

TRACY CITY COUNCIL

REGULAR MEETING MINUTES

October 1, 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 7:00 p.m.

Mayor Rickman led the Pledge of Allegiance.

Pastor Doug Diestler, Tracy Mission City 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 the Employee of the Month award for October 2019 to Matt Kopinski – Utilities Department.

Mayor Rickman presented a proclamation for Arbor Day to John Newman, Urban Forestry Supervisor, Public Works Department.

Mayor Rickman presented a proclamation for Domestic Violence Awareness Month to Stephanie Player, Director of Programs for Prevention & Intervention Services, Women's Center-Youth & Family Services.

1. CONSENT CALENDAR – Motion was made by Mayor Pro Tem Young and seconded by Council Member Vargas to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
 - 1.A APPROVAL OF SEPTEMBER 17, 2019, SPECIAL MEETING, CLOSED SESSION AND REGULAR MEETING MINUTES – **Minutes were adopted**
 - 1.B APPROVE AN AGREEMENT WITH SAN JOAQUIN REGIONAL TRANSIT DISTRICT FOR TRANSIT SERVICES AT TRACY TRANSIT STATION AND MOUNTAIN HOUSE FOR A TOTAL COST OF \$46,667 - **Resolution 2019-191** approved the agreement with San Joaquin Regional Transit.
 - 1.C AWARD A CONSTRUCTION CONTRACT TO TOM MAYO CONSTRUCTION, INC. OF STOCKTON, CALIFORNIA, IN THE AMOUNT OF \$128,200 FOR CONSTRUCTION OF SIDEWALK, CURB & GUTTER REPAIRS, CIP 73167; AUTHORIZE THE CITY MANAGER TO APPROVE CHANGE ORDERS UP TO THE CONTINGENCY AMOUNT OF \$19,000, IF NEEDED; AND AUTHORIZE AN APPROPRIATION OF \$20,000 FROM GAS TAX (F245) FOR THIS PROJECT – **Resolution 2019-192** awarded a Construction Contract to Tom Mayo Construction, Inc.
 - 1.D FIND THAT IT IS IN THE BEST INTEREST OF THE CITY TO FORGO THE FORMAL REQUEST FOR PROPOSAL PROCESS AND APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH CH2MHILL INC. FOR REGULATORY PERMITS COMPLIANCE NOT TO EXCEED \$1,368,000 FOR

THE WASTEWATER EFFLUENT OUTFALL PIPELINE PROJECT – CIP 74083 – Resolution 2019-193 approved the agreement with CH2M Hill Inc.

- 1.E AWARD A CONSTRUCTION CONTRACT TO ZIMM INDUSTRIES, INC., OF FRESNO, CALIFORNIA, IN THE AMOUNT OF \$358,680 FOR THE REHABILITATION OF LEWIS MANOR WELL, CIP 75153, WITH A NOT TO EXCEED BUDGET OF \$447,482, AND APPROVE AN AMENDMENT WITH GEI CONSULTANTS FOR DESIGN SUPPORT IN THE AMOUNT OF \$25,000, AND AUTHORIZE THE CITY MANAGER TO APPROVE CHANGE ORDERS UP TO THE CONTINGENCY AMOUNT OF \$53,802, IF NEEDED – Resolution 2019-194 awarded the Construction Contract to Zimm Industries, Inc., and Amendment with GEI Consultants.
- 1.F WAIVE SECOND READING AND ADOPT ORDINANCE 1272, AN ORDINANCE OF THE CITY OF TRACY ELECTING TO IMPLEMENT A COMMUNITY CHOICE AGGREGATION PROGRAM BY AND THROUGH THE EAST BAY COMMUNITY ENERGY AUTHORITY - Ordinance 1272 was adopted
2. ITEMS FROM THE AUDIENCE – Evelyn Will shared her concerns about the Post Office and requested that Council do something about getting a real Post Office in Tracy.

Tim Silva spoke about the traffic dangers on Valpico Road and Glenbriar Drive for bicycle or pedestrian traffic.

Council Member Vargas provided a brief response to Mr. Silva’s comments.

Alice English asked about funding that was allocated for Corral Hollow Road widening.
3. REGULAR AGENDA
- 3.A PUBLIC HEARING TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION’S DECISION TO DENY A DEVELOPMENT REVIEW APPLICATION (D19-0018) FOR A 264-UNIT RESIDENTIAL APARTMENT PROJECT (“VALPICO GLENBRIAR APARTMENTS”), ON APPROXIMATELY 11.62 ACRES LOCATED ON THE NORTH SIDE OF VALPICO ROAD AT GLENBRIAR DRIVE, 501 E. VALPICO ROAD (ALSO KNOWN AS 2605 AND 2795 S. MACARTHUR DRIVE), ASSESSOR’S PARCEL NUMBERS 246-140-13 AND 14. THE APPLICANT IS KATERRA, INC.

Alan Bell, Senior Planner and Andrew Malik, Assistant City Manager provided the staff report.

Frederik Venter, Kimberly-Horn and Associates Consultant provided an overview of the Transportation Master Plan.

Robert Armijo, Senior Engineer provided an update on proactive roadway construction.

Randall Bradley, Fire Chief and Alex Neicu, Interim Police Chief provided information regarding impacts on public safety.

Kristina Covall, Project Manager for Katerra introduced members of the Katerra team, and provided a presentation and information regarding construction of the project.

Greg Kaiser, Landscape Architect and Planner presented the landscaping design for the project.

Mayor Rickman opened the public hearing.

Yubo Kody, John Chen, Victor Chow, Tim Keel, Noel Varela, Robert Tanner, Monty Montgomery, Teresa English Soto (submitted a handout into the record), Bernel Scholl, Andre Ferris, Phillip Kite, Stephanie Payne, Byron Lance, Kathy Bower, Nancy Hernandez, Jass Sangha, Dan (Carpenters Union), Saval Kamal, Evelyn Will, Vivian Johnson, Analyn Sorge, Jamie McKeown, Tim Silva, Rebecca, Jennifer Miller, Allie, Raquel Fairfield, Kyra Ferris, Mr. Ceja, Jerry Sonderman shared a variety of concerns and opposition regarding the project.

Jackie Curtain, and Peter MacDonald spoke in support of the project.

Mayor Rickman called for a recess at 10:02 p.m. due to technical difficulties.

Mayor Rickman reconvened the meeting at 10:12 p.m.

Public comment continued.

Eric Taylor and Dan Schack spoke in support of the project.

Amrik Wander, Alice English, and Joe Cunningham shared a variety of concerns and opposition regarding the project.

Mayor Rickman closed the public hearing.

Ms. Covell and staff responded to comments and questions from the public and Council questions.

Ms. English approached the podium after public comment ended stating Council Member Vargas should not vote on the item due to her attendance at a Planning Commission meeting in August.

Council Member Vargas confirmed with Leticia Ramirez, Interim City Attorney that her attendance at the Planning Commission meeting in August did not create a conflict of interest and would not preclude her from participating in the matter.

City Council questions and comments followed.

Council Member Arriola requested clarification regarding state law requirements regarding the approval of housing from the Interim City Attorney Leticia Ramirez. Ms. Ramirez provided background regarding the Housing Accountability Act's requirements and advised that Council would have to make two written findings that the project would have an adverse impact upon the public health or safety, and there is no feasible method to mitigate or avoid that adverse impact other than to disapprove of the project. The amendment to the Housing Accountability Act in 2017 made clear that if a court order is issued finding that a project was rejected in violation of this act the City could be subject to a fine of \$10,000 per unit. Staff answered various questions from Council Member Arriola regarding the impact of the project on the public health or safety. Given staff's responses, none of the required findings in order to disapprove the project were

found and a motion was introduced by Mayor Pro Tem Young and seconded by Council Member Ransom to adopt a resolution approving the project.

It was Council consensus to make the following changes to the Conditions of Approval for the Katterra project.

B-22: Change term of agreement from 10 years to 15 years from building occupancy.

Add Condition B-23: The apartment buildings shall include additional architectural enhancements, including but not limited to movement or variety in materials in the roof line, and may include awnings over windows or balconies, architectural breaks, or use of colors to the satisfaction of the Development Services Director.

Add Condition B-24: Landscaping, particularly along the north property line adjacent to the residential property, shall be designed and maintained to ensure a continuous tree canopy, and shall be maintained in accordance with the approved plans, pursuant to Tracy Municipal Code Section 10.08.3560(n).

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Ransom to adopt **Resolution 2019-195** reversing the Planning Commission's decision to deny Development Review Application Number D19-0018 and determination regarding off-street parking space reduction for the Glenbriar-Valpico Apartments located on approximately 11.62 acres on the north side of Valpico Road at Glenbriar Drive, Assessor's Parcel Numbers 246-12, 13, and 14, and include the above revisions to the Conditions of Approval. Roll call found Council Members Arriola, Ransom, Vargas, and Mayor Pro Tem Young in favor; passed and so ordered. Mayor Rickman opposed.

3.B PUBLIC HEARING TO CONSIDER ADOPTION OF THE 2019 PUBLIC SAFETY IMPACT FEE UPDATE FOR PUBLIC SAFETY FACILITIES AND UPDATED PUBLIC SAFETY IMPACT FEES FOR DEVELOPMENT PROJECTS WITHIN THE CITYWIDE MASTER PLAN AREA

Robert Armijo, Senior Engineer provided the staff report.

Alison Bouley, Harris and Associates, responded to Council questions.

Mayor Rickman opened the public hearing.

No one from the audience wished to speak.

Mayor Rickman closed the public hearing.

City Council questions and comments followed.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Arriola to adopt **Resolution 2019-196** approving the 2019 Public Safety Impact Fee Update and Updated Safety Development Impact Fees for the Citywide Master Plan Area. Roll call found Council all in favor; passed and so ordered.

3.C CONSIDER STAFF'S RECOMMENDATION FOR AWARD OF MAYOR'S COMMUNITY YOUTH SUPPORT NETWORK (MCYSN) RECONNECTING OUR YOUTH (ROY) GRANT PROGRAM FUNDS FOR FISCAL YEAR 2019-2020, APPROVE THE FUNDING AGREEMENTS FOR THE PROGRAM, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE FUNDING AGREEMENTS – **Item continued to October 15, 2019**

3.D ADOPT PROPOSED CITY OF TRACY CITY COUNCIL CODE OF CONDUCT – **Item continued to October 15, 2019**

4. ITEMS FROM THE AUDIENCE – None

5. STAFF ITEMS – None

6. COUNCIL ITEMS

6.A DETERMINE THE CITY'S POSITION ON TWO RESOLUTIONS TO BE CONSIDERED AT THE 2019 ANNUAL BUSINESS MEETING OF THE LEAGUE OF CALIFORNIA CITIES

Adrienne Richardson, City Clerk provided the staff report.

No one from the public wished to speak.

City Council questions and comments followed.

ACTION: Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to vote in support of the following League of California Cities Resolution. Roll call found Council all in favor; passed and so ordered.

Resolution of the League of California Cities calling on the California Public Utilities Commission to amend Rule 20A to add projects in very high fire hazard severity zones to the list of eligibility criteria and to increase funding allocations for Rule 20A projects

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Vargas to vote in support of the following League of California Cities Resolution. Roll call found Council Member Arriola, Vargas, Mayor Pro Tem Young and Mayor Rickman in favor; passed and so ordered. Council Member Ransom abstained.

A Resolution calling upon the Federal and State Governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean

6.B APPOINT TWO APPLICANTS TO SERVE ON THE PLANNING COMMISSION

Council Subcommittee members Mayor Rickman and Council Member Ransom provided the report.

No one from the public wished to speak.

ACTION: Motion was made by Council Member Ransom and seconded by Mayor Rickman to approve the subcommittee’s recommendation and appoint Maurice Francis to the Planning Commission to serve the remainder of a term beginning October 2, 2019, and ending on March 31, 2022, and appoint Gurtej Atwal to serve the remainder of a vacated term and a new four year term beginning October 2, 2019, and ending March 31, 2024. James Caling was added to a one year eligibility list. Roll call found Council all in favor; passed and so ordered.

Council Member Vargas requested to bring back to Council an update on the Valley Link and discussion for land dedication for operations for the project. Council Member Ransom supported the request.

7. ADJOURNMENT – Time: 12:18 a.m. Wednesday, October 2, 2019.

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

The above agenda was posted at the Tracy City Hall on September 26, 2019. The above are action minutes. A recording is available at the office of the City Clerk.

ATTEST:

Mayor

City Clerk