

December 15, 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.

Invocation was led by Pastor Tim Heinrich, Crossroads Baptist Church.

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

1. CONSENT CALENDAR

ACTION Following the removal of item 1D, 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 – Regular meeting minutes of December 1, 2015, and closed session minutes of December 1, 2015 were approved.
- B. Approval to Purchase a Patch Truck from Nixon-Egli Equipment Company for Asphalt Repairs – Resolution 2015-208 approved the purchase of a Patch Truck.
- C. Approve Amendment No. Three to the Service Agreement Between the City of Tracy and Tracy Material Recovery and Solid Waste Transfer, Inc., Approve the Budget for the Operation of the Tracy Material Recovery Facility and Solid Waste Transfer Station for the Period of January 1, 2016 through December 31, 2016, and Approve Funding Appropriation – Resolution 2015-209 approved Amendment No. Three to a Service Agreement.
- E. Authorization to Award the Purchase of Replacement Mobile Data Computers and Related Equipment to Hubb Systems, LLC, Doing Business as Data 911 Through a State of California Multiple Award Schedule (CMAS), Contract Number 3-08-70-2549A, Pursuant to Tracy Municipal Code Section 2.20.220 and Authorize the Mayor to Execute a Four-Year Contract With Hubb Systems, LLC, Doing Business As Data 911 And Appropriate \$40,000 from the Equipment Replacement Fund to Complete the Purchase – Resolution 2015-210 authorized award to the purchase of replacement mobile data computers and related equipment.
- F. Award a Construction Contract for the 2014-2015 Slurry Seal Project – CIP 73138b, to the Lowest Responsive Bidder, Authorize the Mayor to Execute the Contract, and Authorize the City Manager to Execute Change Orders Up to the

Maximum Amount Permitted for this Project if Needed – Resolution 2015-211 awarded a construction contract for the 2014-15 Slurry Seal Project.

- G. Waive Second Reading and Adopt Ordinance 1203 an Ordinance of the City of Tracy Adding a New Section 10.08.3198, Donation Containers, to the Tracy Municipal Code - Ordinance 1203 was adopted.
- H. Waive Second Reading and Adopt 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 – Ordinance 1204 was adopted.
- D. Approve Changes to the City Position Control Roster for Positions Allocated to the Fire Department to Include One Fire Captain and One Fire Engineer in a Temporary Over Hire Capacity – Resolution 2015-212 approved changes to the City position control roster.

Council Member Vargas pulled this item and disclosed that she would not participate in the discussion and vote of this item.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Young. Roll call vote found Council Members Mitracos, Young, Mayor Pro Tem Rickman and Mayor Maciel in favor; Council Member Vargas abstained; passed and so ordered.

- 2. ITEMS FROM THE AUDIENCE - Dan and Kelly Cabral expressed concern about the Tracy Police Officers working without a contract for six months and not receiving a pay increase for more than six years. Mr. and Mrs. Cabral urged the Council to keep the City of Tracy safe and take care of the needs of the Police Officers in a timely manner.

Milly Comber expressed her support for the Tracy Police Officers and was concerned that the officers have been working without a contract for six months.

- 3. PUBLIC HEARING TO INTRODUCE AN ORDINANCE AMENDING THE EDGEWOOD CONCEPT DEVELOPMENT PLAN TO PERMIT MULTI-FAMILY RESIDENTIAL USES AND SELF-STORAGE USES AT THE SITE CURRENTLY DESIGNATED NEIGHBORHOOD SHOPPING CENTER AND ADOPT A RESOLUTION TO APPROVE A PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR A 144-UNIT APARTMENT COMPLEX AND ASSOCIATED OUTDOOR AREAS. THE PROJECT IS LOCATED AT THE SOUTHEAST CORNER OF CORRAL HOLLOW ROAD AND MIDDLEFIELD DRIVE, ASSESSOR'S PARCEL NUMBERS 244-020-07. THE APPLICANT IS PACIFIC UNION LAND COMPANY, INC. AND PROPERTY OWNER IS EDGEWOOD LANE DEVELOPERS, LP. APPLICATION NUMBERS PUD12-0002 & D13-0017 – This item was postponed to be heard at a later date.

DEVIATION

6. ADOPT A RESOLUTION OF NECESSITY AUTHORIZING THE INITIATION OF EMINENT DOMAIN PROCEEDINGS TO ACQUIRE RIGHT OF WAYS AND TEMPORARY CONSTRUCTION EASEMENTS FROM CERTAIN REAL PROPERTIES FOR CONSTRUCTION OF INTERSECTION IMPROVEMENTS AT ELEVENTH STREET AND MACARTHUR DRIVE (WESTERN INTERSECTION) AND AUTHORIZE THE DEPOSIT OF \$17,200 FOR THE MARINO PARCEL AND \$350,000 FOR THE BOGETTI PARCEL WITH THE STATE OF CALIFORNIA CONDEMNATION DEPOSIT FUND

Kul Sharma, Utilities Director, presented the staff report.

Robert Mehlhaff, attorney for Albert and Robert Bogetti alleged that the City has not complied with regulations and expressed opposition to the recommendation. Mr. Mehlhaff urged the City Council to delay this item and reconsider.

City Council comments and questions followed

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2015-213 of Necessity of the of the City of Tracy to condemn real property in connection with intersection improvements at Eleventh Street and Mac Arthur Drive (Western Intersection), making findings and determinations, authorizing eminent domain proceedings and applications for possession prior to judgment, draw and deposit warrant (portions of Marino Property, APN 235-190-10 and Bogetti property, APN 235-190-11). Voice vote found all in favor; passed and so ordered.

4. CONDUCT A HEARING FOR APPROVAL OF A LOCATION AGREEMENT WITH MEDLINE INDUSTRIES, INC. AS PART OF THE CITY'S OFFICE/INDUSTRIAL INCENTIVE PROGRAM

Andrew Malik, Development Services Director presented the staff report.

Mayor Maciel opened the public hearing, there was no testimony given, and Mayor Maciel closed the public hearing.

Council comments and questions followed.

ACTION Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Rickman to adopt Resolution 2015-214 approving a Location Agreement by and between the City of Tracy and Medline Industries, Inc. Voice vote found all in favor; passed and so ordered.

5. CITY COUNCIL DISCUSSION REGARDING DEVELOPMENT STANDARDS, DESIGN GUIDELINES, AND A RETAIL DEMAND FORECAST (ECONOMIC ANALYSIS) FOR PROPERTY ALONG INTERSTATE 205 (I-205) FROM TRACY BOULEVARD TO THE EAST CITY LIMIT

Victoria Lombardo, Senior Planner, Development Services, and Andrew Malik, Development Services Director, presented the staff report.

Bill Wiseman with Kimley-Horn presented an overview of design guidelines related to site planning and design. Ray Kennedy with Bay Area Economics presented an overview of the retail demand study.

City Council comments and questions followed.

Mayor Maciel called a recess at 9:01 p.m.

Mayor Maciel reconvened the meeting at 9:13 p.m.

City Council discussion ensued.

ACTION Upon City Council consensus staff was directed to incorporate the feedback received tonight into the design guidelines, return with an interim ordinance for consideration in January, 2016, and a map of the corridor with context related to zoning. Staff will begin defining potential land use, overlay and rezoning.

7. CONDUCT A PUBLIC HEARING TO HEAR OBJECTIONS TO AND APPROVE THE FINAL COSTS OF WEED ABATEMENT AND AUTHORIZE A LIEN ON THE LISTED PROPERTIES IN THE AMOUNT OF THE COST OF ABATEMENT PLUS TWENTY-FIVE PERCENT

David Bramell, Division Chief, presented the staff report.

Mayor Maciel opened the public hearing, there was no testimony given, and Mayor Maciel closed the public hearing.

City Council comments and questions followed.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2012-215 approving the final costs of weed abatement and authorizing a lien on the properties for which the City conducted weed abatement. Voice vote found all in favor; passed and so ordered.

8. ADOPT RESOLUTION APPROVING THE ANNUAL REPORT ON DEVELOPMENT IMPACT FEE REVENUES, EXPENDITURES AND FINDINGS REGARDING UNEXPENDED FUNDS

Rachelle McQuiston, Administrative Services Director, presented the staff report.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Young to adopt Resolution 2015-216 approving the annual report on Development Impact Fee Revenues, expenditures and findings regarding unexpended funds. Voice vote found Council Members Mitracos, Young, Mayor Pro Tem Rickman and Mayor Maciel in favor; passed and so ordered. Council Member Vargas was away from the dais during the vote. Council Member Vargas returned to the dais at 10:22 p.m.

9. ITEMS FROM THE AUDIENCE – There were no speakers.

10. COUNCIL ITEMS

A. APPOINT APPLICANTS TO THE TRACY ARTS COMMISSION

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to reappoint Anne Marie Fuller and Danette Poole to a four year term each ending December 31, 2019; and appoint Jenese Borges-Soto and Lon Swanson to a four year term each ending December 31, 2019. Voice vote found all in favor; passed and so ordered.

Mayor Pro Tem Rickman asked when the lobbying ordinance would return to Council. Dan Sodergen, City Attorney, responded that the Lobbying Ordinance will return to the Council on January 19, 2016.

Mayor Pro Tem Rickman also asked about the Local Hiring ordinance, Dan Sodergren, City Attorney responded that only Charter Cities can have a local preference ordinance for contracts over \$45,000, but that staff would return in February with an ordinance allowing local preferences for contracts under \$45,000, with some other clean-up language to the purchasing ordinance.

Council Member Vargas inquired about looking into an incentive program for City employees to live within City limits to retain the money that is paid out in the City. Staff is to return with incentive program information to the Council between April and May, 2016.

Council Member Young congratulated Don Scholl as the new Public Works Director.

11. ADJOURNMENT – Time 10:31 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 December 8, 2015. The above are action minutes. A recording is available at the Office of the City Clerk.

Mayor

ATTEST:

City Clerk