

February 20, 2018, 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 7:06 p.m. and led the Pledge of Allegiance

Invocation was offered by Pastor Tim Heinrich, Crossroads Baptist Church

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

Alessandra Hakimi and Ryan Ervin, students from Freiler Elementary presented a performance in support of D.A.R.E. Mayor Rickman recognized D.A.R.E. graduate students from McKinley, Villalovoz, West Valley Christian Academy, Bohn and Freiler Elementary Schools. Peter Butler, a representative from Congressman Denham's office recognized D.A.R.E. graduate students that earned 1000 points.

Mayor Rickman presented a Certificate of Appointment to new Planning Commissioner Rajwinder Kaur.

Mayor Rickman presented a Certificate of Appointment to new Arts Commissioner Maxine Lees.

Mayor Rickman announced Agenda Item 6 will be moved to the March 6, 2018, City Council meeting.

1. CONSENT CALENDAR – Motion was made 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 Regular meeting minutes of December 5, 2017, January 16, 2018, and February 6, 2018 and Closed Session Minutes – Minutes were approved
 - B. Waive Second Reading and Adopt Ordinance 1249, an Ordinance of the City of Tracy Amending Chapter 10.08 of the Tracy Municipal Code to Establish a Community Recreation Support Services Zone and Zoning Assessor Parcel Numbers 212-170-33 and 212-170-34 Community Recreation Support Zone Upon Annexation to the City – Ordinance 1249 was adopted.
2. ITEMS FROM THE AUDIENCE - Michael Maciel addressed City Council regarding the following: a previously submitted formal complaint related to Interim City Manager Bradley and Transportation Advisory Commissioner Alice English, an email from Michael Tree, Executive Director of the Tri-Valley San Joaquin Valley Regional Rail Authority regarding draft bylaws for the new rail authority, and Mayor Pro Tem Vargas using staff time to prepare a letter to San Joaquin Council of Governments regarding Ace to BART.

Robert Tanner requested two parking spaces to be eliminated due to visibility concerns: B Street at the entrance/exit to the 11th Street in front of Edward Jones and the alleyway behind the Bank of America with stores on north side of 10th street has an exit onto A Street. Mr. Tanner recommended that parking areas be reviewed and requested a cross walk from the parking lot to the Eaton Medical Center door.

Alice English asked how Sow A Seed received \$51,000 in in 2014 from the Mayor's Community Youth Support Network funds, when the maximum allotment is \$50,000. Ms. English requested Council Member Ransom refrain from voting on items pertaining to developers who have contributed to Sow A Seed, and speaking about the Homeless Task Force.

Council Member Ransom responded to Ms. English's comments stating she does not need to recuse herself from voting and confirmed they can receive funds as a non-profit. Council Member Ransom added members of the Council have also received campaign contributions from the same organizations.

Council Member Young referred to Mr. Tanner's request stating there was a previous proposal to have a cross walk directly from the parking lot over to Eden, but it was recommended by the Planning Commission not to do so and Council agreed because it was too close to the corner and could impede the flow of traffic.

Council Member Ransom added that she does not receive any personal funds regarding the Homelessness Task Force as those funds are held in trust to serve by the San Joaquin Community Foundation to serve the homeless.

3. APPROVE ACTIONS NECESSARY TO FORM COMMUNITY FACILITIES DISTRICT (CFD) NO. 2018-1 (MAINTENANCE AND PUBLIC SERVICES) AND A RELATED FUTURE ANNEXATION AREA: (1) CONDUCT A PUBLIC HEARING TO CONSIDER THE QUESTION OF ESTABLISHING THE CFD AND THE FUTURE ANNEXATION AREA; (2) ACCEPT THE COMMUNITY FACILITIES DISTRICT REPORT; (3) CONDUCT PROPERTY OWNER ELECTION; AND (4) INTRODUCE ORDINANCE ORDERING THE LEVY OF SPECIAL TAXES

Mayor Rickman asked if there are any property owners or registered voters in the district that wished to file a written protest. There were no written protests filed.

Mayor Rickman opened the public hearing.

Karin Schnaider, Finance Director, presented the staff report.

There were no comments from the audience.

City Council questions and comments followed.

Susan Goodwin, Goodwin Consulting responded to Council questions.

City Council questions and comments followed.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member

Dement to adopt Resolution 2018-025 forming the Community Facilities District No. 2018-1 – (Maintenance and Public Services). Roll call vote found all in favor passed and so ordered.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Mayor Rickman to adopt Resolution 2018-026 calling special Landowner Election for Community Facilities District No. 2018-1 (Maintenance and Public Services). Roll call vote found all in favor; passed and so ordered.

