Tracy amending Section 4.16.190 of Chapter 4.16 of Title 4 of the Tracy Municipal Code making a violation for being in the park after dark a misdemeanor and amending article 14 of Chapter 4.12 of Title 4 defining and making violations of aggressive or dangerous solicitation a misdemeanor. Voice vote found all in favor; passed and so ordered.

5. PUBLIC HEARING TO CONSIDER THE PROPOSED ANNEXATION OF THE TRACY GATEWAY CROSSINGS APARTMENT PROJECT INTO THE TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT AS ZONE NO. 42; DECLARE RESULTS OF THE PROPERTY OWNER PROTEST BALLOT AND APPROVE CERTAIN RELATED ACTIONS; CONFIRM THE ANNEXATION OF THE PROJECT INTO THE DISTRICT AS ZONE 42 AND ORDER THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2016/2017

Brian MacDonald, Management Analyst, provided the staff report.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to direct Clerk to tabulate the assessment ballots and report back to Council. All in favor; passed and so ordered.

The Clerk read the results of ballot tabulation.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2015-205 declaring the results of the property owner protest ballot proceeding conducted for levy of assessments related to the

annexation of territory (Tracy Gateway Crossing) to Tracy Consolidated Landscape Maintenance District as Zone No. 42 commencing in Fiscal Year 2016/2017 and approving certain related actions. Voice vote found all in favor; passed and so ordered.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2015-206 confirming the annexation of territory (Tracy Gateway Crossing) into the Tracy Consolidated Landscape Maintenance District as Zone No. 42 and ordering the levy and collection of assessments for Fiscal Year 2016/2017. Voice vote found all in favor; passed and so ordered.

6. **ADOPT A RESOLUTION OF THE SUCCESSOR AGENCY TO THE TRACY COMMUNITY DEVELOPMENT AGENCY RELATED TO THE REFINANCING OF OUTSTANDING BONDS**

Robert Harmon, Senior Accountant provided staff report.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt a Resolution of the Successor Agency to the Tracy Community Development Agency approving the issuance of Refunding Bonds in order to refund certain outstanding bonds of the former Community Development Agency of the City of Tracy, approving the execution and delivery of an Indenture of Trust, a Bond Purchase Contract and Refunding Instructions, approving a preliminary official statement and a final official statement and authorizing the distribution thereof, and providing for other matters properly relating thereto. Voice vote found all in favor; passed and so ordered.

7. **RECEIVE AND FILE THE PRESENTATION ON THE FIRST QUARTER OPERATING REPORT**

Rachelle McQuiston, Administrative Services Director, provided the staff report and summarized the activities of the City's General fund from July through September 2015 in order to give Council and the public an overview of the state of the City's general fiscal condition.

Robert Tanner inquired in light of the approved labor contracts if the savings in salary go away and the next report would be zero. Staff provided Mr. Tanner with an explanation of the process. The \$1million in savings will still show and be trackable in future reports.

Council Member Vargas requested to have a line item on positions Council approves and budgets for, but are not filled.

Upon Council consensus the report was accepted.

8. **DISCUSS FIVE-YEAR OUTLOOK AND STRATEGIC STAFFING PLAN**

Troy Brown, City Manager, provided the staff report and Stephanie Garranbrant-Sierra, described the process and findings in the five year staffing plan.

Upon Council consensus the report was accepted.

Council Member Mitracos stated that more Code Enforcement Officers are needed.

Mr. Brown responded that a memo providing timelines and priorities would be prepared for Council.

9. ITEMS FROM THE AUDIENCE - None

10. COUNCIL ITEMS - Council Member Vargas requested information regarding Plan C funds: what was anticipated versus collected, what was spent, was it borrowed or allowable for expenditure. On expenditure, is there money left for the rebuild. Council Member Vargas expressed the need of fire stations.

Troy Brown, City Manager, responded that an informational report will be brought forward in January 2016, and a memo will also be sent to Council.

11. ADJOURNMENT – Time: 9:15 p.m.

ACTION: Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas 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 November 24, 2015. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk