

TRACY CITY COUNCIL AND THE SUCCESSOR
AGENCY OF THE CITY OF TRACY COMMUNITY
DEVELOPMENT AGENCY MEETING

REGULAR MEETING MINUTES

November 5, 2019, 7:00 p.m.

City Council Chambers, 333 Civic Center Plaza

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

Mayor Rickman announced that items 3.F, 3.G and 3.H on the regular agenda will be moved to the November 19, 2019 Council meeting, and the special Aquatics Center meeting will continue following the adjournment of the regular meeting.

Mayor Rickman called the joint meeting of the Tracy City Council and the Successor Agency of the Tracy Community Development Agency to order at 7:21 p.m.

Mayor Rickman led the Pledge of Allegiance.

Pastor Scott McFarland, Journey Christian Church offered the invocation.

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

Mayor Rickman recognized D.A.R.E. graduation students from Jefferson, Hawkins, Traina, Discovery, Hirsh, McKinley and Poet Christian Elementary Schools.

Alex Neicu, Interim Police Chief swore in Sergeant Mike Roehlk, Corporal Troy Silcox, Officer Anthony Taylor, and Officer Eric Rose.

Jenny Haruyama, City Manager presented the November Employee of the Month award to Lauren Gonzalez, Public Works Department.

Mayor Rickman presented a proclamation for Homeless Youth Awareness Month to Amy Powers, Youth Service Program Manager, Women's Center-Youth & Family Services.

Mayor Rickman presented a proclamation for Sikh American Awareness & Appreciation Month to Jass Sangha.

1. CONSENT CALENDAR – Following the removal of consent items 1.C, 1.F and 1.J by Council Member Ransom and 1.A by Mayor Rickman, motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.

- 1.B APPROVE A MEMBER AGENCY ADMISSION AGREEMENT WITH MARK 43 AND THE CITY OF WEST COVINA, FOR A FIVE-YEAR TERM, NOT TO EXCEED \$1,047,536, FOR THE UPGRADE PURCHASE, USAGE, AND ON-GOING MAINTENANCE OF THE POLICE DEPARTMENT'S COMPUTER AIDED DISPATCH SYSTEM AND RECORDS MANAGEMENT SYSTEM, AND FIND IT IS IN THE BEST INTEREST OF THE CITY TO FORGO THE FORMAL BID PROCESS - Resolution 2019-204 approved the Member Agency Admission Agreement with Mark 43.

- 1.D ACCEPT THE CONSTRUCTION OF THE LOWELL AVENUE SIDEWALK CONSTRUCTION PROJECT, CIP 73160, STATE PROJECT NUMBER ATPSB1L-5192(044), COMPLETED BY TAYLOR BACKHOE SERVICE INCORPORATED OF MERCED, CALIFORNIA; AUTHORIZE THE CITY CLERK TO FILE THE NOTICE OF COMPLETION WITH THE SAN JOAQUIN COUNTY RECORDER; AND AUTHORIZE THE CITY ENGINEER TO RELEASE THE BONDS AND RETENTION PAYMENT **Resolution 2019-205** accepted the Lowell Avenue Sidewalk Construction Project.
- 1.E APPROVE THE FEE DEFERRAL AGREEMENT FOR DEFERRAL OF CERTAIN IMPACT FEES FOR TRACY HILLS WELCOME CENTER, AND AUTHORIZE THE CITY CLERK TO FILE THE FEE DEFERRAL AGREEMENT WITH OFFICE OF THE SAN JOAQUIN COUNTY RECORDER – **Resolution 2019-206** approved the Fee Deferral Agreement for Tracy Hills Welcome Center.
- 1.G WAIVE SECOND READING AND ADOPT ORDINANCE 1273, AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTION 10.08.3560 OF THE TRACY MUNICIPAL CODE RELATING TO LANDSCAPING REQUIREMENTS FOR PARKING AREAS – **Ordinance 1273 was adopted**
- 1.H ACCEPT THE CONSTRUCTION OF THE MCDONALD PARK SPLASH PAD RECIRCULATION SYSTEM PROJECT, CIP 78162, COMPLETED BY CAZADORO CONSTRUCTION OF SAN FRANCISCO, CALIFORNIA; AUTHORIZE THE CITY CLERK TO FILE THE NOTICE OF COMPLETION; AUTHORIZE THE CITY ENGINEER TO RELEASE THE BONDS AND RETENTION PAYMENT; AUTHORIZE AN APPROPRIATION OF \$6,500 FROM THE GENERAL PROJECTS FUND (F301); AND AUTHORIZE THE FINANCE DEPARTMENT TO CLOSE THE PROJECT – **Resolution 2019-207** accepted the construction of the McDonald Park Splash Pad Recirculation System Project.
- 1.I ACCEPT THE CONSTRUCTION OF ROOF IMPROVEMENTS TO THE POLICE ANNEX AND FIRE ADMINISTRATION BUILDINGS, CIPs 71102 & 71105, COMPLETED BY BARTH ROOFING COMPANY 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 2019-208** accepted the construction of roof improvements to the Police Annex and Fire Administration buildings.
- 1.K ACCEPT THE CONSTRUCTION OF 2016-2017 OVERLAY PROJECT, CIP 73142-B, FEDERAL PROJECT NUMBER STPL-5192(043), COMPLETED BY KNIFE RIVER CONSTRUCTION OF STOCKTON, 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 2019-209** accepted the construction of 2016-2017 Overlay Project.
- 1.L APPROVE CHANGE ORDER NO. 3 IN THE AMOUNT OF \$1,881,610 TO MOUNTAIN CASCADE, INC., TO EXTEND THE RECYCLED WATER PIPELINE BY APPROXIMATELY 4,120 LF ON LAMMERS ROAD AS PART OF THE

