

**January 16, 2018, 7:00 p.m.**

City Council Chambers, 333 Civic Center Plaza

Web Site: [www.ci.tracy.ca.us](http://www.ci.tracy.ca.us)

Mayor Rickman called the meeting to order at 7:09 p.m. and led the Pledge of Allegiance

Invocation was offered by Pastor Kevin James, New Creation Bible Fellowship

Roll call found Council Members Dement, Ransom, Young, Mayor Pro Tem Vargas and Mayor Rickman present

Randall Bradley, Interim City Manager presented the January 2018 Employee of the Month award to Sara Remonda, Finance Department

Mayor Rickman presented Certificates of Recognition to the Wave Fastpitch – Northern California State Softball Champions Frankie Paz, Emma Golden, Olivia Rinker, Kelsie Zabaldo, Reanna Zuniga, Mia Sena, Jocelyn Hernandez, Mia Hernandez, Bianca Quintero, Kaeliana Deperio, Melia Ritchie, Elysia Duarte, Kaylee Carrillo

Mayor Rickman presented Certificates of Appointment to new Parks and Community Services commissioners Yolanda Magana, Mark Miller and Todd Lieberg

Mayor Rickman presented Certificates of Reappointment to Tracy Arts Commissioners Nila Dhugga and Taranjit Sandhu

Mayor Rickman presented a proclamation for National Slavery and Human Trafficking Prevention Month 2018 to Marshall Rose, Brian Pekari, and students Malorie Bournazian, Paris Mousalimas, Simran Grewal, and Ishan Gill - San Joaquin County Human Trafficking Task Force

Meredith Hagler and Reyva Dillon presented the Annual Report for the Youth Advisory Commission

1. CONSENT CALENDAR – Following the removal of Items 1.F, 1.G and 1.K, by Council Member Young, it was moved by Mayor Pro Tem Vargas and seconded by Council Member Young to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
  - A. Approval of August 17, 2017 and September 5, 2017 Special Meeting Minutes – Minutes were adopted
  - B. Award Two-Year Contract to Sierra Traffic Markings, Inc. of Roseville, CA. for Thermoplastic Pavement Markings Replacement, Not to Exceed \$150,000 Annually and Authorize the City Manager to Grant Three, One-Year Extensions Based on Satisfactory Performance and Recommendation from the Public Works Director – Resolution 2018-001 awarded the contract to Sierra Traffic Markings, Inc.

- C. Approve One-Year Contract with Jet Mulch, Inc. of Capitola, CA. for Playground Wood Fiber Installation, Not to Exceed \$150,000 Annually and Authorize the City Manager to Grant Up to Four, One-Year Extensions Based on Satisfactory Performance and Recommendation from the Public Works Director – Resolution 2018-002 approved the contract with Jet Mulch, Inc.
- D. Approval of Amendment Number 1 to General Services Agreement with Contract Sweeping Services of Milpitas, CA. for Street, Alley and Parking Lot Sweeping; Authorize the Mayor to Execute the Amendment; and Authorize the Public Works Director to Approve any Future Consumer Pricing index (CPI) Increases – Resolution 2018-003 approved Amendment No. 1 to General Services Agreement with Contract Sweeping Services
- E. Reject all Bids for the Police Communications Tower Equipment Shelter CIP 71050B (Previously 71081) and Authorize City Staff to Re-Bid the Project – Resolution 2018-004 rejected the bid for the Police Communications Tower Equipment shelter
- H. Approve the Interim Renewal Contract Between the United States Bureau of Reclamation and the City for Providing Central Valley Project Water Service and Authorize the City Manager to Execute the Contract and Other Agreements with Bureau of Reclamation for Various Operational Functions Related to the Central Valley Project – Resolution 2018-005 approved the Interim Renewal Contract with the United States Bureau of Reclamation. Resolution 2018-006 authorized the City Manager to execute agreements with the United States Bureau of Reclamation.
- I. Approve the Tracy Village Specific Plan Water Supply Assessment – Resolution 2018-007 approved the Tracy Village Specific Plan Water Supply Assessment
- J. Authorize Amendment of the City's Classification and Compensation Plans, Master Salary Schedule and Position Control Roster to Establish New Classification Specifications and Salary Ranges for Maintenance Aide, Property and Evidence Technician, Laboratory Quality Assurance Officer and Safety Coordinator; and Approve Revisions to the Classification Specifications for Equipment Mechanic II and Senior Equipment Mechanic – Resolution 2018-008 authorized amendment of the City's Classification and Compensation Plans, Master Salary Schedule and Position Control Roster
- L. Waive Second Reading and Adopt Ordinance 1248, an Ordinance of the City Council of the City of Tracy Granting a Pipeline Franchise to Chevron U.S.A. Inc., Within the Public Right of Ways on Grant Line Road – Ordinance 1248 was adopted
- M. Authorize Staff to Submit an Application for the Trade Corridor Enhancement Program (TCEP) in Support of the Central Valley Gateway Project (CVP) – Resolution 2018-009 authorized staff to submit an application for the Trade Corridor Enhancement Program

- F. Approve a New Capital Improvement Project (CIP) to Construct Pedestrian Connectivity and Associated Landscaping Between Cherry Blossom Court and Middlefield Drive and Re-allocate \$60,000 of Fund 245 – Gas Tax from CIP 73103 to this New CIP

Council Member Young pulled the item for discussion.

Al Gali, Associate Civil Engineer presented the staff report.

Council questions and comments followed.

Robert Tanner stated he has been trying for a number of years to get a sidewalk continuation from Tracy Boulevard to Chester. People are walking in the street and dogs are on the grass while their owners are in the street. Mr. Tanner asked if gas tax funding is for that kind of issue, why can't money be moved there to make that work.

- ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Dement to adopt Resolution 2018-010 approving a new Capital Improvement Project (CIP) to construct pedestrian connectivity and associated landscaping between Cherry Blossom Court and Middlefield Drive and re-allocating \$60,000 of Fund 245 – Gas Tax from CIP 73103 to this new CIP. Roll call vote found Council Members Dement and Ransom, Mayor Pro Tem Vargas and Mayor Rickman in favor. Council Member Young abstained. Motion carried: 4.1

- G. Authorize Revision of Names of Signatories on the Previously Approved Final Subdivision Map, Subdivision Improvement Agreement, Deferred Improvement Agreement, and Various Off-Site Improvement Agreements for Tracy Hills Phase 1A, Tract 3878, and Authorize the City Clerk to File the Final Subdivision Map, Subdivision Improvement Agreement and Deferred Improvement Agreement with the Office of the San Joaquin County Recorder

Council Member Young pulled the item for discussion.

Andrew Malik, Developments Services Director presented a brief report.

Council questions and comments followed.

Yvonne Eder stated she is one of the community members that has been severely impacted by the improvements that are still ongoing on Corral Hollow Road. On January 5, 2018, Ms. Eder stated she was on her way to Modesto and got to the bridge crossing at MacArthur, and found it was closed. There was one person there who had no idea where they were supposed to go and there was no signage. Ms. Eder agreed with Council Member Young and Ransom. There has got to be proper noticing and concern about the impact of the people in the community. That project in MacArthur was not properly signed at all and it was dark. Ms. Eder requested that Council take that under strict consideration when going forward with this project.

**ACTION:** Motion was made by Council Member Young and seconded by Mayor Pro Tem Vargas to adopt Resolution 2018-011 authorizing the revision of names of signatories on the previously approved Final Subdivision Map, Subdivision Improvement Agreement, Deferred Improvement Agreement, and various Off-Site Improvement Agreements for Tracy Hills Phase 1A, Tract 3878 and authorizing the City Clerk to file the Final Subdivision Map, Subdivision Improvement Agreement and Deferred Improvement Agreement with the office of the San Joaquin County Recorder. Roll Call vote found all in favor; passed and so ordered.

K. Receive the Annual Report of the Youth Advisory Commission

Council Member Young pulled the report for correction on the first page of staff report to include all the schools involved in the Youth Advisory Commission.

**ACTION:** Motion was made by Council Member Young and seconded by Mayor Pro Tem Vargas to accept the report with the correction. Roll call vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE - Michael Maciel submitted a formal complaint of misconduct specifically engaging in political activity while representing the City of Tracy against Interim City Manager Randall Bradley and Transportation Advisory Commissioner Alice English. Mr. Maciel stated on January 5, 2018, San Joaquin Rail Commission had an item to appoint a representative to the Tri-Valley- San Joaquin Valley Regional Rail Authority. Mr. Maciel added he had been approached by Bob Johnson, Chairman to consider representing that commission should the commissioners agree. At the meeting, Mr. Maciel stated Mayor Rickman, Mayor Pro Tem Vargas, Interim City Manager Bradley and Transportation Advisory Commissioner Alice English spoke against his appointment. Mr. Maciel's stated his complaint does not include Mayor Pro Tem Vargas and Mayor Rickman because they did not identify themselves as representatives of the City of Tracy. Mr. Maciel submitted copies of the complaint to the City Clerk.
3. DISCUSS BOARDED BUILDINGS, COMMUNITY CONCERNS RELATIVE TO VISUAL BLIGHT, AND MINIMUM PROPERTY MAINTENANCE STANDARDS AND PROVIDE DIRECTION TO STAFF REGARDING TIME LIMITS FOR BOARDING BUILDINGS AND PROPERTY MAINTENANCE STANDARDS

Ana Contreras, Code Enforcement Manager presented the staff report and a powerpoint presentation.

Council questions and comments followed.

Robert Tanner asked if there is jail time or just a heavier fine with a criminal cite, and if there is jail time, is it a misdemeanor or felony and how will that be handled. Mr. Tanner suggested that the City go back to the twice a year curbside trash pick-up in spring and fall.

Mayor Rickman requested staff to provide the cost of the curbside trash pick-up.

**ACTION:** Council directed staff to return to Council with proposed Tracy Municipal Code amendment requiring boarded up vacant building registry along with the time limit and follow up actions for such buildings for both residential and commercial properties. Council also directed staff to bring back language to include minimum property maintenance standards regarding visual blight including repeal and replacement of existing property standards by amending the Tracy Municode.

4. PUBLIC HEARING TO CONSIDER APPROVAL OF THE PROPOSED ALVAREZ ANNEXATION BY 1) AMENDING THE TRACY ZONING CODE TO ESTABLISH A NEW COMMUNITY RECREATION SUPPORT SERVICES (CRS) ZONE, 2) PRE-ZONING THE ALVAREZ ANNEXATION SITE TO CRS, AND 3) ANNEXING THE 9.1-ACRE PROJECT SITE INTO THE TRACY CITY LIMITS LOCATED IN NORTHERN TRACY ALONG THE SOUTH SIDE OF LARCH ROAD, WEST OF TRACY BOULEVARD, ASSESSOR'S PARCEL NUMBERS (APNs) 212-170-33 AND 212-170-34 AND AN AREA TO THE SOUTH OF THE TWO APNs, WITHIN I-205 RIGHT-OF-WAY AND THE FRONTING RIGHT-OF-WAY ON LARCH ROAD; AND ADOPTION OF A MITIGATED NEGATIVE DECLARATION FOR THE PROJECT. THE APPLICANT IS SCHACK & COMPANY, AND THE OWNER IS BYRON ALVAREZ

Alan Bell, Senior Planner presented the staff report.

Mayor Rickman opened the public hearing

Richard Paulson, Schack and Company stated he had the pleasure of working with staff and the Alvarez family through the application process and was pleased with the work staff has done. Mr. Paulson added the property location is positioned to be a great development opportunity to enhance the I-205 corridor and the development of Legacy Field. One of the proposals is that the new CRS zoning would be applied to this property. The Alvarez family is in strong support of the application for the property as it achieves goals and objectives that they and Council want. Mr. Paulson encouraged Council to approve the project.

Byron Alvarez stated there have been three attempts over the past 40 years to annex the 362 acres. Mr. Alvarez added there have been three hotel proposals for this site but he was unable to provide the hotels with a delivery date even though \$50,000 had to be put down each time a franchise is identified. Mr. Alvarez will be providing hotels and restaurants for the Legacy Fields property and added he supported the CRS zoning.

Mayor Rickman closed public hearing.

City Council comments followed.

Adrienne Richardson, City Clerk read the title of the proposed ordinance.

**ACTION:** Motion was made by Council Member Ransom and seconded by Mayor Pro Tem Vargas to waive the reading of the full text of proposed Ordinance 1249. Roll call vote found all in favor; passed and so ordered.

**ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded Council Member Dement to adopt Resolution 2018-012 approving an annexation and rezoning (A/P 16-002) and adopting a Mitigated Negative Declaration for the Alvarez Annexation. Roll call vote found all in favor; passed and so ordered.

5. RECEIVE A REPORT REGARDING THE FINDINGS AND RECOMMENDATIONS FROM TRACY'S REGIONAL COMMUTER WORKFORCE STUDY

Andrew Malik, Development Services Director provided an overview of the item and introduced Kim Moore from Newmark Knight Frank who presented the results of the Tracy Regional Commuter Workforce Study and a powerpoint presentation.

Linda Jimenez commented that a number of bay area businesses that the City wants to attract may be bringing families. Ms. Jimenez added it is important to note the amenities the City has for families. The Parks and Recreation Department has done an outstanding job in publicizing and marketing the programs the City has for toddlers, children, adults and seniors. Many families have a grandparent who is living with them who takes care of the children while the parents are working full time. Ms. Jimenez further stated the Grand Theatre provides activities, classes, and movies that should be included in marketing Tracy. Tracy is a great place to live and raise children. There are a lot of wonderful amenities besides going to a restaurant at night or social places that we have downtown.

City Council comments followed.

City Council accepted the report on the Tracy Regional Commuter Workforce Study.

Mayor Rickman called for a recess at 9:33 pm.

Mayor Rickman reconvened the meeting at 9:42 p.m.

Mayor Rickman announced item 8 will be moved to February 6, 2018.

6. 1) ACCEPT PETITION TO INITIATE PROCEEDINGS FOR COMMUNITY FACILITIES DISTRICT NO. 2018-1 (MAINTENANCE AND PUBLIC SERVICES) AND A RELATED FUTURE ANNEXATION AREA AND 2) APPROVE ACTIONS NECESSARY TO INITIATE PROCEEDINGS TO FORM COMMUNITY FACILITIES DISTRICT NO. 2018-1 FOR TRACY HILLS AND FUTURE ANNEXATION AREA

Karin Schnaider, Finance Director presented the staff report.

City Council questions and comments followed.

Mike Souza, Project Manager Tracy Hills thanked staff for working with them. It has been a long time and a lot of hard work to come to agreement to figure out how to provide services for Tracy Hills and the community. Mr. Souza added he was glad to provide a vehicle for all future development.

Motion was made by Council Member Young and seconded by Mayor Pro Tem Vargas to accept the Petition from Tracy Hills, LLC Phase 1 to initiate CFD proceedings. Roll call vote found all in favor; passed and so ordered.

Motion was made by Council Member Young and seconded by Mayor Pro Tem Vargas to adopt Resolution 2018-013 Intention Establishing a Community Facilities District 2018-1 and a future annexation area which (a) describes the rate and method of apportionment of the special tax, and (b) fixes a time and place for a public hearing on the resolution which is proposed to be February 20, 2018, and (C) directs the preparation of a CFD Report. Roll call vote found all in favor; passed and so ordered.

7. PUBLIC HEARING TO APPROVE THE FINANCE PLAN FOR THE TRACY ASPIRE APARTMENT PHASE 2 PROJECT, PART OF I-205 PARCEL GL-2 WEST PARCEL

Andrew Malik, Development Services Director presented the staff report.

Mayor Rickman opened the public hearing.

There was no one from the public wishing to speak.

Mayor Rickman closed the public hearing.

City Council questions and comments followed.

Motion was made by Council Member Dement and seconded by Mayor Pro Tem Vargas to adopt Resolution 2018-014 approving the Finance Plan for Tracy Aspire Apartments Phase 2 development project, part of I-205 Specific Plan, GL-2 West Parcel. Roll call vote found all in favor; passed and so ordered.

8. RECEIVE UPDATE ON CITY COUNCIL STRATEGIC PRIORITIES, GOALS AND OBJECTIVES FOR FISCAL YEARS 2017/18 AND 2018/19 WHICH INCLUDE PUBLIC SAFETY, QUALITY OF LIFE, GOVERNANCE, AND ECONOMIC DEVELOPMENT – Item was moved to February 6, 2018

9. APPROVE AN EMPLOYMENT AGREEMENT BETWEEN KULDEEP SHARMA AND THE CITY OF TRACY TO SERVE AS INTERIM ASSISTANT CITY MANAGER AND AMEND THE MASTER SALARY SCHEDULE TO INCLUDE A SALARY RANGE FOR INTERIM ASSISTANT CITY MANAGER

Midori Lichtwardt, Human Resources Director presented the staff report.

City Council questions and comments followed.

Linda Jimenez asked would whoever is appointed to this position internally get an increase in salary and PERS to accommodate that interim promotion. Ms. Jimenez added when the City has hired someone permanently and the interim person returns to their position will they go back to their method of payment and retirement benefits.

Michael Maciel stated there is a perception in the community that Mayor Pro Tem Vargas purchased a home from Mr. Sharma. Mr. Maciel added after years of working with Mr. Sharma he had nothing but great respect for him. However, there have been enough concerns about ethical lapses and if in fact there has been a purchase between an elected official and a senior staff member and now there is a vote on an issue regarding the staff member, he advised the elected official to recuse from voting on the item.

City Council comments and questions followed.

Motion was made by Council Member Dement and seconded by Mayor Pro Tem Vargas to adopt a Resolution 2018-015 approving and Employment Agreement between Kuldeep Sharma and the City of Tracy to serve as Interim Assistant City Manager and amending the Master Salary Schedule to include a salary range for the Interim Assistant City Manager. Roll call vote found Council Member Dement, Mayor Pro Tem Vargas and Mayor Rickman in favor. Council Members Ransom and Young abstained. Motion carried 3:2.

10. ITEMS FROM THE AUDIENCE - None

11. STAFF ITEMS - None

12. COUNCIL ITEMS

A. Review Appointments to Council Committees

Adrienne Richardson, City Clerk presented the staff report.

Michael Maciel stated it is hard to comment as nothing has been said. If there is proposed changes it would be more appropriate at that time to comment. Mr. Maciel suggested the staff report be expanded to reflect if the Council has recommendations they should state them then the public should have something to respond to.

City Council comments followed.

City Council directed staff to bring back an item to discuss and approve upcoming City Council travel to Washington D.C. for lobbying efforts for the San Joaquin Council of Governments One Voice trip and lobbying efforts.

Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Dement to approve the 2018 Council Committees. Roll call found all in favor; passed and so ordered.

B. Appoint an Applicant to the Parks and Community Services Commission from the Commission's Eligibility List

Adrienne Richardson, City Clerk presented the staff report.

There were no comments from the public.

There were no comments from the Council.



Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Ransom to appoint Yvonne Eder to the Parks and Community Services Commission to serve the remainder of a term beginning on January 17, 2018, and ending on January 31, 2020. Roll call vote found all in favor; passed and so ordered.

Council Member Young congratulated Adrienne Richardson on her promotion to City Clerk. Council Member Young acknowledged January as National Mentoring Month. Council Member Young asked City Attorney Thomas Watson how to address the formal complaint from Michael Maciel regarding staff, Commissioners, Council and Mayor. Council Member Young stated Council recommended Mayor Pro Tem Vargas's appointment to the commission but not to speak against anyone.

Thomas Watson, City Attorney responded the complaint was raised and the Attorney's office will look into it and inform Council accordingly.

Council Member Young stated from the February 7, 2017, meeting there was Council policy from Council items to look at Code of Conduct, and protocol. Council Member Young wanted to make sure that item makes it to the top of the list to come back to Council and add Council Priorities.

Mr. Watson responded that item has been assigned to the City Attorney's office and will be brought to Council in March 2018.

Council Member Dement stated that anyone who is appointed by the Mayor, previous Mayors or Council or any time an individual is representing the City of Tracy should be reviewed. That would be any type of derogatory remarks from any appointed person that puts themselves out in the community needs to be reminded of their role. The Code of Conduct has to extend to those people. Council Member Dement stated every commissioner appointed by previous Mayor's and City Council should be reviewed.

Mayor Pro Tem Vargas supported Council Member Dement's request to review everyone. Mayor Pro Tem Vargas stated that slander from other commissioners also needs to be brought to light to be dealt with.

Council Member Ransom acknowledged Mentoring Month adding it is an opportunity to make commitment to kids. Council Member Ransom thanked City Attorney, Thomas Watson for addressing the concerns and the way he has handled situation and asked for confirmation that what will be brought to Council in March is the Council Policies and Code of Conduct that was requested in September 2017. Council Member Ransom thanked staff for their hard work.

Mayor Rickman announced there are several crab feeds going in each weekend for non-profits. Mayor Rickman added Tracy Police Department had their crab feed and fund raiser for fallen CHP Officer Andrew Camilleri. Mayor Rickman attended a MLK breakfast on Monday at West High School and praised Tracy High, West High, Kimball High and Millennium High students. On Saturday, January 20, 2018, between 10:00 am and 3:00 pm there will be a dedication ceremony at the Tracy Airport pilot lounge. Tracy Airport Association Welcome Home Heroes Foundation is hosting a dedication ceremony honoring two marines – Lance Corporal Michael D. Anderson Jr. and Lance Corporal Brandon C. Dewy.

13. ADJOURNMENT – Time: 10:38 pm

**ACTION:** Motion was made by Council Member Young and seconded by Council Member Ransom to adjourn. Roll call vote found all in favor; passed and so ordered.

The above agenda was posted at the Tracy City Hall on January 11, 2018. 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