

July 19, 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 Pastor Kal Waetzig, St. Paul's Lutheran Church.

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

1. CONSENT CALENDAR

ACTION Following the removal of Item 1.J by Council Member Vargas, 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 – Special Meeting minutes of May 24, 2016, and Closed Session minutes of July 5, 2016 were approved.
- B. Adopt a Resolution of the Successor Agency to the Tracy Community Development Agency Authorizing Staff and the Board of the Successor Agency to Execute all Documents and Instruments and to do any and all Other Things Which they May Deem Necessary or Advisable to Effectuate the Long-Range Property Management Plan, Authorize a Purchase and Sale Agreement Between the City of Tracy (City), the Successor Agency to the Community Development Agency of the City of Tracy (Agency), and Becker Commercial Properties (BCP), a California Company, and Authorize the Mayor on Behalf of the City and the Chairman on Behalf of the Agency to Execute the Agreement and Related Documents – Resolution 2016-142 adopted LRPMP, Resolution 2016-143 approved Purchase and Sale Agreement.
- C. Waive Second Reading and Adopt Ordinance 1222 an Ordinance of the City of Tracy Amending Sections 2.20.100 and 2.20.180(a)(1)(i), Adding Sections 2.20.095 and 2.20.255 to Chapter 2.20 (Contracts and Purchasing) of the Tracy Municipal Code – Ordinance 1222 was adopted.
- D. Authorize Amendment of the City's Classification Plan and Position Control Roster by Reallocating Two Water Operator-in-Training Positions to Two Senior Water Treatment Plant Operator Positions; and Reclassifying the Incumbents - Resolution 2016-144 authorized amendment of the City's Classification Plan and Position Control Roster.
- E. Adopt the Compensation and Benefits Plan for Department Heads – Resolution 2016-145 adopted the Department Heads Compensation and Benefit Plans.

- F. Authorize an Agreement with Jim Brisco Enterprises, Inc., for the Purposes of Loading, Hauling and Disposing of Wastewater Treatment Bio Solids and Authorize the Mayor to Execute the Agreement – Resolution 2016-146 authorized an agreement.
- G. Authorize the Appointment of Five Youth Commissioners to the Youth Advisory Commission – Resolution 2016-147 authorized appointment of five Youth Advisory Commissioners.
- H. Acceptance of Subdivision Improvements for the Bungalows, Tract 3351, Constructed by Woodside 05N, LP, a California Limited Partnership – Resolution 2016-148 accepted subdivision improvements for the Bungalows, Tract 3351.
- I. Acceptance of Subdivision Improvements for Lyon Crossroads Unit 9, Tract 3781, Constructed by Lyon Homes Inc., a Delaware Corporation – Resolution 2016-149 accepted subdivision improvements for Lyon Crossroads Unit 9, Tract 3781.
- J. Approval of Five Master Professional Services Agreements with Kimley-Horn, First Carbon Solutions, Ascent Environmental, De Novo Planning Group, and Land Logistics for Environmental Analysis (CEQA) Services and Planning Assistance for Various Projects; Authorization for the Mayor to Execute the Agreements; and Authorization for the Development Services Director to Execute Task Orders Under the Agreements

Council Member Vargas pulled this item to ask a few clarifying questions.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to approve Master Professional Services Agreements and adopt Resolution 2016-150 Land Logistic, Resolution 2016-151 Kimley-Horn, Resolution 2016-152 First Carbon Solutions, Resolution 2016-153 De Novo Planning Group and Resolution 2016-154 Ascent Environmental. Voice vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Roger Birdsall, suggested Council consider raising the employee tuition reimbursement program from \$2,500 to \$5,000 to educate the workforce. Mr. Birdsall urged the Council to place it on a future agenda for discussion.

Steve Perry expressed concern about how much it has cost the residents of Redbridge in processing fees for the gate in their subdivision. Mr. Perry urged the City Council to redirect staff to look at the processing fees associated with the gate.

