

October 4, 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 Tim Heinrich, Crossroads Baptist church.

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

Troy Brown, City Manager presented Employee of the Month Award for October 2016, to Colleen Minnis, Public Works Department.

Mayor Maciel presented Brian Stephens, Superintendent of the Tracy Unified School District with a proclamation recognizing October as Anti-Bullying Month.

Mayor Maciel presented Brian Pekari, Director of Tracy United to Make a Difference with a proclamation recognizing October 22, 2016 as Make a Difference Day.

Mayor Maciel presented Don Scholl, Public Works Director with a proclamation recognizing October 22, 2016 as Arbor Day.

Mayor Maciel presented Jennifer Bem, Domestic Violence Shelter Manager with a proclamation recognizing October as Domestic Violence Awareness Month.

1. CONSENT CALENDAR

ACTION Following the removal of item 1G and 1H 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 Meeting Minutes of July 5, 2016 and September 20, 2016, Closed Session meeting minutes of September 20, 2016 were approved.
- B. Amendment of Resolution Number 2016-087 to Include the Scope of Services and Fee Schedules for Jones Hall, a Professional Law Corporation, for Facility and Service Financing Related to Legal Services – Resolution 2016-200 amended Resolution Number 2016-087.
- C. Authorize Professional Services Agreement with West Yost Associates for Services Related to the Design of Transmission Pipelines for the Proposition 84 Grant Funded Recycled Water Project CIP 74091 on an Hourly Basis for an Amount Not to Exceed \$962,169 and Authorize the Mayor to Execute the Agreement – Resolution 2016-201 authorized a Professional Services Agreement.

- D. Approve an Amendment to the City's Existing Product and Service Agreement with Pacific Gas & Electric Company (PG&E) to Replace Existing High Pressure Sodium Lights with Light Emitting Diode (LED) Lights, Authorize the Transfer and Appropriation of \$138,255 from Gas Tax Fund 245 to the Street Light Replacement CIP 73152 – Resolution 2016-202 approved an amendment to the City's Existing Product and Service Agreement.
- E. Authorization to Award Bids for the Supply of Chemicals for the Treatment of Water and Wastewater for Fiscal Year 2016-2017 and Authorize the Mayor to Execute the Agreements – Resolution 2016-203 authorized award of bids for supply of chemicals.
- F. Approval of a Lease Agreement with Tracy Renewable Energy for the Storage of Materials for the Proposed Desalination Plant to Treat Wastewater Effluent and Authorize the Mayor to Execute the Agreement – Resolution 2016-204 approved a Lease Agreement with Tracy Renewable Energy.
- I. Acceptance of the Traffic Signal at Valpico Road and Sycamore Parkway, CIP 72082, Federal Project No. CML 5192 (040), Completed by St. Francis Electric, LLC. of San Leandro, California, Authorization for the City Clerk to file the Notice of Completion, and Authorization for the City to Release the Bonds and Retention Payment – Resolution 2016-205 accepted a Traffic Signal at Valpico Road and Sycamore Parkway.
- J. Approval and Adoption of an Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring or Reporting Program for the Corral Hollow Road Utility Improvements Project – Resolution 2016-206 adopted an Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring or Reporting Program.
- K. Waive Second Reading and Adopt an Ordinance of the City Council of the City of Tracy Authorizing an Amendment to the Contract Between the City Council of the City of Tracy and the Board of Administration of the California Employees' Retirement System Ordinance 1225 was adopted.
- G. Authorize an Appropriation of \$321,000 from the General Fund to new CIP 78162 for the Design, Purchase and Installation of a Water Recirculation System for the Splash Pad at McDonald Park

Council Member Young pulled this item for discussion.

Andre Pichly, Parks and Community Services Director, presented the staff report.

Council comments and questions followed.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2016-207 authoring an appropriation from the General Fund to new CIP 78162. Voice vote found all in favor; passed and so ordered.

- H. Response from Commissions Regarding Offer by City Council to Present a Commission Annual Report to City Council Each Year

Council Member Young pulled this item for further discussion.

André Pichly, Parks and Community Services Director, presented the staff report.

City Council comments and questions followed.

After Council deliberation the City Council by consensus accepted the staff report.

Staff was directed to return with a staff report requiring that all City Boards and Commissions provide an annual report and to decide whether the Planning Commission should be included.

2. ITEMS FROM THE AUDIENCE – Freddie Burna expressed concern with the raccoons and possums in her neighborhood and asked if anything could be done about them because they are vicious and dangerous and are harmful to pets.

Martin Evans shared his observations related to the medical zone on Carlton and Bessie.

3. ACCEPT ANNUAL REPORT OF THE MEASURE E RESIDENT'S OVERSIGHT COMMITTEE

Martha Garcia, Interim Administrative Services Director, presented the staff report. Michel Bazinet, Chair of the Committee presented the PowerPoint presentation

City council comments and questions followed.

Upon consensus the City Council accepted the staff report.

4. INTRODUCE AN ORDINANCE TO CREATE AN OVERLAY ZONE TO ESTABLISH LAND USE LIMITATIONS AND ADDITIONAL DEVELOPMENT STANDARDS ALONG THE I-205 CORRIDOR EAST OF TRACY BOULEVARD - APPLICATION NUMBER ZA16-0003

Bill Dean, Development Services Deputy Director provided a brief overview and Victoria Lombardo, Senior Planner, Development Services provide the staff report.

