

September 3, 2019, 7:00 p.m.

City Council Chambers, 333 Civic Center Plaza

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

Mayor Rickman called the meeting to order at 7:05 p.m.

Mayor Rickman announced that agenda item 3.C will be heard before item 3.B.

Mayor Rickman led the Pledge of Allegiance.

Pastor Kal Waetzig, Saint Paul's Lutheran Church offered the invocation.

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

Jenny Haruyama, City Manager presented Employee of the Month Award for September 2019 to Jessica Ornellas, Finance Department.

Alex Neicu, Interim Police Chief presented Life Saving Awards to Explorer Cody Cleary, Sergeant Mike Richards, and Officer Derek Perry.

1. CONSENT CALENDAR – Following the removal of consent item 1.I by David Hicks motion was made by Council Member Vargas and seconded by Council Member Ransom to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
 - 1.A ADOPTION OF AUGUST 13, 2019 SPECIAL MEETING MINUTES, AND AUGUST 20 2019 CLOSED SESSION AND REGULAR MEETING MINUTES – **Minutes were adopted.**
 - 1.B ACCEPT THE SUPPORT SERVICES MODULAR BUILDING PROJECT, CIP 71082, COMPLETED BY SILVA ELECTRIC OF TRACY, CALIFORNIA, AUTHORIZE THE CITY CLERK TO FILE THE NOTICE OF COMPLETION, AUTHORIZE THE CITY ENGINEER TO RELEASE THE BONDS AND RETENTION PAYMENT, AND AUTHORIZE THE FINANCE DEPARTMENT TO CLOSE THE PROJECT – **Resolution 2019-176** accepted the project.
 - 1.C APPROVE A CHANGE ORDER IN THE AMOUNT OF \$44,000 TO ROYAL ELECTRIC COMPANY OF SACRAMENTO, CALIFORNIA FOR THE TRACY MUNICIPAL AIRPORT REPLACEMENT OF THE EXISTING AUTOMATE WEATHER OBSERVATION SYSTEM (AWOS) III EQUIPMENT ON EXISTING TOWER AND FOUNDATIONS PROJECT, CIP 77552, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CHANGE ORDER – **Resolution 2019-177** approved the Change Order.

- 1.D APPROVE THE FIRST AMENDMENT TO THE SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT 3857, PLAN "C" / SMPA - ELISSAGARAY (SIC) INFILL AND AUTHORIZE THE CITY CLERK TO FILE THE FIRST AMENDMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER – **Resolution 2019-178** approved the First Amendment to the agreement.
- 1.E WAIVE SECOND READING AND ADOPT ORDINANCE 1271, AN ORDINANCE OF THE CITY OF TRACY, CALIFORNIA, AMENDING SECTION 2.28.470 OF THE TRACY MUNICIPAL CODE REGARDING LEASES OF CITY-OWNED AIRPORT HANGARS AND GROUND LEASES AT TRACY MUNICIPAL AIRPORT AND NEW JERUSALEM AIRPORT – **Ordinance 1271 was adopted**
- 1.F ADOPT RESOLUTION APPROVING GRANT AGREEMENT AIP #3-06-0259-020-2019 IN THE AMOUNT OF \$217,080 WITH THE FEDERAL AVIATION ADMINISTRATION FOR THE PLANNING AND DESIGN OF THE AIRPORT LAYOUT PLAN/AIRPORT GEOSPATIAL INFORMATION SYSTEM WITH OBSTRUCTION MITIGATION PLAN AT THE TRACY MUNICIPAL AIRPORT AND AUTHORIZING THE MAYOR TO SIGN TERMS AND CONDITIONS OF ACCEPTING AIRPORT IMPROVEMENT PROGRAM GRANTS AND APPROVE A NEW CAPITAL IMPROVEMENT PROJECT (CIP) FOR THE PLANNING AND DESIGN OF THE AIRPORT LAYOUT PLAN/AIRPORT GEOSPATIAL INFORMATION SYSTEM WITH OBSTRUCTION MITIGATION PLAN AT THE TRACY MUNICIPAL AIRPORT WITH A NOT TO EXCEED BUDGET OF \$241,200 – **Resolution 2019-179** approved the grant.
- 1.G APPROVE SIDE LETTER AGREEMENTS BETWEEN THE CITY OF TRACY AND THE TRACY POLICE OFFICERS ASSOCIATION (TPOA) AND THE TRACY TECHNICAL SERVICES EMPLOYEE ASSOCIATION (TTSSEA) CLARIFYING EXISTING CONTRACT LANGUAGE; AND AUTHORIZE THE CITY MANAGER TO APPROVE SIDE LETTER AGREEMENTS THAT MAKE MINOR MODIFICATIONS TO EXISTING LANGUAGE AND HAVE MINIMAL FISCAL IMPACT – **Resolution 2019-180** approved the Side Letter Agreements.
- 1.H APPROVE A GENERAL SERVICES AGREEMENT WITH DILLARD ENVIRONMENTAL FOR THE PURPOSES OF LOADING, HAULING AND DISPOSING OF WASTEWATER TREATMENT BIOSOLIDS FOR FISCAL YEAR 2019-20 – **Resolution 2019-181** approved the agreement.
- 1.I REJECT BID PROTEST, AWARD CONSTRUCTION CONTRACT TO MOZINGO CONSTRUCTION INC., OF OAKDALE, CALIFORNIA, FOR THE WASTEWATER EFFLUENT OUTFALL PIPELINE PROJECT (CIP 74083), AND APPROVE A CONTINGENCY AMOUNT FOR THE PROJECT; APPROVE PROFESSIONAL SERVICES AGREEMENT WITH JACOBS PROJECT MANAGEMENT COMPANY AND CH2M HILL INC., TO PROVIDE SERVICES FOR THE PROJECT; AND DECLARE INTENTION TO REIMBURSE EXPENDITURES FROM BOND PROCEEDS TO BE ISSUED BY THE CITY AND DIRECTING CERTAIN ACTIONS

David Hicks, Vice President of Mountain Cascade pulled the item to express his concerns regarding the City of Tracy bid requirements, rejection of Mountain Cascade bid protest and award of contract to Mazingo Construction, Inc.

Matthew Quall, Attorney for Mozingo Construction responded to Mr. Hick's comments and supported staff and the hearing officer's recommendation regarding the bid protest.

City Council questions and comments followed.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Vargas to adopt the following Resolutions:

Resolution 2019-182 rejecting the bid protest filed by Mountain Cascade Inc., awarding a Construction Contract to Mozingo Construction Inc., of Oakdale, California for the Wastewater Effluent Outfall Pipeline Project (CIP 74083), and approving a contingency amount for the project.

Resolution 2019-183 approving a Professional Services Agreement with CH2M Hill Inc., to provide design support services during construction of the Wastewater Effluent Outfall Pipeline Project, CIP 74083.

Resolution 2019-184 approving a Professional Services Agreement with Jacobs Project Management Company, a Texas Corporation to provide construction management and inspection services for the Wastewater Effluent Outfall Pipeline Project, CIP 74083.

Resolution 2019-185 declaring intention to reimburse expenditures from the proceeds of obligations to be issued by the City and directing certain actions.

Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Alice English expressed her concerns regarding a project by Katerra having to go before City Council when the project was already approved by the Planning Commission on August 14, 2019.

Robert Tanner asked if the City will still enjoy the California Climate Credit from PG&E when participating in the EBCE Community Choice Aggregation Program. Mr. Tanner also indicated Measure V funds could be used for the Animal Shelter.

Jass Sangha expressed gratitude on behalf of Sikh Americans for the support that Tracy and neighboring cities has shown related to the horrific crime that occurred in Tracy. Ms. Sangha also thanked the Police Department for their efforts.

3. REGULAR AGENDA

- 3.A CONDUCT A PUBLIC HEARING TO AUTHORIZE THE ACCEPTANCE OF \$11,665 FROM THE 2019 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR FUNDING HEALTH AND WELLNESS RELATED TRAINING, SERVICES, AND COUNSELING TO LAW ENFORCEMENT OFFICERS AND APPROVE THE APPROPRIATION TO THE POLICE DEPARTMENT BUDGET FOR FISCAL YEAR 19/20

Beth Lyons-McCarthy, Support Services Division Manager provided the staff report.

There were no comments from the audience.

City Council questions followed.

ACTION: Motion was made by Council Member Vargas and seconded by Council Member Ransom to adopt **Resolution 2019-186** authorizing the acceptance of \$11,665 from the 2019 Edward Byrne Memorial Justice Assistance Grant (JAG) Program for funding health and wellness related training, services, and counseling to law enforcement officers and approving the appropriation to the Police Department budget for Fiscal Year 19/20. Roll call found all in favor; passed and so ordered.

DEVIATION

3.C DISCUSS PROJECT LABOR AGREEMENTS FOR CITY CONSTRUCTION PROJECTS AND PROVIDE DIRECTION TO STAFF

Andrew Malik, Assistant City Manager provided the staff report.

Michael Mark, Raul Hernandez, Brian Gini, Pete Butler, Esau Hernandez, Alicia Mijares, Chris Greene, Manual Zapata, Robert Kuks, Orlando Castellon, Connie Murdock, Dan Martin, Ben Rivera, Gary Peiffer, Ken Guertin spoke in support of the City negotiating a Project Labor Agreement (PLA) with the San Joaquin County Building Trades.

Joe Lubas, Casey Fargo, Steve, Frances Ruelas, Nicole Goehring spoke in opposition of the City negotiating a Project Labor Agreement (PLA) with the San Joaquin County Building Trades.

City Council questions and comments followed.

Council Members Arriola and Mayor Pro Tem Young supported a \$3 million dollar bid threshold. Council Member Vargas and Mayor Rickman supported a \$1 million dollar bid threshold. Council Member Ransom did not confirm a bid threshold. It was Council consensus to target local hiring.

ACTION: Motion made by Mayor Rickman and seconded by Council Member Vargas to negotiate a Project Labor Agreement with San Joaquin County Building Trades. Roll call found all in favor; passed and so ordered.

Mayor Rickman called for a recess at 9:20 p.m.

Mayor Rickman reconvened the meeting at 9:30 p.m.

3.B DISCUSS THE CITY'S SIGN REGULATIONS RELATED TO ELECTRONIC READERBOARDS/DIGITAL BILLBOARDS AND PROVIDE DIRECTION TO STAFF

William Dean, Assistant Development Services Director provided the staff report.

Mary Mitracos expressed her concerns regarding electronic billboards and moving signs.

Robert Tanner shared his concerns regarding digital billboards.

Alice English expressed her concerns regarding digital billboards along the freeway.

Tim Moody, representing Northgate Village owners, supported the existing electronic sign with tenant's names, and a specific plan amendment for Northgate Village.

Charlie Gay, signage consultant, stated the owners want to use the existing sign with a different message, update specific plan and regulate for the City. Mr. Gay provided a handout to the Clerk for City Council.

Jass Sangha stated the Northgate business owners are not asking for special treatment or drastic change, but request staff and Council look at the sign.

Charles Gracie, Northgate business owner, stated he did not think the sign would be negative for Tracy, but will bring more business to Tracy.

City Council comments and questions followed.

It was City Council's consensus to direct staff to bring back an agenda item to include a proposed amendment within the I-205 specific plan to include digital boards at Northgate Village and West Valley Mall area.

4. ITEMS FROM THE AUDIENCE – There was no one who wished to speak.
5. STAFF ITEMS – Jenny Haruyama, City Manager announced the following: 5th Annual Blues, Brews & BBQ on September 7, 2019, Affordable and Workforce Housing Community Meeting on September 9, 2019, at 6:00 p.m. at the Tracy Transit Station, Grand Theatre for the Arts 2019-2020 presenting season, City and Tracy Animal Services and nonprofit friends of the Animal Shelter fun doggie day on September 15, 2019 from 8:00 to 10:00 a.m. which includes a two mile walk/trot at the Animal Shelter.

6. COUNCIL ITEMS

6.A APPOINTMENT OF CITY COUNCIL SUBCOMMITTEE TO INTERVIEW APPLICANTS TO FILL TWO VACANCIES ON THE PLANNING COMMISSION

Adrienne Richardson, City Clerk provided the staff report.

No one from the public wished to speak.

City Council comments followed.

ACTION: Motion was made by Council Member Vargas to appoint Mayor Rickman and Council Member Vargas to interview the Planning Commission applicants. Motion failed due to lack of second.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Ransom to appoint Mayor Rickman and Council Member Ransom to interview the Planning Commission applicants. Council Members Arriola, Ransom and Mayor Pro Tem Young in favor; passed and so ordered. Council Member Vargas opposed. Mayor Rickman abstained.

6.B ADOPT A RESOLUTION FORMALLY ESTABLISHING THE TRACY HOMELESSNESS STRATEGIC PLAN DEVELOPMENT AD HOC COMMITTEE AND DISCUSS AND PROVIDE DIRECTION REGARDING EXPANDING THE COMMITTEE'S SCOPE TO INCLUDE EXPLORATION OF A TEMPORARY HOMELESS SHELTER IN TRACY

Midori Lichtwardt, Assistant City Manager presented the staff report.

No one from the audience wished to speak.

Council Member Arriola and Council Member Ransom clarified the request to expand scope to include exploration of a temporary homeless shelter in Tracy.

City Council questions and comments followed.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Young to adopt **Resolution 2019-187** establishing the Tracy Homelessness Strategic Plan Development Ad Hoc Committee and expand the scope of the committee to include exploration of a temporary homeless shelter in Tracy. Roll call found Council Members Arriola, Ransom and Mayor Pro Tem Young in favor; passed and so ordered. Council Member Vargas and Mayor Rickman opposed.

6.C RECEIVE UPDATE REGARDING CITY OF BOISE'S REQUEST FOR REVIEW BY THE U.S. SUPREME COURT OF THE NINTH CIRCUIT'S DECISION ON MARTIN V. CITY OF BOISE

Leticia Ramirez, Interim City Attorney provided the staff report.

There was no one from the public who wished to speak.

Mayor Rickman shared his reasons for requesting an update on the Ninth Circuit's decision on the Martin v. City of Boise.

City Council comments followed.

There was no action on this item.

Council Member Vargas made reference to agenda item 6.B.

Council Member Ransom invited the community to the 2nd annual Tracy Police Activity League (Tracy PAL) Poker run on September 7, 2019. Tickets are \$25.00 per ride or \$15.00 per passenger.

Council Member Arriola acknowledged the following: Labor Day, union representatives at the meeting, thanked the city, staff, Police Department and the community for their efforts with the unfortunate passing of Parmjit Singh, congratulated Morgan Territory for winning the 2019 Brewery of the Year at the California State Fair who will be having a brewery of the year celebration on September 7, 2019 at noon.

Mayor Rickman acknowledged the Blues, Brews & Blues event, and the Grand Theatre presenting season program and touched on upcoming shows.

Council Member Vargas gave a shout out for her grandbaby's first birthday.

7. ADJOURNMENT – Time: 11:34 p.m.

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

The above agenda was posted at the Tracy City Hall on August 29, 2019. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk