

March 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 7:00 p.m.

Mayor Rickman led the Pledge of Allegiance

Pastor Scott McFarland, Journey Christian Church offered the invocation.

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

Mayor Rickman presented Certificates of Recognition to Colby Haskell, Miss Delta Valley's Outstanding Teen 2018, and Lexie Van Os, Miss San Joaquin County's Outstanding Teen 2018

1. CONSENT CALENDAR – Robert Armijo, City Engineer/Assistant Development Services Director announced that there is an error in the executive summary of the staff reports for consent items B, C, D and E. The executive summary lists Lennar Homes of California as being the signatory to the agreements but it is Tracy Phase I, LLC. The agreements and resolution reflect the correct signatory.

Following the removal of item 1.M by Michael Maciel it was moved by Council Member Young and seconded by Mayor Pro Tem Vargas to adopt the consent calendar with the amendment to consent items B, C, D and E. Roll call vote found all in favor passed and so ordered. Mayor Pro Tem Vargas recused herself from voting on item 1.N.

- A. Approval of December 19, 2017 Regular Meeting Minutes – Minutes were adopted
- B. Approve the Final Subdivision Map and Subdivision Improvement Agreement for Tract 3788, Tracy Hills Village 1A, and Authorize the City Clerk to File the Subdivision Improvement Agreement with the Office of the San Joaquin County Recorder – Resolution 2018-047 approved the Final Subdivision Map and Subdivision Improvement Agreement Tract 3788, Tracy Hills Village 1A
- C. Approve the Final Subdivision Map and Subdivision Improvement Agreement for Tract 3889, Tracy Hills Village 3A, and Authorize the City Clerk to File the Subdivision Improvement Agreement with the Office of the San Joaquin County Recorder – Resolution 2018-048 approved the Final Map and Subdivision Improvement Agreement for Tract 3889, Tracy Hills Village 3A
- D. Approve the Final Subdivision Map and Subdivision Improvement Agreement for Tract 3890, Tracy Hills Village 4A, and Authorize for the City Clerk to File the Subdivision Improvement Agreement with the Office of the San Joaquin County Recorder – Resolution 2018-049 approved the Final Map and Subdivision Improvement Agreement for Tract 3890, Tracy Hills 4A

- E. Approve the Final Subdivision Map and Subdivision Improvement Agreement for Tract 3891, Tracy Hills Village 5A, and Authorize the City Clerk to File the Subdivision Improvement Agreement with the Office of the San Joaquin County Recorder – Resolution 2018-050 approved the Final Subdivision Map and Subdivision Improvement Agreement for Tract 3891, Tracy Hills Village 5A
- F. Approve a Professional Services Agreement in the Amount of \$130,000 with IBI Group, a California Partnership, for the City of Tracy Short Range Transit Plan – Resolution 2018-051 approved the Professional Services Agreement with IBI Group.
- G. Approve a Professional Services Agreement With MHD Group Inc., for Graphic Design and Marketing Services in the Amount Not to Exceed \$35,000 Annually for a Period of Three Years with an Option of Extension for Another Two Years Upon Satisfactory Performance Resolution 2018-052 approved the Professional Services Agreement with MHD Group, Inc.
- H. Approve a Professional Services Agreement With Fruitridge Printing for Printing Services for the Grand Theatre Center for the Arts Season Brochure and Arts Education Catalog in the Amount Not to Exceed \$25,000 Annually for a Period of Three Years With an Option for Extension for Another Two Years Upon Satisfactory Performance – Resolution 2018-053 approved the Professional Services Agreement with Fruitridge Printing.
- I. Find it is in the Best Interest of the City to Forego a Competitive Proposal Process and Approving an Agreement With 4G Holdings IV, LLC, to Sell Approximately 33,482 Square Feet of Surplus City Land Located Between Tracy Volkswagen (APN 212-270-03) and Southern Boundary Fence of City's Storm Drainage Detention Basin 10 (a Portion of APN 212-040-11) – Resolution 2018-054 approved the agreement with 4G Holdings IV, LLC.
- J. Approve the Petition for Recognition for the City of Tracy Technical and Support Services Employees Association (TTSSEA) as the Exclusive Bargaining Representative/Recognized Employee Organization for Accounting Assistant, Accounting Coordinator, Accounting Technician, Administrative Assistant II *, Administrative Assistant III, Airport Coordinator, Box Office Assistant, Box Office Coordinator, Building Permit Technician, Crime Analyst, Deputy City Clerk, Executive Assistant*, Geographic Information System (GIS) Technician, Information Systems Technician I, Information Systems Technician II, Media Services Coordinator, Payroll Coordinator, Police Records Assistant I, Police Records Assistant II, Police Support Services Technician, Recreation Program Coordinator I, Recreation Program Coordinator II, Receptionist, Senior Accounting Assistant, Senior Information Systems Technician, Theatre Operation & Technician Assistant *Except When Assigned to Human Resources – Resolution 2018-055 approved the petition for the City of Tracy Technical and Support Services Employees Association as the exclusive bargaining representative/recognized employee organization.
- K. Approve the Petition for Recognition for South County Fire Chief Officers Association (SCFCOA) as the Exclusive Bargaining Representative/Recognized Employee Organization for the City of Tracy Fire Battalion Chiefs – Resolution 2018-056 approved the petition for recognition for South County Fire Chief Officers Association

