

September 4, 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 7:04 p.m. and led the Pledge of Allegiance

Invocation was offered by Imam Latif Rahman, Tracy Islamic Center

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 September 2018 to Dan Summa – Media Services Coordinator

Cynthia Souza and Anne Langley, Grand Foundation presented Artist Proof of Re-Creation of Mural at Grand Theatre Center for the Arts to Mayor Rickman and Les Serpa, Surland Companies

1. CONSENT CALENDAR – Following the removal of items 1.F by Council Member Ransom, 1.G by staff, and 1.H by Michael Maciel it was moved by Mayor Pro Tem Vargas and seconded by Council Member Ransom to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
 - A. Approval of August 8, 2018, special meeting minutes, August 21, 2018 Closed Session and August 21, 2018 Regular Meeting Minutes – Minutes were adopted
 - B. Waive Second Reading and Adopt Ordinance 1260, an Ordinance of the City Council of the City of Tracy Levying Special Taxes Within City of Tracy Community Facilities District No. 2016-1 (Tracy Hills) and Repealing Ordinance No. 1224 to the Extent Inconsistent with this Ordinance – Ordinance 1260 was adopted
 - C. Waive Second Reading and Adopt Ordinance 1261, an Ordinance of the City Council of the City of Tracy 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 – Ordinance 1261 was adopted
 - D. Authorize a Federal Grant Application for Section 5307 U.S. Department of Transportation Federal Transportation Administration Funds in the Amount of \$5,397,135 for Tracer Public Transportation Services; Certification of Application Assurances; and Authorize the City Manager or Designee to Execute the Grant Documents – Resolution 2018-173 authorized a Federal Grant Application for Section 5307 U.S. Department of Transportation Federal Transportation Administration Funds
 - E. Approve Amendment No. 2 to the Memorandum of Understanding Between the City of Tracy and the South Side Community Organization of Tracy, California – Resolution 2018-174 approved Amendment No. 2 to the Memorandum of Understanding

- G. Approve an Amendment to the Master Professional Services Agreement with Burke Williams Sorensen LLP for Special Counsel Services to Increase Compensation by an Additional \$50,000, for a Total Not-to-Exceed Amount of \$175,000 and Authorize the City Manager to Execute the Amendment – Agenda item pulled by staff.
- I. Approving the Memorandum of Understanding Between the City of Tracy and the South County Fire Chief Officers Association, Authorize the City Manager to Increase Appropriations and Authorize an Amendment of the City Master Salary Schedule – Resolution 2018-175 approved the Memorandum of Understanding between the City of Tracy and the South County Fire Chief Officers Association
- J. Approve the Final Subdivision Map and Subdivision Improvement Agreement for Tracy Hills Village 7A, Tract 3955, and Authorize the City Clerk to File the Subdivision Improvement Agreement with the Office of the San Joaquin County Recorder – Resolution 2018-176 approved the Final Subdivision Map and Subdivision Improvement Agreement
- K. Approve Memorandum of Understanding with California State University, Stanislaus, for Use of City Facilities to Administer their Executive MBA Cohort Program in Tracy – Resolution 2018-177 approved the Memorandum of Understanding with California State University, Stanislaus
- F. Award a Construction Contract to Cazadoro Construction of San Francisco, California for \$379,700, Approve a Contingency Amount, and Authorize a CIP Budget Transfer of \$200,000 from CIP 78172 for the McDonald Park Splash Pad Recirculation System Project, CIP 78162

Council Member Ransom pulled the item for clarification regarding the impacts for CIP 7172 - Community Center Expansion, and the nexus between McDonald Park and the Community Center.

No one from the public wished to speak.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Young to adopt **Resolution 2018-178** awarding a construction contract to Cazadoro Construction of San Francisco, California for the McDonald Park Splash Pad recirculation system project, CIP 78162, in the amount of \$379,700 with a contingency amount of \$38,000, for a total project cost of \$480,000, and authorize a CIP budget transfer of \$200,000 from CIP 78172 to CIP 78162

- H. Authorize City of Tracy Human Resources Department to Access State Federal Criminal History Information for Employment (Including Volunteers and Contract Employees) Background and Certification Purposes

Michael Maciel pulled the item for discussion

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

Michael Maciel supported the item but asked if it will be used for all employment backgrounds or for those working with children for seniors, and would it be applied retroactively.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Ransom to adopt **Resolution 2018-179** authorizing the City of Tracy Human Resources Department to access State and Federal level summary criminal history information for employment (including volunteers and contract employees) background and certification purposes. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE - Dave Helm stated his business had been broken into eight times over a two week period. Mr. Helm expressed gratitude for Officers Hicks and Steel for their work on the case.

Michelle Jimmerson referenced comments made by Mayor Rickman to Council Member Young at the last Council meeting in regards to berating the City Manager in public, and referenced a previous City Council meeting where Ms. Jimmerson stated the Mayor was rude and disrespectful to former Police Chief Esquivel and other members of the Police Department. Ms. Jimmerson asked for clarification of whether the Police Chief was fired or on administrative leave.