TRACY RECYCLED WATER TRANSMISSION MAINS, PHASE 2, CIP 74091, STATE PROJECT AGREEMENT NUMBER 4600011424 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CHANGE ORDER – Resolution 2019-210
approved Change Order No. 3 with Mountain Cascade, Inc.

1.A APPROVAL OF OCTOBER 15, 2019, CLOSED SESSION, SPECIAL MEETING AND REGULAR MEETING MINUTES

The item was pulled to clarify Mayor Rickman's question regarding the amendment made to the October 1, 2019 Council meeting minutes related to the Katerra item and the development review process. Leticia Ramirez, City Attorney, responded that she will review the recording of the meeting.

No one from the public wished to speak.

ACTION: Motion was made by Council Member Ransom and seconded by Mayor Pro Tem Young to table the item until the next meeting. Roll call found Council all in favor; passed and so ordered.

1.C RECEIVE A LISTING OF ALL CITY OWNED PROPERTIES – Report Accepted

Council Member Ransom pulled the item to ask for information regarding vacant lots and farm leases, to include the following: length remaining on leases, property value, potential opportunities, current revenue and any additional details.

Staff to provide a memorandum to City Council with the requested information.

No one from the public wished to speak.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Ransom to approve the list of City owned properties. Roll call found Council all in favor; passed and so ordered.

1.F APPROVE A PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF TRACY (CITY), ACTING AS THE GOVERNING BOARD OF THE SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF TRACY (AGENCY), AND MANTECA HOSPITALITY, INC., AND AUTHORIZE THE MAYOR ON BEHALF OF THE CITY AND THE CHAIRMAN ON BEHALF OF THE SUCCESSOR AGENCY TO EXECUTE THE AGREEMENT AND RELATED DOCUMENTS

Council Member Ransom pulled the item to ask where the funds go after they go to the County Auditor, and does the City get any of the money back.

Karin Schnaider, Finance Director responded to Council Member Ransom's questions.

No one from the public wanted to speak.

ACTION: Motion was made by Council Member Ransom and seconded by Mayor Pro Tem Young to adopt **Resolution 2019-211** approving Northeast Industrial Area future

phases water and wastewater development impact fees. Roll call found Council all in favor; passed and so ordered

1.J REJECT ALL BIDS RECEIVED FOR CONSTRUCTION OF THE CHERRY BLOSSOM COURT LANDSCAPING PROJECT, CIP 73172, AND AUTHORIZE STAFF TO RE-ADVERTISE THE PROJECT

Council Member Ransom pulled the item for discussion.

Robert Armijo, City Engineer provided the staff report.

Leticia Ramirez, City Attorney confirmed there was no conflict of interest for Council Member Ransom to participate in the discussion of this item.

City Council questions and comments followed.

Staff to expedite the bid to see what the market shows, and if not favorable then reassess, but if favorable then move forward. Also include separate scope to do in tiers.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Ransom to adopt **Resolution 2019-212** rejecting all bids for construction of the Cherry Blossom Court landscaping project, CIP 73172, and authorizing City staff to re-scope and re-bid project. Roll call found Council all in favor; passed and so ordered

2. ITEMS FROM THE AUDIENCE – Steven Alvarez voiced his concerns about e-cigarettes and provided statistics regarding consequences with vaping. Mr. Alvarez suggested that the City should ban the sale of e-cigarettes.

Council Member Ransom confirmed an item will be on a future Council agenda to look at banning vaping.

Robert Tanner agreed that all vaping cigarettes should be banned. Mr. Tanner requested that City Council ban cannabis in the downtown area. Mr. Tanner spoke about the cannabis industry funding money toward elections.

Tiffany Heben spoke on behalf of Tracy Friends of the Library about various programs and ways for the community to support the Library. Ms. Heben announced the Board meeting on November 19, 2019 at 6:45 p.m. at the Library. Information is available on tracyfriends.org and their Facebook page.

3. REGULAR AGENDA

DEVIATION TO ITEM 3.E

3.E PUBLIC HEARING TO ADOPT THE AMENDED SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN DEVELOPMENT FEE FOR 2020

Kimberly Matlock, Associate Planner provided the staff report.

Mayor Rickman opened the public hearing.

No one from the audience wished to speak.

Mayor Rickman closed the public hearing.

There were no comments from City Council.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Arriola to adopt **Resolution 2019-213** approving amended development fees for the San Joaquin County Multi-Species Conservation and Open Space Plan. Roll call found all in favor; passed and so ordered.

3.A PUBLIC HEARING TO CONSIDER ADOPTION OF THE WATER AND WASTEWATER DEVELOPMENT IMPACT FEES FOR NEW DEVELOPMENT IN THE FUTURE PHASES OF THE NORTHEAST INDUSTRIAL AREA

Robert Armijo, City Engineer provided the staff report.

Mayor Rickman opened the public hearing.

No one from the audience wished to speak.

Mayor Rickman closed the public hearing.

There were no comments from City Council.

ACTION: Motion was made by Council Member Ransom and seconded by Mayor Pro Tem Young to adopt **Resolution 2019-214** approving Northeast Industrial Area future phases water and wastewater development impact fees. Roll call found Council all in favor; passed and so ordered

3.B INTRODUCE AN ORDINANCE ADOPTING, BY REFERENCE, THE 2019 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 EMERGENCY HOUSING, STRAW-CLAY CONSTRUCTION, CORROSIVE SOILS, EXTERIOR PALLET STORAGE, RADIO AMPLIFICATION SYSTEMS, OTHER EMERGENCY RESPONDER REQUIREMENTS AND FLOOD PLAIN REGULATIONS AND SET A PUBLIC HEARING DATE AND TIME FOR ADOPTION OF THE ORDINANCE

Chris Landreth, Supervising Building Inspector provided the staff report.

No one from the audience wished to speak.

There were no comments from City Council.

Mayor requested the City Clerk to read the title of the proposed ordinance.

