

May 17, 2016, 7:00 p.m.

Council Chambers, 333 Civic Center Plaza, Tracy

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

Mayor Maciel called the City Council meeting to order at 7:00 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.

Mayor Maciel recognized the D.A.R.E Graduate students from Lammersville, Jefferson, Saint Bernard's, West Valley, Delta Charter, and New Jerusalem Elementary schools.

Mayor Maciel presented the Bike to Work Week proclamation to Lisa Donahue, Program Specialist, Commute Connection.

Mayor Maciel presented the Lyme Disease Awareness proclamation to Tim Heinrich

Mayor Maciel presented Greg Selna a Certificate of Appointment to the San Joaquin County Mosquito Abatement District for a term beginning May 4, 2016 and ending May 31, 2020.

Mayor Maciel recognized Tracy High School students for their participation in the Bulldog Project.

1. CONSENT CALENDAR

ACTION Following the removal of Item 1B by Trina Anderson, it was moved by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt the Consent Calendar. Roll call found all in favor; passed and so ordered. Motion carried 5-0.

- A. Adopt Council Minutes – March 15, 2016 Regular Council Minutes and May 3, 2016 Closed Session Minutes were approved.
- C. Authorizing Submittal of Application for Payment Programs and Related Authorizations for the CalRecycle's Beverage Container Recycling City/County Payment Program – Resolution 2016-083 authorized submittal of application for payment programs and related authorizations.
- D. Waive Second Reading and Adopt an Ordinance of the City of Tracy Repealing and Adopting a New Chapter 9.40, Street Names and Numbering, of the Tracy Municipal Code, and Repealing Resolution 87-041 (Establishing a Policy to Name Streets after Tracy Residents Killed in the Service of their Country) – Ordinance 1216 was adopted.

- E. Approval of Agreements Between the City of Tracy and Two Property Owners to Acquire Permanent and Temporary Construction Easements, for the Construction of the Wastewater Effluent Discharge Pipeline from the Wastewater Treatment Plant (WWTP) to the Old River, CIP 74083, and Authorize the Mayor to Execute these Agreements – Resolution 2016-084 approved an agreement between the City of Tracy and two property owners.
- F. Authorize an Amendment to Task Order CH01-16 with CH2M Hill and Authorize a Professional Services Agreement With CH2M Hill to Provide Services for the Corral Hollow Road Sewer Line Improvement and Widening of the Street Between Lowell Avenue and Grant Line Road and also for Planning and Design of the Recycled Water Project Pump Stations and Associated Work and Authorize the Mayor to Execute the Amendment and the Agreement – Resolution 2016-085 authorized the Amendment to Task Order CH01-16 with CH2M Hill and Resolution 2016-086 authorized the PSA with CH2M Hill.
- G. Approval of a Master Legal Services Agreement with Jones Hall, a Professional Law Corporation to Provide Bond Counsel and Disclosure Counsel in Connection with the Formation of Community Facilities Districts and the Issuance and Sale of Bonds – Resolution 2016-087 approved a Master Legal Services Agreement with Jones Hall.
- H. Approving Consent of an Assignment and Assumption Agreement for the Offsite Improvement Agreement of Tracy Gateway Apartments with Gateway Crossing, LLC, Authorizing the Mayor to Sign the Consent Form, and Authorizing the City Clerk to File the Agreement With the San Joaquin County Recorder – Resolution 2016-088 approved consent of an Assignment and Assumption Agreement.
- I. Approve an Offsite Improvement Agreement with Pescadero Land Holdings, LLC., a Delaware Limited Liability Company, for Roadway and Utility Improvements on Pescadero Avenue and Other Associated Improvements for the Ridgeline Industrial Building and Authorization for the Mayor to Execute the Agreement – Resolution 2016-089 approved an Offsite Improvement Agreement.
- B. Approval of Resolutions: (1) Initiating Proceedings for the Annual Levy for Tracy Consolidated Landscape Maintenance District, (2) Preliminarily Approving the Engineer's Report for the Tracy Consolidated Landscape Maintenance District, (3) Declaring the Intention to Levy Annual Assessments, and (4) Setting the Date for the Public Hearing

Trina Anderson pulled this item and asked if this item was to approve a landscape maintenance district or to set a public hearing on June 21, 2016. Ms. Anderson expressed concern about the strip along Central Ave. and Tracy Blvd. in front of the Sycamore Apartments. Ms. Anderson stated that it has been neglected, weeds are tall, sprinklers have not worked, and nothing has been done to beautify that area.

