

May 15, 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. and led the Pledge of Allegiance

Invocation was offered by Reverend Dev Raj Vijh, Sant Nirankari Mission

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

Mayor Rickman recognized D.A.R.E. graduating students from Bella Vista, Delta Charter, Lammersville, Jacobsen, St. Bernard's, South, and Traina Elementary Schools

Mayor Rickman presented Certificates of Recognition to students participating in the Tracy High School Bulldog Project and the Kimball High School Jaguar Project

Mayor Rickman presented Certificates of Recognition to Celebrate Tracy Youth Photo Contest Winners - Samantha Holcomb, Marcus Hineman, Andrea Rivera, Alina Alfaro, and Josie Natarajan

Mayor Rickman presented Certificates of Appointment to Transportation Advisory Commissioner Roderick Stevenson and Certificates of Reappointment to Alvin Vaughn and Tim Silva

Mayor Rickman presented a proclamation for National Poppy Day to Anne Marie Fuller, President of Tracy American Legion Auxiliary

Jean Foletta-Morales, RTD Chief Operating Officer, provided a presentation regarding San Joaquin Regional Transit District

Randall Bradley, City Manager, requested to pull agenda item 6 due to receiving an update to a proposed initiative, and letters that implied litigation against the City concerning a housing program that has to do with RGAs. Mr. Bradley requested Council put the item on hold so staff can have time to evaluate the letters and potential litigation.

It was Council's consensus to pull the item and return as a separate agenda items at either a special meeting or at another regular Council meeting.

1. CONSENT CALENDAR – Following the removal of consent item 1.E by Council Member Ransom, motion was made by Council Member Young and seconded by Mayor Pro Tem Vargas to adopt the consent calendar. Roll call found all in favor; passed and so ordered.
 - A. Adoption of April 23, 2018, Special Meeting Minutes and May 1, 2018, Closed Session Minutes - Minutes were approved.

- B. Approve an Off-Site Improvement Agreement for Tracy Home2 Hotel at 2075 West Grant Line Road and 2455 North Corral Hollow Road – Resolution 2018-084 approved the Off-Site Improvement Agreement.
- C. Approval of the San Joaquin Council of Governments (SJCOG) Annual Financial Plan for Fiscal Year 2018-2019 – Resolution 2018-085 approved the San Joaquin Council of Governments Annual Financial Plan.
- D. Second Reading and Adoption of Ordinance 1255, an Ordinance of the City of Tracy adding Chapter 6.40 “Cannabis Business Tax” to Title 6 of the Tracy Municipal Code to Impose a Tax on Commercial Cannabis Activities in Tracy Subject to Voter Approval at the November 6, 2018, General Municipal Election – Ordinance 1255 was adopted
- E. Authorize a Ground Lease Agreement Between the City of Tracy and Philip Martin dba Philip Martin Farms for Farming Operations on City Property Located at the Corner of Eleventh Street and Chrisman Road

Council Member Ransom pulled the item for clarification regarding the cost savings to the City.

Kevin Tobeck, Project Specialist, responded to Council Member Ransom’s question

City Council questions and comments followed.

Michael Maciel stated either approve the lease or not, but the other issues brought up by Council were not part of item.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Young to adopt **Resolution 2018-086** authorizing a Ground Lease Agreement between the City of Tracy and Philip Martin dba Philip Martin Farms for farming operations on City property located at the corner of Eleventh Street and Chrisman Road. Roll call vote found Council Members Dement, Ransom, Young and Mayor Rickman in favor; passed and so ordered. Mayor Pro Tem Vargas abstained.

- 2. ITEMS FROM THE AUDIENCE – Yubo Cody stated commuting is getting harder and suggested City council request all warehouse facilities along Schulte and Mountain House Parkway reduce their truck traffic during prime commute hours, between 5:00 a.m. and 9:00 a.m., to accommodate the commuters.

Robert Tanner announced on May 26, 2018, all the high schools have graduations and downtown will be packed: Tracy High, West and Kimball are at 9:00 a.m. and Millennium at 10:00 a.m. Also there is a block party on June 1, 2018 from 6:00 p.m. to 9:00 p.m. - Motown Soul.

Martin Evans spoke about people living in office space, wanting the convalescent hospital to go at Eaton and Bessie, and houses turning into businesses. Mr. Evans requested to meet with Alan Bell at the hospital to discuss issues.

Ben Bing stated there is too much growth in Tracy and not enough control. Mr. Bing added we are trapping ourselves inside and outside of Tracy. Mr. Bing further stated he

was never in favor of Measure A, but can see why we need a proposition like that to keep us in check. Warehouses and business parks are blocking us in Tracy.

Janice Harrell requested a crosswalk at 9th and A Streets and a stop sign. Ms. Harrell also stated the City needs affordable housing. Ms. Harrell provided a letter to the City Clerk.

Clara Stiles, representing Tracy African American Association announced the Juneteenth Celebration on June 2, 2018 at Lincoln Park from 10:00 a.m. to 5:00 p.m.

Alice English spoke about the Tri-Valley San Joaquin Valley Regional Rail Authority and stated there is support for relief of the I-205 and I-580 commuter gridlock. Ms. English suggested people sign an on-line petition: www.change.org – support the new train connection from Tracy to BART. The train is looking run every 24-27 minutes starting at River Island to the Bay Area.

A member from the audience expressed her interest in senior housing.

Lewis Lenni, TNT Fireworks, stated there is not one person that could rig the fireworks lottery. Mr. Lenni added Council Member Young assisted many organizations regarding the lottery who were not even aware of her help. Mr. Lenni wanted to set the record straight because he felt Council Member Young was being maligned.

Michael Maciel referred to item 6 that was pulled regarding consideration of putting a ballot initiative and stated it should be driven by the community members with no interference from City Council or the development community.

3. 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

Alex Neicu, Police Captain presented the staff report.

City Council questions followed.

Tim Silva expressed his concerns regarding using retail space to store Police evidence as opposed to storage warehouse space. Mr. Silva added using high dollar retail space for storage is a waste of tax dollars.

Michael Maciel urged City Council to not take a permanent facility for evidence storage off the CIP list, and in the future make provisions for building the right facility.

City Council questions and comments continued.

Milly Barros, Broker for the owners, Tracy Outlet Partners, LLC. provided information regarding negotiation of the lease of a unit at 1005 Pescadero Ave and responded to City Council questions.

City Council directed staff to bring the item back at a later date and provide more details about the process used to negotiate the Lease and a plan that includes long term solutions to the Police Department storage issues.

4. APPROVE AN AGREEMENT BETWEEN THE CITY OF TRACY AND THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY REGARDING THE EMPLOYMENT OF PERSONNEL – Randall Bradley, City Manager pulled the item as the Joint Powers Authority is making amendments and will bring back in June.
5. PUBLIC HEARING TO CONSIDER APPROVAL OF THE TRACY VILLAGE DEVELOPMENT PROJECT, INCLUDING A SPECIFIC PLAN, TENTATIVE SUBDIVISION MAP, PREZONING, AND SUBMISSION OF AN ANNEXATION APPLICATION FOR THE PROJECT SITE AND 42 OUTPARCELS, AND THE CERTIFICATION OF AN ENVIRONMENTAL IMPACT REPORT AND ADOPTION OF STATEMENT OF OVERRIDING CONSIDERATIONS AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PROJECT. (APNS 244-040-01 AND 244-030-01 AND 02; 244-030-01 THROUGH 244-030-21; AND 242-050-01 THROUGH 242-050-21 AND 242-040-29)

Vicky Lombardo, Senior Planner presented the staff report. Ms. Lombardo added a letter was received yesterday from an attorney representing Horizon Planet that has provided a lot of comments. This usually occurs during the draft circulation comment period. Staff wanted to respond verbally to those comments before Council made a decision.

Mary Bean, Consultant from First Carbon Solutions, read the responses to the comments into the record.

Jeff Schroeder, Ponderosa Homes, thanked staff for their efforts to get to this point and also thanked Wayne Schneider, Gene Birk and Roy Hawkins for sponsoring the initiative in 2015. Mr. Schroeder introduced their consultants and provided a Powerpoint presentation regarding Tracy Village - An Active Adult Community.

Christian Cebrian, CEQA Attorney reiterated staffs points regarding the water supply and referred to the EIR.

Mayor Rickman opened the public hearing.

Alice English expressed concerns regarding valley fever. Ms. English asked how the dust will be controlled when construction starts to minimize the possibility of valley fever.

Tim Silva expressed concerns regarding the age restriction, income restriction, gated community being a compound, and stated he was disappointed in the development and design and added it does not meet senior needs.

Mayor Rickman closed the public hearing.

City Council questions and comments followed. Staff and the Mr. Schroeder responded to City Council questions.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Young to adopt **Resolution 2018-087** approving executing an application to

LAFCO for annexation/prezoning of the 590 Tracy Village Development project lots and 42 adjacent lots (A/P13-0002), approving the Tracy Village Specific Plan (SPA18-0001), approving a Tentative Subdivision Map (TSM17-0003) for the Tracy Village Development Project, and adopting a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program and certifying the Environmental Impact Report for the Tracy Village Development Project. Roll call vote found all in favor; passed and so ordered.

Dina Lewis, Deputy City Clerk read the title of proposed Ordinance 1256.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Young to introduce **Ordinance 1256** an ordinance of the City of Tracy adopting the Tracy Village Specific Plan and prezoning and zoning the Tracy Village project site consisting of approximately 135 acres located south of Valpico Road and east of Corral Hollow Road, Assessor's Parcel Numbers 244-040-01 and 244-030-01 and 02 to the Tracy Village Specific Plan Zone, and prezoning and zoning of 42 lots adjacent to the Tracy Village Project site along the north side of Valpico Road and east side of Corral Hollow Road, consisting of Assessor's Parcel Numbers 244-030-29 to Residential Estate, Application Number A/P13-000. Roll call vote found all in favor; passed and so ordered.

6. DISCUSS AND PROVIDE DIRECTION REGARDING 1) THE IMPLEMENTATION OF THREE SEPARATE TASK FORCES TO ADDRESS AND DEVELOP STRATEGIES FOR A) HOMELESS HOUSING; B) POTENTIAL AMENDMENTS TO THE GROWTH MANAGEMENT ORDINANCE TO ENCOURAGE AFFORDABLE AND WORKFORCE HOUSING; AND C) INCENTIVES AND OTHER DESIGN STRATEGIES TO ENCOURAGE DEVELOPMENT OF AFFORDABLE AND WORKFORCE HOUSING AND 2) A POTENTIAL BALLOT MEASURE OR AMENDMENTS TO THE CITY'S GROWTH MANAGEMENT ORDINANCE – It was Council's consensus to pull the item and return with separate agenda items at either a special meeting or the next regular Council meeting
7. ITEMS FROM THE AUDIENCE – Tim Silva expressed concerns regarding the City not addressing the senior citizens, and added Tracy Village is addressing the wealthier people and the initiative was to help the senior citizens with restricted incomes.
8. STAFF ITEMS – None
9. COUNCIL ITEMS
 - A. Appointment of a City Council Subcommittee to Interview applicants to Fill a Vacancy on the San Joaquin County Commission on Aging

Dina Lewis, Deputy City Clerk, presented the staff report.

Council Member Young stated Cindy Gustafson, current Tracy representative on the San Joaquin County Commission on Aging would like to sit on the committee to interview the applicants for the commission as an advisory role.

ACTION: Motion was made by Mayor Rickman and seconded by Mayor Pro Tem Vargas to appoint Council Member Young and Mayor Pro Tem Vargas to interview the

applicants for the San Joaquin County Commission on Aging. Roll call found all in favor; passed and so ordered.

Mayor Pro Tem Vargas stated she walked possible sites at Legacy Fields and next to Legacy Fields that may be considered for a fortune Nature Park. The Nature Park Committee would like to formerly request that staff bring back to Council an item recommending that a Nature Park be built next to Legacy Fields. Mayor Pro Tem Vargas thanked Brian MacDonald and Don Scholl for meeting with the group.

Brian MacDonald, Parks and Recreation Director stated they had good discussion with the Nature Group and provided a tour and information on the property. Staff will come back at a future date for something for consideration and the next steps.

Mayor Pro Tem Vargas added the group felt the site would be complimentary for children, parents, grandparents that would like to have the ability to walk away from the noise and vibrancy of the sports center. Mayor Pro Tem Vargas also suggested a water feature with the trail system.

Council Member Ransom stated the item Council voted on as a Council was to create two liaison positions to include Council Member Dement and Mayor Pro Tem Vargas as those liaisons to the Nature Park Group. City Council did not vote to make this issue a Council item, and then it showed up as a budget item. Council Member Ransom asked staff to make sure Council is not overstepping by formally making the Nature Park part of a City proposal because it has gone from having two Council members serving as liaisons to the Nature Group, to now picking out property. It was not a City task force, or City group, it was a Nature Park group that asked for two Council liaisons. Council Member Ransom asked staff to review the recording for clarification of what the Nature Park Group's request was.

Council Member Young expressed concern about whether things are going through the proper channels. Council Member Young stated Council has not discussed this issue and has not made any decisions or approved actions. A community group is leading this effort so it should not be a part of our budget.

Staff was directed to send information to all Council Members regarding Council Members Ransom and Council Member Young's request.

Council Member Ransom spoke about the uptick in accidents near Schulte and Chrisman and requested a report regarding the uptick in accidents and about what can be done to make sure the City has adequate traffic controls for aggressive drivers.

Randall Bradley, City Manager responded the City has an aggressive plan in place and will evaluate that plan.

Council Member Ransom requested information regarding asking builders to add ADA options as an option when building new homes.

Thomas Watson, City Attorney responded the City does not have interior design standards for residential properties. Staff will look into that issue and respond to Council.

Mayor Rickman announced the following: National Police Week - May 13 -19, 2018; acknowledged those who have served and are currently serving in law enforcement. June 3, 2018 9:00 a.m. – Portuguese Holy Ghost Festa, procession starting at Portuguese Hall on 9th Street to St Bernard's Church off of Eaton and after mass, return to Portuguese Hall for lunch; congratulations to all graduates; Memorial Day weekend, West Coast Soccer is hosting showcase tournament, banners will be up for Memorial weekend honoring heroes. Banners will be in front of City Hall by the Tracy War Memorial; June 1, 2018 downtown block party – Motown Soul; June 2, 2018 at 8:00 p.m. Tribute band Johnny Cash at the Grand Theatre; Mayor welcomed newest Police Officer, Jonathan Birch, who came from Oakdale Police Department; wished his dad happy birthday.

Council Member Young invited everyone to Juneteenth on June 2, 2018, from 10:00 a.m. to 5:00 p.m. at Lincoln Park. Council Member Young congratulated all of the graduates of the Tracy high schools and added she attended West High's Senior night to present her son a scholarship. Council Member Young gave a shout out to her daughter for getting her degree at Howard University in Washington D.C. Council Member Young expressed concern regarding Mr. Bradley's March 6, 2018 agreement and read from Section C of the agreement. Council Member Young read an email from City Manager Bradley that was sent to the Fire Department on April 11, 2018 informing Fire Department staff he will assume direct administrative control of the Fire Department and SCFA while remaining as the City Manager. Council Member Young addressed the City Attorney and City Manager stating that Council needed to revisit the City Manager position based on this new information so they can initiate a closed session at the next scheduled meeting. Council Member Young emailed staff requesting clarification but has not received a response in five weeks and asked for an opportunity to bring back to Council to discuss the role of the City Manager position and scope of responsibility. When Council chose the Fire Chief to be City Manager it was clear we wanted his full focus on City Management but with the shift to take over even a portion of the Fire Department, she expressed her concern that it is a job to secure another job for the same person.

Randall Bradley, City Manager suggested having it in open session. Mr. Bradley added he stands on strong legal ground and his integrity is being questioned.

Council Member Ransom supported the request.

Council Member Young stated she did not want to appear that Mr. Bradley's integrity is being questioned. It is a matter of the position itself and to make sure the roles are clear.

10. ADJOURNMENT: Time: 11:03 p.m.

ACTION: Motion was made by Council Member Dement and seconded by Council Member 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 May 10, 2018. The above are action minutes. A recording is available at the office of the City Clerk.

ATTEST:

Mayor

City Clerk