

June 19, 2018, 7:00 p.m.

Council Chambers, 333 Civic Center Plaza, Tracy

Web Site: www.cityoftracy.org

Mayor Rickman called the City Council meeting to order at 7:00 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, Young, Mayor Pro Tem Vargas and Mayor Rickman present.

Mayor Rickman presented a proclamation to Conrad Levoit, Parks and Community Services Chairperson.

Michael Tree – Tri-Valley - San Joaquin Valley Regional Rail Authority and Mayor Pro Tem Vargas presented an update on AB758.

1. CONSENT CALENDAR

ACTION Following the update of consent item 1.Q by Thomas Watson, City Attorney and the removal of consent items 1.C by Council Member Young, consent item 1.K by Council Members Dement and Ransom, and consent item 1.O by Council Member Dement, motion was made by Mayor Pro Tem Vargas and seconded by Council Member Dement to adopt the consent calendar. Roll call found all in favor; passed and so ordered.

- A. Adoption of September 19, 2017, and June 5, 2018, regular meeting minutes and June 5, 2018 Closed Session Minutes were approved.
- B. Award a Construction Contract to Haggerty Construction of Stockton, California for Construction of the Public Works Yard Renovation Phase 2, CIP 71091, Authorize the City Manager to Approve Change Orders Up to the Contingency Amount of \$207,750, and Approve an Appropriation of \$512,424 from General Fund 301 – Resolution 2018-101 awarded a construction contract to Haggerty Construction.
- D. Accept the Subdivision Improvements for Brookview II, Tract 3568, Constructed by Brookview Properties LLC, a California Limited Liability Corporation, and Authorize the City Engineer to Release Bonds – Resolution 2018-102 accepted the Subdivision Improvements for Brookview II, Tract 3568.
- E. Approve the Final Subdivision Map and Subdivision Improvement Agreement for Tract 3943, Tracy Hills Village 1B, and Authorize the City Clerk to File the Map and Agreement with the Office of the San Joaquin County Recorder – Resolution 2018-103 approved the final Subdivision Map and Subdivision Improvement Agreement for Tract 3943, Tracy Hills Village 1B.

- F. Approve the Final Subdivision Map and Subdivision Improvement Agreement for Tract 3945, Tracy Hills Village 3B, and Authorize the City Clerk to File the Map and Agreement with the Office of the San Joaquin County Recorder – Resolution 2018-104 approved the final Subdivision Map and Subdivision Improvement Agreement for Tract 3945, Tracy Hills Village 3B.
- G. Approve the Final Subdivision Map and Subdivision Improvement Agreement for Tract 3946, Tracy Hills Village 4B, and Authorize the City Clerk to File the Map and Agreement with the Office of the San Joaquin County Recorder – Resolution 2018-105 approved the final Subdivision Map and Subdivision Improvement Agreement for Tract 3946, Tracy Hills Village 4B.
- H. Approve the Final Subdivision Map and Subdivision Improvement Agreement for Tract 3948, Tracy Hills Village 5B, and Authorize the City Clerk to File the Map and Agreement with the Office of the San Joaquin County Recorder – Resolution 2018-106 approved the final Subdivision Map and Subdivision Improvement Agreement for Tract 3948, Tracy Hills Village 5B.
- I. Accept the Offsite Improvements for Tracy Gateway Apartments, Constructed by the Developer, Assume Responsibility for the Future Maintenance and Repair of the Improvements, Accept all Dedications of Public Right of Way, and Authorize the City Engineer to Release Bonds – Resolution 2018-107 accepted the Offsite Improvements for Tracy Gateway Apartments.
- J. Approve and Adopt Resolutions: (1) Initiating Proceedings for the Annual Levy of Assessments for Tracy Consolidated Landscape Maintenance District, (2) Approving the Preliminary Engineer's Report for the Tracy Consolidated Landscape Maintenance District, and (3) Declaring the Intention to Levy Annual Assessments and Setting the Date for a Public Hearing – Resolution 2018-108 approved initiating the proceedings for the annual levy of assessments for TCLMD. Resolution 2018-109 approved the Preliminary Engineer's Report for the TCLMD. Resolution 2018-110 declared the City's intention to levy annual assessments for TCLMD FY 2018/2019 and sets the Public Hearing on July 17, 2018. Council Member Ransom abstained from voting on Zone 15, and Council Member Young abstained from voting on Zone 3.
- L. Approve a Real Property Purchase Agreement and Temporary Construction Easement Between the City of Tracy and Mary A. Perry for Construction of the Wastewater Effluent Discharge Pipeline from the Wastewater Treatment Plant to the Old River, CIP 74083 – Resolution 2018-111 approved a Real Property Purchase Agreement and Temporary Construction Easement for CIP 74083.
- M. Extension to 1998-1 Amendment to Wastewater Treatment Discharge Agreement with Leprino Foods – Resolution 2018-112 extended 1988-1 Amendment to Wastewater Treatment Discharge Agreement.
- N. Approve the Agreement Between the City of Tracy and the South San Joaquin County Fire Authority Regarding the Employment of Personnel – Resolution 2018-113 approved Agreement regarding Employment of Personnel.

- P. Approve an Improvement and Inspection Agreement for Tract 3888, Tracy Hills Village 2 – Resolution 2018-114 approved an Improvement and Inspection Agreement.
- Q. Approve the Professional Services Agreement with ICF Jones and Stokes, Inc., of Sacramento, California, for Revalidation of the Environmental Impact Report as Required by the Department of Transportation for the Lammers Road/I-205 New Interchange Project, CIP 73084, Federal Project No. DEMO3LN-5192(021), Authorize the City Manager to Execute the Agreement, and Authorize the Development Services Director to Approve Amendments to the Agreement for Any Additional Services, if Needed, Up to the Amount of \$25,000 – Thomas Watson, City attorney clarified clerical corrections to the staff report. Resolution 2018-115 approved the Professional Services Agreement for Revalidation of the Environmental Impact Report.
- R. Authorizing a Leave of Absence for a Tracy Transportation Advisory Commissioner Benjamin Grover – Resolution 2018-116 authorized a Leave of Absence.
- S. Approve the Committed Fund Balances and Fiscal Year Ending June 30, 2018 and Accept the Updated GASB 54 and City Reserves Policies – Resolution 2018-117 formalized the Committed Fund Balances for Fiscal Year Ending June 30, 2018. – Resolution 2018-118 accepted the updated GASB 54 and Committed Fund Balance Reserves Policies.
- T. Receive Information on the Federal Funding Allocation Process Per the Memorandum of Understanding Between the City of Tracy and the San Joaquin Council of Governments for State and Federal Transit Planning and Programming – Report accepted.
- U. Approve the Deferred Improvement Agreement for the Tracy Warehouse and Authorize the City Clerk to file the Deferred Improvement Agreement with the Office of the San Joaquin County Recorder – Resolution 2018-119 approved the Deferred Improvement Agreement for the Tracy Warehouse.
- V. Approve the Offsite Improvement Agreement for the Tracy Warehouse Building at 1547 East Grant Line Road – Resolution 2018-120 approved the Offsite Improvement Agreement for the Tracy Warehouse Building.
- C. Award a Construction Contract to Crosspoint General Engineering of Palo Cedro, California for the 10th Street & Central Avenue Downtown Festival Lights Project (CIP 71106), Authorize a Contingency Amount, and Approve Appropriation of \$134,500 from CDA Fund 317 and \$78,000 from General Fund Reserves for the Project

Council Member Young pulled the item for clarification regarding the discrepancy in funding amounts and how CIP numbers are determined.

Robert Armijo, City Engineer and Assistant Director of Development Services presented the staff report and responded to Council questions. Karin Schnaider, Finance Director was also present to answer questions by Council.

Mayor Rickman inquired about the outcome of the bid protest by Silva Electric.

Mr. Armijo reported that a bid protest was received from Silva Electric and a hearing was held resulting in the bid protest being rejected. The bid protester challenged the submittal of a copy rather than the original of a bid bond by the winning bidder during the bid opening.

Tony Silva of Silva Electric addressed Council to note that his bid protest referenced Code § 20170, Article 10167 which requires a signed bid bond which he interprets to mean original.

Thomas Watson, City Attorney clarified that a verifiable executed document is consistent with the code, which could be ink-signed or a pdf copy. Mr. Watson also noted that Mr. Silva's interpretation of the code is understandable, as on a past project an engineer had required him to have an original bond, which was not the practice of the City.

ACTION: Motion was made by Council Member Ransom and seconded by Mayor Pro Tem Vargas to adopt Resolution 2018-121 awarding a construction contract to Crosspoint General Engineering of Palo Cedro, California for the 10th Street & Central Avenue Downtown Festival Lights Project (CIP 71106), authorizing a contingency amount, and approving appropriation of \$134,500 from CDA Fund 317 and \$78,000 from General Fund Reserves for the Project. Roll call vote found all in favor; passed and so ordered.

- K. Authorize the Purchase of Four 2018 Ford Explorers from Tracy Ford of Tracy CA. and Associated Emergency Equipment from Lehr Auto Electric of Sacramento, CA. and Find That it is in the Best Interest of the City of Tracy to Forego the Formal Bid Process for the Purchase and Installation of Emergency Equipment from Lehr Auto Electric

Council Members Dement and Ransom pulled the item for discussion.

Lieutenant Tony Sheneman presented the staff report.

Council discussion and deliberation followed.

ACTION: Motion was made by Council Member Ransom and seconded by Mayor Pro Tem Vargas to adopt Resolution 2018-122 authorizing the purchase of four 2018 Ford Explorers from Tracy Ford of Tracy CA. and Associated Emergency Equipment from Lehr Auto Electric of Sacramento, CA. and finding that it is in the best interest of the City of Tracy to forego the formal bid process for the purchase and Installation of emergency equipment from Lehr Auto Electric. Roll call vote found all in favor; passed and so ordered.

- O. Authorize the Purchase of One K-9 Patrol Vehicle (2018 Chevrolet Tahoe) from Folsom Chevrolet in Folsom, California and Find it is in the Best Interest of the City to Forego the Formal Request for Bid Process to Purchase Associated Emergency Equipment from Lehr Auto Electric of Sacramento, California

Council Member Dement pulled the item for discussion.

Council was satisfied with the answers staff provided in the discussion on item 1.K that also related to item 1.O.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Ransom to adopt Resolution 2018-123 authorizing the purchase of one K-9 Patrol Vehicle (2018 Chevrolet Tahoe) from Folsom Chevrolet in Folsom, California and finding it is in the best interest of the city to forego the formal request for bid process to purchase associated emergency equipment from Lehr Auto Electric of Sacramento, California. Roll call vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE

Prior to proceeding with items from the audience, Conrad Levoit presented a video at the dais from his cell phone to Council. Mayor Rickman requested that Mr. Levoit forward a copy of the video shown to Council to the City Manager to be made available for the public record.

Al Medaris addressed Council to report issues with water service for three years. Mr. Medaris has called several times to address the issue and was told funding was an issue. Eventually repairs were made, but now the same issue has reoccurred. Public Works Director will follow up.

Mayor Rickman referred Mr. Medaris to Don Scholl, Public Works Director to discuss the issue. Based on the video provided by Mr. Levoit, it seems there is a considerable amount of water coming from the lawn area to the gutter. Mayor Rickman stated that the City will be addressing the problem and directed staff to follow up with a memo to Council.

Conrad Levoit addressed Council to report Mr. Medaris is his landlord and to confirm the issues with water services as well. Mr. Levoit noted that he used the government outreach application, GoRequest to check the status of his requests. Mr. Levoit stated he had received an email from the City indicating that the repair was complete – when in fact, the repair had not been completed. Mr. Levoit had pictures and video showing that the lawn is still in a state of disrepair.

Freddie Berna addressed Council to make a statement regarding an alleged molestation incident perpetrated by an employee at West High School in the 1960's. Mayor Rickman referred Ms. Berna to speak with the Police Chief Esquivel who was in the audience.

Martin Evans addressed Council to report an alleged hit and run in Modesto in 1992 and an impending lawsuit and zoning around the hospital.

George Petrulakis addressed Council to speak on behalf of his clients, a group of Tracy voters, residents and taxpayers regarding their disapproval of the City's spending money to update the Tracy Gateway Plan on behalf of land speculators that want to change office park land to small lots for homes. Mr. Petrulakis' group believes undue influence exists in City Management and the City Council.

Mike Maciel addressed Council to request an investigation into possible undue influence over City staff being exerted by Mayor Rickman and Mayor Pro Tem Vargas

at the January 5, 2018 Rail Commission meeting. Mr. Maciel submitted a letter to the Clerk as his official request. Mr. Maciel also reasserted his request for an investigation of Mr. Bradley, City Manager.

DEVIATION

7. RECEIVE PROJECT UPDATE ON THE MULTI-GENERATIONAL RECREATION CENTER CIP 78178

Brian MacDonald, Parks and Recreation Director, presented the staff report. Richard Joaquin, Parks Planning & Development Manager was also present.

Stephanie Fujimaro from Dahlin Group provided an additional presentation and answered questions from Council.

Mr. MacDonald also noted that a commercial kitchen is also being contemplated as an option that is not currently available. The Tracy Community Center serves a purpose for certain events that cannot be booked because of the lack of a commercial kitchen.

Nicole Gardener addressed Council to support the multi-generational facility over a nature park or library. A nature park and library would be under-utilized. The multi-generational facility would bring more revenue to Tracy. Basketball tournaments that are currently held in Livermore and other locales can for local Tracy teams can be brought back to generate funds for Tracy.

Several team members of the Tracy Spartans AAU team were present to address Council in support of basketball courts being included in the multi-generational sport facility, including: Rohit "Jojo" Saini, Johnny Bullock, Raymond Saucedo, Chauncey Arcangel, Von LLacuna, Joshua Rodriguez, Japri Jamison, and several others. The team members collectively expressed concerns regarding the costs and time spent traveling to other locales for tournaments and the lack of consistent available indoor gym space for practices.

Coach Archie Arcangel, Director of the Tracy Spartans addressed Council noting that he has been representing Tracy since 2013. When schools are closed, there is no gym space available. Coach Archie's AAU teams travel to tournaments in Reno, Rocklin, Livermore and other bay area locations. The Tracy Spartans AAU organization is representing the Tracy basketball community that would like to generate funds for the City of Tracy by having a dedicated location to hold local tournaments.

Imani Kuumba, Director of National Junior Basketball (NJB) since 2003 addressed Council to support the focus of multiple basketball courts being included in the multi-generational facility. School gymnasiums are off-limits during play-offs. At least 10 courts are needed for tournaments and practices. Mr. Kuumba recommended that a snack bar be considered to generate additional funds. Mr. Kuumba also suggested that the survey should be sent back out for more coverage and noted that the rental fees need to be accommodating to the community.

Tiffany Heben, addressed Council to thank Mr. MacDonald for attending the Tracy Friends of the Library meeting and supporting the possibility of a second library in Tracy. Ms. Heben also expressed the need for the County's support.

Cindy Gustafson, represents the City on the Commission on Aging and is President of the Seniors Association. Ms. Gustafson suggested a steering committee of stakeholders be implemented; and commented on the under-utilization of the community center and possible use of the center by the seniors.

Conrad Levoit, Parks and Recreation Commissioner addressed Council to encourage the community to continue to voice their opinions. This is the prime time to hear the community's input.

Brandon Denington addressed Council to express that this is not what he expected as a multi-generational facility. Mr. Denington commented that although he appreciates everyone's needs, he does not understand why so many items are being included in the concept of the multi-generational facility that was supposed to be a sports facility for the kids.

Council discussion followed public comments.

Mr. MacDonald stated that staff will come back to Council in Closed Session by the second Council meeting in August with a conceptual plan, and emphasized the need to be methodical in the process to accommodate travel leagues as well as other recreational sports.

City Council accepted the report.

Mayor Rickman called for a recess at 9:54 p.m.

Mayor Rickman reconvened the meeting at 10:00 p.m.

3. ADOPT ANNUAL ADJUSTMENT TO APPROPRIATION LIMIT (GANN LIMIT) PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION ESTABLISHING THE LIMIT FOR FISCAL YEAR 2018-19

Martha Garcia, Finance Manager presented the staff report.

Karin Schnaider, Finance Director was also present to answer questions from Council.

There was no public comment.

ACTION Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Ransom to adopt **Resolution 2018-124** establishing Fiscal Year 2018-19 appropriations limit pursuant to Article XIII B of the California State Constitution. Roll call vote found all in favor; passed and so ordered.

4. ADOPT A RESOLUTION ACCEPTING THE CITY OF TRACY'S COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDING JUNE 30, 2017

Karin Schnaider, Finance Director presented the staff report.

There was no public comment.

Council discussion and deliberation followed.

ACTION Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Dement to adopt **Resolution 2018-125** accepting the Comprehensive Annual Financial Report for the Fiscal Year ending June 30, 2017 with the amendment of reassigning the 2.8 million dollars identified in Measure E for Public Safety use. Roll call vote found all in favor; passed and so ordered.

5. APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF TRACY AND THE TRACY FIREFIGHTERS ASSOCIATION, AUTHORIZE THE CITY MANAGER TO INCREASE APPROPRIATIONS, AND AUTHORIZE AN AMENDMENT OF THE CITY MASTER SALARY SCHEDULE

Kimberly Murdaugh, Interim Human Resources Director presented the staff report.

Robert Tanner addressed Council to discuss questions regarding Item 5 and Item 6 pertaining to the 4% salary adjustment increase. Mr. Tanner noted that the private sector only gets 2-3% raises for contracts, which led him to question why the City is going beyond the norm. Mr. Tanner also inquired about the source of the funds for the increases – will it be from the General Fund or cash reserves; and was this the best contract? Kimberly Murdaugh, Interim Human Resources Director and Karen Schnaider responded to Mr. Tanner's inquiries.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Dement to adopt **Resolution 2018-126** approving the Memorandum of Understanding Between the City of Tracy and the Tracy Firefighters Association, authorizing the City Manager to increase appropriations and authorizing an Amendment of the City Master Salary Schedule. Roll call vote found all in favor; passed and so ordered.

6. APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF TRACY AND THE GENERAL TEAMSTERS LOCAL NO. 439, IBT, AUTHORIZE THE CITY MANAGER TO INCREASE APPROPRIATIONS AND AUTHORIZE AN AMENDMENT OF THE CITY MASTER SALARY SCHEDULE

Kimberly Murdaugh, Interim Human Resources Director presented the staff report.

There was no public comment.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Dement to adopt **Resolution 2018-127** approving the Memorandum of Understanding Between the City of Tracy and the General Teamsters Local No. 439, IBT, authorizing the City Manager to increase appropriations and authorizing an Amendment of the City Master Salary Schedule. Roll call vote found all in favor; passed and so ordered.

8. INTRODUCE AN ORDINANCE AMENDING SECTIONS 9.44.030 AND 9.44.040 OF THE TRACY MUNICIPAL CODE TO PROVIDE THAT THE MEMBERS OF THE BOARD OF APPEALS WILL BE APPOINTED TO FOUR YEAR TERMS AND TO CLARIFY THE STANDARD OF REVIEW OF APPEALS TO THE CITY COUNCIL

Thomas Watson, City Attorney presented the staff report.

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

There was no public comment.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Young to waive the reading of the full text and introduce **Ordinance 1257**, an ordinance of the City of Tracy amending Sections 9.44.030 and 9.44.040 of the Tracy Municipal Code. Roll call vote found all in favor; passed and so ordered.

9. ITEMS FROM THE AUDIENCE - None

10. STAFF ITEMS – There were no staff items.

11. COUNCIL ITEMS

A. Designate Voting Delegate and Up to Two Alternate Voting Delegates for the League of California Cities 2018 Annual Conference Business Meeting

Midori Lichtwardt, Interim Assistant City Manager presented the report.

There was no public comment.

Council discussion and deliberation followed.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Dement to adopt **Resolution 2018-128** designating Mayor Pro Tem Vargas as the voting delegate and Council Member Dement and Council Member Ransom as the alternate voting delegates for the League of California Cities 2018 Annual Conference Business Meeting. Roll call vote found all in favor; passed and so ordered.

Council Member Dement reported that she has been approached by realtors to lobby for more open-house signs and an increase in Friday open houses brought as an agenda item.

Mayor Pro Tem Vargas reported that she was asked by the Nature Park group to put an item on the agenda for the discussion of the Nature Park. Mayor Rickman confirmed the matter is already on the agenda.

Council Member Ransom congratulated Mr. Watson with his first round win with Long John Silvers. Mr. Watson noted that landscape work is anticipated within the next two weeks. Council Member Ransom also voiced concerns regarding the property where the old KFC was located which is overgrown and tagged. She also requested clarification on the City's policy for tagging as it relates to homeowners being cited if they do not clean it up fast enough. Council Member Dement also expressed her concerns regarding tagging. Mr. Watson will follow-up with Code Enforcement and report back to Council.

Council Member Young addressed staff's response letter to Mr. Silva's bid protest regarding the policy of acceptance of bids and notarizations. Mr. Watson reported that outside counsel is reviewing "front end" documents for clarification and to receive better bids. Mayor Rickman responded that these are both controversial items and should

come back to Council for discussion. Mr. Watson will pull sample resolutions and prepare a letter and see who wants to sign it.

Council Member Young also reported her attendance along with Mr. Armijo, at the League of California Cities. Council Member Young discussed with Council and staff preparing two resolutions: (1) against the repeal of SB1, and (2) regarding the California Business Measure and Tax Fairness, Transparency and Accountability Act requirement of a 2/3 vote. Council Member Young reported that she was appointed to the General Resolutions Committee. Council Member Young also had a lengthy discussion regarding the beautification of 11th Street. In conclusion, of her report, Council Member Young wished a Happy Fourth of July and encouraged participation in local festivities.

Mayor Rickman reported his attendance at the San Joaquin County Fair and commented on the outstanding job and leadership of the FAA and 4H clubs representing the City of Tracy. Mayor Rickman noted that his daughter won first place in Turkey. In conclusion, Mayor Rickman noted that the Downtown Block Party is on June 29th and wished a Happy Fourth of July.

12. ADJOURNMENT – Time: 10:41 p.m.

ACTION: Motion was made by Council Member Ransom 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 June 14, 2018. The above are action minutes. A recording is available at the Office of the City Clerk.

Mayor

ATTEST:

City Clerk