

September 6, 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 7:04 p.m. and led the Pledge of Allegiance.

Invocation was led by Pastor Kevin James, New Creation Bible Fellowship.

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

Troy Brown, City Manager, presented the Employee of the Month award for September 2016, to Jan Couturier, Utilities Department.

Dan Leavitt, San Joaquin Regional Rail Commission, presented a powerpoint presentation on the ACEForward Project to Council.

1. CONSENT CALENDAR

ACTION Following the removal of Item 1D by staff and 1G by Dave 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.
5:0

- A. Adoption of City Council Meeting Minutes for May 17, 2016, May 17, 2016, June 7, 2016, and June 21, 2016 Regular City Council Meetings were adopted.
- B. Authorize a Master Subscription Agreement and Service Order with Fuseforward Cloud Services Ltd., a Canadian Corporation, for Wastewater Computerized Maintenance Management System Services and Authorize the Mayor to Execute the Service Order – Resolution 2016-179 authorized a Master Subscription Agreement.
- C. Award a Construction Contract to Grade Tech, of Castro Valley, California, for the Fabian Road Improvements Project CIP 73141, Authorize a Transfer of \$168,000 from CIP 73138 (Fund 242) to CIP 73141, Authorize the City Manager, if Needed, to Approve Change Orders Up to the Specified Project Contingency Amount of \$71,564, and Authorize the Mayor to Execute the Contract – Resolution 2016-180 awarded a Construction Contract to Grade Tech.
- E. Award a Construction Contract to Rolfe Construction Company, of Atwater, California, for the Berverdor, Highland, 12th and 9th Street Sewer & Storm Drain Replacement Project, CIPs 74098, 74104, 74111, 74116, and 76063, and

Authorize the Mayor to Execute the Contract – Resolution 2016-181 awarded a Construction Contract to Rolfe Construction Company.

- F. Award a Construction Contract to Bond Blacktop, of Union City, California, for the Slurry Seal Project FY 2015-16, CIP 73140B, and Authorize the Mayor to Execute the Contract – Resolution 2016-182 awarded a Construction Contract to Bond Blacktop.
- H. Approve Amendment No. 1 to the Memorandum of Understanding Between the City of Tracy and the South Side Community Organization of Tracy, California, and Authorize the Mayor to Execute the Amendment – Resolution 2016-183 approved Amendment No. 1 to Memorandum of Understanding.
- I. Adoption of a Resolution Approving a Memorandum of Understanding with the Tracy Tree Foundation of Tracy, California and Authorizing the Mayor to Execute the Agreement – Resolution 2016-184 approved a Memorandum of Understanding. Vote: 4-0-1 Council Member Mitracos recused herself from voting on this item due to a conflict of interest.
- J. Approve a Master Professional Services Agreement (MPSA) with Seevers, Jordan, Ziegenmeyer to Perform Community Facilities District Appraisals; Authorize the Mayor to Execute the Agreement; and Authorize the Administrative Services Director to Execute Task Orders Under the Agreement – Resolution 2016-185 approved a Master Professional Services Agreement.
- K. Submit a Letter to Members of the California State Legislature Urging Passage of AB 2762 Transportation: Altamont Regional Rail Authority letter was approved.
- L. Adopt Resolution Authorizing the Mayor to Sign Terms and Conditions of Accepting Airport Improvement Program Grants and to Execute Grant Agreement AIP #3-06-0259-017-2016 in the Amount of \$2,923,460 with the Federal Aviation Administration for Reimbursement of Engineering, Design, and Reconstruction of the General Aviation Apron Area; and Appropriate \$292,346 from the General Fund, Fund Balance to CIP 77037 – Resolution 2016-186 accepted Airport Improvement Program Grants.
- M. Award a Construction Contract to Teichert Construction of Stockton, California, for Reconstruction of the Tracy Municipal Airport General Aviation Tie Down Apron, CIP 77037, AIP No. 3-06-0259-17-2016; Approve Task Order No. 5 to Reinard. W. Brandley Master Professional Services Agreement; Appropriate a Contingency Amount of \$374,320 from the General Fund to CIP 77037; Authorize the City Manager to Approve Change Orders up to the Specified Project Contingency Amount if Needed and Authorize the Mayor to Execute Task Order 5 and the Contract – Resolution 2016-187 awarded a Construction Contract to Teichert Construction.
- D. Award a Construction Contract to Knife River Construction of Stockton, California, for the Larch Road Water Main Replacement Project Between Corral Hollow Road and Tracy Boulevard, CIPs 75117, 75122, 75127, Authorize the Mayor to Execute the Contract, and Transfer \$190,000 from CIP 75136 to CIP 75127 – This item was pulled by staff to be heard at a later date.

