

October 18, 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 7:12 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.

Warrant Officer Matthew Reece presented the Discover Challenge Academy presentation.

Mayor Maciel presented the City Commissioned Art Piece by local artist Lino Giovacchini.

Cynthia Gustafson, Tracy representative on the San Joaquin County Commission on Aging presented the Commission's report for the month of October 2016.

1. CONSENT CALENDAR

ACTION Following the removal of item 1I and 1J by Council Member Vargas and Item 1N by Steve Nicolaou, 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 – Special Meeting Minutes for June 27, 2016, Closed Session Meeting Minutes for October 4, 2016 and Regular Meeting Minutes for October 4, 2016 were approved.
- B. Authorize Amendment No. 1 to Professional Services Agreement (PSA) with CH2M Hill for Planning the Recycled Water Project Facilities and Design for Pump Stations A and B to Include a Mandated Non-Discriminatory Requirement for Proposition 84 Grant Funded Projects – Resolution 2016-209 authorized amendment No. 1 to a PSA with CH2MHill.
- C. Approve a Supplemental Agreement with Union Pacific Railroad Company for a 20-inch Water Pipeline Crossing at Milepost 69.66 for the Corral Hollow Road Utility Project and Authorize the Mayor to Execute the Supplemental Agreement – Resolution 2016-210 approve a Supplemental Agreement with Union Pacific Railroad Company.
- D. Approval of an Off-Site Improvement Agreement for the Tracy Hills Wastewater Pump Station and Amendment No. 5 to Task Order No. CH01-16 for CH2M Hill, Inc. for Support Services During Construction for Tracy Hills Wastewater Pump Station; and Authorization for the Mayor to Execute the Off-Site Improvement Agreement and the Amendment No. 5 to Task Order No. CH01-16 – Resolution 2016-211 approved an Off-Site Improvement Agreement for the Tracy Hills Wastewater Pump Station.

- E. Approval of an Off-Site Improvement Agreement for the Corral Hollow Road Sewer and Water Lines Project and for Amendment No. 4 to Task Order No. CH01-16 for CH2M Hill, Inc. for Technical Services for Design and Services During Construction for Corral Hollow Road Sewer and Water Lines; and Authorization for the Mayor to Execute the Off-Site Improvement Agreement and the Amendment No. 4 to Task Order No. CH01-16 – Resolution 2016-212 approved an Off-Site Improvement Agreement for the Corral Hollow Road Sewer and Water Lines Project.
- F. Approve a Master Professional Services Agreement with SNG & Associates, Inc., to Provide On-Call Engineering Staff Support and Plan/Map Review Services in the Engineering Division of the Development Services Department, for a Not-to-Exceed Amount of \$950,000, Authorize the Mayor to Execute the Agreement on Behalf of the City, and Authorize the Development Services Director to Execute Task Orders Under the Agreement – Resolution 2016-213 approved a Master Professional Agreement with SNG & Associates, Inc.
- G. Approve a 5-Foot Wide Pacific Gas & Electrical Company Electrical Easement within the City Owned Parcel Located on the South Side of Naglee Road, East of the Park and Ride Drive, for Placement and Maintenance of Electrical Service for the Panera Bread and Chipotle Mexican Grill Restaurant on Naglee Road, Authorize the Mayor to Execute the Grant of Easement, and Authorize the City Clerk to File the Easement Deed with the San Joaquin County Recorder – Resolution 2016-214 approved a 5-foot wide Pacific Gas & Electrical Easement.
- H. Approval of Resolutions (1) Initiating Proceedings for the Annexation of Territory (“Ventana Project”) to the Tracy Consolidated Landscape Maintenance District (TCLMD) and the Levy and Collection of Annual Assessments Related Thereto; (2) Declaring the City’s Intention to Annex Territory to the TCLMD and to Levy and Collect Annual Assessments Related Thereto, Fiscal Year 2017/2018; Calling for a Property Owner Protest Proceeding; and Establishing an Assessment Range Formula for said Annexation Territory – Resolution 2016-215 Initiated Proceeding for Annexation of Territory and Resolution 2016-216 Declared the City’s Intention to Annex.
- K. Accept Travel Report for City Manager’s Attendance at the International City/County Management Association (ICMA) Annual Conference in Kansas City, MO – Report was accepted.
- L. Adopt a Resolution in Support of a Connection Between the Bay Area Rapid Transit (BART) and the Altamont Corridor Express (ACE) Rail Systems – Resolution 2016-217 supported rail connection.
- M. Approve Change Order No. 3 to the Motorola Radio Communications System Expansion Agreement for the Tracy Police Department – Resolution 2016-218 approved Change Order No. 3.
- O. Waive Second Reading and Adopt Ordinance 1227 an Ordinance of the City of Tracy Amending Various Sections of Chapter 11.28 (Water Management) of Title 11 of the Tracy Municipal Code – Ordinance 1227 was adopted.

- P. Approve the Memorandum of Understanding Between the City of Tracy and the Hospice of San Joaquin, and Authorize the Mayor to Execute the MOU – Resolution 2016-219 approved an MOU.
- I. Authorize Appropriations of \$494,150 from the General Fund to the Public Works and to the Parks and Recreation Departments and Amend the Position Control Roster by the Addition of One Full-Time Senior Maintenance Worker, Two Full-Time Maintenance Workers and Two Part-Time Laborers to the Public Works Department, and Three Part-Time Facility Attendants to the Parks and Recreation Department, and Purchase Necessary Equipment to Operate the Legacy Fields Sports Complex

Council Member Vargas pulled this item for further discussion.

City Council comments and questions followed.

Steve Nicolaou clarified for the record that the \$494,000 to be appropriated from the General Fund will not be used on the Tracy Little League Fields because of their obligation to maintain and operate per the recent agreement that they entered with the City. Staff confirmed Mr. Nicolaou's statement.

ACTION Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to adopt Resolution 2016-220 authorizing appropriations from the General Fund to Public Works and Parks and Recreation Departments. Voice vote found all in favor; passed and so ordered.

- J. Authorize an Amendment to the City's Classification and Compensation Plans and Position Control Roster by Approving Reactivation and Revisions to the Finance Director and Human Resources Director Classifications and Salary Ranges, and Deactivating the Administrative Services Director Classification, and Approving a Budget Augmentation in the Amount of \$187,200 from the General Fund

Council Member Vargas pulled this item for discussion.

City Council comments and questions followed.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Mitracos to adopt Resolution 2016-221 authorizing an amendment to the City's Classification and Compensation Plans and Position Control Roster. Voice vote found all in favor; passed and so ordered.

- N. Waive Second Reading and Adopt Ordinance 1226 of the City of Tracy Adding a New Article 21.2 (I-205 Overlay Zone) to Title 10 (Planning and Zoning) of the Tracy Municipal Code

Steve Nicolaou shared his opinion about potential litigation and lawsuit against the City related to the adoption of the I-205 Overlay Zone ordinance. Mr. Nicolaou recommended that Council wait to see what the results are after the election with Measure V, if the Measure does not pass Council can determine what the City's overall structural deficit will be.

Alice English clarified a few comments that she made and was not able to complete at the previous meeting. Ms. English concluded her comments by

commending staff for their hard work on the I205 overlay.

City Council comments and questions followed.

ACTION Motion was made by Mayor Pro Tem Rickman, seconded by Council Member Vargas to adopt Ordinance 1226 of the City of Tracy adding a new Article 21.2 (I-205 Overlay Zone) to Title 10 (Planning and Zoning) of the Tracy Municipal Code. Voice vote found Council Member Mitracos, Vargas and Mayor Pro Tem Rickman in favor; Council Member Young and Mayor Maciel were opposed; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Jody Adams reported seeing Council Member Young over the weekend and commended Council Member Young for working for her vote.

Robert Tanner reminded residents who vote by mail that it will take 2 stamps to mail the ballot. Mr. Tanner stated that there is a medical retrieval container inside the Police Department where anyone can drop off unused medication from Monday through Friday between 8:00 a.m. and 5:00 p.m. Mr. Tanner announced that on Saturday, October 22, 2016 from 10:00 a.m. to 1:00 p.m. the Police Department will have a “Medication Take Back” event.

William Moreno addressed the Council about their concern over the aesthetics of I-205. Mr. Moreno stated that he would challenge the Council to drive around and see for themselves the deteriorating aesthetics within the community, empty buildings, cars up on blocks, trailers parked in the street. These are the things that need to be addressed to make Tracy an inviting place. Mr. Moreno addressed a second concern related to the Police, he agrees that the citizens need to support the Police but they need to support the community as well. Mr. Moreno stated that he only sees the Police on Grant Line and Tracy Blvd. Mr. Moreno suggested that they need to get out of their car and talk to people in the neighborhood and suggested that the Police Chief go out on each shift to see what the officers are doing.

Keri Dowell stated that if and when the City receives some money it be used for paving the parking lots at Legacy Fields to avoid any flying rocks or debris when people drive away.

Alice English expressed concern regarding being accused of slander by a candidate for a comment that she made.

Rhodesia Ransom, Chairperson of the Planning Commission and candidate shared her opinion and observations of alleged accusations against her.

Freddi Berna, expressed concern that her neighborhood in Tennis Vista is beginning to look like a dump.

Craig Saalwaechter, acknowledged Don Scholl and Brian McDonald for assisting Arnold Barton’s family in putting the memorial bench on 6th and Central. It was a good experience to work with the City’s administrators and those that attended the memorial dedication last week.

Linda Jimenez announced the upcoming events at Micke Grove sponsored by the Zoological Society Friday, October 21 and Saturday, October 22, 2016 and Friday October 28, 2016 from 5:00 p.m. to 8:00 p.m.; admission is \$5 for adults and \$1 for children. Ms. Jimenez encouraged everyone to come out to this fundraiser and support the education department.

Bridget Tines expressed concern with the fence in her front yard between her property and her neighbor being dangerous. Ms. Tines expressed disappointment with Code Enforcement and this matter.

3. PUBLIC HEARING TO CONSIDER APPROVAL OF A DEVELOPMENT REVIEW PERMIT TO CONSTRUCT A 461,810 SQUARE FOOT INDUSTRIAL DISTRIBUTION BUILDING WITH CORRESPONDING PARKING AND LANDSCAPE IMPROVEMENTS, AND APPROVAL OF A VESTING TENTATIVE PARCEL MAP TO SUBDIVIDE THE PROPERTY FROM THE ADJACENT DEVELOPMENT, LOCATED AT 1305 E. PESCADERO AVENUE - APPLICANT IS HPA, INC; OWNER IS INDUSTRIAL PROPERTY TRUST- APPLICATION NUMBERS D16-0001, AND MS16-000

Victoria Lombardo, Senior Planner, Development Services, presented the staff report.

Applicant Industrial Property Trust acknowledged staff for their assistance with this project.

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

City Council comments and questions followed.

ACTION Motion was made by Council Member Vargas, and seconded by Council Member Mitracos to adopt Resolution 2016-222 approving a Development Review Permit for a 461,810 square foot industrial distribution facility located on a 23.23 acre site located at 1305 E. Pescadero Avenue – Assessor’s Parcel Numbers 213-060-20 and 26 – Application Number D16-0001. Voice vote found Council Members Mitracos, Vargas, Young and Mayor Maciel in favor; Mayor Pro Tem Rickman abstained; passed and so ordered.

ACTION Motion was made by Council Member Vargas, and seconded by Council Member Mitracos to adopt Resolution 2016-223 approving a 2-lot Vesting Tentative Parcel Map located on a 75.9-acre site at 1305 E. Pescadero Avenue – Application Number MS16-0001. Voice vote found Council Members Mitracos, Vargas, Young and Mayor Maciel in favor; Mayor Pro Tem Rickman abstained; passed and so ordered.

4. RECEIVE PUBLIC TESTIMONY FROM PUBLIC HEARING FOR ANNUAL UNMET TRANSIT NEEDS, CITY OF TRACY, FISCAL YEAR 2016-17

Ed Lovell, Management Analyst, Parks and Community Services Department presented the staff report.

Mayor Maciel opened the public hearing.

Cynthia Gustafson expressed that there are two unmet needs; busses are not ADA compliant and there is a need for a bus to Larch Clover.

Mayor Maciel closed the public hearing.

City Council comments and questions followed.

Upon Council consensus, the City Council received the public testimony from public hearing for annual unmet transit needs.

Mayor Maciel called for a recess at 9:11 p.m.

Mayor Maciel reconvened the meeting at 9:21 p.m.

5. AUTHORIZE THE ESTABLISHMENT OF A TWO HOUR PARKING ZONE ON THE NORTH SIDE OF EATON AVENUE IN FRONT OF SAINT BERNARD'S

Ripon Bhatia, Senior Civil Engineer, Development Services Department, presented the staff report.

City Council comments and questions followed.

ACTION Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to adopt Resolution 2016-224 authorizing the establishment of a two hour parking zone on the north side of Eaton Avenue in front of Saint Bernard's Church. Voice vote found all in favor; passed and so ordered.

6. AUTHORIZE THE ESTABLISHMENT OF FOUR-HOUR PARKING ZONES ON SIXTH STREET BETWEEN D STREET AND CENTRAL AVENUE, ON DESIGNATED SPOTS AT THE TRANSIT STATION PARKING LOT, AND ON THE DOWNTOWN PARKING LOT AT THE NORTHWEST CORNER OF SIXTH STREET AND CENTRAL AVENUE

Ripon Bhatia, Senior Civil Engineer, Development Services Department, presented the staff report.

Robert Tanner expressed being in favor of the four-hour parking zones.

ACTION Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Mitracos to adopt Resolution 2016-225 authorizing the establishment of a four-hour parking zone on Sixth Street between D Street and Central Avenue, on designated spots at Transit Station parking lot and on the downtown parking lot at the northwest corner of Sixth Street and Central Avenue. Voice vote found all in favor; passed and so ordered.

7. AUTHORIZE AN APPROPRIATION OF \$2,000,000 FROM FUND 301 AND \$21,000 FROM GENERAL FUND 101 TO CIP 78163 FOR THE DESIGN AND CONSTRUCTION OF SITE IMPROVEMENTS FOR PHASE 1C OF LEGACY FIELDS

Brian McDonald, Management Analyst, Public Works Department, presented the staff report.

Ponch Martinez asked some clarifying questions about the use of the fields.

Steve Nicolaou asked how much money would be left in Fund 301 once the \$2 million is spent, and if Measure V does not pass does the City face a structural deficit. Mr. Nicolaou recommended that Council wait a few weeks until after the election to make this decision, it is not fiscally prudent to do this in a haphazard fashion. Mr. Nicolaou

expressed concern because if the Measure does not pass the City will be scrambling, if the measure passes the City can finish the project in one swoop and not piecemealing as it has been doing and instead move onto other projects that need to be completed.

City Council comments and questions followed.

ACTION Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to adopt Resolution 2016-226 authorizing an appropriation of \$2,000,000 from Fund 301 and \$21,000 from General Fund 101 to CIP 78163 for the design and construction of site improvements for Phase 1C of Legacy Fields. Voice vote found all in favor, passed and so ordered.

8. ITEMS FROM THE AUDIENCE – Robert Tanner expressed concern that the City has not yet negotiated with the County the potential property tax increase, and the Council has not finalized the CFD for Tracy Hills or Ellis.

Linda Jimenez expressed concern with what has occurred at the national level among the candidates which is also occurring on the local level related to insinuations, misinformation and plain nastiness. Ms. Jimenez suggested that people do research on the candidates and identify what and how they have served the City. Ms. Jimenez stated that we must put all this rhetoric and nastiness aside and look at the issues and decide who would be the best candidate who will provide service to the community and continue to help the City grow. Ms. Jimenez urged people to be sensible and do their homework and talk to each candidate to make an informed decision.

Rhodesia Ransom, Chair of the Planning Commission, responded and made clarification remarks to the accusations made against her earlier. Ms. Ransom encouraged anyone who has questions regarding her campaign to contact her, instead of making false accusations.

9. COUNCIL ITEMS – There were no speakers.

Mayor Pro Tem Rickman reminded everyone that it is still Breast Cancer Month, wear pink. Mayor Pro Tem Rickman announced the following events taking place downtown this Friday and Saturday: Journey Tribute Band at the Grand Theatre, Witches and Broomstick and Con Funkshun.

Council Member Mitracos announced that this Saturday is Make a Difference day and Arbor Day.

Council Member Vargas announced that tickets are available for the Annual Bishop Dinner at Saint Bernard.

Council Member Young announced that Make a Difference Day begins at 8:00 .am. Downtown, also announced that it is Domestic Violence Awareness Month.

10. ADJOURNMENT – Time: 10:54 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 October 11, 2016. The above are action minutes. A recording is available at the Office of the City Clerk.

Mayor

ATTEST:

City Clerk