

**December 6, 2016 7:00 p.m.**

Council Chambers, 333 Civic Center Plaza, Tracy

Web Site: [www.ci.tracy.ca.us](http://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 Tim Heinrich, Crossroad Baptist Church.

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

Troy Brown, City Manager presented the December 2016 Employee of the Month Award to Graham Hawkinson, Police Department.

#### 1. CONSENT CALENDAR

**ACTION** Following the removal of item 1L by Trina Anderson and 1N by Robert Tanner, it was moved by Mayor Pro Tem Rickman and seconded by Council Member Young to adopt the Consent Calendar. Roll call found all in favor; passed and so ordered. 5:0

- A. Authorize Amendment of the Position Control Roster by Approving the Reallocation of One Equipment Mechanic I Position to Equipment Mechanic II Within the Central Fleet Services Division – Resolution 2016-246 authorized amendment of the Position Control Roster.
- B. Approve a Memorandum of Understanding between the City of Tracy and the San Joaquin Council of Governments for State and Federal Transit Planning and Programming, and Authorize the Mayor to Execute the Agreement – Resolution 2016-247 approved a Memorandum of Understanding.
- C. Authorization to Purchase Nine Trucks and Various Pieces of Field Equipment from Multiple Suppliers in the Amount of \$454,755 – Resolution 2016-248 authorized a purchase of nine trucks and various pieces of field equipment.
- D. Declaring Certain Vehicles and Equipment as Surplus and Approving their Sale – Resolution 2016-249 declared vehicles and equipment as surplus.
- E. Approve Amendment No. 4 to the Professional Services Agreement Between the City of Tracy and HF&H Consultants, LLC and Approve a Funding Allocation in the Amount of \$34,201 from the Solid Waste Fund – Resolution 2016-250 approved amendment No. 4 to a Professional Services Agreement.

- F. Acceptance of the City Hall Print Room Remodeling Project CIP 71082, Completed by D.M. Alegre, Inc., of Tracy, 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 2016-251 accepted the City Hall Print Room remodeling project.
- G. Approve the First Amendment to the Offsite Improvement Agreement for Cordes Ranch - Phase 1A Program Roadway and Recycled Water Improvements, Approve the First Amendment to the Offsite Improvement Agreement for Cordes Ranch - Phase 1A Non-Program Roadway Improvements for Federal Express Ground Facility, and Authorization for the Mayor to Execute Both First Amendments – Resolution 2016-252 approved First Amendment to OIA for Phase 1A Program Roadway Improvements. Resolution 2016-253 approved First Amendment to OIA for Phase 1A Non-Program Roadway Improvements.
- H. Approval of the First Amendment to the Offsite Improvement Agreement for Cordes Ranch - Phase 1B Program Roadway and Recycled Water Improvements for Medline Industrial and Office Building, Approval of the First Amendment to the Offsite Improvement Agreement for Cordes Ranch – Phase 1B Non-Program Roadway Improvements for Medline Industrial and Office Building, and Authorization for the Mayor to Execute Both First Amendments – Resolution 2016-254 approved First Amendment to OIA for Phase 1B Program Roadway Improvements. Resolution 2016-255 approved First Amendment to OIA for Phase 1B Non-Program Roadway Improvements.
- I. Approve the First Amendment to the Offsite Improvement Agreement for the 2.0 Million Gallon Cordes Ranch Potable Water Tank, and Authorization for the Mayor to Execute the First Amendment – Resolution 2016-256 approved the First Amendment to an Offsite Improvement Agreement.
- J. Award a Construction Contract to the Lowest Responsive and Responsible Bidder for the Overlay Project, CIP 73140A Federal Project Number STPL-5192(041) and Traffic Loop Installation, CIP 72099 and Authorization for the Mayor to Execute the Contract – Resolution 2016-257 awarded a construction contract.
- K. Minor Amendment to the Planned Unit Development Zone Final Development Plan for the Northgate Village Shopping Center (Formerly Tracy Outlet Center) to Allow Outdoor Dining/Seating Areas, Located at 1005 E. Pescadero Avenue – Applicant is Messier Benitez and Property Owner is 51 Newco LLC – Application Number D16-0019 – Resolution 2016-258 approved a minor amendment to a Planned Unit Development Zone Final Development Plan.
- M. Find that it is in the Best Interest of the City to Forego the Formal Request for Approval Process and Approve a Master Professional Services Agreement with Jarvis, Fay, Doporto, and Gibson, LLP for Legal Services Related to Land Development Applications and Environmental Analysis (CEQA) Services for a Not to Exceed Amount of \$350,000 Per Year for a Three Year Term; Authorize the Mayor to Execute the Agreement; and Authorize the Development Services Director to Execute Task Orders Under the Agreement – Resolution 2016-259 approved a Master Professional Services Agreement.

- L. Rejection of all Seven Bids Received for the Larch Road Water Main Replacement Between Corral Hollow Road and Tracy Blvd, CIP 75117, 75122, 75127, and Direct Staff to Include this Project for Consideration in the Fiscal Year 2017-18 Budget

Trina Anderson pulled this item for clarification on the shortfall from the drought.

Robert Armijo, City Engineer, Development Services, provided the staff report.

Dave Helm expressed concern that there are no funds in the water fund, by deferring this for a year it will increase the cost and this needs to be done.

**ACTION** Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to adopt Resolution 2016-260 rejecting all seven bids received for Larch Road Water Main Replacement. Voice vote found all in favor; passed and so ordered.

- N. Adopt a Resolution Approving an Amendment to the Employment Agreement Between Troy Brown and the City of Tracy Relating to Compensation and Benefits and Authorizing an Appropriation of \$13,597 from the General Fund for Fiscal Year 2016-17

Robert Tanner pulled this item for transparency purposes for folks at home and requested the staff report.

Midori Lichtwardt, Human Resources 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 2016-261 approving an amendment to the Employment Agreement between Troy Brown and the City of Tracy. Voice vote found all in favor; passed and so ordered.

- 2. ITEMS FROM THE AUDIENCE – William Moreno, expressed concern regarding ongoing problems within the neighborhoods of Tracy. Mr. Moreno shared his observations and concerns in his neighborhood related to various issues. Mr. Moreno expressed disappointment that Council has allowed the City deteriorate over the years. Code enforcement issues are huge and there are only two people to enforce. Mr Moreno urged the Council to focus on maintaining the City of Tracy instead of focusing on new buildings.

Terry Donaldson expressed concern that her elderly mother had complained about a missing street sign and called the City to address the concern and nothing has been done about it.

Freddi Berna expressed concern about her neighbor threatening to poison her dogs.

3. PUBLIC HEARING TO CONSIDER THE PROPOSED ANNEXATION OF THE VENTANA PROJECT INTO THE TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT AS ZONE NO. 43; DECLARE RESULTS OF THE PROPERTY OWNER PROTEST BALLOT AND APPROVE CERTAIN RELATED ACTIONS; CONFIRM THE ANNEXATION OF THE PROJECT INTO THE DISTRICT AS ZONE NO. 43; AND ORDER THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2017/2018

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

Mayor Maciel opened the public hearing and asked for testimony and any outstanding ballots to be handed to the City Clerk. There was no testimony to be heard and Mayor Maciel closed the public hearing.

**ACTION** Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to direct Landscape Maintenance Engineer to tabulate the assessment ballots and City Clerk to report back to Council. Voice vote found all in favor; passed and so ordered.

Mayor Maciel announced that while the ballots were being tallied, the Council would continue to the next item.

4. ADOPT A RESOLUTION DECLARING THE RESULTS OF THE NOVEMBER 8, 2016, CITY OF TRACY GENERAL MUNICIPAL ELECTION

Nora Pimentel, City Clerk, presented the staff report.

**ACTION** Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to adopt Resolution 2016-264 reciting the fact of the General Municipal Election held in the City of Tracy on November 8, 2016, declaring the results of the election and such other matters as provided by law. Voice vote found all in favor; passed and so ordered.

Mayor Maciel called a recess at 7:43 p.m.

Mayor reconvened the meeting at 7:52 p.m.

DEVIATION

3. Continued – Mayor Maciel announced that item 3 would continue and asked the City Clerk to announce the results of the tabulation of ballots.

Nora Pimentel, City Clerk read into the record the tabulation results.

**ACTION** Motion was made by Mayor Pro Tem Rickman, and seconded by Council Member Vargas to adopt Resolution 2016-262 declaring the results of the property owner protest ballot proceeding conducted for the levy of assessments related to the annexation territory (tract 3290, Ventana) to the Tracy Consolidated Landscape Maintenance District Zone 43, commencing in Fiscal Year 2017/2018 and approving certain related actions. 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 2016-263 confirming the annexation of territory (Tracy 3290 Ventana) into the Tracy Consolidated Landscape Maintenance District as Zone No. 43. Voice vote found all in favor; passed and so ordered.

5. **OUTGOING MAYOR AND COUNCIL PRESENTATIONS**

Mayor Pro Tem Rickman presented Council Member Mitracos with a plaque and recognized her service on the Council.

Mayor Pro Tem Rickman presented outgoing Mayor Maciel with a gavel and recognized his service on the Council.

6. **ADMINISTER OATH OF OFFICE AND SEAT NEWLY ELECTED MAYOR AND COUNCIL MEMBER**

Nora Pimentel, City Clerk administered Oath of Office and presented Certificate of Election to City Treasurer Elect Raymond McCray.

Mr. Young administered Oath of Office and presented Certificate of Election to Council Member Elect Young

Assembly Member Susan Talamantes-Eggman administered Oath of Office and presented Certificate of Election to Council Member Elect Rhodesia Ransom.

Superior Court Judge Barbara Kronlund administered Oath of Office and presented Certificate of Election to Mayor Elect Rickman.

Mayor Rickman requested that the following five points be agendized for consideration at a later date:

1. Create an Economic Development plan to bring head of household jobs to Tracy, increase retail, and create an atmosphere where small businesses can continue to thrive;
2. Enhance our City Image, including enhancing view corridors, landscaping and branding;
3. Invest in our community and continue to build community amenities;
4. Enhance the great things Tracy has and does that other communities don't have or have stopped doing
5. Work with Public Safety to enhance our community safety, including advocating for local control of dispatching.

Council Member Vargas supported Mayor Rickman's request.

Mayor Rickman called a recess at 8:27 p.m.

Mayor Rickman reconvened the meeting at 8:46 p.m.

Roll call found Council Members Ransom, Vargas, Young and Mayor Rickman present.

7. DETERMINE WHETHER TO FILL CITY COUNCIL VACANCY BY SPECIAL ELECTION OR BY APPOINTMENT, AND, IF BY APPOINTMENT, DETERMINE THE DETAILS OF THE PROCESS TO BE USED

Nora Pimentel, City Clerk presented the staff report related to special election. Troy Brown, City Manager, presented the staff report related to the appointment process.

Dave Anderson urged the Council not go through a time consuming and expensive special election process.

Linda Jimenez urged the Council to move forward with an appointment process.

Trina Anderson expressed being in favor of an appointment process.

Jacy Krogh urged the Council to follow the appointment process that was established in 2014 and get down to the business which would be the best for the community.

City Council comments and questions followed.

After Council discussion and deliberation it was agreed to revise the current Appointment Policy with the following amendments: add a supplemental questionnaire to the application with the following questions from the 2014 interview process: How would you promote transparency and accountability as a member of the City Council? What do you consider to be the top three most significant issues in our City right now? And what do you think should be changed in City government?

It was agreed that Mayor Rickman and Council Member Ransom would serve as the sub-committee to create new questions and include the questions from the public and present them to Council at the special meeting of January 3, 2017 prior to commencing the interviews. It was agreed that the application is open to everybody who is interested in applying.

8. ITEMS FROM THE AUDIENCE – Trina Anderson commended the new Council for doing a good job and working collectively.

Linda Jimenez acknowledged the Council for working together and doing a good job. Ms. Jimenez expressed concern with who would be able to apply to fill the vacancy based on previous appointment process.

Dionna Cally thanked the new Council for a job well done.

9. COUNCIL ITEMS

Council Member Vargas requested staff revisit the downtown specific plan with a focus on aesthetics and how to identify downtown as a destination point. Council Member Ransom supported the request. Troy Brown, City Manager responded that staff will return in March with those elements carved out of the specific plan for Council consideration.

Council Member Ransom announced the upcoming 2016 Boys to Men Annual Conference for young men between the ages of 10-18 which will include keynote note speaker Keena Turner of the 49ers. Council Member Ransom encouraged all young men to register.

Council Member Young wished all the students who will be taking the SATs and ACTs tests this coming weekend good luck as they prepare for college.

Mayor Rickman announced an upcoming event at Kimball High, on December 10, 2016 at 6:00 p.m. which will be showing the Netflix documentary of Audrie & Daisy related to media bullying and sexual assault crimes. Mayor Rickman also encouraged everyone to support the non-profits in the upcoming month of the crab feeds.

10. ADJOURNMENT – Time: 10:42 p.m.

**ACTION** Motion was made by Mayor 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 29, 2016. The above are action minutes. A recording is available at the Office of the City Clerk.

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Mayor

ATTEST:

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City Clerk