- G. Approve an Agreement to Toll and Extend the Land Dedication Acceptance Period and the 60 Day Cure Period Regarding the Second Swim Center Payment Under the Amended and Restated Development Agreement by and between the City of Tracy and Surland Communities, LLC

Dave Anderson pulled this item and expressed concern with the lack of information related to the agenda item.

Andrew Malik and Troy Brown responded to Mr. Anderson's questions.

Council Member Vargas abstained from voting due to a potential conflict of interest.

ACTION Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Mitracos to adopt Resolution 2016-188 approving an agreement to Toll and Extend the Land Dedication Acceptance period. Voice vote found Council Members Mitracos, Young, Mayor Pro Tem Rickman and Mayor Maciel in favor; Council Member Vargas abstained; passed and so ordered.

- 2. ITEMS FROM THE AUDIENCE – Cynthia Gustafson, Tracy representative on the San Joaquin County Commission on Aging, read a proclamation received from the San Joaquin Board of Supervisors acknowledging Senior Citizens Week.

Teresa Kinney, Grants Coordinator for Congressman Denham's office stated that as grants come forward she will do everything she can to bring back money to the community of Tracy.

Lisa Roth, urged the Council to take measures to address concerns brought forward under item three on the agenda related to blight.

Dave Anderson, expressed concern that the swim center is still being placed in the airports safety zone and asked how is the location of a swimming pool going to be reconciled to be south of Middlefield Road and not in the safety zone.

- 3. DISCUSSION AND DIRECTION REGARDING BOARDED BUILDINGS, WEED ABATEMENT PROCESS, AND COMMUNITY CONCERNS REGARDING VISUAL BLIGHT, AND PROPERTY MAINTENANCE STANDARDS

Ana Contreras, Code Enforcement Manager, presented the staff report.

Joe Farmer, expressed concern that there are certain codes on the books that allows for some level of enforcement but not enough. Mr. Farmer stated that there is a proliferation of rental homes in his neighborhood. The neighborhood is zoned residential for single family homes, currently there are homes which are rented, un-kept and deteriorating, and other homes have been transformed into boarding houses. There is a public safety component with the transformation in this neighborhood. These deteriorated homes bring down property value and it erodes the tax base of the City. Mr. Farmer reiterated that there needs to be more codes on the books as a tool for staff to be able to do their job enforcing.

Autry Johnson, expressed concern about a boarded up house on Sammy Court, there has been illegal activity and it caught on fire about a year ago due to illegal growing. This home violates many codes and should have been taken away from the owner due the illegal activity which takes place there; this is not fair to the rest of the neighborhood.

Cathy Espitia expressed the need for stronger codes and better enforcement to maintain the City as an attractive place to live. Ms. Espitia shared her observations of what has occurred in the Meadow Glen neighborhood. Ms. Espitia mentioned that the Municipal Code should have the following codes added: only cars parked in driveway or on street, no RV's trailers, boats or pods, only 2-3 cars parked in the driveway at the most, no dead front yard lawns or weeds, require landlords to hire gardeners to maintain yards. No vacant or abandoned homes, owners should be cited if that occurs. Ms. Espitia also mentioned that the City needs to do their part and maintain the medians and park areas which affect the way the City looks.

Joan Keith expressed concern with the area surrounded by Tracy Boulevard, Valpico, Corral Hollow, and W. Schulte Boulevard. The issues in this area are City code violations; water seepage where mosquitos are breeding, dead trees which are a fire hazard, plums on the ground which are a hazard.

Judy Walsh expressed concern with the City not seeing the need to have ordinances to protect from the blight that can be found throughout the City or protect the homeowners from their homes losing value. When addressing the Council with this issue in the past, she was told that Tracy had very few ordinances in place and that not much could be done. Ms. Walsh stated that Code Enforcement asked her to provide addresses to the neglected properties, she provided Code Enforcement with twenty-eight addresses of homes that had been neglected ranging from knee high weeds and grass, vehicles on blocks, shopping carts, boats, RV's and trailers parked on front lawns, side yards, appliances and televisions left at the curb for weeks on end and the former marijuana grow house which caught on fire on December 26 remained boarded and abandoned. Ms. Walsh expressed disappointment when she reached out to Council and only two Council Members responded. Ms. Walsh asked who in the City's government is advocating for her and that she should be able to enjoy a safe, clean and aesthetically pleasing neighborhood.

Eleassia Davis expressed concern about how some of the homes are kept in her Edgewood neighborhood. Ms. Davis mentioned that she and other neighbors and friends have gone out to clean some of the parks and also remove graffiti from park structures. Ms. Davis mentioned that there are too many cars on her street parked illegally, lawns which are not maintained. If something is not done quickly, people will begin to leave because of the lack of enforcement. Ms. Davis reiterated that ordinances are needed to have better enforcement.

Steve Nicolaou stated that the five recommendations which appeared in the agenda item are good recommendations that the Council should consider implementing. Mr. Nicolaou suggested that if the City requires owners of rental properties to have a business licenses that could be the hook to hold landlords accountable. Mr. Nicolaou suggested

considering additional appropriations to add staff to be able to enforce these laws if these five items are implemented. Mr. Nicolaou concluded by saying that it is important to lead by example, as some of the residents commented that they are expected to maintain their properties, the City should be held by the same standard.

Heidi Nezenski expressed concern with the issues in her neighborhood. As a real-estate agent it is difficult to drive clients into some neighborhoods where there are beautiful homes but other homes are not maintained. Ms. Nezenski commented that there are few subdivisions that she sells that do not have CCNR built in after 1989, after that time frame there have been CCNR's which unfortunately are not enforceable. As a City those CCNR's should be made enforceable which would benefit the City in general but as well as the home owners that are trying to sell their homes.

Marla Israel expressed that she has addressed the Council twice, once five years ago and 3 years regarding the same blight property next door to her, 1690 Dunkin drive. This home was declared uninhabited 10 years ago by a Stockton Court Judge and it has been going down the drain ever since. Code enforcement has done temporary abatements, but it never gets to the source of the problem, things just keep getting worse. The problems go beyond unsightly appearance; it's more like weeds are taller than the fence creating a fire hazard, major rat infestation. There has been criminal activity at this address for years and the homeless move in and out of it. A neighborhood watch group was created five years ago per the Police Departments suggestion but that has not done much. Ms. Israel expressed her disappointment that when the City does abatement it is only a temporary fix, something more permanent needs to be done.

Barbara Vierra shared her experience of a post she placed on the next door neighbor app and the negative feedback she received. Ms. Vierra said that a few years ago she was told that the City believes in passive compliance and stated it is time to get rid of that attitude; she does not want to live in a trashy City. There are so many issues in this town, but there is not enough time and money.

Dave Anderson referenced an attachment to the staff report related to safety and expressed concern about enforcement regarding fencing around pools as a safety measure.

Mayor Maciel called a recess at 8:37 p.m.

Mayor Maciel reconvened the meeting at 8:47 p.m.

City Council discussion ensued.

After Council discussion and deliberation Council directed staff to craft and strengthen the Municipal Code language to address property maintenance standards for the following: restrict vehicles from being parked on lawns and only park on paved areas; research paving of entire front yards; no more than 30 days should be allowed for PODs to be utilized as outside storage, for longer period of time a permit should be required; research temporary carport standards and provide options; research and craft new language on how to handle abandoned, neglected newspaper racks; City Attorney to strengthen shopping cart ordinance; craft a policy for property management standards to

maintain neglected properties that will be boarded up, decide how long, look for alternatives and identify properties that qualify for receivership; look into reinstating an annual neighborhood clean-up day and advertise in utility bill the one year free pick up that Tracy Disposal offers.

In addition, staff was directed to provide Council with a follow up via email regarding the status of certain downtown businesses.

Staff will return to Council within six months with a series of recommendations for better enforcement to address the concerns discussed.

- 4. ITEMS FROM THE AUDIENCE – There were no speakers.
- 5. COUNCIL ITEMS – Council Member Vargas requested a discussion to relax restrictions imposed on food truck vendors. Council Member Young supported the request.

Mayor Pro Tem Rickman referenced the incident which occurred last Easter when the Fire Department was not dispatched to an emergency within a block away. Mayor Pro Tem Rickman requested a discussion about what is being done to remedy the situation between the County and City before another unfortunate incident occurs. Council Member Vargas supported the request to have the item placed on a future agenda with all options to expedite.

Council Member Young requested that staff provide an educational session for the community related to Measure V, Council Member Mitracos supported the request.

- 6. ADJOURNMENT – Time: 10:45 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 30, 2016. The above are action minutes. A recording is available at the Office of the City Clerk.

Mayor

ATTEST:

City Clerk