as the exclusive bargaining representative/recognized employee organization for the Tracy Fire Battalion Chiefs

- L. Accept City Treasurer's Annual Review and Approve Revised City Investment Policy – Resolution 2018-057 accepted the City Treasurer's annual review and revised City Investment Policy
- N. Approve a Fourth Tolling Agreement to Further Toll and Extend the Dedication Acceptance Period and the 60-Day Cure Period for the Second Swim Center Payment Under the Amended and Restated Development Agreement By and Between the City of Tracy and Surland Communities, LLC – Resolution 2018-058 approved the Fourth Tolling Agreement. Mayor Pro Tem Vargas recused herself from voting on this item.
- M. Approve the City of Tracy 2018 Regional Transportation and Local Project Submittal for Congressional Appropriation Requests During San Joaquin Council of Governments' One Voice Trip to Washington D.C

Michael Maciel pulled the item and asked if the current recommendation is listed as a regional priority, and if so what is the status of Lammers/205 project.

Andrew Malik, Development Services Director responded to Mr. Maciel's questions

City Council comments followed.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Ransom to adopt **Resolution 2018-059** approving the City of Tracy 2018 Regional Transportation and local project submittal for Congressional appropriation requests during San Joaquin Council of Governments One Voice Trip to Washington D.C. Roll call found all in favor; passed and so ordered.

- 2. ITEMS FROM THE AUDIENCE – Tori Verber Salazar, San Joaquin District Attorney, spoke about the newly implemented San Joaquin County Deputy District Attorney (DDA) position which will have a satellite officer at the Tracy Police Department starting on March 19, 2018. This DDA will work collaboratively with the Department staff to address and prosecute quality of life related crimes and cases in the City of Tracy. Ms. Verber Salazar thanked the City staff and the Police Chief for the leadership with the program and provided a description about the program. Daniel Arriola, Deputy District Attorney, also briefly described how the new program works.

Dave Helm submitted a letter to the City Clerk that was emailed to City Council. Mr. Helm read the letter into the record regarding alleged illegal and unethical behavior by Council Member Young and allegations against Council Member Ransom. Mr. Helm requested City Council investigate Council Member Young and Council Member Ransom.

Council Member Ransom responded to Mr. Helm's comments stating the public should have access to the records.

Council Member Young responded to Mr. Helm's comments regarding the investigation and accusations regarding cursing. Council Member Young thanked the District

Attorney's office for the local Deputy District Attorney's presence in city.

3. 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 pulled.

4. RECEIVE AND AUTHORIZE STAFF TO SUBMIT THE ANNUAL PROGRESS REPORT FOR 2017 AND ANNUAL ELEMENT PROGRESS REPORTS FOR 2015-2017 TO THE OFFICE OF PLANNING AND RESEARCH AND STATE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT REGARDING THE IMPLEMENTATION OF THE GENERAL PLAN AND HOUSING ELEMENT

Bill Dean, Assistant Development Services Director presented the staff report.

City Council comments and questions followed.

Mayor Pro Tem Vargas opened the public hearing.

No one from the audience wished to speak.

Mayor Pro Tem Vargas closed the public hearing.

City Council directed staff to bring back information for discussion regarding a GMO amendment, affordability by design, and fee impact and structure.

ACTION: Motion was made by Council Member Young and seconded by Council Member Ransom to adopt **Resolution 2018-060** authorizing staff to submit the Annual Progress Report for 2017 and Annual Element Progress Reports for 2015 – 2017 to the office of Planning and Research and State Housing and Community Development Department regarding the implementation of the General Plan and Housing Element. Roll call vote found all in favor; passed and so ordered.

5. DISCUSS PLACING A TAX ON CANNABIS BUSINESSES IN THE CITY OF TRACY ON THE NOVEMBER 2018 BALLOT AND PROVIDE DIRECTION TO STAFF

Karin Schnaider, Finance Director, presented the staff report.

City Council comments and questions followed.

Leticia Ramirez, Assistant City Attorney responded to City Council questions.

Robert Tanner asked for clarification if the proposed statewide special initiative that is going for the tax fairness transferring accountability in 2018, was for all taxes whether it is general or special that would have to be 2/3rds or does this exempt any general tax. Mr. Tanner also asked if school bonds are included.

Ms. Ramirez and Ms. Schnaider responded to Mr. Tanner's questions.

Mr. Tanner added there is no need for Council to put two measures on the ballot. Mr. Tanner added a lot of citizens want to have something that takes 2/3rd vote to pass.

Adam Rodriguez asked if 6% tax is what the City is going to put on the medical side of the cannabis tax. Mr. Rodriguez asked City Council to take into consideration that the high taxation rate is going to help the illegal side thrive. Mr. Rodriguez suggested backing that off to get rid of the gray market faster and get more money for the City and County.

Ms. Schnaider responded to Mr. Rodriguez's questions.

City Council questions and comments continued.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Dement to set the tax rates for all cannabis businesses as proposed in Attachment A; including setting the non-store front (delivery only) medical cannabis gross receipts tax rate at 6%. Roll call found all in favor; passed and so ordered.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Dement to proceed with a Special Tax measure to charge an excise tax (gross receipts and canopy space) on cannabis business activities for the November 2018 general election identifying Police Services and Code Enforcement as costs tied to the revenues. Roll call found all in favor; passed and so ordered.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Dement to proceed with a Special tax to amend the City's existing Business License Tax to include cannabis business activities and other activities not currently listed for the November 2018 general election identifying unrestricted general revenue purposes tied to the revenues. Roll call found all in favor; passed and so ordered.

5. REVIEW AND DISCUSS CODE OF CONDUCT OPTIONS FOR BOARDS, COMMISSIONS AND CITY COUNCIL AND APPOINT AN AD HOC SUBCOMMITTEE TO WORK WITH THE CITY ATTORNEY'S OFFICE TO CREATE A COMPREHENSIVE CODE OF CONDUCT AND REVIEW EXISTING COUNCIL POLICIES AND PROCEDURES

Thomas Watson, City Attorney presented the staff report.

City Council questions and comments followed.

Thomas Watson, City Attorney responded to City Council's questions.

Michael Maciel stated that City Council needs a code of conduct that could be incorporated with a broader set of policies and procedures. Mr. Maciel added the third example in the staff report is comprehensive and concise. Mr. Maciel provided a list of Council issues and made recommendations to correct the issues. Mr. Maciel suggested

Mayor Pro Tem Vargas not be part of a two person Ad Hoc committee if that is the way Council choses to go.

City Council comments followed.

ACTION: Motion was made by Mayor Pro Tem Vargas to establish an ad hoc subcommittee to work with City Attorney's Office to create a code of conduct. Mayor Pro Tem Vargas volunteered and stated she heard Council Member Dement was available and willing to do that also. Motion failed due to lack of second.

City Council comments continued.

ACTION: It was City Council's consensus to hold a workshop. Staff will go back and look at previous workshops to develop a foundation and revisit based on what has been learned in the past regarding policies, procedures and code of conduct.

Mayor Rickman called for a recess at 8:48 p.m.

Mayor Rickman reconvened the meeting at 8:55 p.m.

6. UPDATE AND DISCUSS THE 11TH STREET BEAUTIFICATION PROJECT HISTORY, AWARD A CONSTRUCTION CONTRACT TO ODYSSEY ENVIRONMENTAL SERVICES, INC., OF LODI, CALIFORNIA, FOR CONSTRUCTION OF THE 11TH STREET BEAUTIFICATION PROJECT, CIP 73162, AND AUTHORIZE AND APPROPRIATION OF \$1,055,000 FROM GENERAL FUND RESERVE TO CIP 73162

Robert Armijo, City Engineer, Don Scholl, Public Works Director presented the staff report.

Josh Nash, O'Dell Engineering, Landscape Architect, described the design of the 11th Street beautification in detail.

Al Gali, Associate Civil Engineer described the bid process and results.

City Council questions and comments followed.

Robert Tanner stated the City does not want the reserves to go below \$10 million as the City will have to pay a higher bond rate. Mr. Tanner asked if the trees that would be removed can be saved and replanted in other City parks. Mr. Tanner also asked when the current landscape was renovated and what will be the life span of the new landscape.

Mr. Scholl and Mr. Nash responded to Mr. Tanner's questions.

Michael Maciel expressed concern regarding the cost of maintenance with the new concept. Mr. Maciel suggested considering the following: service organization sign be maintained from vegetation, the current fountain is unremarkable, and the tile on the Tracy sign, the green is unremarkable.

City Council comments and questions followed.

Staff to bring back four concepts and cost estimates of the water fountain on the Eleventh Street median at the April 3, 2018, meeting to receive direction from City Council. Staff also to bring back budgetary concepts.

ACTION: Motion was made by Council Member Dement and seconded by Council Member Ransom to adopt Resolution 2018-061 awarding a construction contract to Odyssey Environment Services, Inc. of Lodi, California for construction of the 11th Street beautification project, CIP 73162, authorizing the City Manager to approve change orders up to the contingency amount of \$173,186 and authorizing an appropriation of \$1,055,000 from General Fund Reserve to CIP 73162. Roll call vote found all in favor; passed and so ordered.

7. RECEIVE REPORT FROM THE POLICE DEPARTMENT REGARDING THE FOOT PATROL AND QUALITY OF LIFE CONCERNS IN THE DOWNTOWN BUSINESS DISTRICT

Larry Esquivel, Police Chief apologized for comments made at the previous Council meeting. Chief Esquivel added the Police Department will continue to work collaboratively with the community.

Police Chief Esquivel presented the staff report.

City Council questions and comments followed.

Police Captain Luis Mejia, Police Captain Alex Neicu and Police Chief Esquivel responded to Council questions.

Staff to bring back to City Council how many Police Officers and what resources are needed by the Police Department.

Randall Bradley, City Manager, stated the Police Chief has approached the City Manager's office regarding hiring. It takes a long time to hire and cannot get to 90 officers they need. Staff will work with the Police Chief to ensure to bring back a recommendation on staffing levels.

ACTION: Motion was made by Council Member Young and seconded by Council Member Ransom to accept the report from the Police Department regarding the foot patrol and quality of life concerns in the Downtown Business District. Roll call vote found all in favor; passed and so ordered.

8. Items from the Audience – No one wished to speak.

9. Staff Items - None

10. Council Items

A. Appoint Three Applicants to the Planning Commission

Adrienne Richardson, City Clerk presented the staff report.

City Council comments followed regarding the interview process.

Michael Maciel stated he has sat on ad hoc commissions and understands the appointment process. Mr. Maciel added the Council operates on a 3-2 block. Mr. Maciel acknowledged Mr. Tanner and Mr. Krogh for their service on the commission. Mr. Maciel added Council wants to manipulate the commissions and expressed disappointment and stated he was afraid cronyism is alive and well with this Council.

City Council comments followed.

ACTION: Motion was made by Council Member Dement and seconded by Council Member Ransom to reappoint Joseph Orcutt and appoint Ed Gable and Chad Wood to the Planning Commission to serve four year terms beginning on April 1, 2018 and ending on March 31, 2022. Roll call vote found all in favor; passed and so ordered.

B. Appoint City Council Subcommittee to Interview Applicants for One Vacancy and Two Upcoming Vacancies on the Transportation Advisory Commission

Adrienne Richardson, City Clerk presented the staff report.

City Council comments followed.

ACTION: Motion was made by Mayor Rickman and seconded by Council Member Dement to appoint Council Member Ransom and Mayor Rickman to interview the applicants for the Transportation Advisory Commission

C. Discuss and Determine Whether to Cancel the Regular City Council Meeting Scheduled for Tuesday April 17, 2018

Adrienne Richardson, City Clerk presented the staff report.

City Council comments followed.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Dement to not cancel the April 17, 2018 regular City Council meeting. Roll call vote found all in favor; passed and so ordered.

Mayor Rickman announced the following: First day of spring, McHenry House fundraiser last week had a great turn out, Dancing with Stars fundraisers under way, fundraisers go to Grand Theatre and varies charities, and will be held at the Grand Theatre on May 5, 2018 Taps on 10th on April 7, 2018, State of the City on Tuesday, March 27, 2018 at 9:00 am.

11. ADJOURNMENT – Time: 10:56 pm

ACTION: Motion was made by Council Member Dement 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 March 15, 2018. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk