

**April 19, 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 Pro Tem Rickman 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, and Mayor Pro Tem Rickman present.

Council Member Young and Mayor Maciel were in Washington D.C. attending the Council of Governments 2016 One Voice Advocacy Trip.

#### 1. CONSENT CALENDAR

**ACTION** It was moved by Council Member Vargas and seconded by Council Member Mitracos to adopt the consent calendar. Roll call vote found Council Member Mitracos, Vargas and Mayor Pro Tem Rickman in favor; passed and so ordered. Motion carried 3-0-2

- A. Adopt Council Minutes – April 5, 2016 Regular City Council Minutes, April 4 and 5, 2016 Closed Session Minutes and April 5, 2016 Special Council Meeting Minutes were approved.
- B. Waive Second Reading and Adopt Ordinance 1212, an Ordinance of the City of Tracy Amending Section 10.08.980, Names of Zones, and Adding a New Article 22.6, Tracy Hills Specific Plan Zone (THSP), and a New Section 10.08.3024, Tracy Hills Specific Plan Zone (THSP), to Title 10 of the Tracy Municipal Code and Zoning All Property in the Tracy Hills Specific Plan Area as Tracy Hills Specific Plan Zone (THSP) Application Number ZA13-0003 – Ordinance 1212 was adopted.
- C. Waive Second Reading and Adopt Ordinance 1213, an Ordinance of The City of Tracy Approving a Development Agreement With the Tracy Hills Project Owner, LLC and Tracy Phase 1, LLC Application Number DA13-0001 – Ordinance 1213 was adopted.
- D. Waive Second Reading and Adopt Ordinance 1214, an Ordinance of the City of Tracy Amending the Zoning from Low Density Residential to Planned Unit Development for an Approximately 59.1-Acre Site Located on the East Side of Lammers Road, North of Redbridge Road, (Assessor's Parcel Numbers 240-060-26 and 27); Application Number PUD15-0001 – Ordinance 1214 was adopted.

- E. Approve an Agreement with Trace Adkins – Sarepta, Inc., Through Creative Artist’s Agency, for the Grand Theatre Presenting Season’s Opening Concert and Authorize the Mayor to Sign the Agreement – Resolution 2016-068 approved an Agreement.
  - F. Authorization for an Agreement with Koefran Industries, Inc., for Providing and Maintaining a Freezer Unit to Store Animal Carcasses and Provide Disposal Through June 30, 2022 and Authorization for the Mayor to Execute the Agreement – Resolution 2016-069 authorized an Agreement.
  - G. Declare the Remainder of City-Owned Properties APN’s 214-020-03, and 214-020-04, on Kavanagh Avenue West of Corral Hollow Road, as Surplus Property, Authorize a Real Property Purchase Agreement With Raymond Axton (Buyer) for the Remainder of APN 214-020-03, and Authorize the Mayor to Execute the Real Property Purchase Agreement and Related Documents – Resolution 2016-070 declared city-owned properties as surplus and authorized a Real Property Purchase Agreement.
  - H. Approve Amendment Number 4 to the Master Professional Services Agreement With SNG & Associates, Inc., for Staff Support and Plan/Map Review Services – Resolution 2016-071 approved amendment to a Master Professional Services Agreement.
  - I. Acceptance of the MacArthur Drive 24-Inch Water Line Project, CIP 75108, Completed by Mozingo Construction of Oakdale, California, Authorization for the City Clerk to File the Notice of Completion, and Authorization for the City to Release the Bonds and Retention Payment – Resolution 2016-072 accepted a water line project and authorized filing of Notice of Completion.
2. ITEMS FROM THE AUDIENCE – Paul Miles expressed concern that he submitted a formal police complaint against Chief Hampton and other officers on February 2, 2016 and has not received an acknowledgement or response to his complaint. Mr. Miles asked when he would receive a response.
- Dave Helm referenced the last Council meeting when he provided documents to be delivered to the Council for their review. The documents were a result of a public records request. He expressed concern about the manner in which Chief Hampton was treated, concern with the process followed and waste of money.
3. PUBLIC HEARING TO CONSIDER A DEVELOPMENT REVIEW APPLICATION FOR A 252-UNIT RESIDENTIAL APARTMENT PROJECT LOCATED ON APPROXIMATELY 11.62 ACRES ON THE NORTH SIDE OF VALPICO ROAD AT GLENBRIAR DRIVE, WEST OF THE RITE AID STORE AT THE NORTHWEST CORNER OF VALPICO ROAD AND MACARTHUR DRIVE (ASSESSOR’S PARCEL NUMBERS 246-140-12, 13, AND 14). THIS PROJECT WAS PREVIOUSLY APPROVED AS TWO SEPARATE PROJECTS: THE VALPICO APARTMENTS AND MACDONALD APARTMENTS – THE APPLICANT IS REPUBLIC TRACY, LLC – APPLICATION NUMBER D15-0024

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

Mayor Pro Tem Rickman opened up the public hearing.

Applicant Reyad Katwan, Senior Vice President of Construction and Operations, Republic Family of Companies provided a brief background and presented a brief PowerPoint related to the Valpico Apartments project.

