

November 15, 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 Recognition to Delta Charter Media Internship Graduates.

Mayor Pro Tem Rickman presented Council Member Young with the Tracy High Jersey to wear upon agreement of their 4th annual friendly bet on the football game between Tracy High and West High. Final score was 62 Tracy High to 20 West High.

1. CONSENT CALENDAR

ACTION Following the removal of item 1E, 1J and 1K by Trina 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. Adopt Council Minutes – Regular meeting minutes of October 18, 2016, and November 1, 2016, and Closed Session minutes of November 1, 2016, were adopted.
- B. Authorize the Submission of a San Joaquin Air Pollution Control District Reimbursement Grant Application for a Projected Amount of \$30,761.60 for the Purchase of Two Electric-Powered Polaris Ranger EV Utility Vehicles to be Used by the Police Department – Resolution 2016-234 authorized the submission of a San Joaquin Air Pollution Control District Reimbursement Grant Application.
- C. Authorize Amendment of the Position Control Roster by Approving the Reallocation of One Part Time Recreation Leader I Position to one Part Time Recreation Leader II Position within the Communities Facilities Division – Resolution 2016-235 authorized Amendment of the Position Control Roster.
- D. Approve Amendment 1 to the Subdivision Improvement Agreement for Ellis Phase 1A, Tract 3764, Authorize the Mayor to Execute the Amendment, and Authorize the City Clerk to File the Amendment with the San Joaquin County Recorder – Resolution 2016-236 approved Amendment 1 to the Subdivision Improvement Agreement for Ellis Phase 1A.

- F. Adopt, by Resolution, Amendment Number 1 to the Cost Benefit Spreadsheet to Accelerate Reimbursement Timing for the North Roadway Funding Area – Resolution 2016-237 adopted Amendment Number 1 to the Cost Benefit Spreadsheet.
- G. Authorize a Loan in the amount of \$2 Million to the Water Enterprise Fund from the Wastewater Enterprise Fund for a Term of Two Years with Interest at the Local Agency Investment Fund (LAIF) Rate – Resolution 2016-238 authorized a loan in the amount of \$2 Million to the Water Enterprise Fund.
- H. Resolution Authorizing the City Manager to Execute Stormwater Maintenance and Access Agreements as Required by the National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Separate Storm Sewer Systems (MS4) Permit – Resolution 2016-239 authorized the City Manager to execute Stormwater Maintenance and Access Agreements as required by the NPDES.
- I. Accept Travel Report for City Manager Troy Brown’s Attendance at the League of California Cities (LOCC) Annual Conference in Long Beach, CA. – Report Accepted
- E. Approval of Agreement to Defer Payment of Development Impact Fees on New Residential Development for Tracy Hills Project, and Authorize the Mayor to Execute the Agreement

Trina Anderson pulled this item for clarification.

Robert Armijo, City Engineer presented the staff report.

ACTION Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to adopt Resolution 2016-240 approving agreement to defer payment of Development Impact Fees. Voice vote found all in favor; passed and so ordered.

- J. Approve an Improvement and Inspection Agreement for Ellis Phase 1B, Tract 3872, and Authorization for the Mayor to Execute the Agreement – Resolution 2016-241 Vote: 4-0-1

Trina Anderson pulled this item for clarification.

Robert Armijo, City Engineer presented the staff report.

ACTION Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to adopt Resolution 2016-241 approving an improvement and inspection agreement for Ellis Phase 1B. Voice vote found all in favor; passed and so ordered.

Council Member Vargas disclosed a potential conflict of interest after the vote was taken therefore the motion was withdrawn and a new motion was made.

ACTION Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Mitracos to adopt Resolution 2016-241 approving an improvement and inspection agreement for Ellis Phase 1B. Voice vote found Council Members Mitracos, Young, Mayor Pro Tem Rickman and Mayor Maciel in favor; passed and so ordered. Council Member Vargas abstained.

- K. Approve the Park Improvement and Refund Agreement for the Ellis Village Green Neighborhood Park within the Ellis Phase1 Subdivision, Authorize the Mayor to Execute the Agreement, and Authorize the City Clerk to File the Agreement with the San Joaquin County Recorder

Council Member Vargas disclosed she would not be voting on item K due to a potential conflict of interest.

Trina Anderson pulled this item for clarification.

Robert Armijo, City Engineer presented the staff report.

ACTION Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Mitracos to adopt Resolution 2016-242 as amended approving park improvement and refund agreement for the Ellis Village Green Neighborhood Park within the Ellis Phase 1 Subdivision. Voice vote found Council Members Mitracos, Young, Mayor Pro Tem Rickman and Mayor Maciel in favor; passed and so ordered. Council Member Vargas abstained.

2. ITEMS FROM THE AUDIENCE – Cynthia Gustafson, Tracy representative on the San Joaquin County Commission on Aging presented the Commission’s monthly report.