Dave Anderson stated the AWOS went live this past weekend. Mr. Anderson acknowledged the improvement to safety at the airport and thanked City Council for their support.

Paula Bacha, Eleassia Davis, Christina Gonzaga, Alice English, Richard English, Rodney Davis, and Jerilynn Martin expressed their concerns about allegations made at the National Night Out event held at the Edgewood subdivision.

Council Member Ransom responded to allegations made by members of the public.

Patricia Alvarez praised the current and past Police Department.

Robert Tanner expressed his concerns regarding people in attendance being intimidated at the previous Council meeting and being asked to leave the Chambers by the Fire Marshal and Fire Chief due to reaching full occupancy capacity, Mr. Tanner added no one has taken a head count during DARE presentations in the nine years he has been attending Council meetings,

Steve Nicolaou expressed his concerns regarding treatment that Mr. Hammudi received at the National Night Out event in the Edgewood Subdivision. Mr. Nicolaou apologized to Mr. Hammudi and suggested City Council may want to consider removing Alice English from a City Commission.

Roger Birdsall expressed his disappointment regarding the limitations placed on the members of public to speak at the previous Council meeting under items from the audience. Mr. Birdsall added this is our city and our money and we hired you to set policies, to hire City Manager and City Attorney and not to run this city.

Michael Maciel stated in 2016 at the National Night Out event in the Edgewood development students from Bulldog and Jaguar were wearing Mayor Rickman stickers on their shirts and campaign literature was being handed out at that city event. Mr. Maciel requested City Council revisit his complaint regarding Alice English's conduct at the January 5, 2018 rail commission meeting where she identified herself as City of Tracy Commissioner and attacked a citizen being considered for appointment.

Trina Anderson stated she was ashamed of some community members due to the sign lady being threatened for supporting Mayor Rickman, a business woman and resident being bullied to take down Mayor Rickman stickers off their windows.

3. PUBLIC HEARING TO CONSIDER INTRODUCTION OF AN ORDINANCE APPROVING OF THE AVENUES SPECIFIC PLAN, CREATION OF THE AVENUES SPECIFIC PLAN ZONE, AND PREZONING THE PROJECT SITE TO AVENUES SPECIFIC PLAN ZONE, AND ADOPTION OF A RESOLUTION APPROVING THE AVENUES MITIGATED NEGATIVE DECLARATION AND SUBMISSION OF AN ANNEXATION APPLICATION FOR THE AVENUES SITE LOCATED ON 12650 AND 12500 W. VALPICO ROAD (ASSESSOR'S PARCEL NUMBERS 240-140-05 AND 240-140-06)

Andrew Malik, Development Services Director, Kimberly Matlock, Associate Planner and Dave Bramell, Fire Chief presented the staff report.

John Anderson, President of J.B. Anderson Land Use Planning representing Greystone Land Investment provided a Powerpoint presentation regarding the Avenue Specific Plan.

City Council questions and comments followed.

Mayor Rickman opened the public hearing

Trina Anderson asked if there would be wide enough roads to accommodate bike paths.

Amer Hammudi asked if the City is asking developers to make sure that a gigabit web access is part of the infrastructure being included in new development. Mr. Hammudi encouraged staff to work with utilities to make the gigabit access available to all of Tracy.

Tim Silva stated cycling is a serious activity in the community. Mr. Silva suggested creating a master plan for cycling, which will make people feel safer and tie communities together.

Jerry Young asked about the widening of Valpico Road and setback requirements.

Alison Quinteros asked for clarity on future commercial space in south Tracy. Ms. Quinteros requested City Council look at developers bringing in a percentage of low income and affordable housing.

Dave Anderson requested wider and safer streets.

Mayor Rickman closed the public hearing.

City Council questions and comments continued.

Staff and the Consultant answered questions from Council.

Steve Herum representing the developer stated they are simply trying to clarify the language - building permit for first home occupied or model home. Mr. Herum added the developer volunteered to pay all the money up front to help the City.

City Council questions and comments continued.

Mr. Herum apologized on behalf of his client for the length of time spent on the issue of building permit for first home occupied or model home and to forget about that issue entirely. Mr. Herum stated the design on Summit Road is extremely important to his client and urged City Council to approve the item based on Planning Commission recommendation.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Dement to adopt **Resolution 2018-180** approving the submission of an application to LAFCO for Annexation/Prezoning of the Approximately 95-acre Avenues Project site located at 12650 and 12500 W. Valpico Road (Assessor's Parcel Numbers 240-140-05 & 240-140-06) and adopting a Mitigated Negative Declaration for the Project, Application Number A/P16-0001. Roll call vote found all in favor; passed and so ordered.

Andrew Malik clarified that City Council should adopt the resolution, and introduce the ordinance containing the specific plan with the addition of all the red lines.