ACTION Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to adopt Resolution 2016-090 Initiating Proceedings, Resolution 2016-091 – Preliminarily approving Engineer’s Report regarding proposed levy and collection of assessment, and Resolution 2016-092 Declaring City’s Intention to levy annual assessments for the TCLMD. Voice vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Walter Gouveia requested information from administration related to the investment in the amount of \$228,518,000. Mr. Gouveia expressed an interest in knowing if there is a business plan associated with this amount either for short or long term for the future.

DEVIATION

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 CONFIDENTIAL MID-MANAGERS UNIT AND 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, presented the staff report.

ACTION Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to adopt Resolution 2016-093; A Resolution of Intention to approve an amendment to contract between the Board of Administration California Public Employees’ Retirement System and the City Council of the City of Tracy. Voice vote found all in favor; passed and so ordered.

Nora Pimentel, City Clerk read title of 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 and so ordered.

ACTION Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to introduce Ordinance 1217. Voice vote found all in favor; passed and so ordered.

7. CONDUCT A PUBLIC HEARING TO ADOPT A RESOLUTION APPROVING THE UPDATED MASTER FEE SCHEDULE

Anne Bell, Management Analyst, Administrative Services presented the staff report. André Pichly, Parks and Community Services Director presented the parades fee portion of the staff report.

Mayor Maciel opened the public hearing.

Bill R. Swenson expressed that the City should be paying for the parades and that it is not appropriate to place the burden on the School District or the student body.

Rosa Junqueiro on behalf of IPFES Portuguese Hall referenced reviewing the agenda and minutes from the Parks and Community Services Commission meeting for the April 7, and May 5, 2016 meetings. The Master Fee Schedule was approved with the exception of the parade fee and was unclear as to why it was being presented to Council without approval from the commission. Ms. Junqueiro asked who defines and determines what a short and long parade is; who defines and determines what benefits to City; and how does an organization enter into an MOU with the City and what is the process. Ms. Junqueiro urged the Council to consider the issues and concerns raised.

City Council questions followed.

Alayna Carter, Activities Director at Tracy High, expressed concern with the potential fee increase. Ms. Carter stated that having the homecoming parades downtown creates exposure to all the downtown businesses. The parade cannot be around the track as it has been suggested.

Richard Hanson, lifetime resident of Tracy, suggested that all those who attend and watch the parade should pay a fee for the parade.

James Enos expressed his contention with the parade fee increasing from \$35 to \$75 and now \$1,000 within the next year. Mr. Enos understands the need to increase fees but not in this manner.

Mary Ramsey Stealle mentioned that there is already a lack of things for the youth to do in the City. Ms. Stealle asked if there are fees related to the alcohol events, the youth are the future and need to be kept engaged and enthusiastic about school and part of that is the homecoming parade experience.

Christina Hansen, expressed concern about how the potential fee increase would impact the students the greatest when they are already doing so much fundraising and it would be a disappointment to see this tradition disappear. Ms. Hansen urged the Council to collaborate with the school sites because the students are a huge benefit to our community

Ireland Enos, sophomore at Kimbal High School, expressed disappointment if the school could not participate in the homecoming parade due to the potential fee increase.

Mayor Maciel closed the public hearing.

City Council discussion ensued.

Motion was made by Council Member Vargas to approve the fee schedule minus parade fee charges for the Tracy Unified School District.

Council Member Vargas withdrew the motion until full discussion was completed.

After Council deliberation it was agreed that discussion and feedback from the School District continue, table the school portion of the parade fees and consider, an MOU with the School District for full cost or partial cost recovery.

Mayor Pro Tem Rickman announced he would abstain from the vote until he receives all information before he makes a decision on increasing fees.

ACTION Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to table Tracy Unified District parade fees and keep them the same and table discussion at a later date. Voice vote found all in favor; passed and so ordered.

ACTION Motion was made by Council Member Vargas, and seconded by Council Member Mitracos to adopt Resolution 2016-094 approving the Master Fee Schedule minus the parade fees for the School District as per the earlier motion. Voice vote found Council Member Mitracos, Vargas, Young and Mayor Maciel in favor; Mayor Pro Tem Rickman abstained; passed and so ordered.

Mayor Maciel called a recess at 9:33 p.m.

Mayor Maciel reconvened the meeting at 9:41 p.m.

3. PUBLIC HEARING TO CONSIDER APPROVAL OF A ZONING TEXT AMENDMENT TO THE MEDIUM DENSITY CLUSTER ZONE, APPROVAL OF A REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE TO MEDIUM DENSITY CLUSTER ZONE, APPROVAL OF A VESTING TENTATIVE SUBDIVISION MAP FOR 71 SINGLE-FAMILY RESIDENTIAL LOTS, AND APPROVAL OF RESIDENTIAL ARCHITECTURE FOR AN APPROXIMATELY 10-ACRE SITE LOCATED AT 2774 W. BYRON ROAD, 2850 W. BYRON ROAD, AND 12920 W. BYRON ROAD. THE APPLICANT IS MANA INVESTMENTS. THE PROPERTY OWNERS ARE MARION WILLIAM COMPANY LLC AND SHAWN D. STEELE. APPLICATION NUMBERS ZA15-0002, R14-0002, TSM14-0003, AND D16-0013

Scott Claar, Associate Planner, Development Services presented the staff report.

Mayor Maciel opened the public hearing.

Fred Musser, Applicant made a brief presentation to Council.

Mark Rutherford, Architect of the project provided a brief powerpoint presentation.

City Council comments and questions followed.

Stephanie Seagraves expressed being in favor of leaving the amendment as medium density residential, it would leave room to build both two story and single story residences.

Trina Anderson expressed concern with not enough single story homes in this development and stated that senior citizens are not the only people interested in single story homes.

Alice English, commented that it's not just seniors who are interested in single story residences, there are handicap people who need single story homes. Ms. English stated that there is a high demand for single story homes.

Steve Nicolaou, commented that the government has the right to regulate as to how homes get built, but there is another force called the market which dictates the demand.

Mayor Maciel closed the public hearing.

City Council discussion ensued.

Nora Pimentel, City Clerk read 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 of proposed 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 1218. Voice vote found all in favor; passed and so ordered.

Nora Pimentel, City Clerk read 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 of proposed 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 1219. 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 2016-095 approving a Vesting Tentative Subdivision Map to create 71 single-family residential lots and two other parcels on approximately 10 acres located at 2774 W. Byron Road, 2850 W. Byron Road, and 1290 W. Byron Road (Assessor's Parcel Numbers 238-080-04 , 238-080-03, and 238-050-01) Application Number TSM14-0003 with the amendment to include accessibility of the EVA to include bike and pedestrian and additional embellishments to lots 16, 15, 14, 13, 12, 1, 71, 35, 36, 31, 40, 7, 6, 41, 56 and 55. 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 2016-096 approving the residential architecture for the Berg Road project, which consists of a 71-lot single-family residential subdivision on approximately 10 acres located at 2774 W. Byron Road, 2850 W. Byron Road and 1290 W. Byron Road (Assessor's Parcel Numbers 238-080-04, 238-080-03, and 238-050-01). Application Number D16-0013 as amended. Voice vote found all in favor; passed and so ordered.

4. PUBLIC HEARING TO CONSIDER APPROVAL OF AN AMENDMENT TO THE CORDES RANCH SPECIFIC PLAN RELATED TO THE LANDSCAPE DESIGN CONCEPTS. THE APPLICANT IS PROLOGIS. APPLICATION NUMBER SPA16-0002

Scott Claar, Associate Planner, Development Services, presented the staff report.

Mayor Maciel opened the public hearing.

David Babcock, Landscape Architect for the project provided a brief powerpoint presentation. Tom Martin, Development Manager for Prologis, provided additional information related to the landscaping design.

Trina Anderson acknowledged the developer for setting drought resistant standards for the industry. Ms. Anderson suggested doing what is done in Las Vegas, use welded metal statues of the environment throughout the rocks to break it up a bit.

Alice English, expressed being in favor of the 250 feet of rock because it will save money and water.

Mayor Maciel closed the public hearing.

City Council comments and questions ensued.

ACTION Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Young to adopt Resolution 2016-097 approving an amendment to the Cordes Ranch Specific Plan related to the landscape design concepts and return striping as previously approved. Application Number SPA16-0002. Voice vote found Council Member Mitracos, Young, Mayor Pro Tem Rickman and Mayor Maciel in favor; Council Member Vargas opposed; passed and so ordered.

5. PUBLIC HEARING TO CONSIDER APPROVAL OF AN AMENDMENT TO THE ELLIS SPECIFIC PLAN RELATED TO FAÇADE ZONE REQUIREMENTS, SETBACKS, ENCROACHMENTS INTO SETBACKS, UNION PACIFIC RAILROAD EDGE, AND GARAGE REQUIREMENTS. THE APPLICANT IS CAL ATLANTIC HOMES. APPLICATION NUMBER SPA16-0004

Scott Claar, Associate Planner, Development Services presented the staff report.

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

City Council comments and questions followed.

Chris Long, Surland Companies, and Tony Monterio, Project Manager for Cal Atlantic Homes provided a brief presentation related to the façade zone variance range.

ACTION Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to adopt Resolution 2016-098 approving amendment to the Ellis specific plan related to façade zone requirements, setbacks, encroachments into setbacks, Union Pacific Railroad edge and garage requirements and section “A” as amended. The applicant is Cal Atlantic Homes. Application Number SPA 16-0004. Voice vote found all in favor; passed and so ordered.

6. PUBLIC HEARING FOR THE APPROVAL OF THE URBAN WATER MANAGEMENT PLAN UPDATE

Steve Bayley, Project Specialist, presented the staff report.

Mayor Maciel opened the public hearing.

Mr. Basuda, asked if the projection included the new future development for Ellis and Tracy Hills, etc.

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 2016-099 approving the Urban Water Management Plan update. Voice vote found all in favor; passed and so ordered.

8. ACCEPTANCE OF THE TRACY POLICE DEPARTMENT'S ANNUAL REPORT FOR 2015 – Upon Council consensus the Council accepted the Police Department's Annual Report for 2015.

Police Chief Larry Esquivel, presented the staff report.

City Council comments and questions followed.

Upon consensus the City Council accepted the Police Department's Annual Report for 2015.

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

11. COUNCIL ITEMS

Mayor Pro Tem Rickman announced the following upcoming events: National Police Week from May 15, 2016 to May 21, 2016; May 29, 2016 the Holy Ghost Festa Parade begins at 9:00 a.m.; Memorial Day, May 30, 2016, Latin Rock Block Party, June 3, 2016

from 6:00 p.m. to 9:00 p.m. and Bull Fight at 8:00 p.m.; PD Safety Fair, May 21, 2016 from 12:00 p.m. to 4:00 p.m.

Council Member Young acknowledged the success of the Relay for Life event; Council Member Young announced that her son will be getting married on Saturday and congratulated all upcoming graduates. Council Member Young announced the upcoming Juneteenth event taking place at Lincoln Park on June 4, 2016 from 10:00 a.m. to 5:00 p.m.

Council Member Mitracos announced that she and Council Member Vargas attended the Tracy Crime Stoppers meeting that afternoon and next month the Tracy Crime Stoppers will host a fundraising event at Buffalo Wild Wings.

12. ADJOURNMENT – Time: May 18, 2016, 12:18 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 May 10, 2016. The above are action minutes. A recording is available at the Office of the City Clerk.

Mayor

ATTEST:

City Clerk