

August 16, 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 Scott McFarland, Journey Christian Church.

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

Mayor Maciel presented certificates of appointment to Nabeel Razi, Maha Siddiqui, Jasheep Dhillon, Ishan Gill and Meredith Hagler on the Youth Advisory Commission.

1. CONSENT CALENDAR

ACTION Following the removal of Item 1.J by Council Member Mitracos, and item 1.N by Troy Brown, City Manager, 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 – Closed Session minutes of July 19, 2016 were approved.
- B. Approve Amendment No. 1 to the Professional Services Agreement with Goodwin Consulting Group, Inc. for Special Services Relating to the Tracy Hills Specific Plan Mello Roos Financing Program – Resolution 2016–164 approved amendment No. 1 to a Professional Services Agreement.
- C. Approve Amendment No. 3 to the Professional Services Agreement with Goodwin Consulting Group, Inc. for Continued Fiscal Impact Analyses of New Development, Approve Funding Appropriation of \$16,000, and Authorize the Mayor to Execute the Amendment – Resolution 2016–165 approved amendment No. 3 to a Professional Services Agreement.
- D. Waive Second Reading and Adopt Ordinance 1223 an Ordinance of the City of Tracy Imposing a Transactions and Use Tax to be Administered by the State Board of Equalization – Ordinance 1223 was adopted.
- E. Waive Second Reading and Adopt Ordinance 1224 an Ordinance of the City Council of the City of Tracy Levying Special Taxes Within City of Tracy Community Facilities District No. 2016-1 (Tracy Hills) Ordinance 1224 was adopted.

- F. Authorize the Budget Officer to Amend the City's Position Control Roster by Approving the Addition of Two Part Time Facility Attendant Positions and Reallocation of One Part Time Clerical Position to One Part Time Recreation Leader I Position – Resolution 2016-166 authorized amendment to the City's position control roster.
- G. Approve a Permit for the Consumption of Alcoholic Beverages on City Streets for the Grand Foundation VIP Event for the Grand Theatre 10th Anniversary Season Opener Trace Adkins – Resolution 2016-167 approved a permit for the consumption of alcoholic beverages.
- H. Authorize Amendment of the Position Control Roster by Approving the Reallocation of One (1) Management Analyst I Position to One (1) Management Analyst II Position Within the Solid Waste Division – Resolution 2016-168 authorized amendment of the position control roster.
- I. Authorize Amendment of the City's Classification and Compensation Plans and Position Control Roster by Approving the Establishment of a New Classification Specification and Salary Range for Accountant and Appropriate Funds for Two Positions – Resolution 2016-169 authorized amendment of the City's Classification and Compensation Plans and Position Control Roster.
- K. Accept Report Regarding Status of the Measure E Residents' Oversight Committee Annual Report – Report Accepted.
- L. Acceptance of the Police Communication Tower Access Driveway Project, CIP 71081A, Completed by Robert Burns General Engineering Contractor, Inc. of Stockton, 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 2016–170 accepted the Police Communication Tower Access Driveway Project.
- M. Acceptance of the Police Radio Equipment Room Fire Suppression System, CIP 71050B, Completed by Intelligent Technologies and Services, Inc., of Pleasanton, Ca; 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 2016–171 accepted the Police Radio Equipment Room Fire Suppression System.
- O. Approval of the Deferred Improvement Agreement for Tracy Hills Phase 1A, Tract 3878, and Authorization for the Mayor to Sign and the City Clerk to File the Deferred Improvement Agreement with the Office of the San Joaquin County Recorder – Resolution 2016–172 approved the Deferred Improvement Agreement for Tracy Hills Phase 1A.

- P. Approve a Budget Appropriation of \$10,252 and \$7,685 from the General Fund to Augment the Parks and Recreation Department and Development Services Budgets, Respectively, for Additional Training and Educational Opportunities for the Parks and Community Services Commission and Planning Commission for Fiscal Year 2016/17 and 2017/18 – Resolution 2016–173 approve a budget appropriation of \$10,252 and \$7,685 from the General Fund to augment the Parks and Recreation Department and Development Services Budgets.
- J. Authorize Amendment of the City's Classification and Compensation Plans and Position Control Roster by Approving the Establishment of a New Class Specification and Salary Range for Battalion Chief in the Fire Department and Approval of a Side Letter of Agreement Between the City of Tracy and the Tracy Mid Managers Bargaining Unit Regarding Addition of the Battalion Chief to the Unit

Council Member Mitracos pulled this item for consideration

Randall Bradley, Fire Chief presented the staff report.

ACTION Motion was made by Council Member Mitracos and seconded by Mayor Pro Tem Rickman to adopt Resolution 2016-174 amending the City's Classification and Compensation Plans and Position Control Roster. Voice vote found all in favor; passed and so ordered.

- N. Approval of the Final Subdivision Map and Subdivision Improvement Agreement for Tracy Hills Phase 1A, Tract 3878, Off-Site Improvement Agreement for the Water Storage Tank, Off-Site Improvement Agreement for Corral Hollow Road Frontage Improvements, Authorization for the Mayor to Execute the Agreements, and Authorization for the City Clerk to File the Subdivision Improvement Agreement with the San Joaquin County Recorder

This item was pulled by Troy Brown, City Manager to address corrections.

Robert Armijo, City Engineer, and Nanda Garaparthi presented the staff report. Dan Dapporto, City's special counsel explained the changes made to the final map.

ACTION Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to adopt Resolution 2016–175 approving the Final Subdivision Map with recommended changes, Resolution 2016–176 approving the Subdivision Improvement Agreement for Tracy Hills Phase 1A and Resolution 2016– 177 approving the Off-Site Improvement Agreement for the Water Storage Tank, and the Off-Site Improvement Agreement for the Corral Hollow Road Frontage Improvements for Tracy Hills Phase 1A. Voice vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Debra Allen expressed concern about the excessive speed coming down Oakridge Drive between Brookview to Glenbriar. Ms. Allen reported that she and her grandchild were almost struck by a speeding vehicle on their way to the mail box. Ms. Allen is concerned for the children in the neighborhood who walk to and

from school. Ms. Allen mentioned contacting the Police Department who sent out patrol in the area and the Engineering Department. She asked the Engineering Department what could be done and was told she would receive a form to petition the neighbors via email. Ms. Allen expressed disappointment as she has not received it and was told by engineering that even after submitting the form it could take up to two years to have something done. She implored the Council what can be done to prevent a dangerous scenario.

Dave Anderson, President of Tracy Airport Association expressed concern that the Airport item was not on the agenda and asked when that item would be on the agenda for discussion.

Robert Tanner urged the City Council to ban the use of all fireworks both legal and illegal, and review the rules once again as December is around the corner and the process for the lottery for the booths will begin soon.

Alice English expressed concern with the \$47,000 consultant fee that was approved on June 27, 2016, and the survey which was conducted at the last minute related to the half cent ballot measure. Ms. English took issue with the staff report of July 19, 2016, which had Livermore and Dublin as neighboring cities which are outside of San Joaquin County and asked why not compare with Cities like Ripon, Lodi and Escalon which are within San Joaquin County.

Trina Anderson reported that there will be a Display Day on Saturday, August 20, 2016 at the Tracy Airport from 10:00 a.m. – 3:00 p.m. Ms. Anderson reported that there was a Young Eagles event this past Saturday.

3. REPORT REQUESTING APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH SAN JOAQUIN COUNTY TO DISCUSS THE DEVELOPMENT OF A SOUTH COUNTY PARK –

Troy Brown, provided an overview of this item, André Pichly, Parks and Community Services Director presented the staff report.

City Council comments followed.

ACTION Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to adopt Resolution 2016–178 approving a Memorandum of Understanding with San Joaquin County to discuss the development of a South County Park. Voice vote found all in favor; passed and so ordered.

Supervisor Elliot expressed his support and looks forward to working collaborate with the City on design concept and funding and maintenance.

4. AUTHORIZATION TO NEGOTIATE A DEVELOPMENT AGREEMENT AMENDMENT WITH SURLAND COMMUNITIES, LLC RELATED TO THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT WITH SURLAND COMMUNITIES, LLC FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF CORRAL HOLLOW ROAD AND LINNE ROAD, APPLICATION DA16-0001, AND PROVIDE DIRECTION TO STAFF REGARDING POSSIBLE EXTENSIONS OF TIME FOR THE CITY TO ACCEPT A LAND DEDICATION OFFER AND SURLAND TO MAKE A SWIM CENTER PAYMENT UNDER THE DEVELOPMENT AGREEMENT

Council Member Vargas recused herself from discussion on this item and left the dais at 8:02 p.m.

Andrew Malik, Development Services Director presented the staff report.

Chris Long representing Surland reviewed the focus of the proposal.

City Council comments and questions followed.

Robert Tanner, expressed concern hearing that the cost will be about \$13 million for the amenities including the pool, when at one time it was over \$20 million. Now with inflation, how is it that the cost came down almost half.

Roy Hawkins, acknowledged staff for the work they are currently doing related to the aquatic center. Mr. Hawkins referenced an article published 10 years ago in the Tracy Press regarding the aquatic center which continues to be discussed. Mr. Hawkins stated that Surland's offer is timely and it benefits the community and it would provide an opportunity for the community to come together and create an aquatic center that would be second to none. Now is the time to say yes and approve it.

Mike Quan expressed how much he has enjoyed living in Tracy and seeing the community grow since 1991. Mr. Quan stated that his daughter loves the sport of swim and urged the City Council to accept Surland's Development Agreement proposal and think of the future.

Richard English expressed concern that this discussion has been going on for more than 10 years. The more it's discussed the longer it takes, if there is no concept it makes it too confusing. Mr. English asked if the City is spending the money before building the pool because of workshops and consultants. Mr. English urged the City Council to just leave the pool where it is and get it done, and first find out how much it is going to cost.

Molly Love acknowledged City Council and staff for their hard work and encouraged the City Council to accept the recommendation and move forward with Surland.

Trina Anderson expressed concern that this subject has been talked about for more than 10 years and there have been designs and there is a location for it. Ms. Anderson urged the City Council to move forward.

Alice English stated that she is a Triton parent and grandparent and in all fairness not all the Tritons know what is going on and not all the Tritons are in favor of the recommendation. Ms. English urged the City Council to move forward and get it done.

Marsha McCray expressed that Surland is a company that can be trusted to do things right which will benefit the community. Ms. McCray urged the Council to get it done even if it means one more year but its done right.

Dave Anderson, President of the Tracy Airport Association, expressed concern moving the pool closer to the end of the airport runway. Mr. Anderson asked if anyone has seen the overlay plot that has the airport safety zone overlaid over the new proposed swim center, has it gone to the Airport Land Use Commission; and what is Ellis getting out of this? Mr. Anderson stated that it is not in the City's best interest to wait.

Mayor Maciel called a recess at 8:59 p.m.

Mayor Maciel reconvened at 9:06 pm

Michel Bazinett expressed that the prime consideration is to build the aquatic center right. Mr. Bazinett said to take a step back and look at the bigger picture and see the strategic aspects and look at the amenity as an economic asset, it can provide new streams of revenue and taxes. Not just a pool for recreation it's also an economic asset that draws people to the City, and provides diversification. Amenities are magnets for employment and providing quality of life.

Les Serpa clarified that Wild River requested to move this location to the south. Unfortunately, the issue is that there is documentation that needs to be finalized to do this, but it can be before the Council for approval this year. The key element to getting started is to begin with the design. Mr. Serpa reiterated that the reason this is being discussed is because Wild Rivers made a request, staff and Council made accommodations, but in the long run this helps everyone work collaboratively on this project.

George Riddle expressed concern that there is no latitude or longitude of where this pool is going to be located further south which will be encroaching in the airports safety zones.

City Council comments and questions ensued.

Following discussion and deliberation the City Council directed staff to negotiate a Development Agreement amendment with Surland and Council agreed that is was acceptable to work with Surland to design and construct an aquatic center monument; \$100,000 funding for the Surland planners and architects to collaborate with City to complete a design for the swim center; Surland to design and construct ultimate storm drainage system; construct frontage improvements for the Swim Center on Summit Drive and construct the stubbed utilities to the aquatic center. Council and Surland also agreed to insert trigger language such that should the facility be ready to construct prior to the 12 month extension period, that Surland would provide the second swim center payment upon City request.

City Council also gave staff direction to come back on September 6, 2016 with a Tolling Agreement to extend the time frame for the City to accept the swim center land dedication. The land dedication for the City shall be made 15 days after the Development Agreement amendment has been approved, or if one hasn't been approved, a date certain, so that a land dedication is not dependent upon completion of Development Agreement negotiations - and the City has up to one year to accept the land or anytime 15 days after the Development Agreement is approved.

Council Member Vargas returned to the dais at 9:57 p.m.

5. ITEMS FROM THE AUDIENCE – There were no speakers.
6. COUNCIL ITEMS – Council Member Vargas requested that the Council as a whole sign a letter of support for AB 2762 which would establish the Altamont Pass Regional Rail Authority for purposes of planning and delivering a cost effective and responsive interregional rail connection between the Bay Area Rapid Transit District's rapid transit system and the Altamont Corridor Express in the Tri-Valley and requested that staff return on September 6, 2016 with a staff report and a letter drafted from Council. Council Member Mitracos supported the request.

Council Member Vargas expressed concern that the completed roadway leaving town on Valpico Road has two standards of roadways and has no bike lanes. There should be a standard that new roads should include bike lanes. Troy Brown, City Manager stated that staff will provide an update.

Council Member Vargas requested an update on the Senior Center remodeling project; staff was directed to provide an informational memo to the Council.

Council Member Vargas reported that neighbors have brought to her attention that the splash pads at 6th and Central and McDonald Park are not functioning properly and there is no relief for those in that area. Don Scholl, Public Works Director provided an update on the recent troubleshooting of the touch pad at 6th and Central. Don Scholl reported that a report is being prepared for September 20 to update the Council on the recirculating system at McDonald Park.

Council Member Vargas expressed a desire to assist the School District in improving student test scores, and also to better assist NDNU in being successful as a college here in town. Troy Brown, City Manager mentioned that staff met with NDNU to strengthen their partnership and are currently having internal meetings, once those meetings conclude staff will provide the Council with a comprehensive update later in October. Regarding the public schools test score improvements, that topic will be provided to the School Liaison Committee to discuss and bring an update to the Council.

Council Member Young acknowledged Chief Esquivel for the homeless update and inquired if there would be an official report coming back on the success of the Operation Helpful Hands Project. Council Member Young announced the following upcoming events: Friday, August 26, 2016 the Grand Theatre will be celebrating their 10th Anniversary from 7:00 p.m. – 9:00 p.m. open to the public, August 27, 2016 from 11:00 a.m. – 4:00 p.m. the 9th Annual Women Event, Share of the Scoop the "Melt down Let's Get Down", \$25 at St. Paul's Lutheran Church.

7. ADJOURNMENT – Time: 10:16 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 August 10, 2016. The above are action minutes. A recording is available at the Office of the City Clerk.

Mayor

ATTEST:

City Clerk