Robert Tanner encouraged the City Council to continue with the CFD process for both Tracy Hills and Ellis because at full build out that would be \$2.5 million annually to satisfy those areas. The process should not stop because Measure V passed. Mr. Tanner concluded his comments by urging the Council to continue negotiating with the County for increase in the share of property tax.

Dave Anderson asked Council to have the Police Department look into why there is a lift truck occupying all the handicap parking spots in front of the City Hall.

CJ Sherro referenced the recent passage of Prop 64 and inquired about the City’s position related to the potential cultivation and recreational use of cannabis in Tracy.

Troy Brown, City Manager responded that the current regulations have not changed and that there will be future dialogue on this subject.

William Moreno stated that he has addressed the Council on various occasions related to the deplorable conditions of many neighborhoods within the City of Tracy. Mr. Moreno stated that he researched what could and should be done and provided the Council with a notice of 23 homes that are in violation of City codes and ordinances. Mr. Moreno stated that he spoke with a real estate agent and a home appraiser who indicated to him that property values are affected by poor maintenance of homes in neighborhoods. Mr. Moreno stated that he also spoke with a lawyer who indicated to him that he may sue the City for loss of property value. Mr. Moreno concluded his comments by imploring the Council to ask the Police Chief to visit the neighborhoods more than once a month.

Mr. Singh inquired about the undeveloped land next to Gretchen Talley Park and asked when it will be developed.

Amer Hammudi congratulated new Mayor Elect Rickman and Council Member Elect Young and Council Member Elect Ransom. Mr. Hammudi mentioned that just because he did not win the election it does not mean that the community rejected his idea of bringing high-tech into the City. Mr. Hammudi stated that bringing high-tech would improve the quality of life of the Tracy residents and encouraged the Council to use any of his ideas he brought forth during his campaign on this matter.

Vecky Elliot spoke on behalf of the Southside Community Organization and announced the upcoming annual Thanksgiving dinner drive. Donations will be taken to provide Thanksgiving meals for 25 needy families. Ms. Elliot encouraged the community to bring forward items such as turkey, boxed mashed potatoes, etc. or other things that needy families can use for Thanksgiving. Donations will be accepted starting on Wednesday, November 16, 2016. Those interested may contact Louie; he may be reached at 602-1648. Ms. Elliot concluded her comments by announcing that the issue of homelessness in the County will be addressed on Wednesday, November 16 at 5:30 p.m. at the Board of Supervisors Board Chambers in Stockton.

3. ADOPT COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIPS PROGRAM LOCAL FUNDING PRIORITIES THROUGH FISCAL YEAR 2021-2022

Josh Ewen, Management Analyst, Development Services 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 2016-243 approving Community Development Block Grant and Home Investment Partnerships Program local funding priorities through Fiscal Year 2021-2022. Voice found all in favor; passed and so ordered.

4. PUBLIC HEARING TO CONSIDER ADOPTION OF A PRECISE PLAN LINE (ROADWAY ALIGNMENT) FOR CORRAL HOLLOW ROAD FROM PARKSIDE DRIVE TO I-580 AND AMENDMENT TO THE ROADWAY MASTER PLAN

Kul Sharma, Utilities Director presented the staff report.

Mayor Maciel opened the public hearing

Singh Paramjit acknowledged staff for expediting this project as the project was anticipated to start later. Mr. Paramjit asked if the City will be doing all the work in phase I.

Sonia Weis a local real estate broker in the City of Tracy said that many of her perspective buyers are asking what is the price per square footage of the front that is being taken.

Dave Anderson encouraged Council to push this item through and get it done. Mr. Anderson expressed concern with the City taking land from developed lots on one side of the street rather than taking from the open undeveloped space on the other side of the street. Mr. Anderson also expressed concern with the possibility of having more disjointed and unconnected class one bike lanes in town.

Bob Sarvey asked the following questions: what is the normal width of a lane in the City; who is conducting the EIR for this project, City or County; and why does the widening project not include cleaning up the intersection of Old Schulte Road and Corral Hollow which is currently the bottleneck in front of the church and even more after the widening. Mr. Sarvey stated that item 15 of the City's MOU with the County says that during construction the County will delegate its authority for traffic control to the City. Mr. Sarvey asked who will enforce the traffic laws in front of the County homes after the construction is complete. Mr. Sarvey also asked at what point did the City decide to put a suicide lane in this plan. Mr. Sarvey urged Council to stick to the Roadway Master Plan and lower the speed limit.

Jill Checky expressed concern with her property being in the County and the current patch work that exists. Ms. Checky added that her next door neighbors have also expressed concern with their properties not being annexed and being jumped over. Ms. Checky requested that her name be added to the list for staff to reach out to and talk about the annexation process because she and her neighbors will be affected by the traffic, it has become very difficult to exit her driveway many times during the day.

Trina Anderson expressed concern with the disjointed bike paths and the safety along the way.

