

**August 21, 2018, 7:00 p.m.**

City Council Chambers, 333 Civic Center Plaza

Web Site: [www.ci.tracy.ca.us](http://www.ci.tracy.ca.us)

Mayor Rickman called the meeting to order and led the Pledge of Allegiance

Invocation was offered by Pastor Tim Heinrich, Crossroads Baptist Church

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

Randall Bradley, City Manager, presented the Employee of the Month award for August 2018 to David Carter – Wastewater Treatment Plant Operator/Utilities

Mayor Rickman presented Certificates of Appointment to incoming commissioners: Manal Siddiqui, Armina Moshiri, Samantha Crowley, Nathaniel Tran, Tejas Gill, Carly Winters, Jasjot Kaur

Mayor Rickman presented a Certificate of Appointment to Leroy Johnson, City of Tracy representative on the San Joaquin County Commission on Aging

1. CONSENT CALENDAR – Following the removal of consent items 1.B, 1.C and 1.O by Trina Anderson 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. Approval of April 3, 2018, May 1, 2018, May 15, 2018 and July 17, 2018 Regular Meeting Minutes, May 22, 2018, Special Meeting Minutes, July 17, 2018, and August 8, 2018 Closed Session Minutes – Minutes were adopted
  - D. Reject Bids for the Playground Renovation Project – CIPs 78149 & 78150 for Bailor-Hennan, Rippon, Sullivan and Lester Huck Parks, and Authorize City Staff to Re-Bid the Project – Resolution 2018-155 rejected the bids and authorized staff to rebid the project.
  - E. Approve a Professional Services Agreement with Madill Enterprises, Inc. DBA Advanced Property Services, of Sacramento, CA. to Provide Janitorial Services for Various City Facilities, and Authorize the City Manager to Amend the Agreement to Increase Compensation Up to the Contingency Amount and to Execute Extensions and to Make Any Minor Amendments to the Agreement – Resolution 2018-156 approved the agreement with Madill Enterprises, Inc.
  - F. Authorize the Purchase of One Hydro-Excavator from Municipal Maintenance Equipment, Inc. in the Amount of \$74,946 – Resolution 2018-157 authorized the purchase of one Hydro-Excavator

- G. Find that it is in the Best Interest of the City to Forego the Formal Request for Proposals Process and Approve a Maintenance Agreement With Calgon Carbon Corporation for Replacement of Water Filter Media for Three Filters at the John Jones Water Treatment Plant (CIP 75126) – Resolution 2018-158 approved the Maintenance Agreement with Calgon Carbon Corporation
- H. Waive Second Reading and Adopt Ordinance 1258, an Ordinance of the City Council of the City Tracy Forming the Tracy Industrial Development Authority – Ordinance 1258 was adopted
- I. Waive Second Reading and Adopt Ordinance 1259, an Ordinance of the City of Tracy Amending Sections 9.40.030 (Street Names) and 9.40.040 (Renaming Streets) in Chapter 9.40 (Street Names and Numbering) of Title 9 (Building Regulations) of the Tracy Municipal Code – Ordinance 1259 was adopted
- J. Receive and File Four Administrative Policies Presented by the Finance Department – The four policies were accepted by Council.
- K. Adopt a Resolution Accepting the Unclaimed Funds Policy and Authorize the Finance Director to Transfer Unclaimed Funds in Accordance with Government Code Sections 50050 Through 50057 – Resolution 2018-159 accepted the Unclaimed Funds Policy and authorized the transfer of funds
- L. Adopt a Resolution Accepting the Identity Theft “Red Flag” Program and Designate Authority to the Finance Director as the Administrator – Resolution 2018-160 adopted the Identity Theft “Red Flag” Program
- M. Authorize Amendment to the City’s Classification and Compensation Plans, Master Salary Schedule and Position Control Roster by Approving the Establishment of Three (3) New Classification Specifications and Salary Ranges for Landscape Architect, Airport Manager and Media Services Supervisor – Resolution 2018-161 authorized the amendment to the Classification and Compensation Plans, Master Salary Schedule and Position Control Roster
- N. Authorize Amendment to the City’s Classification Plan by Approving the Amendment of Various Existing Classification Specifications Including: Public Works Superintendent, Utility Line Maintenance Superintendent, Facilities Maintenance Superintendent, Plant Maintenance Supervisor, Senior Electrician, Instrumentation Technician, Wastewater Treatment Plant Operator and Senior Wastewater Treatment Plant Operator – Resolution 2018-162 authorized the amendment to the Classification Plan by approving the amendment of various existing classification specifications
- P. Appropriate \$1.2 Million from Tracy Infrastructure Master Plan (TIMP) Traffic Fund for CIP 73144 Widening of Corral Hollow Road from Old Schulte Road to Linne Road and Approve a Renewal Cooperative Agreement with San Joaquin Council of Governments (SJCOG) for Funding of \$3.0 Million from Measure K Regional Arterial Pay As You Go Funds Towards Design and Acquisition of Right of Ways and to Un-Fund TIMP Funds Previously Committed – Resolution 2018-163 approved the

appropriation of funds for widening of Corral Hollow Road and approved a Renewal Cooperative Agreement with SJCOG

- B. Approve the Final Subdivision Map and Subdivision Improvement Agreement for Tract 3888, Tracy Hills Village 2, and Authorize the City Clerk to File the Subdivision Improvement Agreement with the Office of the San Joaquin County Recorder –

Trina Anderson pulled the item for discussion.

Dave Anderson, President of Tracy Airport Association, reminded staff and Council that the development plan on the consent calendar sits directly underneath a flight path of Tracy Airport and will bring a slew of noise and aircraft complaint. The plan shows construction of a school directly on a downwind flight path which is not permitted by Caltrans. Mr. Anderson hoped the school would be relocated outside of flight path.

City Council questions followed

**ACTION:** Motion was made by Council Member Ransom and seconded by Council Member Young to adopt Resolution 2018-164 approving the Final Subdivision Map and Subdivision Improvement Agreement for Tract 3888, Tracy Hills Village 2. Roll call vote found all in favor; passed and so ordered.

- C. Approve the Final Subdivision Map and Subdivision Improvement Agreement for Tract 3953, Tracy Hills Village 6A, and Authorize the City Clerk to File the Subdivision Improvement Agreement with the Office of the San Joaquin County Recorder

Trina Anderson pulled the item for the same comments as stated by Dave Anderson on Item 1.B.

**ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Young to adopt Resolution 2018-165 approving the Final Subdivision Map and Subdivision Improvement Agreement for Tract 3953, Tracy Hills Village 6A. Roll call vote found all in favor; passed and so ordered

- O. Approve a Twenty-Five Year Ground Lease Agreement Between the City of Tracy and JT Farms, a Sole Proprietorship, for Farming Operations on City Property Located at the New Jerusalem Airport

Trina Anderson pulled the staff report for discussion.

Ed Lovell, Management Analyst, presented the staff report.

City Council questions followed.

Trina Anderson, Tracy Airport Association Secretary thanked Council for their hard work putting this in place. Leasing to local farmers to take care of is a good idea. Ms. Anderson wanted to make sure the \$444.00 per acre goes into the airport fund where it belongs.

Robert Tanner asked about the exit clause and whether it is done at the beginning of the rental or towards the end, the City would have to pay \$2.5 million. Mr. Tanner asked if the City could get a sliding scale based on a number of years it has been rented instead.

**ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Dement to adopt Resolution 2018-166 authorizing a twenty-five year Ground Lease Agreement between the City of Tracy and JT Farms, a sole proprietorship, for farming operations on City property located at the New Jerusalem Airport. Roll call vote found all in favor; passed and so ordered

2. ITEMS FROM THE AUDIENCE - Mayor Pro Tem Vargas made a motion to allow the two Items from the Audience to be combined and to extend to 30 minutes allowing 30 people to speak for one minute each to accommodate that. Motion failed due to lack of second. City Council agreed on allowing two minutes per speaker.

