

**January 19, 2016 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 7:12 p.m. and led the Pledge of Allegiance.

Invocation was led by Pastor Kevin James, New Creation Bible Fellowship.

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

Troy Brown, City Manager presented Employee of the Year Award for 2015, to Grace Segura.

Mayor Maciel spoke about the 2015 iShop Tracy downtown promotional campaign and introduced Tracy City Center Association President, Dino Margaros and Tracy Chamber of Commerce Chief Executive Officer, Sofia Valenzuela who conducted a random drawing for three prize winners.

Mayor Maciel presented the National Mentoring Month Proclamation to Carolyn Brown-Blunt, Mentor Program Coordinator, Sow-A-Seed Foundation.

#### 1. CONSENT CALENDAR

**ACTION** Following the removal of items 1B, 1D, 1J, 1M, 1L and 1N 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 – January 5, 2016, closed session meeting minutes and the November 17, 2015, and December 15, 2015 regular meeting minutes were adopted.
- C. Approve Standard Agreement Between the City of West Covina, through its Police Department, an Entity Organized Under the Laws of the State of California, and the City of Tracy for Data Processing Equipment and Services and Authorize the Mayor to Execute the Agreement – Resolution 2016-005 approved Standard Agreement.

- E. Approve Resolution Authorizing the Purchase of 50 Electronic Citation Devices and Related Equipment from Tyler Technologies through a General Services Administration Contract GSA, Contract Number GS-35F-0096X, Pursuant to Tracy Municipal Code Section 2.20.220 and Authorize the Mayor to Execute a One-Year Contract with Tyler Technologies and a Three-Year Factory Hardware Services Agreement and Appropriate \$255,447 from the Computer Aided Dispatch/Records Management System Replacement CIP Project (CIP 71063) to Complete the Purchase – Resolution 2016-006 authorized the purchase of 50 Electronic Citation Devices.
- F. Authorization to Award the Purchase of a Forensic 3-D Laser Scanner System, Manufactured by Leica Geosystems, Distributed by Precision Survey Supply, a Limited Liability Corporation, and Find in the Best Interest of the City of Tracy to Forego the Formal Bid Process Pursuant to Tracy Municipal Code Section 2.20.180(B)(2)- Sole Source Purchase and Request to Appropriate \$100,500 from the Equitable Sharing Funds to Complete the Purchase – Resolution 2016-007 authorized the purchase of a Forensic 3-D Laser Scanner System.
- G. Approve the Downtown Tracy Community Benefit District Management District Plan and Approve a Disbursement Agreement by and between the City of Tracy and the Tracy City Center Association, Authorizing the City Manager to Execute the Agreement on Behalf of the City – Resolution 2016-008 approved the Downtown Tracy Community Benefit District Management District Plan.
- H. Award a Construction Contract to Mozingo Construction of Oakdale, California, in the Amount of \$4,075,750 for the Larch Road Reconstruction and Hansen Road Wastewater Collection System Upgrade, CIPs 73125, 74097, 74106 & 74113; Authorize an Appropriation of \$800,000 from the Wastewater Enterprise Fund 523 to CIP 74097; Authorize the Mayor to Execute the Construction Contract; Authorize the City Manager to Approve Lee & Ro Professional Services Agreement to Provide Design Support During Construction in an Amount Not to Exceed \$40,000 – Resolution 2016-009 awarded a construction contract to Mozingo Construction.
- I. Approve the Final Subdivision Map and Subdivision Improvement Agreement for Primrose - Phase 2, Tract 3821, Authorize the Mayor to Execute the Agreement, Authorize the City Clerk to File the Subdivision Improvement Agreement with the San Joaquin County Recorder, and Approve the Street Name Change from “Kagehiro Court” to “Aurora Astorga Drive” – Resolution 2016-010 approved the Final Subdivision Map and Subdivision Improvement Agreement.
- K. Approve an Exclusive Negotiating Rights Agreement by and between the City of Tracy and Becker Commercial Properties for the Remainder of the City-Owned Property Located at the Southwest Corner of Naglee Road and Pavilion Parkway (APN 212-290-39), and Authorize the Mayor to Sign the Agreement – Resolution 2016-011 approved an Exclusive Negotiating Rights Agreement.

- B. Approve an Agreement Between the City of Tracy and Pacific Gas & Electric Company (PG&E) Regarding the Construction and Operation of a Gas Distribution Pipeline on the City's Proposed Utility Bridge Crossing the California Aqueduct Along Corral Hollow Road and Authorize the Mayor to Execute the Agreement

George Riddle pulled this item and expressed concern regarding the construction of a bridge and the elevation being in the flight path.

**ACTION** Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2016-012 approving an Agreement. Voice vote found all in favor; passed and so ordered.

- D. Authorization to Award the Purchase of Replacement Police Department 911 Telephone Equipment through the State of California 911 Branch Customer Premise Funding from AT&T, doing Business through a State of California Master Purchase Agreement (MPA), Contract Number 5-12-58-01, a Cooperative Purchase Agreement, per Tracy Municipal Code Section 2.20.220, and Authorize the Mayor to Execute a Five-Year Contract

Council Member Mitracos pulled this item to point out that all the 911 equipment will be updated.

**ACTION** Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Mitracos to adopt Resolution 2016-013 authorizing to purchase replacement of Police Department 911 Telephone Equipment. Voice vote found all in favor; passed and so ordered.

- J. Authorization to Establish a Capital Improvement Project (CIP) to Construct a Temporary Asphalt Concrete Sidewalk Along Lammers Road Between Kimball High School and the Redbridge Subdivision, and Approval of an Appropriation of \$25,000 From Gas Tax Fund 245 for Preliminary Design

Steve Nicolaou pulled this item to ask some clarifying questions and expressed a few concerns.

Robert Armijo, City Engineer, Development Services, presented the staff report.

Dave Helm expressed concern about the property split with the County. Mr. Helm stated that he was not sure what a temporary sidewalk means and does not understand why the County is not fixing the problem and why Stringer Bates is tasked with constructing a sidewalk on County property.

Council comments and questions followed.

**ACTION** Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2016-014 authorizing to establish a Capital Improvement Project. Voice vote found all in favor; passed and so ordered.

L. Approve Request for Out-of-State Travel By Council Member

Council Member Young pulled this item to provide additional information on the National League of California Cities conference she requested to attend.

Troy Brown, City Manager, presented the staff report.

Steve Nicolaou inquired about the purpose of the conference.

Dave Helm inquired about the purpose and the benefit of this conference.

Council comments and questions followed.

**ACTION** Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Young to adopt Resolution 2016-015 approving request for Out-of-State Travel. Voice vote found all in favor; passed and so ordered.

M. Adopt Resolution Approving an Employment Agreement Between Larry Esquivel and the City of Tracy to Serve as Police Chief

Steve Nicolaou pulled this item ask some questions.

Dave Helm inquired why the City is spending \$30,000 more when there is a current Acting Chief. Mr. Helm acknowledged Chief Hampton for his service with the City of Tracy.

**ACTION** Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Young to adopt Resolution 2016-016 approving an Employment Agreement. Voice vote found all in favor; passed and so ordered.

N. Approve Resolution Exercising the Option to Extend a Lease Agreement with Mizuno Farms, Inc., for One Additional Two-Year Period, for Farming Operations at Property Located at the Corner of Eleventh Street and Chrisman Road, and Authorize the Mayor to Execute Amendment No. 3

Council Member Vargas pulled this item for clarification.

Robert Tanner suggested postponing this item until the next meeting because he was concerned that the agenda did not include item N in the packet.

**ACTION** Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2016-017 exercising the option to extend a Lease Agreement. Voice vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Wes Huffman spoke on behalf of the Youth Advisory Commission advocating for \$3,000 being allocated and made accessible for the student projects that do not get accomplished due to lack of budget.

Robert Tanner expressed the need for a sidewalk on the corner of Chester Drive and Lowell and urged the Council to include it in the CIP.

Council Member Vargas suggested looking into a school grant to fund the sidewalk.