Alice English asked if the water line and purple pipeline will be completed prior to the street widening project. Ms. English concluded by asking if the signal light at Valpico and Corral Hollow will be completed during this project.

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 2016-244 approving a precise plan line (Roadway Alignment) for Corral Hollow Road from Parkside Drive to I-580 and amendment to the Roadway Master Plan. Voice vote found all in favor; passed and so ordered.

Mayor Maciel called a recess at 9:18 p.m.

Mayor Maciel reconvened the meeting at 9:25 p.m.

5. RECEIVE AND FILE THE PRESENTATION ON THE FIRST QUARTER OPERATING BUDGET REPORT FOR FISCAL YEAR 2016-17 AND APPROPRIATION OF \$687,215 (\$384,615 FROM THE GENERAL FUND, \$180,212 FROM THE SPECIAL REVENUE FUNDS, \$67,545 FROM THE ENTERPRISE FUNDS AND \$54,843 FROM THE INTERSERVICE FUNDS) TO RESPECTIVE OPERATING BUDGETS

Martha Garcia, Interim Finance Director, presented the staff report.

Steve Nicolaou reminded the Council that the voters of the City took a leap of faith voting for Measure V and urged them as they move forward with future expenditures that the money is not taken for granted. Mr. Nicolaou stated that the Council needs to start focusing on infrastructure such as fiber optics, parks, roads, and pipelines in order to become a class A City and attract businesses and residents to move into this town.

City Council comments and questions followed.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2016-245 approving appropriating \$687,215 (\$384,615 from the General Fund, \$180,212 from the Special Revenue Funds, \$67,545 from the Enterprise Funds and \$54,843 from the Interservice Funds) to respective operating budgets. Voice vote found all in favor; passed and so ordered.

5. INTRODUCE AN ORDINANCE AMENDING SECTION 4.16.180(s) OF THE TRACY MUNICIPAL CODE TO MAKE A VIOLATION FOR POSSESSING OR CONSUMING ALCOHOL IN THE PARK SUBJECT TO MISDEMEANOR PROSECUTION

Corporal Wilmhurst presented the staff report.

Linda Jimenez stated that numerous reports have been filed with the Police Department of individuals drinking in the parks during the times that leagues are scheduled to play games. Ms. Jimenez urged the Council to adopt this ordinance to deter what is occurring in the parks. This also serves as a safety measure for staff that are present at these games. This does not preclude those who fill out a permit and seek approval to have alcohol at an event in the park. This is only to address those who come into the park and start drinking and keeping the park safe from violence.

Robert Tanner agreed with Ms. Jimenez comments. He has seen homeless at Dr. Powers Parks drinking and would like to see enforcement.

Amer Hammudi asked what the penalties in the surrounding cities are if someone is found with alcohol in the park.

City Council comments and questions followed.

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 Vargas to waive reading of full text of 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 1225 amending Section 4.16.180(s) of the Tracy Municipal Code to make a violation for possessing or consuming alcohol in the park subject to misdemeanor prosecution. Voice vote found all in favor; passed and so ordered.

7. ITEMS FROM THE AUDIENCE – Martin Evans shared his observations related to the medical zone on Bessie.

8. COUNCIL ITEMS

Council Member Vargas reminded everyone that the Boys Scouts are still collecting food for the holidays and anyone interested in participating may drop food off at Tracy Interfaith Ministries. Council Member Vargas also announced that Saint Bernard's is collecting turkeys to feed 164 families in their parish. If anyone would like to donate a

turkey please drop it off at the parish. Council Member Vargas reported that it was brought to her attention that there is a pedestrian crosswalk at midblock of Grant Line and 11th Street which is unsafe and requested that this item be brought back to Council to consider options for making that crosswalk safer for pedestrians.

Troy Brown, City Manager responded that staff would research the request and look into lighted crosswalks and other options and will provide an informational memo that may require appropriation.

Mayor Pro Tem Rickman announced the 12th Annual Tracy Tree of Lights which benefits the House of Hospice of San Joaquin will be taking place at 6 p.m. at City Hall on Saturday and encourage everyone to come and enjoy the event. Mayor Pro Tem Rickman wished everyone a Happy Thanksgiving.

Council Member Young wished everyone a Happy Thanksgiving. Council Member Young welcomed Council Member Elect Rhodesia Ransom who was in the audience.

Mayor Maciel reported that the County's been facilitating a few study groups on the topic of homelessness. Mayor Maciel reported attending the two previous study groups related to Public Safety and Economic Development. Mayor Maciel said he would not be able to attend the study group taking place on Wednesday night but highly encouraged that someone from Council attend. The homelessness issue is affecting everyone and the solution to this issue will not be a local one it will be a regional solution.

9. ADJOURNMENT – Time: 10:27 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 November 10, 2016. The above are action minutes. A recording is available at the Office of the City Clerk.

Mayor

ATTEST:

City Clerk