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 Young to waive the reading of the full text and introduce **Ordinance 1274**, an ordinance of the City of Tracy adopting the 2019 California Building Code, 2019 California Electrical Code, 2019 California Plumbing Code, 2019 California Residential Code, 2019 California Mechanical Code, 2019 California Green Building Standards Code, 2019 California Historical Building Code, 2019 California Existing Building Code, and 2019 California Energy Code, 2019 California Fire Code, Adopting Appendices C, F, H, I, K and O of the 2019 California Building Code, Appendices A, B, C, D, E, G, H, I, J and K of the 2019 California Plumbing Code, Appendices D and F of the 2019 California Mechanical Code, Appendices H, I, O, R, S, W and X of the 2019 California Residential Code, all Appendices of the 2019 California Historical Building Code, Appendices B, BB, C, CC, D, F, H, L and N of the 2019 California Fire Code, Adopting Standards Related to Emergency Housing, Straw-Clay Construction, Corrosive Soils, Exterior Pallet Storage, Radio Amplification Systems, Other Emergency Response Standards, Floodplain Regulations and Repealing Sections to Reorganize existing ordinance language, correct code references, and clarify language. Roll call found Council all in favor; passed and so ordered.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Ransom to adopt **Resolution 2019-215** setting forth findings to support local amendments to the 2019 California Code of Regulations, Title 24 Parts 1-12, by the Building Safety Division of the Development Services Department and the Community Risk Reduction Division of the South San Joaquin County Fire Authority. Roll call found all in favor; passed and so ordered.

3.C PUBLIC HEARING TO APPROVE AN AMENDMENT TO THE CITYWIDE STORM DRAINAGE MASTER PLAN AND ADOPT STORM DRAINAGE IMPACT FEE STUDY AND NEW AND UPDATED FEES FOR THE LAMMERS AND MOUNTAIN WATERSHED AREAS OF THE CITY

Robert Armijo, City Engineer provided the staff report.

Mayor Rickman opened the public hearing.

No one from the public wished to speak.

Mayor Rickman closed the public hearing.

There were no comments from City Council.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Ransom to adopt **Resolution 2019-216** approving Supplement No. 3 of the Citywide Storm Drainage Master Plan. Roll call found all in favor; passed and so ordered.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Ransom to adopt **Resolution 2019-217** approving the updated Storm Drainage Impact Fee Study for the Lammers and Mountain House Watershed Areas and

approving the establishment of new and updated storm drainage development impact fees for these areas. Roll call found all in favor; passed and so ordered.

3.D PUBLIC HEARING TO CONSIDER AMENDING CHAPTER 5.24 WASTE DISPOSAL AND ADDING A NEW CHAPTER 5.26 DISCHARGE OF FATS, OILS AND GREASE, TO THE TRACY MUNICIPAL CODE TO BE CONSISTENT WITH STATE AND FEDERAL LAWS REGARDING THE DISPOSAL OF WASTEWATER

Kul Sharma, Utilities Director provided the staff report.

Mayor Rickman opened the public hearing.

No one from the public wished to speak.

Mayor Rickman closed the public hearing.

There were no comments from City Council.

Mayor Rickman requested the City Clerk read the title of the proposed ordinance.

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

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Arriola to introduce **Ordinance 1275**, an ordinance of the City of Tracy amending provisions of Chapter 5.24 (Waste Disposal) of Title 5 (Sanitation and Health) of the Tracy Municipal Code. Roll call found all in favor; passed and so ordered.

Mayor Rickman requested the City Clerk read the title of the proposed ordinance.

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

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Vargas to introduce **Ordinance 1276**, an ordinance of the City of Tracy adding a new Chapter 5.26 (Discharge of fats, oils, and grease) of Title 5 (Sanitation and Health) of the Tracy Municipal Code. Roll call found all in favor; passed and so ordered.

3.F INTRODUCE ORDINANCES AMENDING CHAPTER 6.36 OF THE TRACY MUNICIPAL CODE (TMC) REGARDING COMMERCIAL CANNABIS ACTIVITY AND AMENDING SECTION 10.08.3196 OF THE TMC REGARDING ESTABLISHING ZONING AND LOCATION REQUIREMENTS FOR COMMERCIAL CANNABIS ACTIVITY IN TRACY – Item moved to November 19, 2019

3.G ADOPT COUNCIL MEETING PROTOCOLS AND RULES OF PROCEDURE – Item moved to November 19, 2019

3.H DISCUSS COUNCIL VACANCY POLICY AND PROVIDE DIRECTION TO STAFF – Item moved to November 19, 2019

4. ITEMS FROM THE AUDIENCE – None
5. STAFF ITEMS – None
6. COUNCIL ITEMS - None
7. ADJOURNMENT – City Council adjourned the regular meeting at 8:49 p.m., and reconvened the Special Meeting.

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

The above agenda was posted at the Tracy City Hall on October 31, 2019. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk