

May 1, 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 7:04 p.m. and led the Pledge of Allegiance

Invocation was offered by Pastor Scott McFarland, Journey Christian Church

Roll call found Council Members, Ransom, Young, Mayor Pro Tem Vargas and Mayor Rickman present. Council Member Dement arrived at 7:07 p.m.

Randall Bradley, Interim City Manager presented the January 2018 Employee of the Month award to Jonathan Lees, Utilities Department

Mayor Rickman presented a proclamation for Bike to Work Week to Lisa Donahue, Dibs, Smart Travel Events Master

Mayor Rickman presented a proclamation for Older Americans Month to Diane McGill, Senior Center volunteer and a supporter of senior programming

Mayor Rickman presented a proclamation for National Public Works Week to Don Scholl, Public Works Director

Mayor Rickman presented a proclamation for National Day of Prayer to Council Member Juana Dement

Mayor Rickman presented a proclamation for International Firefighters' Day to Dave Bramell, Fire Division Chief and acknowledged Colby Jean Haskell, Miss Delta Valley's Outstanding Teen 2018 for requesting the City to proclaim May 4 as International Firefighters' Day. Colby spoke about her platform promoting "First in Last Out – Honoring active and fallen firefighters and educating the community about fire safety".

Randall Bradley, City Manager announced that item 1.D, item 5 and item 6 were being pulled to be heard at a later date.

1. CONSENT CALENDAR – Following the removal of consent items 1.D by staff, and 1.H and 1.J by Council Member Ransom, motion was made by Mayor Pro Tem Vargas and seconded by Council Member Young to adopt the consent calendar. Roll call found all in favor; passed and so ordered.
 - A. Adoption of December 19, 2017, and April 3, 2018, Closed Session Minutes and March 13, 2018 Special Meeting Minutes – Minutes were approved.
 - B. Approve a Professional Services Agreement with Davey Resource Group, Inc. to Develop an Urban Forestry Management Plan, Not to Exceed \$125,000 for the Term of Two Years – Resolution 2018-074 approved the agreement with Davey Resource Group, Inc.

- C. Authorize Submittal of Application for all Payment Programs and Related Authorizations for CalRecycle's Beverage Container Recycling City/County Payment Program and Authorize the City Manager to Execute all Necessary Documents and Amendments – Resolution 2018-075 authorized the submittal of the application.
- D. Approve an Agreement Between the City of Tracy and Tracy Outlet Partners, LLC, for the Lease of a Unit at 1005 Pescadero Ave for the Purpose of Storage and Processing of Evidence and Property and Authorize the City Manager to Execute the Options to Extend and Minor Amendments to the Agreement – Agenda item was pulled to be heard at a later date.
- E. Find it is in the Best Interest of the City to Forego the Formal Request for Proposal Process and Approve an Amendment to the Professional Services Agreement with Simpson Investigative Services Group for Pre-employment Background Investigations of Public Safety Employees – Resolution 2018-076 approved the amendment to the agreement with Simpson Investigative Services Group.
- F. Accept Subdivision Improvements for Primrose – Phase 2, Tract 3821, Constructed by Standard Pacific Corporation, a Delaware Corporation, Assume Responsibility for their Future Maintenance and Repair, and Authorize the City Engineer to Release Bonds – Resolution 2018-077 accepted the Subdivision Improvements for Primrose – Phase 2, Tract 3821.
- G. Authorize the City Manager to Grant an Easement to Pacific Gas and Electric Company for Utilities to be Located on City-Owned Property, Located on the North Side of Arezzo Way Near the End of Holmes Court, APN: 248-030-16 – Resolution 2018-078 authorized the Grant of an Easement to Pacific Gas and Electric Company.
- I. Waive Second Reading and Adopt Ordinance 1254, an Ordinance of the City of Tracy Amending Sections 10.08.790, 10.08.3180, and 10.08.3480 of the Tracy Municipal Code Regarding Second Units, Now Called Accessory Dwelling Units – Ordinance 1254 was adopted.
- K. Approve the Master Professional Services Agreement Between the City of Tracy and Bennett Engineering Services, Inc. Valid Through Fiscal Year 2021 and Not to Exceed \$250,000 Per Fiscal Year, for Wastewater Analyses for Land Development Projects, and Authorize the Development Services Director or His Designee to Issue Notices to Proceed Under the Agreement – Resolution 2018-079 approved the agreement with Bennet Engineering Services, Inc.
- H. Authorize Submission of the Annual Claim to the State of California, Through the San Joaquin County Council of Governments (SJCOG), for Transportation Development Act Funds in the Amount of \$7,934,181 for Fiscal Years 2016-2017 and 2017-2018, and for the Finance Director to Execute the Claim

Council Member Ransom pulled the item for clarification on why the claims were being combined for Fiscal Years 2016-2017, 2017-2018.

Ed Lovell, Management Analyst responded to City Council questions.

No one from the audience wished to speak.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Young to adopt Resolution 2018-080 authorizing the submission of the annual claim to the State of California, through the San Joaquin Council of Governments, for Transportation Development Act Funds in the amount of \$7,934,181 for Fiscal Years 2016-2017 and 2017-2018, and authorizing the Finance Director to execute the Claim. Roll call found all in favor; passed and so ordered.

J. Approve a Professional Services Agreement with Kimley-Horn and Associates, Inc. for the Tracy Gateway Specific Plan and Environmental Impact Report

Council Member Ransom pulled the item to ask about the plan for the project and cost recovery.

Andrew Malik, Development Services Director presented the staff report.

City Council questions and comments followed.

Robert Tanner encouraged City Council to do a 100 percent reimbursement of money from the developer.

Staff to return to City Council with reimbursement options and payment triggers.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Dement to adopt Resolution 2018-081 approving a Professional Services Agreement with Kimley-Horn and Associates, Inc. for the Tracy Gateway Specific Plan and Environmental Impact Report. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE - Michael Langley, Grand Foundation Board Member, spoke about the Dancing with the Stars fund raiser on Saturday. Mr. Langley stated the Grand Foundation has raised several hundred thousand for the Grand Theatre programming, and performances and arts. Mr. Langley encouraged everyone to help raise money for the community and visit the Grand Foundation website: atthegrand.org

Michael Maciel attended a San Joaquin Council of Governments meeting and asked the City Council to look at why the Mountain House Parkway/I-205 interchange application deadline was missed. Mr. Maciel requested an update on the City Manager's recruitment. Mr. Maciel encouraged City Council to reveal to the public any conversations they are having with any representatives from bargaining units outside of the course of normal negotiations that Council directs.

Don Cose stated he is a strong proponent for downtown Tracy Station on the new proposed rail system. Mr. Cose provided a brief history of the downtown and the accomplishments in the City of Tracy.

Robert Tanner requested Public Works look at Chester north bound from Lowell towards Duncan for repairs. Drivers are hitting man hole covers that are above the road.

Joseph Trigo requested help for seniors and middle income residents and urged City Council to put on the next agenda a policy or initiative that could provide attainable housing by design, market rate housing and appropriate zoning for attached or detached homes for the middle class. Appropriate zoning, 10-18 units per acre, 4,000 square feet lots approximately priced between \$280,000 - \$350,000; developers will make money and this could help the sky rocketing rents.

Evelyn Will, a Tracy resident since 1992, requested City Council allot money for a new Post Office in Tracy.

Martin Evans spoke about rezoning homes into offices, Sutter hospital, and purple maps for Carlton.

3. ACCEPT CORRAL HOLLOW ROAD CLOSURE UPDATE AND PROVIDE DIRECTION TO STAFF

Randall Bradley, City Manager presented the staff report.

Mike Souza, Project Manager for Tracy Hill provided a Powerpoint and a brief history of the project and described the improvements and the schedule to complete the project. Mr. Souza apologized for the inconvenience and stated they will try to find a way to do construction while minimizing the impact.

City Council comments and questions followed regarding timing, public outreach, alternatives, communication, coordinating with transit, and apologized to the residents for the inconvenience.

Robert Tanner asked if phases two through nine also include closures. Mr. Tanner suggested having Police activity instead of a crossing guard to reduce accidents and speed issues and making sure two lanes are not locked into one. Mr. Tanner asked what about traffic and outreach when the widening of Corral Hollow occurs.

A resident expressed strong concerns regarding the impacts of the closure of Corral Hollow Road and requested Council do something to help the local residents.

Amer Hammudi stated it seems City Council has not given enough thought to the closure of a major artery like Corral Hollow. Mr. Hammudi suggested adding more resources in order to finish the project sooner. Mr. Hammudi also suggested City Council give the south side of Tracy some attention.

Wayne Templeton stated the frustration, testimony and concerns present Council with a marvelous opportunity to establish best practices and protocols going forward.

Kay thanked Council Member Ransom for her eloquently written letter and information. Kay asked Council to let the citizens know their strategy to reduce commute times.

Jackie Curtain applauded City Council and the developer for their empathies and supported the two month closure of Corral Hollow for the improvements. Ms. Curtain stated more tax dollars will be brought into the City which will allow the growth.

Jennifer Rowell stated when the road work on Corral Hollow between Grant Line and Byron was about to begin, a meeting was held and the process felt transparent. Ms. Rowell shared her disappointment regarding the handling of the Corral Hollow closure. Ms. Rowell stated she is concerned about Phase 9. It looks like traffic will be rerouted past Trainer Elementary. Ms. Rowell wanted to know what steps are being taken about additional traffic, and stated it is important to have a public hearing.

Gilberto Ceja stated he travels every day to Bay Area. Mr. Ceja expressed concern about funneling every one through these roads. There are temporary lights on Schulte and Lammers, which is working great but the timing could be different to help the flow. Mr. Ceja suggested a temporary light at Valpico and Corral Hollow.

Alice English expressed her support for the Corral Hollow closure. Ms. English encouraged the lights on Linne and Corral Hollow Roads. Ms. English applauded staff for their hard work and communication.

Maral Benham-Garcia stated she is a commuter who moved to Tracy for better quality of life. Ms. Garcia expressed concerns about lack of notification time to find alternatives, Ms. Garcia urged City Council to revisit the situation and find public transportation alternatives and suggested approaching the ACE train.

Matthew Stark expressed his concern about the lack of notification provided to the public. Mr. Stark added the only opportunity to address this issue would have been at the April 17, 2018, Council meeting which was cancelled. It would have been great to have a public forum to provide an opportunity for public input to come up with alternatives.

Mr. Raniwala asked why the complaints are being directed to a private citizen and not the City and is it being monitored by City staff.

City Council discussion continued.

Staff to reach out to Regional Transit District (RTD) and look at public transportation options to assist commuters.

ACTION: Motion was made by Council Member Dement and seconded by Mayor Pro Tem Vargas to accept Corral Hollow Road closure update and provide direction to staff. Roll call vote found all in favor; passed and so ordered.

4. APPROVE ACTIONS RELATED TO SUBMITTING A MEASURE TO THE VOTERS TO ADOPT AN ORDINANCE IMPOSING A CANNABIS BUSINESS TAX WHICH SHALL CUMULATIVELY NOT EXCEED 15% OF GROSS RECEIPTS ON COMMERCIAL CANNABIS ACTIVITIES IN TRACY TO FUND POLICE AND CODE ENFORCEMENT SERVICES AT THE ELECTION ON NOVEMBER 6, 2018, INCLUDING:

- (1) CALLING FOR AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018 FOR THE ELECTION OF CERTAIN OFFICERS AND CONSIDERATION OF LOCAL BALLOT MEASURE(S), AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN ORDER THE CONSOLIDATION OF SAID

ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE

- (2) ORDERING THE CITY CLERK TO SUBMIT A MEASURE TO THE VOTERS TO ADOPT AN ORDINANCE IMPOSING A CANNABIS BUSINESS TAX ON COMMERCIAL CANNABIS ACTIVITIES IN TRACY TO FUND POLICE AND CODE ENFORCEMENT SERVICES AT THE GENERAL MUNICIPAL ELECTION ON NOVEMBER 6, 2018 AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE
- (3) INTRODUCTION OF AN ORDINANCE ADDING CHAPTER 6.40 "CANNABIS BUSINESS TAX" TO TITLE 6 OF THE TRACY MUNICIPAL CODE TO IMPOSE A TAX ON COMMERCIAL CANNABIS ACTIVITIES SUBJECT TO APPROVAL OF TWO-THIRDS OF THE ELECTORS VOTING ON THE MEASURE AT THE GENERAL MUNICIPAL ELECTION ON NOVEMBER 6, 2018

The City Clerk announced that correspondence was received from Mr. Nicolaou related to item 4 and provided to City Council and staff. A copy is available for the public in the City Clerk's office.

Mayor Rickman called for a recess at 10:02 p.m.

Mayor Rickman reconvened the meeting at 10:11 p.m. Agenda item 4 continued.

Karin Schnaider, Finance Director presented the staff report.

City Council comments and questions followed.

John Moraco from San Francisco stated he spends 30-50 hours in the Tracy as a manager for delivery of cannabis. Mr. Moraco would like to start moving toward paying tax to the City and be able to operate. Mr. Moraco stated a concern is the green zone spot, we pay for it now, and we would like to operate there now.

Spencer Sitnik provided information regarding his experience in the cannabis industry in Los Angeles. One delivery service is not enough to provide for law enforcement as required. Mr. Sitnik added he would like to be a part of helping to move things along in Tracy related to the industry.

Jennifer Rowell stated this is a great opportunity to fund not only law enforcement but also other services in the City. Ms. Rowell added to restrict money solely for law enforcement is to miss an opportunity. Ms. Rowell suggested the existing social services could ask for money to hire counselors and social workers at a more efficient cost, rather than using officers.