3. PUBLIC HEARING TO DECIDE WHETHER TO APPROVE AN APPLICATION TO AMEND DEVELOPMENT REVIEW APPLICATION NUMBER D14-0003 FOR THE SUTTER TRACY CARE CENTER'S SOUTH PARKING AREA APPROVED AT 418, 424, 432, AND 434 W. EATON AVENUE TO INCLUDE THE PROPERTY AT 430 W. EATON AVENUE. THE RESULTING PARKING AREA WILL TOTAL APPROXIMATELY 65,210 SQUARE FEET; APPLICANT IS DAVID O. ROMANO FOR SUTTER GOULD MEDICAL FOUNDATION AND PROPERTY OWNER IS TRACY HOSPITAL FOUNDATION - APPLICATION NUMBER D16-0014

Council Member Mitracos disclosed that she lives within 300 feet from the project and therefore recused herself from discussion and vote. Council Member Mitracos left the dais at 7:35 p.m.

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

Jacob Berry, applicant, acknowledged staff on behalf of Sutter Gould Medical Foundation for their review of the project and concurred with their findings.

Mayor Maciel opened the public hearing.

Pete Mitracos read into the record the evaluation from the expert related to midblock cross walk section at Bessie and W. Eaton. Mr. Mitracos spoke about the traffic study which was conducted last year. Mr. Mitracos urged the City Council for a detailed traffic study and stated that if the developer does not pay mitigation fees the residents will be held financially accountable in the long run.

Preston Bayhi expressed that traffic has remained the same; it's been quiet. Does not see an issue with the parking lot.

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 2016-155 approving an application to amend Development Review Application D14-0003 for the Sutter Tracy Care Center's south parking area approved at 418, 424, 432 and 434 W. Eaton Avenue to include property at 430 W. Eaton Avenue. The resulting parking area will total approximately 65,210 square feet. Applicant is David O. Romano for Sutter Gould Medical Foundation and property owner is Tracy Hospital Foundation – Application Number D16-0014. Voice vote found Council Member's Vargas, Young, Mayor Pro Tem Rickman and Mayor Maciel in favor; Council Member Mitracos abstained; passed and so ordered.

Council member Mitracos returned to the dais at 7:49 p.m.

4. DISCUSS AND DECIDE WHETHER TO APPROVE ACTIONS RELATED TO THE PLACEMENT OF A TRANSACTIONS AND USE (SALES) TAX MEASURE OF UP TO ONE CENT ON THE NOVEMBER 8, 2016 BALLOT, INCLUDING
 - (1) CALLING FOR A MUNICIPAL ELECTION TO SUBMIT TO THE VOTERS A LOCAL BALLOT MEASURE TRANSACTIONS AND USE (SALES) TAX OF UP TO ONE CENT, TO PROVIDE FUNDING FOR LOCAL CITY SERVICES; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE; AND SETTING THE DATES FOR ARGUMENTS ON THE MEASURE
 - (2) INTRODUCTION OF AN ORDINANCE ENACTING A TRANSACTIONS AND USE (SALES) TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION UPON APPROVAL BY THE VOTERS AT THE NOVEMBER 8, 2016 ELECTION

Troy Brown, City Manager, provided a brief overview of the current quality of life and infrastructure needs within the City of Tracy and presented the staff report.

Kathryn Lew with the Lew Edwards Group, provided the City Council with an overview of the community survey conducted, and informed the City Council that the constituency is clearly interested in considering a general purpose sales tax measure of up to one cent to maintain services and address quality of life needs, viability for this simple majority requirement measure came in at 66.4%, an excess of 16% cushion.

Brian Godbe the City's public opinion professional provided the City Council with an overview of the methodology utilized in conducting the community survey which took place from July 6 to July 12, 2016.

Mayor Maciel called a recess at 8:10 p.m.

Mayor reconvened the meeting at 8:16 p.m.

Brian Godbe continued his presentation with the community survey results related to the proposed sales tax measure.

Robert Tanner, expressed concern that the Council is considering a one cent tax increase when the county is also proposing another one cent tax increase. Mr. Tanner urged the City Council to consider a half cent tax instead.

Sharyn Amini inquired as to when the survey took place and how were residents selected to participate. Ms. Amini expressed not being in favor of the sales tax increase.

