

June 21, 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 7:20 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 the Crime Stoppers Month Proclamation to Marshall Rose, President, Tracy Crime Stopper's.

1. CONSENT CALENDAR

ACTION Following the removal of Item 1B, 1D and 1F by Council Member Young, 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. 5:0

- A. Adopt Council Minutes – Regular City Council minutes of April 19, 2016, and May 3, 2016. Special Meeting minutes of May 9, 2016 were approved.
- C. Approve Real Property Purchase Agreements Between the City of Tracy and Three Property Owners for the Reconstruction and Widening of MacArthur Drive Between Schulte Road and Valpico Road, CIP 73126, Federal Project No. STPL-5192 (033) – Resolution 2016-16 approved Real Property Purchase Agreement.
- E. Approve Amendment No. 1 to the Professional Services Agreement with MV Transportation to Extend the Contract for One Month and Authorize the Mayor to Sign the Amendment – Resolution 2016-117 approved amendment No. 1 to Professional Services Agreement.
- G. Waive Second Reading and Adopt Ordinance 1220 an Ordinance of the City of Tracy Amending Section 3.08.580, of Chapter 3.08 (Traffic Regulations) of Title 3 (Public Safety) of the Tracy Municipal Code – Ordinance 1220 was adopted.
- B. Award a Construction Contract for the Frank Hoyt Park Playground Renovation Project, CIP 78148, to the Lowest Responsive Bidder. Authorize an Allocation of \$66,600 from Fund 301 Reserves to CIP 78148, Authorize the Mayor to Execute the Contract, and Authorize the City Manager to Execute Change Orders Up to the Maximum Contingency Amount Budgeted for this Project

Council Member Young pulled this item to inquire if the construction schedule may be accelerated. Robert Armijo, City Engineer, responded that staff would look into that request.

ACTION Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to adopt Resolution 2016-18 awarding a Construction Contract for the Frank Hoyt Park Playground. Voice vote found all in favor; passed and so ordered.

- D. Authorize the Submission of a United States Department of Justice Community Oriented Policing Services (COPS) Grant Application for a Projected Amount of \$1,159,900.32 for the Hiring of Three Police Officers for a Three-Year Term, With the COPS Grant Funding of \$125,000 Per Officer (a Total COPS Grant Funding of \$375,000 Over the Three-Year Grant Term), with the Projected City Match Funds of \$784,900.32 (over the Three-Year Grant Term), Approve an Additional \$90,000 for Projected Overtime and Other Costs Not Covered by the Grant Funds; and Approving the Acceptance of the \$375,000 Grant if Awarded

Council Member Young pulled this item for clarification.

Lani Smith, Support Operations Manager, presented the staff report.

Council comments and questions followed.

Robert Tanner inquired if the grant was anticipated in the budget which was recently approved.

ACTION Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Young to adopt Resolution 2016-119 authorizing the submission of a United States Department of Justice Community Oriented Policing Services Grant Application. Voice vote found all in favor; passed and so ordered.

- F. Approval of a Side Letter of Agreement Between the City of Tracy and the Tracy Mid Managers Bargaining Unit Regarding Amendment to Salary Planned Cost of Living Adjustments and Approval of Resolutions Amending the Compensation and Benefits Plan for the Confidential Managers and Technical and Support Services Units Regarding Cost of Living Adjustments –

Council Member Young pulled this item to have the fiscal impact read into the record for informational purposes. Acting Administrative Director Martha Garcia read the Fiscal Impact into the record.

ACTION Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Young to adopt Resolution 2016-120 approving the TMMBU side letter; Resolution 2016-121 approving the amendments to CMU Compensation Benefits; and Resolution 2016-122 approving TSSU amendment to Compensation Benefits. Voice vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Dinesh Blalla employee of a trucking company in Tracy for the last eleven years, stated that the trucking company holds a business license to do business in Tracy but cannot secure any work instead the company does business in San Francisco and Oakland. Mr. Blalla expressed concern that the City of Tracy is pushing them out and asked if Council could assist.

Troy Brown, City Manager, introduced Fire Chief Bradley to provide an update on the strategies being implemented to reduce the impact of illegal fireworks. Police Chief Esquivel provided an update on the recent arrest related to the confiscation of 100 pounds of illegal fireworks. On the fourth of July Chief Esquivel stated that the Police Department will be supplemented with additional staff to proactively address the use of illegal fireworks in order to keep the community safe and sane.

3. PUBLIC HEARING TO CONSIDER (1) APPROVING THE ENGINEER'S ANNUAL LEVY REPORT; and (2) ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT FOR FISCAL YEAR 2016/2017

Brian McDonald, Management Analyst, Parks and Community Services, presented the staff report.

Mayor Maciel opened the public hearing.

Council Member Young disclosed that she lives in zone 3 and that she would recuse herself from any discussion on zone 3 due to a conflict of interest.

Gary Hall expressed concern with the engineer's report for landscape and lighting and urged Council to reconsider when they vote on this item. Mr. Hall referenced the unsightly areas within the Cypress Way Landscape and Lighting Maintenance District.

Stacy Hall followed up with Mr. Hall's previous comments and added that there is a danger with the high weeds which could result in a fire if a match was lit nearby, and the parks are not getting watered or even being weeded. Ms. Hall urged the Council to evaluate the issues raised and expressed concern with paying more for sub standards.

Louise Smith reported that she emailed the City to complain about the Robert Kellogg Park being overwatered seven days a week, when residents are only allowed to water three days out of the week. Ms. Smith expressed concern with rates increasing in her landscaping district.

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 2016-123 approving the Engineer's Report regarding the proposed levy and collection of assessments for the Tracy Consolidated Landscape Maintenance District, Fiscal Year 2016-2017, pursuant to the provisions of the Landscaping and Lighting Act of 1972. Voice vote found all in favor; passed and so ordered. Council Member Young abstained from voting on zone 3 due to a potential conflict of interest.

ACTION Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to adopt Resolution 2016-124 ordering the levy and collection of assessments with the Tracy Consolidated Landscape Maintenance District for FY 2016/2017. Voice vote found all in favor; passed and so ordered. Council Member Young abstained from voting on zone 3 due to a potential conflict of interest.

4. CONDUCT A PUBLIC HEARING TO AUTHORIZE THE ACCEPTANCE OF \$11,365 FROM THE 2016 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM AND APPROVE THE APPROPRIATION FOR THE PURCHASE OF EQUIPMENT FOR THE TRACY POLICE DEPARTMENT'S LAW ENFORCEMENT PROGRAMS

Lani Smith, Support Operations Manager, presented the staff report.

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

ACTION Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to adopt Resolution 2016-125 authorizing the acceptance and the appropriation of \$11,365 from the 2016 Edward Byrne Memorial Justice Assistance Grant Program for the purchase of equipment for the Tracy Police Department's Law enforcement Programs. Voice vote found all in favor; passed and so ordered.

5. PUBLIC HEARING TO CONSIDER APPROVAL OF (1) AMENDMENT TO GENERAL PLAN SAFETY ELEMENT CHAPTER 8, SECTION II REGARDING FLOODING, AND (2) INTRODUCTION OF AN ORDINANCE AMENDING SECTIONS 9.52.050 AND 9.52.060 OF TRACY MUNICIPAL CODE CHAPTER 9.52 (FLOODPLAIN REGULATIONS)

Nash Gonzalez, Contract Planner, presented the staff report.

Mayor Maciel opened the public hearing, there was no testimony to be heard, 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 2016-126 approving an amendment to General Plan Safety Element Chapter 8. Section II regarding flooding. 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 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 1221. Voice vote found all in favor; passed and so ordered.

6. AUTHORIZE THE MAYOR TO SIGN A LETTER ON BEHALF OF THE TRACY CITY COUNCIL SUPPORTING THE ELISSAGARAY COMMUNITY’S PETITION TO THE UNITED STATES POSTAL SERVICE REQUESTING MAIL DELIVERY TO INDIVIDUAL ADDRESSES

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

Joe Sciortino, spoke on behalf of the Elissagaray community and thanked the Council for their support and prompt response.

Council comments and questions followed.

ACTION Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas authorizing the Mayor to sign a letter supporting the Elissagaray community’s petition to the United States Postal Service requesting mail delivery to individual addresses. Voice vote found all in favor; passed and so ordered.

7. RATIFICATION OF THE RESOLUTION OF INTENTION TO INCUR BONDED INDEBTEDNESS FOR PROPOSED CFD NO. 2016-1 (TRACY HILLS) ADOPTED AT THE JUNE 7, 2016 COUNCIL MEETING

Anne Bell, Management Analyst, Administrative Services Department, presented the staff report.

Council comments and questions followed.

ACTION Motion was made by Council Member Young, and seconded by Mayor Pro Tem Rickman to ratify Resolution 2016-127; Resolution of intention to incur bonded indebtedness for proposed Community Facilities District 2016-01 (Tracy Hills) adopted at the June 7, 2016 City Council meeting. Voice vote found Council Member Mitracos, Young, Mayor Pro Tem Rickman and Mayor Maciel in favor; passed and so ordered. Council Member Vargas abstained.

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

9. COUNCIL ITEMS

- A. CONSIDER PLACING MEASURES ON THE BALLOT TO MAKE THE TERM OF OFFICE FOR THE MAYOR FOUR YEARS AND TO NOT COUNT PARTIAL TERMS TOWARDS TERM LIMITS FOR MAYOR AND CITY COUNCIL AND PROVIDE DIRECTION TO STAFF

Troy Brown, City Manager introduced this item and turned it over to Mayor and the City Council for discussion.

Mayor Maciel spoke as a proponent on this Council item and explained the reason for bringing this forward.

Robert Tanner agreed with the effective dates moving from 2018 to 2020 if these items moved forward.

Stacy Hall reported that she was one of the original committee members who put forward the term limits initiative in 2006. Ms. Hall stated that a four year limit is equitable. Ms. Hall expressed not being in favor of changing the term limit.

Council comments and questions followed.

After Council deliberation, there was no consensus to place either proposed measure on the November 8, 2016 ballot.

Mayor Pro Tem Rickman wished all a happy Fourth of July. Mayor Pro Tem Rickman requested that no parking hours be posted in front of St. Bernard's Church to accommodate for funeral services parking.

Council Member Young asked when the Boards and Commission information report requested in May would be coming to Council. Troy Brown, City Manager responded that it would be considered at the July 19, 2016 Council meeting.

Council Member Young also requested that a joint Planning Commission meeting be scheduled to clarify what the plan and design standards are so that projects are polished and detailed by the time they reach the City Council for approval. Troy Brown, City Manager responded that staff is preparing a design guidelines meeting and that this would be a good opportunity for a joint meeting.

10. ADJOURNMENT – Time 9:31 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 June 14, 2016. The above are action minutes. A recording is available at the Office of the City Clerk.

Mayor

ATTEST:

City Clerk