Mayor Maciel opened the public hearing,

Steve Nicolaou eluded that in about two months an election will take place, therefore recommending that Council table considering this ordinance at this time as it is an important action. Mr. Nicolaou expressed concern with the action taken today a new Council may pull a flip flop and change what this Council put in place as it relates to the overlay. Mr. Nicolaou suggested that the new Council should take ownership.

Les Brown, owner of 42 acres south side of the 205 expressed disagreement with the proposed overlay and stated that I-205 overlay is not appropriate and is not in the best interest of the City, property owners or the citizens. Mr. Brown stated in conclusion that if this passed there will be litigation and urged the Council to do the right thing for the property owner, citizens and the City.

Alice English disagreed with the previous speaker, Les Brown. Ms. English expressed concern that the wages from the jobs offered are not enough to live in Tracy and wants to have a nice community and a good quality of life.

Alicia Davis expressed that she did not know what an overlay is and asked for clarification and also asked how it would impact the citizens if it moves forward and if it does not.

Victoria Lombardo provided Ms. Davis with an explanation.

Richard English, expressed concern with comments made by developer Les Brown. Mr. English expressed a desire to see open space, retail, hotels not warehouses blocking the view as one enters and leaves Tracy.

David Martinez, expressed being in favor of the I-205 overlay.

Trina Anderson reiterated what previous speakers, Alice and Richard English said about wanting to keep Tracy beautified.

Mayor Maciel closed the public hearing.

Mayor Maciel called for a recess at 8:45 p.m.

Mayor Maciel reconvened the meeting at 8:58 p.m.

Council comments and questions ensued.

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

ACTION Motion was made by Council Member Vargas, and seconded by Mayor Pro Tem Rickman to waive reading of full text of the proposed ordinance. Voice vote found all in favor; passed and so ordered.

ACTION Motion was made by Council Member Vargas, and seconded by Mayor Pro Tem Rickman to introduce Ordinance 1226. Voice vote found Council Members Mitracos, Vargas and Mayor Pro Tem Rickman in favor; Council Member Young and Mayor Maciel were opposed. Passed and so ordered,

Mayor asked the Council if they were in agreement to continue with the agenda, the Council was in agreement to continue.

Mayor Maciel called a recess at 10:49 p.m.

Mayor Maciel reconvened the meeting at 10:57 p.m.

5. INTRODUCE AN ORDINANCE AMENDING TRACY MUNICIPAL CODE TITLE 11 (PUBLIC UTILITIES) CHAPTER 11.28 (WATER MANAGEMENT) AND ADOPTION OF RESOLUTION IMPLEMENTING STAGE 1 WATER RESTRICTIONS

Stephanie Reyna-Hiestand, Water Resources Coordinator, presented the staff report.

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

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 1227. 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 2016-208 authorizing implementation of Stage 1 water restrictions in Tracy Municipal Code Chapter 11.28 Water Management. Voice vote found all in favor; passed and so ordered.

6. RECEIVE REPORT REGARDING INCENTIVES TO ENCOURAGE EXECUTIVE EMPLOYEES WORKING FOR THE CITY OF TRACY TO LIVE IN TRACY AND PROVIDE DIRECTION

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

Robert Tanner expressed being in favor of the reimbursement but had concern with paying a \$1,000 annual stipend to the department head that own and live in Tracy. Mr. Tanner was not in favor that there was no end date, and urged the Council that if they approved the stipend that they include an end date.

Council comments and questions followed.

After Council deliberation, there was consensus to provide a reimbursement of up to \$5,000 to City of Tracy executive employees who move and own a home in Tracy.

Council Member Mitracos, Vargas and Mayor Pro Tem Rickman agreed to add an additional \$1,000 annual stipend up to three years for executive employees who own and live in Tracy.

Council Member Young and Mayor Maciel were not in favor of approving the additional stipend; Council Member Young stated for the record that it is an inadequate use of City funds.

Staff is to return to Council with a resolution to add this incentive to the Department Head Compensation Plan.

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

8. COUNCIL ITEMS

- A. APPROVE CITY COUNCIL SENDING A LETTER TO THE SAN JOAQUIN COUNTY BOARD OF SUPERVISORS REGARDING WHY CITY OF TRACY SHOULD BE DISPATCHED TO ALL MEDICAL EMERGENCIES

Fire Chief Randall Bradley provided a brief staff report.

Lisa Roth expressed concern with the current issue the City faces and commended staff for the well written letter. Ms. Roth stated that she will do all she can to spread the word for next steps.

Upon consensus the City Council approved the letter to the San Joaquin County Board of Supervisors.

Mayor Pro Tem Rickman announced with Halloween around the corner, he encouraged everyone to go out to the Haunted House at the outlet center and support the local businesses.

Mayor Maciel acknowledged the negative comments made towards staff that do not live in Tracy and made it clear that he does not condone those comments and supports staff for their hard work. Council Member Young echoed the Mayor's sentiment and added that as a Council they must set the example of how staff is treated.

Mayor Pro Tem Rickman announced that October is Breast Cancer Awareness month.

9. ADJOURNMENT – Time: 11:31 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 September 27, 2016. The above are action minutes. A recording is available at the Office of the City Clerk.

Mayor

ATTEST:

City Clerk