Dave Helm, expressed concern that five years ago Measure E was voted in and it was temporary and this Council said it would not reinstate another tax measure and yet here we are considering a one cent tax increase. Mr. Helm expressed not being in favor.

Richard English expressed concern that Measure E was a temporary fix and that the City would be in good shape. Mr. English suggested that the Council wait and see what happens to figure this out. Mr. English expressed not being in favor.

Roger Birdsall stated the he was a supporter of Measure E and those that were against it didn't complain when the funds started coming in. Mr. Birdsall spoke about staying competitive and the quality of life the residents want. Let's not wait 10 more years to finish Legacy Fields. Mr. Birdsall encouraged the City Council to place the measure on the ballot.

Alice English, expressed concern for the proposed tax increase and suggested that the City Council bring it forward for consideration for the 2018 election. Ms. English expressed that there are many people who are not in favor.

Following Council discussion and deliberation the consensus of the City Council was to change the proposed sales tax from one cent to half cent, not to author an argument and to have the City Attorney prepare an impartial analysis.

ACTION Motion was made by Council Member Vargas, and seconded by Council Member Young to adopt Resolution 2016-156 calling for a Municipal Election to submit to the voters a local ballot measure adopting a one half cent transactions and use (sales) tax to provide funding for local City services; directing the City Attorney to prepare an impartial analysis of the measure. Voice vote found Council Member's Mitracos, Vargas, Young and Mayor Maciel in favor; Mayor Pro Tem Rickman opposed; passed and so ordered.

ACTION Motion was made by Council Member Vargas, and seconded by Council Member Young to waive reading of full text. Voice vote found Council Member's Mitracos, Vargas, Young and Mayor Maciel in favor; Mayor Pro Tem Rickman opposed; passed and so ordered.

ACTION Motion was made by Council Member Vargas, and seconded by Council Member Young to introduce Ordinance 1223 imposing a transactions and use (sales) tax to be administered by the State Board of Equalization. Voice vote found Council Member's Mitracos, Vargas, Young and Mayor Maciel in favor; Mayor Pro Tem Rickman opposed; passed and so ordered.

Mayor Maciel called for a recess 9:42 p.m.

Mayor Maciel reconvened the meeting 9:50 p.m.

5. APPROVAL OF ACTIONS NECESSARY TO FORM COMMUNITY FACILITIES DISTRICT (CFD) NO. 2016-1 (TRACY HILLS), IMPROVEMENT AREA NO. 1 AND A FUTURE ANNEXATION AREA: CONDUCT PUBLIC HEARINGS TO CONSIDER: QUESTIONS OF (1) ESTABLISHING THE CFD, IMPROVEMENT AREA NO. 1 AND THE FUTURE ANNEXATION AREA, AND (2) THE PROPOSED DEBT ISSUE; APPROVE THE FORM OF ACQUISITION AGREEMENTS AND AUTHORIZE THE CITY MANAGER TO ENTER INTO SUCH AGREEMENTS; ACCEPT THE CFD REPORT; CONDUCT PROPERTY OWNER ELECTION; INTRODUCE ORDINANCE ORDERING THE LEVY OF SPECIAL TAXES; AUTHORIZE THE ISSUANCE AND SALE OF SPECIAL TAX BONDS AND APPROVE RELATED ACTIONS –

Anne Bell, Management Analyst, Administrative services presented the staff report.

Mayor Maciel asked if there were any written protests, to file them with the City Clerk. There were no protests to be filed. Staff continued with 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 Young to adopt Resolution 2016-157 Formation of Community Facilities District 2016-1. Voice vote found all in favor; passed and so ordered.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Young to adopt Resolution 2016-158 Determining Necessity to Incur Bonded Indebtedness and Other Debt – City of Tracy Community Facilities District No. 2016-1 (Tracy Hills). Voice vote found all in favor; passed and so ordered.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Young to adopt Resolution 2016-159 Calling a Special Election – City of Tracy Community Facilities District No. 2016-1 (Tracy Hills). Voice vote found all in favor; passed and so ordered.

Mayor Maciel asked the City Clerk to open the ballots and announce results of the election.

Nora Pimentel, City Clerk announced the results of the election.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Young to adopt Resolution 2016-160 Declaring results of Special Election and Directing Recording of Notice of Special Tax Lien – City of Tracy Community Facilities District No. 2016-1 (Tracy Hills). Voice vote found all in favor; passed and so ordered.

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

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Young 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 Young to introduce Ordinance 1224. Voice vote found all in favor; passed and so ordered.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Mitracos to adopt Resolution 2016-161 authorizing the issuance and sale of special tax bonds, and approving and authorizing related documents and actions – Improvement Area No. 1 of the City of Tracy Community Facilities District No. 2016-1 (Tracy Hills). Voice vote found all in favor; passed and so ordered.

6. PUBLIC HEARING TO DECLARE THE EXISTENCE OF WEEDS, RUBBISH, REFUSE AND FLAMMABLE MATERIAL ON EACH OF THE PARCELS LISTED IN EXHIBIT “A” TO THIS AGENDA ITEM A NUISANCE; CONSIDER OBJECTIONS TO ABATEMENT OF SAID NUISANCES, AND ADOPT A RESOLUTION AUTHORIZING FIRE DEPARTMENT STAFF TO ORDER CONTRACTOR TO ABATE SAID NUISANCES

Randall Bradley, Fire Chief, 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 2016-162 declaring the existence of weeds, rubbish, refuse and flammable materials on the parcels listed in Exhibit "A" attached to this agenda item a nuisance and authorizing Fire Department staff to order contractor to abate. Voice vote found all in favor; passed and so ordered.

7. DISCUSSION OF AND DIRECTION ON "LIVE WHERE YOU WORK" INCENTIVE PROGRAMS

Martha Garcia, Interim Administrative Services Director, presented the staff report.

After City Council discussion and deliberation the City Council reached consensus and directed staff to return to Council with a broader look at an executive level incentive program within 120 days.

8. RECEIVE UPDATE AND PROVIDE DIRECTION ON CITY COUNCIL STRATEGIC PRIORITY WORK PLANS FOR FISCAL YEARS 2015/16 and 2016/17

Andy Kellogg, Fire Division Chief and Police Corporal Octavio Lopez highlighted the public safety work plan for the Council Strategic Priority for FY 2015-2017.

City Council comments and questions followed.

Brian McDonald, Management Analyst, Public Works Department, highlighted the Strategic Priority: Quality of Life work plan.

City Council comments and questions followed.

Ed Lovell, Management Analyst, Parks and Community Services Department highlighted the Strategic Priority: Governance work plan.

City Council comments and questions followed.

Shelley Burcham, Economic Development Manager, Development Services, highlighted the Strategic Priority: Economic Development

City Council comments and questions followed.

Following Council discussion and deliberation Council directed staff to review the Arts Master Plan and explore an Art Impact fee or a certain percent of cents per acre and come back to Council with a recommendation; add long term and succession planning for repair and replacement of aging facilities to the Governance work plan or other appropriate work plan; add a second objective under goal 4 of the Governance Strategic priority "Making Tracy a gigabyte city" this was clarified to mean exploring ways to make the internet more accessible to residents and businesses and explore making internet access a City utility and analysis the feasibility of this. Under the Economic Development plan, Council also wanted to hear quarterly sales tax data with the quarterly financial report.

Upon consensus Council accepted the report.

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

10. COUNCIL ITEMS

A. COUNCIL DESIGNATION OF VOTING DELEGATE AND UP TO TWO VOTING ALTERNATES FOR THE LEAGUE OF CALIFORNIA CITIES 2016 ANNUAL CONFERENCE BUSINESS MEETING

Nora Pimentel, City Clerk, presented the staff report.

City Council comments followed.

ACTION Motion was made by Mayor Maciel and seconded by Council Member Mitracos to adopt resolution 2016-163 designating Council Member Vargas as the voting delegate and Council Member Young and Mayor Maciel as the two voting alternates. Voice vote found all in favor; passed and so ordered

11. ADJOURNMENT – Time: 11:09 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 July 13, 2016. The above are action minutes. A recording is available at the Office of the City Clerk.

Mayor

ATTEST:

City Clerk