Michael Maciel requested that City Council be liberal when applying time limits to the public and suggested moving agenda item 7 forward as a lot of people are interested in that item.

Ricardo Hernandez, POA President thanked Council Members Ransom and Young for speaking at the rally and stated the POA does not agree with the decision to fire the Chief of Police. Mr. Hernandez added the City Manager and Mayor's claim that they did not know about the POA survey regarding Lathrop, was false. Mr. Hernandez further stated the City Manager and Mayor were trying to make the Police Chief the scape goat. Having too many interims in key roles puts too much power in the hands of one person.

Craig Kootstra stated the Police Officers Association is at an impasse with the City of Tracy and requested community support. Mr. Kootstra spoke about 9 officer positions, and the Mayor's desire to hire another 26 for Lathrop, and the ability to fill positions if the city cannot make it attractive enough to candidates. Mr. Kootstra reminded everyone that even with these differences, residents can expect the same professional services that is always provided.

Roger Birdsall, Steve Abercrombie, Mike Noonan, Jan Couturier, Manual Sapata, Bill Aragon, Lisa Aguilera, Yvonne Eder, Debra Deldotto, Alison Quinteros, Resident of 20 years, Kathy Berthold, Antonio Fuentes, Yolanda Barial Knight Rochelle Barry, Christine Bratt, Marilou Ramos, Theodore Herrera, Michael Winsap, Majorie Maciel, Jennifer Rowell, Amanda Ravell, Yolanda Magana, Cheri Valleria, Conrad Levoitt, Michelle Jimmerson, Mary Fosche, Dotty Nygard, Philip Anderson, Steve Nicolaou expressed their opposition to the termination of the Police Chief and showed strong support for Larry Esquivel.

Dave Helm spoke about employee contracts and stated City Council cannot fire the Police Chief.

Amer Hammudi shared his experience at the National Night Out event at the Edgewood subdivision. Mr. Hammudi stated he was told by event organizers not to campaign in the park, and was harassed by organizers of the event. Mr. Hammudi decided to leave the park due to personal safety concerns.

Tim Silva spoke regarding his previous request for a disc golf course, and systemic problems in the community.

Martin Evans thanked the Police Department and spoke about radiation, bacteria, running out of rain, algae blooms are killing all the fish, and the hospital on Bessie Ave.

Alice English suggested people review previous Council meeting tapes and stated it is political issue, and insinuated misconduct by Council Members Young and Ransom.

Trina Anderson expressed concern regarding her sister being threatened for waving a sign supporting Mayor Rickman.

#### DEVIATION IN AGENDA

#### 6. RECEIVE UPDATE ON A RAILS WITH TRAILS PROGRAM AND NATURE PARK CONCEPT AND PROVIDE STAFF DIRECTION

Brian MacDonald, Parks and Recreation Director presented the staff report.

City Council questions and comments followed.

Robert Tanner asked if South County Parks were under discussion for 100 acres at Legacy Field, and is the City keeping it or taking it back for a nature park. Mr. Tanner asked about the rails with trails and would that mean walking along the rails.

Pete Mitracos expressed his support for the nature park and suggested giving the \$100,000 toward the nature park.

Mike Maciel stated he had previously signed a nature park petition but had asked about funding and the response was that it is the City Council's problem. Legacy Fields, the aquatic center, community recreation facility, and nature park are all good projects but you have to pay for these amenities. Due to commitments already made, Measure V is spent.

Lisa Roth spoke in support of the nature park and encouraged City Council to direct staff to do the work they said they are more than willing to do as part of a CIP or Master Plan.

Mary Mitracos spoke in support of the nature park and encouraged City Council to give the nature park a CIP and include it in Master Plan.

Tim Silva shared his frustration about being pushed aside after being promised a disc golf course in 2008 at Legacy Fields by City Council. Mr. Silva added he did everything the City asked him to do but a decade later there is still no disc golf. Mr. Silva asked the Council to honor their promise.

Conrad Levoitt expressed support for the nature park.

Dave Anderson expressed support for the nature park.

City Council questions and comments followed.

Mike Souza stated the nature park intended at Tracy Hills is estimated to be built in the 2<sup>nd</sup> and 3<sup>rd</sup> phase, 7 to 9 years off depending on absorption and how fast homes sell. It is not just a nature park but is also a 30 acre community park and 150 acre nature park. Thirty acres will be donated and the City will be responsible for building the second part of the community park.

City Council comments and questions followed.

It was City Council's consensus to direct staff to add a concept to the Master Plan to create a CIP to reallocate dollars previously allocated to the park with the San Joaquin County and bring back a concept to City Council. Staff to also reach out to the community for clear definition of what the community is asking for.

3. CONDUCT A PUBLIC HEARING TO CONSIDER QUESTIONS OF: (1) AMENDING AND RESTATING THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT (CFD) 2016-1 IMPROVEMENT AREA NO. 1, (2) INCREASING THE AUTHORIZED PRINCIPAL AMOUNTS OF INDEBTEDNESS FOR THE CFD AND IMPROVEMENT AREA NO. 1, (3) INCREASING THE ANNUAL APPROPRIATIONS LIMIT FOR IMPROVEMENT AREA NO. 1 AND (4) AMENDING THE EXISTING BOUNDARIES OF THE CFD, IMPROVEMENT AREA NO. 1 AND FUTURE ANNEXATION AREA; CONDUCT PROPERTY OWNER ELECTION; ADOPT A RESOLUTION OF CHANGE TO AUTHORIZE THE ABOVE STATED CHANGES AND APPROVE RELATED ACTIONS

Mayor Rickman asked if there are any property owners or registered voters in the district that wished to file written protest. There were no written protests filed.

Mayor Rickman opened the public hearing.

Karin Schnaider, Finance Director, introduced Chris Lynch, Bond Counsel, Jones Hall, and Scott Smith, Financial Advisor, CSG, and presented the staff report.

There were not comments from the audience.

There were no comments from City Council.

**ACTION:** Motion was made by Council Member Dement and seconded by Mayor Pro Tem Vargas to adopt **Resolution 2018-167** calling for the special election to amend and restate the Rate and Method of Apportionment of Special Tax Improvement Area No. 1, increased the authorized principal amount of indebtedness for Improvement Area No. 1, increased the annual appropriations limit for Improvement Area No. 1 and amended the existing boundaries of Improvement Area No. 10 – Community Facilities District No. 2016-1. Roll call vote found all in favor; passed and so ordered.

City Clerk announced 419 votes were cast in favor, therefore the measure passes.

**ACTION:** Motion was made by Council Member Young and seconded by Council Member Ransom to adopt **Resolution 2018-168** declaring the results of the special election to amend and restate the Rate and Method of Apportionment of special

tax for Improvement Area No. 1, increased the authorized principal amount of indebtedness for Improvement Area No. 1, increased the annual appropriations limit for improvement Area No. 1 and amended the existing boundaries of Improvement Area No. 1 – Community Facilities District No. 2016-1. Roll call vote found all in favor; passed and so ordered.

**ACTION:** Motion was made by Council Member Dement and seconded by Council Member Ransom to adopt **Resolution 2018-169** approving the Resolution of Change. Roll call vote found all in favor; passed and so ordered.

City Clerk read the title of proposed Ordinance 1260.

**ACTION:** Motion was made by Council Member Young and seconded by Council Member Ransom to waive the reading of the full text and introduce **Ordinance 1260**. Roll call vote found all in favor; passed and so ordered.

4. CONDUCT A PUBLIC HEARING TO AUTHORIZE THE ACCEPTANCE OF \$10,816 FROM THE 2018 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AND APPROVE THE APPROPRIATION FOR THE PURCHASE OF EQUIPMENT FOR THE TRACY POLICE DEPARTMENT'S LAW ENFORCEMENT PROGRAMS

Beth Lyons, Police Support Services Division Manager presented the staff report.

Mayor Rickman opened the public hearing.

No one from the audience wished to speak.

Mayor Rickman closed the public hearing.

There were not comments from City Council.

**ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Ransom to adopt **Resolution 2018-170** authorizing the acceptance and approving the appropriation of \$10,816 from the 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) program for the purchase of equipment for the Tracy Police Department's Law Enforcement Programs. Roll call vote found Council Member Ransom, Young, Mayor Pro Tem Vargas and Mayor Rickman in favor; passed and so ordered. Council Member Dement was absent.

5. AMEND RESOLUTION DETERMINING THE COMPENSATION TO BE PAID TO THE CITY TREASURER

Randall Bradley, City Manager presented the staff report.

Robert Tanner supported the increase in compensation for the City Treasurer.

There were no comments and questions from City Council.

**ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Dement to amend **Resolution 2018-171** determining the compensation to be paid to the City Treasurer. Roll call found all in favor; passed and so ordered.

7. INTRODUCE AN ORDINANCE ADDING SECTION 2.04.050 TO THE TRACY MUNICIPAL CODE PROHIBITING MEMBERS OF THE CITY COUNCIL, BOARDS AND COMMISSIONS, CITY TREASURER AND APPOINTED EMPLOYEES FROM CONTRACTING WITH THE CITY AND APPOINT AN AD HOC SUBCOMMITTEE TO WORK WITH THE CITY ATTORNEY'S OFFICE TO CREATE A COMPREHENSIVE CODE OF CONDUCT FOR CITY COUNCIL APPROVAL

Thomas Watson, City Attorney presented the staff report.

City Council questions or comments followed.

Yolanda Barial Knight stated the Ad Hoc Subcommittee is not in the ordinance and there should be a resolution for the Ad Hoc. An Ad Hoc Subcommittee is being established without a code of conduct. Ms. Knight expressed concerns regarding Item 8 of the ordinance. Ms. Knight asked where the specific percentages came from in Items C, D and E of the ordinance. Ms. Knight suggested adding a line regarding the Ad Hoc Subcommittee in the ordinance and moving the item to another date.

Michael Maciel stated he had mixed feelings but feels it is a step in the right direction. Mr. Maciel suggested the definition of immediate family includes siblings. Mr. Maciel also suggested there should be a workshop where all Council Members can provide input.

Robert Tanner stated it was a good start going towards what the Grand Jury required. Mr. Tanner added he would like to see another policy where Council Members who receive campaign funds of \$4,000 or more from developers should not be able to vote for those developers' projects for two years.

Steve Nicolaou stated it is a good start and future councils can amend or build the code of conduct. Mr. Nicolaou referred to paragraph C on Page 2 of the Ordinance – Exceptions, and suggested that the following language be added to Paragraph (C) (1) A contract or subcontract with a business with which a member of the council, appointed employees, city treasurer or a board or commission is affiliated unless a member of the council, appointed employees, city treasurer or the member or his or her immediate family exercises management and control over the business. Mr. Nicolaou suggested the Mayor and Council Member Young who are the two senior members be on the Ad Hoc committee. Mr. Nicolaou also suggested that Council Members who are under investigation with the FPPC should not be on the Ad Hoc Committee for the sake of appearances. Mr. Nicolaou stated the complaint he filed with the FPPC regarding Mayor Pro Tem Vargas was still being investigated, along with a complaint recently filed against Council Member Dement (FPPC COM-08162018-01429)

Mr. Watson stated he had no problem changing words in the ordinance suggested by Mr. Nicolaou. It was worded so that the Council did not have an exception but with the suggested change the Council can have an exception. The FPPCCA.gov recusal requirements does say an official with a disqualifying conflict of interest may not participate in making or use his or her position to influence a governmental decision. Mr.



Watson suggested amending this to say City Council shall recuse “as defined by the FPPC” that should clarify a recusal with respect to a greater level of participation.

City Council comments continued.

The City Clerk read the title of the proposed ordinance.

- ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Mayor Rickman to waive the reading of the full text and introduce **Ordinance 1261** an Ordinance of the City of Tracy adding Section 2.04.050. 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 Dement to establish an Ad Hoc Subcommittee to create a Code of Conduct and appoint Mayor Pro Tem Vargas and Council Member Young to the subcommittee to work with the City Attorney’s office with the intent to have a comprehensive Code of Conduct to be reviewed by the Council at the first meeting in October. Roll call vote found all in favor; passed and so ordered.

8. ITEMS FROM THE AUDIENCE

9. STAFF ITEMS – Randall Bradley, City Manager provided a brief clarification regarding his decision related to the Police Chief Larry Esquivel’s employment with the City of Tracy and stated he stands by his decision.

10. COUNCIL ITEMS

A. Approve Request for Out-of-State Travel by Mayor Pro Tem Vargas

Adrienne Richardson, City Clerk provided the staff report.

Mike Maciel stated Mayor Pro Tem Vargas represents the City on the Tri-Valley San Joaquin Valley Regional Rail Authority and it would be more appropriate to see funding for the trip from the rail authority. Mr. Maciel expressed concern that Mayor Pro Tem Vargas has not consulted City Council or the public for their input on a downtown transit station for a proposed light rail or Tracy owned property on Schulte Road being used for a maintenance facility for the proposed light rail system.

Robert Tanner asked if other cities sending representatives to this conference from the new JPA and is it the cities responsibility to pay otherwise the JPA should pay for it.

Mary Mitracos stated the valley link is a great thing. The San Joaquin County has not been pulling its weight regarding funding. The City needs to pay the freight to get our representative educated.

Tim Silva stated he asked how many cars will this take off the freeway and no one could answer. We have people that are involved with it but do we have an answer to the question.

City Council comments followed.

**ACTION:** Motion was made by Council Member Ransom and seconded by Council Member Young to adopt **Resolution 2018-172** approving the request for out-of-state travel by Mayor Pro Tem Vargas. Roll call vote found all in favor; passed and so ordered.

Council Member Dement thanked everyone for attending the meeting and for their comments. Council Member Dement wished everyone a great weekend.

Council Member Young thanked everyone for attending the meeting and questioned when citizens speak does Council just let them blow off steam or take action and respond to our citizens. There is a chain of command and the City Manager and City Attorney report to Council and Council reports to our citizens. Council Member Young stated the termination of the Police Chief was not in the best interest for Tracy. It is reactionary leadership. Council Member Young applauded the members of the community that had the courage to speak. Many people said they wanted the Police Chief reinstated. Does Council ignore the petition of the people asking for the reinstatement or is there something Council can do to take that action. Council Member Young asked if it is possible to reinstate the chief and if there was a mechanism for the decision to be overturned.

Thomas Watson, City Attorney responded City Council cannot overturn the City Manager's decision. The City Council hires the City Manager and the City Attorney and does not hire anyone at a subordinate level to the City Attorney or City Manager. City Council can fire the City Manager or have closed session and evaluate his conduct. Any legislative action has to go on an agenda, whether open or closed.

Council Member Young asked the item to be agendaized in open session to vote regarding whether to demand the City Manager to reinstate the Police chief

Mr. Watson responded in closed session Council can have a discussion with the City Manager. If Council wants to have an open session to demand that the City Manager reinstate the Police Chief it won't have the intended impact of reinstating the Police Chief.

Council Member Young requested a closed session at the next meeting.

Council Member Ransom supported Council Member Young's request for a closed session.

Council Member Young feels Mr. Bradley is not being effective with the Council. When Mr. Bradley was asked to be in the Interim City Manager, Council Member Young felt it was a bad position for Mr. Bradley to be put in because he would be a puppet. Council Member Young felt Mr. Bradley has been in a compromised position and that is why she suggested at the end of the contract that Council should bring in an impartial person to run the City until a permanent City Manager was in place. Council Member Young added with the interims, there is uncertainty and we cannot attract leadership to the City. Council Member Young felt Mr. Bradley should resign from this position.

Mayor Rickman stated he was informed by Council Member Dement that there is information from closed session that has been said by Council Member Young which is a violation of the Brown Act.

Mr. Watson responded a closed session is warranted. A closed session has been called and it is appropriate to discuss in closed session.

Mayor Pro Tem Vargas thanked Council for working together for the nature park and commended everyone for working together to embellish and help the community for future generations to come. Mayor Pro Tem Vargas appreciated the opportunity to continue to be educated as we move the commuter train forward. Mayor Pro Tem Vargas announced she will have her first grandbaby next month.

Council Member Ransom appreciated the participation in government. Council Member Ransom added Council does not always agree but we need to hear and be held accountable and be open to dialogue and discussion in order to think of ways to do things better. Council Member Ransom stated she would like an independent panel to determine whether it is a true personnel issue. Other cities have brought in panels of professionals to advise the cities. Council Member Ransom stated she was not trying to bring the Police Chief back through that action but was trying to inform the Council whether or not this was justified.

Mr. Watson responded that it would be difficult for outsiders to provide information that would result in an adequate investigation. Mr. Watson added the first thing would be for Council to have a closed session, and use oversight with respect to the City Manager.

Council Member Ransom spoke about Mr. Hammudi's experience with organizers of the National Night Out in the Edgewood subdivision. Council Member Ransom stated these people are empowered through people that sit on City Council. A Nancy Young supporter was asked to take off their shirt or leave the park. Council Member Ransom added the code of conduct would include commissioners, but to have commissioners feel empowered to kick people out of a public park due to their relationship with people on City Council is unacceptable.

Mayor Pro Tem Vargas agreed with Council Member Ransom and added we need to make sure the rule applies to all our commissioners and apologized to Mr. Hammudi.

Council Member Ransom stated she received a letter from Redbridge residents regarding a Lammers Road pedestrian trail. Council Member Ransom stated the County is proposing a gravel walkway that does not provide protection from cars and asked if the City can do some negotiating with the County. Council Member Ransom asked for support to encourage a sidewalk before gravel gets poured and construction starts on August 27.

Mayor Pro Tem Vargas agreed and supported that request.

Randall Bradley, City Manager provided some background regarding that project. Grant funding was lost for that project. It was a temporary solution until the area is able to be improved with gutters and sidewalks. Staff will come back to Council with ideas.

Council Member Dement, referring to the National Night Out event, and asked the City Attorney to look at rules when people lease parks like downtown farmers market and property usage for leased areas.

Mayor Rickman thanked everyone for attending the meeting. It is democracy in progress. Mayor Rickman added he understands how people feel when these leadership changes are made. Mayor Rickman implied political grandstanding by Council Members Ransom and Young, and there are no facts to support any claims. Mayor Rickman agreed the reason Mr. Esquivel was terminated should be released. Mr. Esquivel has rights under state law that protect his privacy and forbid the City to disclose the reason he is no longer with the city. Mayor Rickman stated he had been informed that both City Council Members have been in contact with Mr. Esquivel. If they can get him to sign waiver releasing liability for disclosure, the city will release that information. If they are true in their conviction, and have not made any false claims for political reasons they should not have to worry about any liability. The voting majority can be two council members voting to release information.

Council Member Young wanted clarification about a two person majority process. Council Member Young stated she has not spoken with Larry Esquivel.

11. ADJOURNMENT – Time: 11:39 p.m.

**ACTION:** Motion was made by Mayor Pro Tem Vargas 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 August 16, 2018. The above are action minutes. A recording is available at the office of the City Clerk.

ATTEST:

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Mayor

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City Clerk