City Council questions and comments followed.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Ransom to adopt Resolution 2018-082 calling and giving notice of a General Municipal Election to be held on November 6, 2018 for the election of certain officers and consideration of local ballot measure(s), and requesting the Board of Supervisors of the County of San Joaquin order the consolidation of said election

with the Statewide General Election to be held on that date. Roll call vote found all in favor; passed and so ordered.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Ransom to adopt Resolution 2018-083 ordering the City Clerk to submit a Measure to the voters to adopt an ordinance imposing a Cannabis Business Tax on commercial Cannabis activities in Tracy to fund Police and Code Enforcement Services at the General Municipal Election on November 6, 2018, and directing the City Attorney to prepare an impartial analysis of the Measure. Roll call vote found all in favor; passed and so ordered.

The City Clerk read the title of proposed ordinance

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Young to waive reading of text and introduce Ordinance 1255. Roll call vote found all in favor; passed and so ordered.

5. DISCUSS DEVELOPMENT OF A NEW MID-BLOCK CROSSING ADJACENT TO THE NEW SUTTER GOULD HOSPITAL ON EATON AVENUE AND PROVIDE DIRECTION TO STAFF – Item moved to be heard at a later date.

6. DISCUSS AND PROVIDE DIRECTION TO STAFF ON THE PRELIMINARY DESIGN CONCEPT FOR THE ELEVENTH STREET ENTRY MONUMENT – Item moved to be heard at a later date.

7. ITEMS FROM THE AUDIENCE – There was no one wishing to speak.

8. STAFF ITEMS - None

9. COUNCIL ITEMS

A. Appoint Five Applicants to the Board of Appeals to Hear an Appeal on an Administrative Decision Pertaining to Enforcement Related to Regulations Listed in the Tracy Municipal Code

Adrienne Richardson, City Clerk presented the staff report.

No one from the audience wished to speak.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Dement to approve the Council subcommittee's recommendation and appoint Philip Aubin, Dennis Alegre, Jerry Yerian, James Caling, and John Davis to the Board of Appeals to hear an appeal on an administrative decision pertaining to enforcement related to regulations listed in the Tracy Municipal Code. Roll call vote found all in favor; passed and so ordered.

B. Appoint Applicants to the Transportation Advisory Commission

Adrienne Richardson, City Clerk presented the staff report.

No one from the audience wished to speak.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Dement to approve the Council subcommittee's recommendation and appoint Roderick Stevenson and reappoint Alvin Vaughn and Tim Silva to the Transportation Advisory Committee. Roll call vote found all in favor; passed and so ordered.

C. Receive Report from City Council on Recent City Council Travel Out of State, Including Travel to Washington, D.C. for Lobbying Efforts for the San Joaquin Council of Governments (SJCOG) One Voice® Trip and Travel to Washington, D.C. for Lobbying Efforts for the City of Tracy

City Council members Dement, Ransom, Young and Mayor Pro Tem Vargas provided an overview of their Pre-One Voice® trip to Washington D.C. during the week of April 10-12, 2018. Mayor Rickman and Council Member Young provided an overview of their One Voice® trip to Washington D.C. during the week of following week.

No one from the audience wished to speak.

ACTION: Motion was made by Council Member Dement and seconded by Mayor Pro Tem Vargas to accept the report on recent City Council Travel out of State. Roll call vote found all in favor; passed and so ordered.

Mayor Pro Tem Vargas requested an agenda item regarding Joseph Trigo's request for a policy or initiatives that we could provide attainable housing by design, market rate housing and appropriate zoning for attached or detached homes for middle class. Council Member Ransom supported the request. Staff to return to Council on May 15, 2018, with a staff report providing an update and request direction regarding task forces related to homelessness, workforce, affordable housing, GMO as well as Mr. Trigo's requests for a policy or initiative for attainable housing by design.

Council Member Dement stated she had just got back from attending the National Association of Elected Officials Policy Institute on Workforce Development in New York and will have a report at the next Council meeting.

Council Member Young announced the following: National Day of Prayer, Thursday at noon to 1:00 p.m. on City Hall steps, Saturday Events: Cinco de Mayo, ALS Walk at Tracy Toyota. Council Member Young suggested checking the Tracy Press for this week's upcoming events.

Mayor Rickman announced the following: Great turn out for Relay for Life, Friday is first 2018 downtown block party featuring Latin rock from 6:00 -9:00 p.m., at 6th and Central, Saturday is ALS walk which starts at 7:30 a.m., Farmer's Market, Cinco de Mayo Cultural Event at La Plaza Market and Dancing with the Stars at 7:30 p.m. on Saturday. Mayor Rickman encouraged everyone to attend to raise money for charity. Mayor Rickman acknowledged Mother's Day.

10. ADJOURNMENT: Time: 11:12 p.m.

ACTION: Motion was made by Council Member Dement 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 April 26, 2018. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk