

June 5, 2018, 7:00 p.m.

Council Chambers, 333 Civic Center Plaza, Tracy

Web Site: [www.cityoftracy.org](http://www.cityoftracy.org)

Mayor Rickman called the City Council meeting to order at 7:06 p.m. and led the Pledge of Allegiance.

Invocation was led by Pastor Kevin James, New Creation Bible Fellowship.

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

Randall Bradley, City Manager presented the June 2018 Employee of the Month award to Paul Verma, Senior Engineer in Development Services.

Mayor Rickman, along with Pete Butler, Field Representative for Congressman Jeff Denham, presented Certificates of Recognition to the Tracy High Varsity Softball Coach Paulette Keeney, Assistant Coach Ed Smith and the members of the team.

Mayor Rickman presented Certificates of Recognition to Kids Heartful Art contest winners.

#### 1. CONSENT CALENDAR

- ACTION** Following the removal of item 1.D by Council Member Young, it was moved by Mayor Pro Tem Vargas and seconded by Council Member Young to adopt the Consent Calendar. Roll call found Council Members Dement, Ransom, Young, Mayor Pro Tem Vargas, and Mayor Rickman in favor; passed and so ordered.
- A. Adoption of February 20, March 6 and March 20, 2018, Regular Meeting Minutes and May 15, 2018 Closed Session Minutes were approved.
  - B. Approval of a Professional Services Agreement with ControlPoint Engineering Inc. to Upgrade the Supervisory Control and Data Acquisition System at the Wastewater Treatment Plant CIP 74121, and Authorize an Appropriation in the Amount of \$44,421 from Sewer Fund 523 to CIP 74121 – Resolution 2018-088 approved the Professional Services Agreement with ControlPoint Engineering Inc.
  - C. Approval of a Water Desalination Agreement and Amended and Restated Lease Agreement With Combined Solar Technologies, Inc. for the Tracy Desalination and Green Energy Project – Resolution 2018-089 approved the Water Desalination Agreement and Amended Restated Lease Agreement with Combined Solar Technologies, Inc.
  - E. Acceptance of the Construction of the Roof Replacement – Tracy Library Project, CIP 78154, Completed by Barth Roofing Company, Inc., of Tracy, California, Authorize the City Clerk to File the Notice of Completion, Authorize the City Engineer to Release the Bonds and Retention Payment, and Authorize the Finance Director to Close CIP 78154 and Unencumber Remaining Budget – Resolution 2018-090 accepted the Construction of the Roof Replacement –

Tracy Library Project, CIP 78154.

- F. Approval of the Offsite Improvement Agreement for the Construction of Corral Hollow Road Overlay Improvements for the Tracy Hills Phase 1A Project – Resolution 2018-091 approved the Offsite Improvement Agreement.
- G. Approval of the Deferred Improvement Agreement for Tracy Home2 Hotel at 2075 West Grant Line Road and 2455 North Corral Hollow Road, and Authorize the City Clerk to File the Deferred Improvement Agreement with the Office of the San Joaquin County Recorder – Resolution 2018-092 approved the Deferred Improvement Agreement with the Office of the San Joaquin County Recorder.
- H. Approval of a Final Subdivision Map and Related Agreements for the Elissagaray Infill Subdivision, Tract 3857, and Authorize the City Clerk to File the Agreements with the San Joaquin County Recorder – Resolution 2018-093 approved the Final Subdivision Map for the Elissagaray Infill Subdivision, Tract 3857.
- I. Amendment of the Compensation and Benefits Plan and Master Salary Schedule for the Confidential Management Unit to Include the Budget Officer and Administrative Staff Assigned to Human Resources and City Attorney’s Office and Retitle the Unit to Confidential Employees Unit – Resolution 2018-094 amended the Compensation and Benefits Plan and Master Salary Schedule for the Confidential Management Unit.
- J. Approval of the Renewal of a Professional Services Agreement with Liebert Cassidy Whitmore for Special Counsel to Support Employment Relations and Litigation, Not to Exceed \$175,000 Per Fiscal Year for the Term of One Year With an Option to Extend the Term One Year and Authorize the City Manager to Execute the Agreement Immediately – Resolution 2018-095 approved the Renewal of a Professional Services Agreement with Liebert Cassidy Whitmore.
- K. Waiver of the Second Reading and Adoption of Ordinance 1256, an Ordinance of the City of Tracy Adopting the Tracy Village Specific Plan and Rezoning 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 Rezoning 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 244-030-03 Through 244-030-22 and 242-050-01 Through 242-050-21, and 242-040-29 to Residential Estate, Application Number A/P13-0001 – Ordinance 1256 was adopted.
- L. Authorization of the Submission of a United States Department of Justice (DOJ) Community Policing Development (CPD) Grant Application for Community Policing Projected in the Amount of \$500,000, and Authorize the City Manager to Accept the CPD Grant, if Awarded – Resolution 2018-096 authorized the submission of a United States Department of Justice (DOJ)

Community Policing Development (CPD) Grant Application.

- M. Acceptance of the Travel Report from City Attorney Regarding Attendance at League of California Cities City Attorneys' Conference and Nevada Public Law Conference – Travel Report accepted.
- N. Acceptance of the MacArthur Drive (1905) Sewer Replacement Project CIP 74122, Completed by Sanact, Inc., DBA Roto-Rooter of Livermore, California, Authorize the City Clerk to File the Notice of Completion, and Authorize the City Engineer to Release the Bonds and Retention Payment – Resolution 2018-097 accepted the MacArthur Drive (1905) Sewer Replacement Project CIP 74122.
- O. Approval and Adoption of a Resolution Upholding and Conditioning the City of Tracy Board of Appeals' March 21, 2018 Resolution (Board of Appeals Resolution 2018-001 Upholding a City of Tracy Notice and Order dated October 26, 2017, for Violations Related to the 2016 Building Code (CBC), 2016 California Plumbing Code (CPC), 2016 California Electrical Code (CEC), 2016 California Fire Code (CFC), the California Health And Safety Code (H&S) the 1997 Uniform Code for the Abatement of Dangerous Buildings (UCADB), and Section 10.08.3460(A) of the Tracy Municipal Code for Property Located at 714 North Central Avenue, Tracy, CA.) – Resolution 2018-098 Upholds and Conditions the City of Tracy Board of Appeals' March 21, 2018 Resolution.
- D. Acceptance of the Construction of Mount Diablo Avenue, Mount Oso Avenue and C Street Sidewalks, CIP 73145 and ATPSTPL 5192 (042), Completed by T&S West of Stockton, California, Authorize the City Clerk to Record the Notice of Completion, and Authorize the City Engineer to Release the Bonds and Retention Payment

Council Member Young pulled this item for discussion.

Paul Verma, Senior Civil Engineer, Development Services presented the staff report.

There were no comments from the audience.

#### **ACTION**

Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Young to adopt the Resolution 2018-099 accepting the construction of Mount Diablo Avenue, Mount Oso Avenue, and C Street sidewalks, CIP 73145 and ATPSTPL 5192(042), completed by T&S West of Stockton, California, authorizing the City Engineer to release the bonds and retention payment. Roll call found Council Members Dement, Ransom, Young, Mayor Pro Tem Vargas, and Mayor Rickman in favor; passed and so ordered.

- 2. ITEMS FROM THE AUDIENCE – Michael Maciel commented on Council Member ethical standards and personal and political use of City resources by incumbents in their campaign efforts.

Robert Tanner thanked the City for memorials in remembrance of fallen veterans and expressed that he hoped the display would have stayed up longer than a week or two. He also addressed two water bills passed by Governor Brown - AB1668 and SB606

that change indoor/outdoor water usage criteria and suggested the City should be prepared for new rules.

Martin Evans commented on zoning changes from residential to medical business in the area near Sutter Hospital. Mr. Evans believes this can subject the City of Tracy to lawsuits.

Dave Helm commented on the business license payment process, which is inconsistent with business friendly practices touted by City Council. Mr. Helm owns a pub in the City of Tracy and is unable to pay locally for his business license, which is a requirement to operate his business. Mr. Helm would like City Council to change the practice to encourage businesses in Tracy.

Bobby Young of Tracy Nature Park Advocates requested the City create large nature parks to be established which was deemed a priority by City Council. Thousands of signatures were obtained in support. Mr. Young would like Council to move forward with developing plans for the nature park, which improves the quality of life of City of Tracy residents.

Lisa Roth addressed Council to note the amount of time and effort the volunteers of the Tracy Nature Park Advocates have devoted to creating a nature park for Tracy. Ms. Roth also addressed concerns regarding Council's perception of the volunteer group's priorities of bringing a nature park to Tracy.

George Petrulakis, of law firm Petrulakis Law & Advocacy, APC, represents a citizens' group who are residents of Tracy that have concerns regarding the update of the Tracy Gateway Plan to the benefit of land speculators and developers at the expense of taxpayers. Mr. Petrulakis and his clients understands that all of the office park land for job creating businesses will be changed into small lots for houses and the planning will be funded by taxpayers instead of developers as has been the case in past. In a fact-finding effort to discover why the developers are not being made to pay their own way Mr. Petrulakis presented a Public Records Request to the Clerk for the purpose of gathering factual information to bring back to Council at a later date.

Freddie Berna commented about nuisances and harassment occurring in her neighborhood.

3. ADOPT A RESOLUTION ACCEPTING THE CITY OF TRACY'S COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDING JUNE 30, 2017 – Item moved to June 19, 2018 Council meeting.
4. AUTHORIZE AMENDMENT OF THE CITY'S POSITION CONTROL ROSTER BY APPROVING THE ADDITION OF THREE (3) SWORN POLICE OFFICER POSITIONS, ONE (1) NON-SWORN CRIME ANALYST AND APPROVE A STAFFING PLAN TO BE PHASED IN OVER THREE FISCAL YEARS STARTING IN FY 2018-19 AND AMEND THE GENERAL FUND APPROPRIATION RELATED TO THIS EXPENSE

Chief of Police Larry Esquivel presented the staff report.

City Council questions and comments followed.

Dave Helm stated he was a police officer for 11 years and commented on problems the police department encounters when having to traverse across town to answer potentially critical 911 calls with the current staffing levels and the response time to those emergency calls. Mr. Helm suggested that Council consider over-hiring to compensate for training time necessary for new officers to be able to replace retiring officers.

**ACTION** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Ransom to adopt Resolution 2018-100 authorizing amendment of the City's Position Control Roster by approving the addition of three Police Officer positions, one non-sworn Crime Analyst and approve a staffing plan for the Police Department to be phased in over three fiscal years starting in FY 2018-19 and amend the General Fund appropriation related to this expense. Roll call vote found Council Members Dement, Ransom, Young, Mayor Pro Tem Vargas, and Mayor Rickman in favor; passed and so ordered.

### **DEVIATION**

Agenda Item 5 was moved to be heard following Item 7.

6. DISCUSS AND PROVIDE DIRECTION ON REEVALUATING THE MAYOR'S COMMUNITY YOUTH SUPPORT NETWORK (MCYSN) PROGRAM FOR FISCAL YEAR 2019-2020, AND CONCURRENTLY AUTHORIZE STAFF TO PROCEED WITH IMPLEMENTING THE FISCAL YEAR 2018-2019 RECONNECTING OUR YOUTH (ROY) GRANT PROGRAM

Randall Bradley, City Manager presented the staff report. Vanessa Carrera, Public Information Officer was present to answer questions from Council.

City Council questions and comments followed.

Dave Helms addressed Council to comment on Public Records Act inquiries regarding non-profit organizations. Mr. Helms alleged a conflict of interest existed with Council Member Ransom's participation in the discussion due to her association with a non-profit organization that is in receipt of funds from the City of Tracy. He requested an investigation as to whether or not Council Member Ransom is in violation of Government Code 1090.

Ms. Alice English addressed Council to concur with Mr. Helms comments.

Council Member Ransom responded to the accusations of alleged impropriety.

Randall Bradley, City Manager, stated staff will bring an agenda item to Council this fiscal year with a recommendation for the protocol for staff providing letters of recommendation for non-profits and other organizations.

**ACTION** Motion was made by Council Member Dement and seconded by Mayor Pro Tem Vargas to authorize staff to proceed with implementing the Fiscal Year 2018-2019 ROY grant program concurrent with assessment of the program priorities. Roll call vote found Council Members Dement, Ransom, Young, Mayor Pro Tem Vargas, and Mayor Rickman in favor; passed and so ordered.

7. RECEIVE A REPORT ON FIREWORKS IN THE COMMUNITY AND THE STRATEGY TO ADDRESS THE USE OF ILLEGAL FIREWORKS DURING THE 2018 HOLIDAY SEASON

Lieutenant Tony Sheneman and Dave Bramell, Division Fire Chief presented the staff report.

City Council questions and comments followed.

Elizabeth Ted addressed Council to comment on the difficulty she experienced in getting through to the Police Department to report illegal fireworks that have severely frightened her and her service dog.

Robert Tanner addressed Council to note his continued request to have all fireworks in City of Tracy banned. Mr. Tanner noted many neighbors are afraid to report illegal fireworks due to possible retaliation and encouraged City Council to ban safe and sane fireworks commencing next year.

Lisa Roth echoed Mr. Tanner's comments and encouraged seeking alternative fundraising methods. Ms. Roth added the Police Department is doing a good job working with the neighborhood.

Dave Helm commented on the illegal use of handguns in addition to illegal fireworks. He also commented on Council Member Young's involvement in obtaining licensing for a non-profit organization to operate a fireworks stand. Mr. Helm would like the situation investigated.

Council Member Young responded to the accusations of alleged misconduct.

Mayor Rickman confirmed with the City Manager that the ordinance was previously revised due to issues with a non-profit organization based outside of the City of Tracy. In the interest of fairness in the highly competitive area of non-profits seeking grant funds, there should not be any appearance of impropriety or perception of advocacy by elected officials.

It was City Council's consensus to accept the report.

**ACTION** Motion was made by Mayor Rickman and seconded by Mayor Pro Tem Vargas to direct the City Attorney and staff to research and re-draft the ordinance to include provisions that guard against undue influence or financial benefit by incumbent Council Members and other elected officials, and sitting board members of non-profit organizations. Direction to staff led to no vote on the motion. Mayor Rickman submitted for the record, documents obtained from Mr. Helm.

Mayor Rickman called for recess at 10:30 p.m.

Mayor Rickman reconvened the meeting at 10:45 p.m.

5. DISCUSS AND PROVIDE DIRECTION REGARDING A POTENTIAL BALLOT MEASURE OR AMENDMENTS TO THE CITY'S GROWTH MANAGEMENT ORDINANCE

Andrew Malik, Director of Development Services, presented the staff report.

Bill Dean, Assistant Director, Development Services was also present.

City Council questions and comments followed.

Robert Tanner clarified with staff that the 2015 Measure K is project specific and cannot be used for another community. Assistant City Attorney Leticia Ramirez clarified that Measure A does. Mr. Tanner requested that the matter be put to a petition for community input.

Lisa Roth commented on the definition of affordable housing.

Jack Alvarez voiced support for ballot measure on affordable housing.

Yvonne Eder commented on the great need for affordable housing, however, cautioned not to follow example of primrose path; and noted that this measure should be vetted by a large diverse group of the community

Michael Maciel commented that affordable housing is a loaded term that needs to be defined. Measure A was passed by a voter petition. The only remedy against unaffordable, uninhabitable market-rate housing is subsidized housing. It is a bad idea to fast track this.

Jasper noted he has property on Chrisman Road and described the lines of commuter traffic he sees from his home. He expressed concerns regarding Tracy becoming a warehouse city where people come to work but live in other cities for affordability.

Mike Sandhu addressed Council to discuss the need for smaller affordable homes for City of Tracy citizens that will not be taken by other bay area residents. He also commented on the need for 1000-1500 square feet housing which is affordable by design.

Ms. Roth addressed Council to suggest local preference selection process alternatives: lottery, municipal worker; child enrolled in school. Ms. Roth commented that there is a false sense of urgency and suggested giving staff time to do research and bring back in the future for consideration of a special election next year.

Mr. Tanner addressed Council to comment that it seems like this is trying to redo Measure A. Mr. Tanner questioned if the GMO can be changed without a citizen vote. If the initiative is passed tonight, Mr. Tanner suggested that the word "exemption" be changed to "a max per year" for that type of housing. He explained the word exemption could be misconstrued so that more than the allotted number homes can be built every year. That is not what Tracy residents wanted and it is what we already have with some of the other developers on their RGAs.

Jasper addressed Council to comment on the urgency of the matter, noting that there is currently a hot market for developers seeking projects. There is a lot of pressure on

the west side of Tracy, which will lead to additional requests for exemptions to exceed the current limit. This opportunity may not be available in the next two to three years if tonight's decision is delayed. He noted that we have a City Council that is willing to consider this option, regardless of the final decision, which may not have been the case with past City Councils. Jasper also expressed concerns regarding all of the mandates discussed that would impede the process.

Michael Maciel commented that conceptually this is a great idea, however, expressed concern that this initiative was brought by someone, well intentioned, for the Council to consider, that has not been thoroughly reviewed.

**ACTION**        There was no motion. Report accepted.

8.        ITEMS FROM THE AUDIENCE

Michael Maciel addressed Council to comment on verbal attacks on Council Members, specifically Council Member Young, by members of the audience and other members of the Council.

9.        STAFF ITEMS

There were no staff items.

10.       COUNCIL ITEMS

A.        Discuss and Provide Direction Whether to Cancel the Regularly Scheduled City Council Meetings of July 3, 2018, and the August 7, 2018

Dina Lewis, Deputy City Clerk presented the staff report.

City Council questions and comments followed.

Randall Bradley, City Manager suggested a Special Meeting could be held if needed for the Lathrop Police Services contract item. Council Member Dement concurred. The Lathrop contract will be considered on June 25<sup>th</sup>. Council Member Ransom noted she would not be available July 9<sup>th</sup> – 16<sup>th</sup>.

**ACTION**        Motion was made by Council Member Dement and seconded by Council Member Young to cancel the regularly scheduled City Council Meetings of July 3, 2018, and August 7, 2018. Roll call vote found Council Members Dement, Ransom, Young, Mayor Pro Tem Vargas, and Mayor Rickman in favor; passed and so ordered.

Council Member Young wished everyone a Happy Father's Day early since Council would next convene after the date had passed.

Mayor Rickman addressed Michael Maciel's comments of attacks on Council Member Young. Mayor Rickman recommended documents provided to Council be provided to the Attorney General and the California Fair Political Practices Commission (FPPC). Thomas Watson, City Attorney suggested that the matter not be returned back to Council. Mr. Watson will send a letter to the FPPC that this matter has arisen.



Mayor Pro Tem Vargas requested an update from staff on AB758 as an agenda item presentation.

11. ADJOURNMENT – Time: 1:00 a.m., Wednesday, June 6, 2018.

**ACTION** Motion was made by Council Member Ransom and seconded by Mayor Rickman to adjourn. Roll call vote found Council Members Dement, Ransom, Young, Mayor Pro Tem Vargas, and Mayor Rickman in favor; passed and so ordered.

The above Agenda was posted at the Tracy City Hall on June 1, 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