City employee Frank DeSousa represented the Teamsters Bargaining Unit and expressed concern for all the employees in this unit who have not received a wage increase in over 8 years and are paying 8 % of their pension. Mr. DeSousa stated that the City needs to recognize the sacrifices and what is being requested is a reasonable compensation to get closer in negotiations to make up for the losses and urged the Council that it is time to show that they are valued.

Dave Helm acknowledged the teamsters for their hard work.

Roger Birdsall announced an upcoming musical taking place on March 12, 2016 at the Grand Theatre, a Notre Dame De Namur production called "In the Heights", first floor tickets are available for \$18, and second floor tickets are \$15.

Council Member Vargas asked when Council will meet to discuss labor negotiations for the remaining three units. Troy Brown, City Manager responded that there is a labor negotiation closed session scheduled for February 2, 2016.

3. AUTHORIZE THE CITY MANAGER TO ENROLL THE CITY OF TRACY IN THE COMMUNITY FOUNDATION OF SAN JOAQUIN (CFOSJ), APPROPRIATE \$10,000 FROM THE GENERAL FUND TO BE USED AS INITIAL FUNDS IN THE CITY OF TRACY FUND WITHIN THE CFOSJ, AUTHORIZE RETURN OF THE \$10,000 TO THE GENERAL FUND WHEN THE CHARITABLE FUNDS FOR THE CITY REACH \$50,000, AND DESIGNATE THE CITY MANAGER AS THE FUND ADVISOR

Stephanie Garrabrant-Sierra, Assistant City Manager, presented the staff report.

Linda Philipp, Community Foundation of San Joaquin provided a brief overview of what the foundation does through philanthropy and charity.

Council comments and questions followed.

Rhodesia Ransom inquired about the fund.

Linda Jimenez asked how this information would be disseminated to the public.

Council discussion ensued.

- ACTION** Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2016-018 authorizing the City Manager to enroll the City of Tracy in the Community Foundation of San Joaquin, appropriating \$10,000 from the General Fund to be used as initial funds in the City of Tracy fund within the Community Foundation of San Joaquin, authorize return of the \$10,000 to the General Fund when the charitable funds for the City reach \$50,000, designating the City Manager as the fund advisor, and authorizing the City Manager to create sub-funds within the City of Tracy Fund. Voice vote found all in favor; passed and so ordered.

Mayor Maciel called for a recess at 8:57 p.m.

Mayor Maciel reconvened the Council meeting at 9:07 p.m.

4. PUBLIC HEARING TO INTRODUCE AN ORDINANCE AMENDING THE CONCEPT DEVELOPMENT PLAN, AND ADOPTING A RESOLUTION AMENDING THE PRELIMINARY AND FINAL DEVELOPMENT PLAN, FOR THE 71-LOT SOUTHGATE RESIDENTIAL SUBDIVISION LOCATED SOUTH OF THE WESTERN TERMINUS OF SCHULTE ROAD AND EAST OF MABEL JOSEPHINE DRIVE. THE APPLICANT AND OWNER IS BRIGHT DEVELOPMENT – APPLICATION NUMBERS PUD15-0003 AND D14-0027

Kimberly Matlock, Assistant Planner, Development Service, presented the staff report.

Mayor Maciel opened the public hearing.

George Riddle, referenced a letter addressed to Bill Dean dated November 15, 2012 from the ALUC that there is no zone 7 that there is a zone 6 and urged the Council to ensure that they are not encroaching in a different area.

Council Member Vargas expressed a desire to see more color to add contrast in the Spanish Style Plan One and embellish the elevation.

**ACTION** Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Rickman to adopt Resolution 2016-019 approving a Preliminary and Final Development Plan Amendment to the architecture for the Southgate residential subdivision located south of the western terminus of Schulte Road and east of Mabel Josephine Drive. The applicant and owner is Bright Development – Application Number D14-0027. And to add architectural embellishment on the Spanish Plan One elevation as discussed. Voice vote found all in favor; passed and so ordered.

Nora Pimentel, City Clerk read the title of Proposed Ordinance 1206 into the record.

**ACTION** Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to waive reading of full text of ordinance. 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 1206. Voice vote found all in favor; passed and so ordered.

DEVIATION

6. COMPARATIVE ANALYSIS OF EXISTING 1998 TRACY HILLS APPROVALS TO THE PROPOSED 2016 PROJECT

Troy Brown, City Manager, provided some background information related to the proposed Tracy Hills project. Bill Dean, Development Services Assistant Director, presented the staff report.

Council comments and questions followed.

Drew Castle, reported working diligently with staff for the past three years, many things have been studied through the EIR mitigation process. Mr. Castle expressed his desire to assist the Council to better understand the project and address Council's concerns in a digestible way.

Council discussion ensued.

Linda Jimenez thanked staff for providing the comparison as it served as a refresher and expressed her comments and concerns related to the well water usage.

Alice English expressed concern about the drought and the proposed projects requiring water; Ms. English expressed a second concern related to the need for sidewalks in the City.

Steve Nicolaou agreed that the comparative analysis for the proposed 2016 project is better than the 1998 project. Mr. Nicolaou stated that water is a commodity, it can be bought and it is driven by economics.

#### DEVIATION

Mayor Maciel deviated to item 4 at 10:26 p.m. to continue the process to introduce ordinance 1206.

#### DEVIATION

The Council returned to Item 6 at 10:27 p.m. to continue their discussion on the comparative analysis of existing 1998 Tracy Hills approvals to the proposed 2016 project.

Upon consensus staff was directed to provide a response to the following Council comments:

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|---------------------------|--|
| Utilities/water:          | Provide overview of water and recycled water. Summarize SB 610 and address reliability issues and use of wells.                        |
| Utilities/wastewater:     | What is fiscal impact "ballpark" estimate of cost difference from 1998 to 2016 WW approach?  |
| Utilities/storm drainage: | Explain differences in approach  |
| Roadways:                 | More information needed on build-out requirements, triggers, and interchanges. What are costs today compared to 1998?                  |
| Fire:                     | Why only 1 fire station in 1998 approvals?<br>Where will fire station go?<br>What will be the cost?<br>What is the plan for build-out? |
| Police:                   | What is the cost for new officers?   |
| Public Safety Tower:      | Will there be a blind spot in the Corral Hollow Canyon once the PS Tower is operational?   |

- PW Maintenance: Is the proposed CFD amount enough to cover PW costs?
  
- Development Concept: Who maintains the Open Space?  
Is there a City water savings going from golf course to open space?
  
- Zoning: Can the specifics of the requested changes be summarized for CC?  
Is there any benefit from the changes?
  
- Development Standards: How will Phase 1 compliment other Phases?  
Are there future CC actions on later phases?
  
- Residential Growth Allotments/GMO: What is the average number of RGAs sought on average yearly?  
How will other developers/projects be affected?  
Is there a waiting list for RGAs?  
Is Infill incentivized?  
Is there a value that can be assigned to RGAs?
  
- Parks: What are the maintenance costs for the Community Park (land dedication)?
  
- Public Services Funding: Provide analytical data supporting CFD amount.

Mayor Maciel polled the Council if there was consensus to continue with the agenda. The consensus of the Council was to continue with the agenda.

Mayor Maciel called a recess at 11:24 p.m.

Mayor Maciel reconvened the meeting at 11:32 p.m.

DEVIATION

8. COUNCIL ITEMS

- A. Appoint Applicants to the Parks and Community Services Commission  
Mary Mitracos presented the sub-committees report and announced the recommendation to re-appoint Gloria Saltzman and Linda Jimenez and appoint Conrado Levoit III and place Verica Elliott and Jennifer Dow-Rowell on the eligibility list.

**ACTION** Motion was made by Council Member Mitracos and seconded by Council Member Young to re-appoint Gloria Saltzman and Linda Jimenez to a term each ending January 21, 2020 and appoint Conrado Levoit III to a term ending January 21, 2020 and to place Verica Elliott in the first position and Jennifer Dow-Rowell in the second position on the eligibility list. Voice vote found all in favor; passed and so ordered.



