

**May 22, 2018, 4:00 p.m.**

City Council Chambers, 333 Civic Center Plaza

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1. Mayor Rickman called the meeting to order at 4:01 p.m.
2. Roll call found Council Members Dement, Ransom, Young and Mayor Rickman present. Mayor Pro Tem Vargas arrived at 4:17 p.m.
3. Items from the Audience – Robert Tanner thanked City Council for installing banners on Eleventh Street.
4. TO CONSIDER AN APPEAL OF THE CITY OF TRACY'S NOTICE AND ORDER FOR PROPERTY LOCATED AT 714 CENTRAL AVENUE – THE GREAT PLATE

Prior to presenting the staff report, Bianca Rodriguez, Deputy City Attorney, addressed the current status of the appellant BBS Adventures LLC. A review of the Secretary of State's website today revealed that BBS Adventures LLC. has been suspended by the Franchise Tax Board. This status suspends the Limited Liability Corporation corporate powers, rights and privileges in California including ability to sue or defend an action in California. However, the city conditionally proceeds with the appeal in the event BBS Adventures LLC. is able to cure its suspended status.

Ms. Rodriguez stated this is an appeal of a Notice and Order that the City issued to BBS Adventures LLC in October 26, 2017. The report mentions that it is an appeal of an earlier Notice and Order, that is an errata, and the correct date of the Notice and Order is October 26, 2017. Ms. Rodriguez continued with the staff report containing the factual history of the appealed Notice and Order.

Appellants Brandon Perry and Brad Albom were present.

Daniel Butt, Attorney for the appellants arrived at 4:31 p.m.

City Council questions followed.

Nira Doherty, Attorney from Burke, Williams & Sorenson LLP, was present to represent the City Council and responded to Council questions.

City Council questions for staff and the appellants followed.

Ana Contreras, Code Enforcement Manager, Chris Landreth, Building Inspector, and Jim Decker, Code Enforcement Officer provided a history of the actions taken by staff and responded to City Council's questions.

The appellant and building owner Brandon Perry, Brad Albom and the appellant's Attorney Daniel Butt presented their case and responded to City Council's questions.

There was no one from the audience that wished to speak.

City Council deliberation followed.

**ACTION:** Motion was made by Council Member Dement and seconded by Mayor Pro Tem Vargas to adopt a Resolution upholding the Notice and Order issued on property located at 714 Central Avenue – Code Enforcement Case 16CD-0188. Roll call vote found Council Members Dement, and Mayor Pro Tem Vargas in favor. Council Member Ransom, and Young, and Mayor Rickman opposed. Motion failed.

**ACTION:** Motion was made by Council Member Young and seconded by Council Member Ransom to uphold the Notice and Order issued on property located at 714 Central Avenue – Code Enforcement Case 16CD-0188. City Council also directed staff to return with a future agenda item identifying all required corrections, citations to code violations and timelines for completion of all work required (including timelines for pulling building permits, commencement of work, and completion dates). Council further required that the timelines for the completion of work to correct violations presenting imminent life and safety hazards should differ from the timelines for the completion of work to correct violations presenting non-imminent hazards. Roll call vote found Council Members Ransom, Young and Mayor Rickman in favor. Council Member Dement and Mayor Pro Tem Vargas opposed; passed and so ordered.

5. Adjournment: Time: 6:57 p.m.

**ACTION:** Motion made by Council Member Ransom and seconded by Council Member Dement 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.

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Mayor

ATTEST:

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City Clerk