

**March 15, 2016, 7:00 p.m.**

Council Chambers, 333 Civic Center Plaza, Tracy

Web Site: [www.ci.tracy.ca.us](http://www.ci.tracy.ca.us)

Mayor Maciel called the City Council meeting to order at 7:19 p.m. and led the Pledge of Allegiance.

Invocation was led by Deacon Jack Ryan.

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

Mayor Maciel presented a Certificate of Recognition to Malorie Bournazian as Miss San Joaquin County Outstanding Teen 2016.

#### 1. CONSENT CALENDAR

**ACTION** Following the removal of items 1E and 1F it was moved by Council Member Mitracos 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 – February 2, 2016, regular meeting minutes, and March 1, 2016, closed session minutes were approved.
- B. Acceptance of the City Hall Automatic Entry Door Installation CIP 71077, Completed by Silva Electrical, Inc. of Tracy, 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 2016-041 accepted the City Hall automatic entry door installation.
- C. Adopt a Resolution Amending the City's Conflict of Interest Code for Designated City Officers and Employee Classifications as Required by the Political Reform Act – Resolution 2016-042 amended the City's Conflict of Interest code.
- D. Approve Amendment No. 2 to Professional Services Agreement WJM C&E 15-1 with WJM Consulting & Engineering for Additional Services Related to the Recycled Water Grant Application to the Department of Water Resources (DWR) for an Amount Not to Exceed \$28,500 – Resolution 2016-043 approved Amendment No. 2 to a Professional Services Agreement.

E. Adopt the Memorandum of Understanding Between the City of Tracy and the Tracy Firefighters' Association (TFFA)

Robert Tanner pulled this item to request the reading of what it will cost the City for this new contract both current year and ongoing. Rachelle McQuiston, Administrative Services Director, read into the record the fiscal impact of this action.

**ACTION** Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to approve Resolution 2016-044 adopting the Memorandum of Understanding with the TFFA. Voice vote found all in favor; passed and so ordered.

F. Increase Fees Charged by Towing Service Operators for Services Rendered, Effective March 16, 2016, to Reflect Increased Operating Expenses)

Paul Miles pulled this item and requested the reading of the current towing rates and the proposed new rates.

Captain Mark Duxbury, Police Department, presented the staff report.

Paul Miles expressed concern that the new rate increase is too much and urged the Council to stand up for its residents.

Dave Anderson stated that the increase was too much and suggested this go out to bid like everything else and assign it to the lowest bidder.

Paul Miles expressed that he has heard no business justification for this new rate.

Issar Aminy commented that there is no justification to the rate increase.

Aaron Fountain, tow operator explained the various expenses that the fees absorb.

Council comments and questions followed.

John Dayton, owner of Ace Towing explained that the proposed fees pertain only if one breaks the law and the City calls to request a vehicle to be impounded, not for vehicles that break down and need a tow.

Sharma Aminy expressed concern that these rates are at the cost of the people.

Council comments and questions ensued.

**ACTION** Motion was made by Council Member Young, and seconded by Council Member Mitracos to adopt Resolution 2016-045 increasing fees charged by tow service operators. Voice vote found Council Member Mitracos, Vargas, Young, and Mayor Maciel in favor; passed and so ordered. Mayor Pro Tem Rickman abstained from the vote.

Following the consideration of the Consent Calendar Mayor Maciel announced that applicant Chris Garwood from Pacific Union Land Company, Inc. requested a continuance on Item 4. After further discussion and clarification between the Council and Mr. Garwood, Mr. Garwood withdrew the application.

Alice English urged the Council to vote against the rezoning, Mayor Maciel clarified that with the withdrawal of the application there is nothing for the Council to vote on. Ms. English reiterated that if this item comes up again, she stated for the record storage units do not belong in neighborhoods.

2. ITEMS FROM THE AUDIENCE – Raul Alfaro spoke on behalf of Frank Garcia who was ill and unable to attend and read his statement into the record related to Taylor Farms violations in the workplace.

Mireya, employee of Taylor Farms asked for safety and respect on the job.

Ubbo Coty, member of the Skyliners Club, inquired about the use and flying status at the airport.

Cynthia Souza, representing the Grand Foundation, announced the official “Dedicate a Seat Kick-Off” to fulfill the \$1 million endowment fund held by the Community foundation of San Joaquin to ensure ongoing fund programming and the arts. Tiffany Heben provided additional information.

Dave Anderson thanked the Council for tabling the park and ride.

Cher Levasseur expressed concern with a vacant lot at the corner of Middlefield and Corral Hollow which has a damaged fence that could result dangerous to the children who are running through it. Ms. Levasseur would like to see the fence repaired.

Jim Feeny expressed the valuable asset that employees bring to the workplace and the importance of preserving institutional knowledge. Mr. Feeny urged the Council to keep that in mind when presented to vote on the teamsters offer.

Shamir Aminy expressed her concern for the safety of the children playing with basketball hoops in the street.

3. **ADOPT A RESOLUTION OF THE CITY OF TRACY INITIATING PROCEEDINGS TO AMEND THE GENERAL PLAN TO INCLUDE A FISCAL SUSTAINABILITY POLICY AND TO ESTABLISH A NEW DEVELOPMENT PROJECTS COMMUNITY FACILITIES DISTRICT**

Troy Brown, City Manager provided a brief overview of the staff report, Anne Bell, Management Analyst presented the staff report. Susan Goodwin presented the Fiscal Impact Analysis Powerpoint.

Judy Houdeshell spoke about her active involvement with the Mello Roos District CFD back in the late 1990's. Ms. Houdshell stated that the developers should pay their fair share from the beginning, development does not come without impact and there are

those that are still paying for the growth which occurred in the 90's.

Paul Miles asked clarifying questions related to the CFD.

David Martinez stated that there are many residents who do not know what Mello Roos is and how much they are paying.

Les Serpa representing Surland Companies expressed concern that they are a local developer and will be building out Ellis and other future neighborhoods. Mr. Serpa stated that he is aware that there is a current revenue shortfall and would prefer to work with alternatives. Mr. Serpa urged the Council to do this in a well thought out and collaborative manner.

Robert Tanner asked clarifying questions related to the new apartments.

Patricia Curtin, Land Use Attorney with Wendel Rossin spoke on behalf of the investors for the Ellis project. Ms. Curtin addressed two points 1) why the General Plan amendment is not necessary and 2) identified concerns with the CFD.

Russ Powell, provided an overhead to illustrate the impacts relative to Ellis in terms of property tax.

Steve Harem representing Surland addressed concerns with the General Plan amendment and stated that this proposal should be denied.

John Beckman appealed to the Council's sense of fairness and understanding of right and wrong. Mr. Beckman stated that it is not right to have two different classes of citizens within a town and maintain a separate but equal standard level of service. Mr. Beckman urged the Council to not do this to the community.

Judy Houdeshell expressed how challenging it was to fight against and stop paying the mello roos tax.

Scott Stringer, representing Bates Stringer Ventures, stated that police and fire are necessary and would participate in any way to assist in that effort. Mr. Stringer addressed two key conditions for that participation. Mr. Stringer supports the idea proposed but agrees that more time is needed to talk this through and collaborate with staff.

Mayor Maciel called for a recess 9:24 p.m. and stated that upon return the Council would consider item 12A (Appointments to the Planning Commission).

Mayor Maciel reconvened the meeting at 9:33 p.m.

Council comments and questions followed.

**ACTION** Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to initiate proceedings to amend the General Plan to include a fiscal sustainability policy. Voice vote found all in favor; passed and so ordered.

**ACTION** Motion was made by Council Member Mitracos, and seconded by Council Member Vargas to initiate proceedings to establish new Development Projects Community Facilities District. Voice found all in favor; passed and so ordered.

**ACTION** Motion was made by Council Member Mitracos, and seconded by Council Member Vargas to adopt Resolution 2016-046 initiating proceedings to amend the General Plan to include a Fiscal Sustainability Policy and to initiate proceedings to establish a new Development Projects Community Facilities District. Voice found all in favor; passed and so ordered.

Staff was directed to do the following: 1) initiate proceedings to amend the General Plan to include a fiscal sustainability policy and return with a draft and continue dialogue with the development community; 2) initiate proceedings to establish a new development projects community facilities district, and return with additional information.

Mayor Maciel called for a recess at 11:30 p.m.

Mayor Pro Tem Rickman reconvened meeting at 11:37 p.m.

DEVIATION

12. COUNCIL ITEMS

A. APPOINT APPLICANTS TO THE PLANNING COMMISSION

Mayor Maciel reported that he and Council Member Young interviewed eleven highly qualified applicants and announced their recommendation to reappoint Jass Sangha and appoint Albert Hudson.

**ACTION** Motion was made by Mayor Maciel, and seconded by Council Member Young to reappoint Jass Sangha and Appoint Albert Hudson to the Planning Commission to each serve a four year term ending March 2020. Voice vote found all in favor; passed and so ordered.

4. 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

**ACTION** Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to remove Item 4 from the agenda. Voice vote found all in favor; passed and so ordered.

DEVIATION

6. PUBLIC HEARING TO CONSIDER THE ALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS FOR FISCAL YEAR 2016-2017 AND CONSIDERATION OF THE REALLOCATION OF PREVIOUS PROGRAM YEARS FUNDS TO THE HOME REHABILITATION PROGRAM

Mayor Maciel recused himself from discussion and vote on this item; Mayor Pro Tem Rickman presided over this item.

Josh Ewen, Management Analyst, Development Services Department, presented the staff report.

Mayor Pro Tem Rickman opened the public hearing, there was no testimony, Mayor Pro Tem Rickman closed the public hearing.

Council comments and questions followed.

**ACTION** Motion was made by Council Member Vargas, and seconded by Council Member Mitracos to adopt Resolution 2016-047 allocating Community Development Block Grant and Home Investment Partnership Program funds for fiscal Year 2016 - 2017. Voice vote found Council Member Mitracos, Vargas, Young and Mayor Pro Tem Rickman in favor; passed and so ordered. Mayor Maciel abstained.

DEVIATION

5. PUBLIC HEARING TO CONSIDER A 47-UNIT RESIDENTIAL APARTMENT PROJECT, INCLUDING PARKING AND RELATED ON-SITE IMPROVEMENTS ON APPROXIMATELY 2.28 ACRES LOCATED ON THE SOUTH SIDE OF AUTO PLAZA DRIVE, WEST OF ITS INTERSECTION WITH AUTO PLAZA WAY IN NORTHWEST TRACY, ASSESSOR'S PARCEL NUMBER 212-270-24. THE PROJECT INCLUDES A GENERAL PLAN DESIGNATION AMENDMENT FROM COMMERCIAL TO RESIDENTIAL HIGH (GPA15-002), AN AMENDMENT TO THE I-205 CORRIDOR SPECIFIC PLAN DESIGNATION (PUD CONCEPT DEVELOPMENT PLAN) FROM SERVICE COMMERCIAL TO HIGH DENSITY RESIDENTIAL (SPA15-001), AND A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN (D15-003) FOR THE PROJECT. A MITIGATED NEGATIVE DECLARATION IS THE PROPOSED ENVIRONMENTAL DOCUMENT FOR THE PROJECT. THE APPLICANT IS NORTHSTAR ENGINEERING GROUP, INC., AND THE PROPERTY OWNER IS TRACY 300, LP

Alan Bell, Senior Planner, Development Services, presented the staff report.

Mayor Maciel opened the public hearing.

Gary Mancebo, with Tracy 300, owner of the project, urged the Council for their support.

Mayor Maciel closed the public hearing.

Council comments and questions followed.

**ACTION** Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to adopt Resolution 2016-048 approving a General Plan Amendment (GPA15-002), approving a Planned Unit Development Preliminary and Final Development Plan (D15-003), and adopting a Mitigated Negative Declaration for the Aspire II Apartments. Voice vote found all in favor; passed and so ordered.

Nora Pimentel, City Clerk read the title of proposed Ordinance 1210.

**ACTION** Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to waive reading of full text. 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 1210. Voice vote found all in favor; passed and so ordered.

7. APPROVE AN EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT WITH THE LAND GROUP, INC. FOR DEVELOPMENT AND OPERATION OF SPORTS FIELDS IN PHASE 2 AT THE LEGACY FIELDS COMPLEX LOCATED ON NORTH TRACY BLVD AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT – Resolution 2016-049 PUBLIC HEARING TO ADOPT THE 2015 – 2023 GENERAL PLAN HOUSING ELEMENT AND CEQA NEGATIVE DECLARATION

Brian McDonald, Management Analyst, Public Works Department, presented the staff report.

Larry Weber, the Broker for the Land Group, Inc., and Mark Ruiz, Associate of the Land Group, provided a brief background of their firm and programs offered.

Cal North reaffirmed their interest and participation in this venture.

Robert Tanner expressed his concern and asked if the half the fields would be run by the developer and the other half by the City.

Conrad Le Voit urged staff and the Council to add restrooms as a priority to the development of Legacy Fields.

Council comments and questions followed.

**ACTION** Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to adopt Resolution 2016-049 approving an Exclusive Negotiating Rights Agreement with the Land Group, Inc. for development and operation of sports fields in Phase 2 at the Legacy Fields Complex located on North Tracy Blvd and authorizing the Mayor to sign the agreement. Voice vote found all in favor; passed and so ordered.

8. PUBLIC HEARING TO ADOPT THE 2015 – 2023 GENERAL PLAN HOUSING ELEMENT AND CEQA NEGATIVE DECLARATION

Alan Bell, Senior Planner, Development Services, presented the staff report.

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

Council comments and questions followed.

**ACTION** Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to adopt Resolution 2016-050 approving the Housing Element Negative Declaration and the 2015-2023 Housing Element. Voice vote found all in favor; passed and so ordered.

9. ADOPTION OF RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF TRACY AND THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM; INTRODUCE AN ORDINANCE AUTHORIZING THE AMENDMENT TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN TO PROVIDE SECTION 20516 (EMPLOYEES SHARING ADDITIONAL COST) OF 3% FOR ALL LOCAL MISCELLANEOUS MEMBERS IN THE TRACY MID-MANAGERS BARGAINING UNIT, CONFIDENTIAL MID-MANAGERS UNIT, TECHNICAL SUPPORT SERVICES UNIT, ALL LOCAL POLICE MEMBERS IN THE TRACY POLICE MANAGEMENT ASSOCIATION AND ALL LOCAL FIRE MEMBERS IN THE CONFIDENTIAL MID-MANAGERS UNIT

Judy Carlos, Management Analyst, Administrated Services, presented the staff report.

**ACTION** Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to adopt Resolution of Intention 2016-051 approving an amendment to contract between the Board of Administration California Public Employees' Retirement System. Voice vote found all in favor; passed and so ordered.

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

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

**ACTION** Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Mitracos to introduce Ordinance 1211. Voice vote found all in favor; passed and so ordered.

10. APPROVAL OF THE 15-16 MID-YEAR BUDGET REVIEW AND AUTHORIZE PROPOSED EXPENDITURE AND REVENUE ADJUSTMENTS

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



Robert Tanner asked if the changes made to the mid-year automatically include the pay raises and labor contracts that have been approved.

**ACTION** Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to adopt Resolution 2016-052 authorizing Fiscal Year 2015-2016 Operating Budget Adjustments.

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

Mayor Pro Tem Rickman wished everyone a Happy Easter.

Council Member Vargas reminded everyone to purchase a ticket to attend the State of the City Address on Thursday, March 17, 2016 at the Grand Theatre.

Council Member Young proposed that a questionnaire be added to the Boards and Commission interviewing process, a tool that would inform the subcommittee if an incumbent who is eligible for reappointment continues to be an asset to the commission.

Council Member Mitracos expressed her appreciation and acknowledged Police Officers Clayton and Grijalva who responded to an illegal entry and minor vandalism in her neighborhood.

13. ADJOURNMENT– Time: March 16, 2016, 12:14 a.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 March 8, 2016. The above are action minutes. A recording is available at the Office of the City Clerk.

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Mayor

ATTEST:

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City Clerk