5. APPROVE A LIST OF CITY OF TRACY PROJECTS FOR SAN JOAQUIN COUNCIL OF GOVERNMENT'S ONE VOICE TRIP TO WASHINGTON D.C., FOR CONGRESSIONAL FUNDING APPROPRIATION REQUESTS

Robert Armijo, City Engineer, Development Services, presented the staff report.

Council comments and questions followed.

**ACTION** Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Mitracos to adopt Resolution 2016-019 approving a list of City of Tracy projects San Joaquin Council of Government's One Voice trip to Washington D. C. for congressional funding appropriation. Voice vote found all in favor; passed and so ordered.

7. ITEMS FROM THE AUDIENCE – George Riddle, read into the record information for the Edgewood fill project, the ALUC response to local jurisdiction letter addressed to Bill Dean dated November 15, 2012 is flawed and ignores traffic pattern in zone 6 and is not in compliance with its own ALUC plan for the Tracy Airport, that's the 2009 plan. Mr. Riddle announced that the Tracy Airport Association is now a 501 3(C).

#### DEVIATION

#### 8. COUNCIL ITEMS

##### B. Review Appointments to Council Committees

Nora Pimentel, City Clerk presented the staff report.

The following appointments were made:

City Chamber Liaison – Council Member Vargas and  
Alt Mayor Pro Tem Rickman  
City School Liaison- Mayor Maciel, Mayor Pro Tem Rickman  
Investment review Committee – Council Member Vargas, Council Member  
Mitracos  
South County Fire – Mayor Maciel, Mayor Pro Tem Rickman  
Tracy Area Public Facilities Financing Agency – Council Member Young,  
Council Member Mitracos  
City Selection Committee – Mayor Maciel  
Community Development Block Grant – Vacant  
Council of Governments – Mayor Maciel, Alt Council Member Young  
Citizen's Advisory Committee – Council Member Young  
San Joaquin Water Advisory Commission – Don Scholl,  
Alt Council Member Mitracos  
San Joaquin Partnership – Mayor Maciel  
San Joaquin Rail Commission – Mayor Maciel  
Solid Waste Management – Council Member Young  
Special City Selection Commission – Council Member Mitracos,  
Alt Council Member Vargas  
League of California Cities, Central Valley – Council Member Vargas  
Oversight Board of the Successor Agency – Mayor Maciel  
Joint City/County Criminal Justice Task Force – Mayor Pro Tem Rickman,

Council Member Vargas, Alt Mayor Maciel  
Altamont Regional Authority – Mayor Maciel  
Tri-valley Regional Rail Advisory Group – Council Member Vargas  
LAFco – Mayor Maciel

San Joaquin Council of Government’s One Voice Trip was pulled from the list for discussion and was voted upon – Roll Call vote found Council Members Mitracos, Vargas, and Mayor Pro Tem Rickman opposed to Mayor Maciel and Council Member Young attending the Washington One Voice Trip; Council Member Young and Mayor Maciel voted in favor.

Staff was directed to agendize a discussion about the inclusion of other interested Council Members in addition to member on the San Joaquin Council of Government’s attending the upcoming One Voice trip and consider scheduling a special Tracy specific trip to Washington D.C. for interested Council Members to attend or have all interested Council Members attend both trips.

Mayor Pro Tem Rickman congratulated all the Police Officers that received awards and acknowledged Officer Clayton who received the Officer of the Year award at the Tracy Police Awards banquet and recognized the police profession.

Council Member Vargas mentioned that the electrical outlet in her area at the dais was not working and requested to get that fixed.

Council Member Young announced the Tracy Unified Festival of Cultures Event at Kimball High on February 3, 2016 from 6:00 p.m. – 8:00 p.m.

9. ADJOURNMENT – Time: January 20, 2016 12:16 a.m.

**ACTION** Motion was made by Mayor Pro 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 January 12, 2016. The above are action minutes. A recording is available at the Office of the City Clerk.

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Mayor

ATTEST:

\_\_\_\_\_  
City Clerk