City Clerk announced two ballots received cast in favor. The City Clerk also announced that the ballot for the entity Tracy Phase 1, LLC overstates the taxable parcels by approximately 13.5 acres. This was due to a transfer of property to the City but does not affect the outcome of the election which is unanimously in support of formation, therefore the measure passes.

ACTION: Motion was made by Council Member Young and seconded by Mayor Pro Tem Vargas to adopt Resolution 2018-027 declaring the results of Special Landowner Election and directing recording of Notice of Special Tax Lien for Community Facilities District No. 2018-1 (Maintenance and Public Services). Roll call vote found all in favor; passed and so ordered.

City Clerk read the title of the proposed ordinance.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Young to waive the full reading of the text and introduce Ordinance 1250, an ordinance of the City Council of the City of Tracy levying special tax within Community Facilities District No. 2018-1 (Maintenance and Public Services). Roll call found all in favor; passed and so ordered.

4. PUBLIC HEARING TO CONSIDER CITY'S RECOMMENDATION FOR AWARD OF LOCAL PRIORITY FUNDING ALLOCATIONS FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS FOR FISCAL YEAR 2018-2019 AND AUTHORIZE THE DEVELOPMENT SERVICES DIRECTOR TO EXECUTE FUNDING AGREEMENTS FOR THE PROGRAM

Shelley Burcham, Economic Development Manager, presented the staff report. Ms. Burcham stated that 13 applications for public service funding were received but one was disqualified due to not meeting some of the San Joaquin County requirements, and Sow A Seed and the Tracy Seniors Association withdrew their application for funding, which left 10 applicants. Ms. Burcham added that it will be City Council's discretion as to how the remaining \$5,000 will be allocated.

City Council questions and comments followed.

There was no one from the public wishing to speak.

City Council directed staff to include percentages for the administrative and overhead costs to the application.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Young to adopt Resolution 2018-028 awarding local priority funding allocations for

Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) Funds for Fiscal Year 2018-2019. Roll call found all in favor; passed and so ordered.

ACTION: Motion made by Mayor Pro Tem Vargas and seconded by Council Member Young to allocate the \$5,000 to be distributed equally between the top ten high scoring organizations. Roll call found all in favor; passed and so ordered.

5. PUBLIC HEARING TO CONSIDER ADOPTION OF THE MITIGATED NEGATIVE DECLARATION FOR CORRAL HOLLOW ROAD WIDENING BETWEEN WEST SCHULTE ROAD AND LINNE ROAD - CIP 73144, AND AUTHORIZATION TO PROCEED WITH THE PROJECT

Kul Sharma, Interim Assistant City Manager, presented the staff report.

Mayor Rickman opened the public hearing.

Jody Jones expressed concerns regarding the City taking 13 ½ feet of her property from north to south for the widening of Corral Hollow, zoning changes, and semi-trucks that use Corral Hollow shaking her house. Ms. Jones further stated she owns horses that she currently takes across two lanes from pasture to pasture and was concerned about taking them across five lanes.

Bob Sarvey expressed concerns regarding the noise study conducted by the City at two locations as they exceed current county acceptable noise standards. Mr. Sarvey suggested the Mitigation Negative Declaration should include mitigation measures to address the significant noise impacts by providing funding to affected residents so they can improve the front of their homes to reduce noise impacts or provide sound walls like provided to new development on Corral Hollow Road.

Robert Tanner asked if the City will get any development money as reimbursement for the widening of Corral Hollow that is part of the City now. Measure K is covered for County and City land.

Allan Dare asked if all the power poles will be moved when widening Corral Hollow Road and will his metal fence be torn down and would he be reimbursed for the fence and gate and a temporary fence be put up. Mr. Dare stated he lives across from St Bernard's and is concerned about people getting into accidents, speeding and no police presence.

Bruno Gouveia, a homeowner on Corral Hollow stated he was concerned about noise. Mr. Gouveia added the City does not have to put up sound walls but could replace windows and add trees and shrubbery. Mr. Gouveia stated his sewer line is affected and added there is no other way to relocate sewer.

Mike Durkey had concerns about sound and privacy, and indicated there has been an increase in mail theft, garbage on the property. Mr. Durkey added if the City uses rubberized asphalt on Corral Hollow the trucks will tear up the road.

Andrew Lees made a brief comment on noise all around the City. Mr. Lees stated it doesn't seem like there is enough enforcement of noise ordinances in town.

Jeff Pack, Edward Pack Associates, and consultant for the project provided responses to concerns from the public.

City Council questioned the consultant regarding the sound issue.

John Zellmer, RJA Consultant responded to City Council's questions.

Mayor Rickman closed the public hearing.

City Council questions and comments continued.

Mr. Sharma stated staff will be going way beyond regulations than is expected and will work with the residents that are affected by the widening on Corral Hollow Road. Mr. Sharma added staff will keep City Council updated on the types of mitigation being done and how they will affect the residents and the widening of Corral Hollow Road.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Dement to adopt Resolution 2018-029 approving the Mitigated Negative Declaration for Corral Hollow Road widening between West Schulte Road and Linne Road – CIP 73144, and authorizing staff to proceed with the project. Roll call found all in favor; passed and so ordered.

6. CONDUCT A PUBLIC HEARING AND ADOPT A RESOLUTION OF NECESSITY AUTHORIZING THE INITIATION OF EMINENT DOMAIN PROCEEDINGS TO ACQUIRE REAL PROPERTY FOR THE CONSTRUCTION OF A PUMP STATION AS PART OF THE TRACY RECYCLED WATER PROJECT (CIP 74091) AND AUTHORIZE THE DEPOSIT OF \$30,600 FOR THE FOGGIATO PARCEL WITH THE STATE OF CALIFORNIA CONDEMNATION DEPOSIT FUND – This item was moved to March 6, 2018.

7. APPROVE THE SOUTH COUNTY FIRE AUTHORITY DISSOLUTION AGREEMENT BETWEEN THE CITY OF TRACY AND THE TRACY RURAL FIRE PROTECTION DISTRICT WITH AMENDMENTS WITH AN EFFECTIVE DATE OF JULY 1, 2018

Randall Bradley, Interim City Manager stated on February 6, 2018, the Dissolution Agreement was approved by the City Council along with the South San Joaquin County Joint Powers Authority. The Tracy Rural Fire Protection District wanted a section of the approved Dissolution Agreement amended. Mr. Bradley stated their issues had merit. The new language clarifies whoever provides fire protection to those areas will have ownership of those fire stations.

Bob Sarvey stated in 2013 he and other residents and members of the Tracy Rural Fire Protection District (TRFPD) and the City of Tracy Fire Department were asked by the City to evaluate governance models to make recommendations to the City and the South County Fire Authority (SCFA) on the appropriate governance models that satisfies the concerns raised by Lafco. Mr. Sarvey added the Committees recommendations were never presented to City Council, SCFA or TRFPD. Mr. Sarvey requested City Council evaluate the 2013 work product of the committee, which could satisfy LAFCO's concerns.

Mike Maciel stated LAFCO does exercise control over all special districts including fire districts and they had an issue with the original Joint Power Agreement, as they were not involved. Mr. Maciel added the City is well behind schedule on addressing this issue.

Mr. Bradley, Interim City Manager addressed concerns from the speakers.

City Council questions and comments followed.

ACTION: Motion was made by Council Member Dement and seconded by Mayor Pro Tem Vargas to adopt Resolution 2018-030 approving the South County fire Authority Dissolution Agreement between the City of Tracy and the Tracy Rural Fire Protection District with Amendments with an effective date of July 1, 2018. Roll call vote found all in favor; passed and so ordered.

8. ITEMS FROM THE AUDIENCE - Andrew Lees suggested City Council do more to mitigate vehicle noise around the City of Tracy.

Alice English referred to her previous comment regarding the \$51,000 to Sow A Seed in 2014, stating the cap at that time was \$50,000. Ms. English spoke about \$6,000 of CDBG funds being awarded to Sow A Seed for 2014, and not included in the charity form, and another \$45,000 awarded back in 2016 to the program.

Council Member Ransom responded to Ms. English's comments and provided clarification stating the CDBG funds are a public fund and MCYSN is under the City Manager's budget and was publicly discussed.

Robert Tanner thanked Council Member Young for reminding him that the crosswalk was under the Planning Commission and requested a crosswalk from the parking lot to Eaton Medical Center.

9. STAFF ITEMS – There was no staff items.

10. COUNCIL ITEMS

Council Member Young requested the crosswalk from the parking lot to the hospital issue be agendaized. Mayor Rickman supported the request.

- A. Discuss and Approve Upcoming City Council Out of State Travel, Including Travel to Washington, D.C. for Lobbying Efforts for the San Joaquin Council of Governments (SJCOG) San Joaquin One Voice® Trip and Travel to Washington, D.C. for Lobbying Efforts for the City of Tracy

Randall Bradly, Interim City Manager presented the staff report.

Mike Maciel recommended no more than two Council Members attend the Pre One Voice trip and suggested Council go with a clear agenda and stick with that agenda.

City Council shared their positive and negative experiences at the 2017 pre One Voice trip in Washington D.C.

Motion was made by Council Member Dement and seconded by Council Member Young to approve out of state travel for Council Member Dement, Ransom, Young and Mayor Pro Tem Vargas to attend the One Voice® pre-trip to Washington, D.C. during week of April 9, 2018, and Council Member Dement to attend the National Association of Latino Elected Officials Conference in New York from April 26th through 29th, 2018. Mayor Rickman and Council Member Young will attend the One Voice® trip to Washington D.C. during week of April 16, 2018. Roll call vote found all in favor; passed and so ordered.

B. Appointment of City Council Subcommittee to Interview Applicants for Upcoming Vacancies on the Planning Commission

Adrienne Richardson, City Clerk presented the staff report.

No one from the public wanted to speak.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Dement to appoint Mayor Rickman and Council Member Dement to the Council subcommittee to interview Planning Commission Applicants. Roll call vote found all in favor; passed and so ordered.

C. Appointment of Two City Council Members to the South San Joaquin County Fire Authority

Adrienne Richardson, City Clerk presented the staff report.

City Council comments followed.

Mike Maciel stated to prevent any perception of conflict of interest, Mayor Pro Tem Vargas should not serve on the South South County Fire Authority.

ACTION: Motion was made by Council Member Dement and seconded by Council Member Young to appoint Mayor Rickman and Council Member Ransom to serve on the South San Joaquin County Fire Authority. Roll call found all in favor; passed and so ordered.

Council Member Dement spoke about MCYSN and a liaison situation with the Chamber of Commerce and Tracy Unified School District. Council Member Dement added information was received from trustee Dan Arriola regarding students feeling unsafe, bullied and not having proper LGBT resources. Council Member Dement stated her goal was to educate parents about MCYSN about resources, relevance, and jurisdiction and could it be called Tracy Youth Support Network. Council Member Dement spoke about the City's homeless situation and advocacy for affordable housing and stated she has asked repeatedly for wage studies. Council Member Dement suggested putting together a Mayor's Task Force on homeless and affordable housing for Tracy. Mayor Rickman supported the request.

Council Member Young reminded everyone that on Saturday 24th at 6:00 p.m. – at the American Legion Post 172 there will be the 2018 Law Enforcement dinner awards. Also next Tuesday there is a Calpers workshop in Council Chambers.

Mayor Rickman mentioned the Public Safety Officers of the Year at American Legion Post 172, suggesting it is a good time to show support for the Police and Fire Departments, DLA and the Sheriff's Department. Tickets are \$15.00. Mayor Rickman also attended the Knights of Columbus crab feed and the Breakfast Lions had a Cioppino feed which were well attended. Mayor Rickman suggested that everyone look on the social media to see where non-profits are having their fundraisers.

Mayor Pro Tem Vargas announced the South Side Community Installation dinner on February 24, 2018.

Council Member Ransom expressed concern with the division amongst the community which has been created by the political tactics being utilized and the disruption it has caused losing sight of what is in the community's best interest. Council Member Ransom also shared her concerns regarding Mr. Maciel's complaint filed with the City Attorney regarding political activities that the City Manager and Alice English, who represented herself as a Transportation Commissioner, have engaged in. Council Member Ransom expressed concerns about certain Council members abusing their power and authority stemming from their personal political purposes. Council Member Ransom stated that she has tried moving forward with things that are helpful to the community with her efforts only being frustrated with a community member attacking her and spreading false information about her. Council Member Ransom expressed concern about Mayor Pro Tem Vargas questioning use of City resources at selective events.

Mayor Rickman stated Council Member Ransom is attacking residents and Mayor Pro Tem Vargas, it is not a debate.

Council Member Ransom asked to agendize the abuse of authority. Council Member Young supported her request.

Mayor Rickman responded if you are going to make accusations they at least should be there.

Council Member Ransom responded that Council should be here for the people and not for the politics.

11. ADJOURNMENT – 10:38 pm

ACTION: Motion was made by Council Member Young and seconded by Mayor Pro Tem 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 February 15, 2018. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk