

December 20, 2016, 7:00 p.m.

Council Chambers, 333 Civic Center Plaza, Tracy

Web Site: www.ci.tracy.ca.us

Mayor Rickman called the City Council meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

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

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

1. CONSENT CALENDAR

ACTION Following the removal of item 1.F by Council Member Ransom and item 1.D by Robert Tanner, it was moved by Council Member Young and seconded by Council Member Ransom to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered. 4:0

- A. Adoption of the December 6, 2016, Regular Meeting Minutes were approved.
- B. Approve the First Amendment to the Offsite Improvement Agreement (OIA) for Cordes Ranch – Phase 1D Non-Program Roadway Improvements for Building 6, and Authorization for the Mayor to Execute the First Amendment – Resolution 2016-265 approved the First Amendment to OIA – Phase 1D non-program.
- C. Approve the First Amendment to the Offsite Improvement Agreement (OIA) for Cordes Ranch – Phase 1C Roadway Improvements for Crossroads Buildings 1 and 2, Approve the First Amendment to the Offsite Improvement Agreement for Cordes Ranch – Phase 1C Non-Program Roadway Improvements for Crossroads Building #1, and Authorization for the Mayor to Execute Both First Amendments – Resolution 2016-266 Approved First Amendment to OIA – Phase 1C and Resolution 2016-267 Approved First Amendment to OIA – Phase 1C non-program.
- E. Adopt a Resolution Opposing the State Water Resources Control Board 2016 Draft Revised Substitute Environmental Document (SED) on the Proposed Update to the Water Quality Control Plan for the San Francisco Bay/Sacramento – San Joaquin Delta Estuary and Calling for Sustainable Solutions for the Stanislaus River and Region’s Economy – Resolution 2016-268 opposed the State Water Resources Control Board 2016 draft revised (SED).
- G. Authorize Purchase of a Replacement 100’ Aerial Drawn Tractor Ladder Truck from Pierce Manufacturing, Inc. Outfitted with Required Equipment to Meet National Standards Under a Cooperative Purchasing Agreement Through the Houston Galveston Area Council Pursuant to Section 2.20.220 of the Tracy Municipal Code and Appropriate \$1,189,639 from Vehicle Replacement Fund

606 and in the Amount of \$126,714 from the Equipment Replacement Fund 605 for the Purchase of the Truck and Required Equipment – Resolution 2016-269 authorized purchase of a replacement 100' Aerial Drawn Tractor Ladder Truck.

- F. Approve an Exclusive Negotiating Rights Agreement with Cal North Soccer for Sports Fields at the Legacy Fields Complex Located on North Tracy Boulevard and Authorize the Mayor to Sign the Agreement

Council Member Ransom pulled this item for clarification on the process.

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

City Council comments and questions followed.

Trina Anderson, agreed with Council Member Ransom's concerns.

ACTION Motion was made by Council Member Vargas, and seconded by Mayor Rickman to adopt Resolution 2016-270 approving an exclusive Negotiating Rights Agreement with Cal North Soccer. Roll call vote found all in favor; passed and so ordered.

- D. Amend the Department Head Compensation Plan to Include an Incentive Program Providing \$1000 Per Year, for a Maximum of Three Years, to Executive Employees Living within the City of Tracy and to Provide Relocation Expenses of up to \$5000

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

Robert Tanner pulled this item and expressed concern with the retroactive pay. Mr. Tanner stated that the policy should be for future directors not for a director who already owns a home here in town.

City Council comments and questions followed.

After Council deliberation it was agreed to remove the \$1000 a year stipend from the incentive program.

ACTION Motion was made by Council Member Vargas, and seconded by Council Member Young to adopt Resolution 2016-271 amending the Department Head Compensation Plan to include an Incentive Program providing relocation expense of up to \$5000. Roll call vote found all in favor; passed and so ordered.

- 2. ITEMS FROM THE AUDIENCE – Arlene Robbins acknowledged the candidates that ran in this year's election for their time, energy and suggested that the Council include in their rules in the future, that whoever comes in third, should be seated in the vacant seat as the City goes through this every two years. Ms. Robbins suggested that the person who is seated should have experience on the Council, has good judgment and leadership and knows the budget. Ms. Robbins urged the Council that they consider appointing Mary Mitracos to fill the vacancy on January 3, 2017.

Alice English acknowledged Chief Esquivel for his participation in “Walk a Beat” in the Edgewood community yesterday. Ms. English expressed concern about RGA’s .

3. INTRODUCTION OF AN ORDINANCE ADOPTING, BY REFERENCE, THE 2016 CALIFORNIA BUILDING AND RELATED CODES, SPECIFYING WHICH APPENDICES APPLY TO THE CITY OF TRACY, RE-ADOPTING CERTAIN EXISTING SECTIONS OF TITLE 9 OF THE TRACY MUNICIPAL CODE, ADOPTING LOCAL STANDARDS RELATED TO STRAW BALE CONSTRUCTION, EXTERIOR PALLET STORAGE, RADIO AMPLIFICATION SYSTEMS, AUTOMATIC SPRINKLER SYSTEMS, FIRE FIGHTER AIR REPLENISHMENT SYSTEMS AND OTHER EMERGENCY RESPONDER REQUIREMENTS AND SETTING A PUBLIC HEARING DATE AND TIME FOR ADOPTION OF THE ORDINANCE

Kevin Jorgenson, Building Official, presented the staff report.

City Council comments and questions followed.

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

ACTION Motion was made by Council Member Vargas, and seconded by Council Member Young to waive reading of full text. Roll call vote found all in favor; passed and so ordered.

ACTION Motion was made by Council Member Vargas, and seconded by Council Member Ransom to introduce Ordinance 1228 adopting, by reference, the 2016 California Building and Related Codes, specifying which appendices apply to the City of Tracy, re-Adopting Certain Existing Sections of Title 9 of the Tracy Municipal Code, Adopting Local Standards Related to Straw Bale Construction, Exterior Pallet Storage, Radio Amplification Systems, Automatic Sprinkler Systems, Fire Fighter Air Replenishment Systems and other Emergency Responder Requirements. Roll call vote found all in favor; passed and so ordered.

ACTION Motion was made by Council Member Young, and seconded by Council Member Ransom to set a public hearing on January 17, 2017 for adoption of the Ordinance. Roll call vote found all in favor; passed and so ordered.

4. ADOPT A RESOLUTION APPROVING THE ANNUAL REPORT ON DEVELOPMENT IMPACT FEE REVENUES, EXPENDITURES AND FINDINGS REGARDING UNEXPENDED FUNDS

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

ACTION Motion was made by Council Member Young, and seconded by Council Member Vargas to adopt Resolution 2016-272 approving the annual report on Development Impact Fee Revenues, Expenditures and Findings regarding unexpended funds for Fiscal Year 2015-16 in accordance with AB 1600. Roll call vote found all in favor; passed and so ordered.

5. ADOPTION OF A RESOLUTION OF INTENTION TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 2016-2 (ECFD), IMPROVEMENT AREA NO. 1 AND THE FUTURE ANNEXATION AREA; ADOPTION OF A RESOLUTION OF INTENTION TO INCUR BONDED INDEBTEDNESS AND OTHER DEBT; SETTING THE PUBLIC HEARING DATE FOR FEBRUARY 7, 2017 TO CONSIDER QUESTIONS OF ESTABLISHING THE CFD, LEVYING THE SPECIAL TAX AND INCURRING BONDED INDEBTEDNESS AND OTHER DEBT; AND DIRECTION TO PREPARE A CFD REPORT

Council Member Vargas disclosed she would recuse herself due to potential conflict of interest and would not participate in the discussion or vote on this item. Council Member Vargas left the dais at

Martha Garcia, Interim Finance Director, Andrew Malik, Development Services Director, and Susan Goodwin, Goodwin Consulting Group, presented the staff report

Robert Tanner expressed satisfaction that the Council is moving forward with the CFD's.

City Council comments and questions followed.

ACTION Motion was made by Council Member Ransom, and seconded by Council Member Young to adopt Resolution 2016-273 intending to establish Community Facilities District No. 2016-2 (ECFD). Roll call vote found Council Members Ransom, Young and Mayor Rickman in favor, Council Member Vargas abstained; passed and so ordered.

ACTION Motion was made by Council Member Young, and seconded by Mayor Rickman to adopt Resolution 2016-274 intending to Incur Bonded Indebtedness and other debt. Roll call vote found Council Members Ransom, Young and Mayor Rickman in favor, Council Member Vargas abstained; passed and so ordered.

6. APPROVE A SERVICE AGREEMENT BETWEEN THE CITY OF TRACY AND TRACY MATERIAL RECOVERY AND SOLID WASTE TRANSFER, INC., AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT, AND AUTHORIZE THE CITY MANAGER TO EXECUTE MINOR AMENDMENTS FOR THE SAKE OF ADMINISTRATIVE EFFICIENCY; OR, IN THE ALTERNATIVE, APPROVE AMENDMENT NUMBER 4 TO THE CURRENT SERVICE AGREEMENT BETWEEN THE CITY OF TRACY AND TRACY MATERIAL RECOVERY AND SOLID WASTE TRANSFER, INC., EXTENDING THE CURRENT AGREEMENT THROUGH MARCH 31, 2017

Don Scholl, Public Works Director and Connie Vierra, Management Analyst, presented the staff report.

City Council comments and questions followed.

ACTION Motion was made by Council Member Young, and seconded by Council Member Vargas to adopt Resolution 2016-275 approving a Service Agreement between the City of Tracy and Tracy Material Recovery and Solid Waste Transfer Inc., authorizing the Mayor to execute the agreement, and authorizing the City Manager to execute minor amendments for the sake of administrative efficiency. Roll call vote found Council Members Ransom, Vargas, Young and Mayor Rickman in favor; passed and so ordered.

7. CONSIDER AND ADOPT A RESOLUTION ADOPTING THE MAYOR'S 5-POINT PLAN AND INTEGRATING THE PLAN INTO THE COUNCIL'S STRATEGIC PRIORITIES

Troy Brown, City Manager, presented the staff report.

City Council comments and questions followed.

Dave Anderson urged the Council to adopt the Mayor's 5-point Plan.

ACTION Motion was made by Council Member Ransom, and seconded by Council Member Young to adopt Resolution 2016-276 approving the Mayor's 5-Point Plan and integrating the plan into the Council's Strategic Priorities. Roll call vote found all in favor; passed and so ordered.

8. INTRODUCE ORDINANCE AMENDING SECTION 4.16.180(S) OF THE TRACY MUNICIPAL CODE TO MAKE THE UNAUTHORIZED CONSUMPTION OF ALCOHOL IN A CITY PARK A MISDEMEANOR

Bill Sartor, City Attorney, presented the staff report.

Dave Anderson expressed concern about the permit use and was not in favor of adopting this ordinance.

City Council comments and questions followed.

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

ACTION Motion was made by Council Member Ransom, and seconded by Council Member Young to waive reading of full text. Roll call vote found all in favor; passed and so ordered.

ACTION Motion was made by Council Member Young, and seconded by Council Member Ransom to introduce Ordinance 1229 amending Section 4.16.180(s) of the Tracy Municipal Code to make the unauthorized consumption of alcohol in a city park a misdemeanor. Roll call vote found all in favor; passed and so ordered.

9. UPDATE ON THE STATUS OF THE SOUTH COUNTY FIRE AUTHORITY'S REQUEST TO BE DISPATCHED TO ALL MEDICAL EMERGENCIES

Randy Brandley, Fire Chief presented the staff report.

City Council comments and questions followed.

Steve Nicolaou, expressed concern with the County rules and recommended that the City go over the counties head and do outreach to Assembly Member Susan Talamantes Eggman, and Senator Cathleen Galgiani and request for legislative hearings.

Dave Anderson expressed disbelief in learning the amount of time it took to respond to a recent emergency here in the City of Tracy. Mr. Anderson asked for some clarifying questions related to the 911 service calls.

Robert Tanner noted that the letter only addressed the City of Tracy but recalled that during the workshop related to this subject there were other jurisdictions that were mentioned. Mr. Tanner suggested that it may be time to replace the county EMS administrator.

City Council comments ensued.

Following City Council discussion and deliberation it was agreed to direct staff to draft a letter from the City Council to State and Federal legislators.

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

11. COUNCIL ITEMS

A. APPOINT AN APPLICANT TO THE PLANNING COMMISSION FROM THE COMMISSION'S ELIGIBILITY LIST

Nora Pimentel, City Clerk, presented the staff report.

City Council comments and questions followed.

ACTION Motion was made by Council Member Ransom, and seconded by Council Member Young to appoint Jacy Krogh from the Planning Commission's eligibility list to fill the unexpired term on the Planning Commission ending March 31, 2018. Roll call vote found Council Members Ransom and Young in favor, Council Member Vargas and Mayor Rickman opposed. The motion failed due to a split vote.

After further Council discussion and deliberation it was agreed to direct staff to open a recruitment to fill the vacancy on the Planning Commission and return to Council with a staff report to consider the current policy related to the appointment process.

B. CONSIDER A RESOLUTION AMENDING CITY COUNCIL POLICY ON FILLING CITY COUNCIL VACANCIES

Nora Pimentel, City Clerk, presented the staff report.

Dave Anderson suggested that the voters elect who should fill the vacancy and elect the third highest vote getter from the November 8, 2016 election results.

City Council comments and questions followed.

After Council discussion and deliberation it was agreed that Council Policy on filling City Council vacancies would be amended to include the following process: in the first round all candidates will be allotted 10 minutes to answer Council approved questions followed by the Mayor and each Council Member voting for two candidates each. After the first round of elimination, the remaining candidates will be allotted 15 minutes to answer additional questions; Council will then proceed with voting until a winner is declared. If a tie occurs and agreement is not reached on selection of a final candidate, Council agreed that a special election would be called.

Council Member Young announced that her son and daughter-in-law are expecting a baby. Council Member Young wished everyone a Merry Christmas and Happy New Year. Council Member Young reported on behalf of Terry Donaldson who recently addressed Council about a missing street sign and was pleased with the quick response from staff for replacing the sign. Council Member Young reported attending the San Joaquin Council of Governments meeting last week.

Council Member Vargas announced the following events taking place: January 6, 2017, the Rotary will have their annual Crab Feed, tickets are on sale. January 11, 2017, City Hall Room 216 Altamont Railroad Working meeting from 1:00 p.m. – 4:00 p.m. February 25, 2017, Italian Spaghetti Dinner at St. Bernard's Holy Family Center, tickets are on sales \$16 for adults, \$10 for children, proceeds go back to the community and the children.

Council Member Ransom requested that a column identifying the Council's Strategic Priorities be added to the Council follow up report.

- 10. ADJOURNMENT –The City Council adjourned the regular City Council Meeting at 10:10 p.m. and reconvened into closed session.

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 December 13, 2016. The above are action minutes. A recording is available at the Office of the City Clerk.

Mayor

ATTEST:

City Clerk