Paul Miles expressed concern on the possible negative impact to the privacy to the people on the southern side of Valpico and inquired if those residents had been apprised of the change.

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 2016-083 approving Development Review Application Number D15-0024 and determination regarding off-street parking space reduction for the Valpico (Formerly Valpico and MacDonald) Apartment Project located on approximately 11.62 acres on the north side of Valpico Road at Glenbriar Drive – Assessor’s Parcel Numbers 246-140-12, 13 and 14. Voice vote found Council Member Mitracos, Vargas and Mayor Pro Tem Rickman in favor; passed and so ordered. Council Member Young and Mayor Maciel were absent.

4. PUBLIC HEARING TO CONSIDER A PRELIMINARY AND FINAL DEVELOPMENT PLAN APPLICATION FOR AN EXTERIOR REMODEL OF AN EXISTING DRIVE-THRU RESTAURANT (BURGER KING) LOCATED AT 2890 W. GRANT LINE ROAD - APPLICANT IS SUNNY GHAI AND PROPERTY OWNER IS R/O 2011 LLC - APPLICATION NUMBER D15-0023

Kimberly Matlock, Associate Planner, Development Services, presented the staff report.

Mayor Pro Tem Rickman opened the public hearing.

Applicant Sunny Ghai expressed concern about the City’s permit process. Mr. Ghai suggested Council look at streamlining the process.

Mayor Pro Tem Rickman closed the public hearing.

Council comments and questions followed

**ACTION** Motion was made by Council Member Vargas seconded by Council Member Mitracos to adopt Resolution 2016-074 approving a Preliminary and Final Development Plan application for an exterior remodel of an existing drive-thru restaurant (Burger King) located at 2890 W. Grant Line Road – Applicant is Sunny Ghai and property owner is R/O 2011 LLC – Application Number D15-0023. Voice vote found Council Member Mitracos, Vargas and Mayor Pro Tem Rickman in favor; passed and so ordered. Council Member Young and Mayor Maciel were absent.

5. INTRODUCE AN ORDINANCE AMENDING SECTIONS 3.04.010 AND 3.04.060 OF THE TRACY MUNICIPAL CODE PERTAINING TO SAFE AND SANE FIREWORKS – Ordinance 1215 was introduced

Dave Bramell, Division Fire Chief, presented the staff report.

Council comments and questions followed.

Louis Lenny with TNT Fireworks expressed his support with the proposed changes from the Fire department.

Council comments and questions followed.

Nora Pimentel, City Clerk read the title of the proposed ordinance.

**ACTION** Motion was made by Council Member Vargas, and seconded by Council Member Mitracos to waive the reading of full text. Voice vote found Council Member Mitracos, Vargas and Mayor Pro Tem Rickman in favor; passed and so order. Council Member Young and Mayor Maciel were absent.

**ACTION** Motion was made by Council Member Vargas, and seconded by Council Member Mitracos to introduce ordinance 1215. Voice vote found Council Member Mitracos, Vargas, and Mayor Pro Tem Rickman in favor; passed and so ordered. Council Member Young and Mayor Maciel were absent.

6. ITEMS FROM THE AUDIENCE – Alice English referenced making negative remarks out of frustration in January about Commissioner Pete Mitracos related to an October Planning Commission meeting. Ms. English stated that she wanted to publicly apologize to Pete Mitracos, the Council and to Council Member Mitracos for those remarks and acknowledged that Pete Mitracos served the Planning Commission well and was a dedicated chair of the Commission.

7. COUNCIL ITEMS

Council Member Vargas invited everyone to the Breakfast Camp fundraiser for the local Boy Scouts Troop at 7:00 a.m. at the Elks Lodge on Friday, April 22, 2016. Proceeds will go towards the Tracy Boy Scouts. Council Member Vargas also announced the upcoming 8<sup>th</sup> Annual Spring Tea Event hosted by the St. Paul Lutheran Church on Saturday, April 23, 2016 from 1:00 – 3:00 p.m. and encouraged everyone to attend including the men.

Council Member Mitracos thanked Dan Sodergren for his years of service as the City Attorney for the City of Tracy.

Mayor Pro Tem Rickman announced the 6<sup>th</sup> Annual ALS Walk for the Cure at Tracy Toyota, on Saturday, April 30, 2016, runs begins at 7:30 a.m. walk begins at 10:00 a.m. Mayor Pro Tem Rickman also announced the upcoming 2<sup>nd</sup> Annual Taps on Tenth on April 29 from 7:00 p.m. – 10:00 p.m. hosted by the Tracy City Center Association.

Mayor Pro Tem Rickman concluded his comments with the announcement of April 30 Latino Leadership/Scholarship Award Program at 5:00 p.m.

8. ADJOURNMENT – Time: 7:59 p.m.

**ACTION** Motion was made by Council Member Vargas, and seconded by Council Member Mitracos to adjourn the meeting. Voice vote found Council Member Mitracos, Vargas and Mayor Pro Tem Rickman in favor; passed and so ordered. Council Member Young and Mayor Maciel were absent.

The above agenda was posted at the Tracy City Hall on April 12, 2016. The above are action minutes. A recording is available at the Office of the City Clerk.

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Mayor Pro Tem

ATTEST:

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City Clerk