City Clerk read the title of the proposed Ordinance 1262

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Ransom to waive the reading of the full text and introduce Ordinance 1262 with the addition and subtraction of language in the Avenues Specific Plan regarding park fees, fire station funding, travelway widths where traffic calming measures are used, and Valpico Road frontage improvements in accordance with the Transportation Master Plan. Roll call vote found all in favor; passed and so ordered.

4. INTRODUCE AN ORDINANCE AMENDING CHAPTER 3.04 OF THE TRACY MUNICIPAL CODE PERTAINING TO FIREWORKS, TO MODIFY AND CLARIFY PROVISIONS RELATED TO THE DEFINITIONS AND APPLICATION REQUIREMENTS FOR THE SAFE AND SANE FIREWORKS SALES PERMIT LOTTERY, ESTABLISH AN APPLICATION FEE, DELEGATION OF RESPONSIBILITIES TO CITY STAFF, AND TO MAKE OTHER TECHNICAL AND NON-SUBSTANTIVE CHANGES

Amy Ray, Fire Marshal presented the staff report.

City Council questions and comments followed.

Lewis Linney from TNT Fireworks provided information regarding the application fee and

stated Stockton has a \$35 fee. Over July 4 Tracy makes approximately \$1.5 million in sales. Most cities that don't have an application fee do not participate in a lottery like Tracy. They are first come, first serve or grandfathered in. Many cities will refund or not cash the check for those that are not picked. Mr. Linney thanked staff and Council.

Robert Tanner requested that City Council make all fireworks illegal.

Dave Helm stated creating bright lines is good, and it is important that if there is no certificate when paper work is submitted then the organization is eliminated. Mr. Helm added the vetting process should be clear and precise.

Council Member Young responded briefly to allegations made by Mr. Helm.

City Clerk read the title of the proposed ordinance.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Dement to waive the reading of the full text and introduce Ordinance 1263. Roll call vote found all in favor; passed and so ordered.

Mayor Rickman called a recess at 10:09 p.m.

Mayor Rickman reconvened the meeting at 10:16 p.m.

5. DISCUSS AND DETERMINE WHETHER TO DECLARE A SHELTER CRISIS PURSUANT TO GOVERNMENT CODE SECTION 8698.2 TO ESTABLISH ELIGIBILITY FOR HOMELESS EMERGENCY AID PROGRAM GRANT FUNDS AS REQUIRED BY SENATE BILL 850

Andrew Malik, Development Services Director presented the staff report.

City Council questions and comments followed.

Dave Helm, George Riddle, Mary Parks, Trina Anderson, Conrad Levoitt, Dave Anderson, Mary Mitracos and Patricia Alvarez shared their concerns and spoke in opposition to declaring a shelter crisis to establish eligibility for Homeless Emergency Aid Program Grant Funds.

Dan Arriola, Dorothea Pennington, Mary Foshee, Amy Scudder, Dotty Nygard, and Clara Stiles shared their concerns and spoke in support of declaring a shelter crisis to establish eligibility for Homeless Emergency Aid Program Grant Funds.

Tim Silva requested clarification before going forward with declaring a shelter crisis.

City Council comments continued.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Dement to not adopt a Resolution declaring a Shelter Crisis pursuant to Government Code Section 8698 et seq. and not establish eligibility for Homeless Emergency Aid Program Grant Funds as required by Senate Bill 850. Roll call vote found Council Member Dement, Mayor Pro Tem Vargas and Mayor Rickman in favor. Council Member Ransom and Young opposed.

DEVIATION

8. ACCEPT THE ECONOMIC DEVELOPMENT MARKETING CAMPAIGN UPDATE AND APPROVE AN APPROPRIATION FROM GENERAL FUND RESERVES IN THE AMOUNT OF \$75,000 FOR THE ECONOMIC DEVELOPMENT MARKETING CAMPAIGN PHASE II

Shelley Burcham, Economic Development Manager, presented the staff report.

Ryder Smith from Tripepi Smith provided a Powerpoint presentation.

City Council questions and comments followed.

No one from the public wished to speak.

ACTION: Motion was made by Council Member Dement and seconded by Mayor Pro Tem Vargas to adopt **Resolution 2018-181** accepting an Economic Development Marketing Campaign update and approving an appropriation from General Fund Reserves in the amount of \$75,000 for the Economic Development Campaign Phase II. Roll call vote found all in favor; passed and so ordered.

6. ADOPT RESOLUTION AUTHORIZING THE MAYOR TO SIGN TERMS AND CONDITIONS OF ACCEPTING AIRPORT IMPROVEMENT PROGRAM GRANTS AND APPROVING GRANT AGREEMENT AIP #3-06-0259-019-2018 IN THE AMOUNT OF \$1,846,827 WITH THE FEDERAL AVIATION ADMINISTRATION FOR REIMBURSEMENT FOR ENGINEERING, DESIGN, AND CONSTRUCTION OF THE SOUTH HANGAR TAXIWAYS AND INSTALLATION OF A NEW ROTATING BEACON AT THE TRACY MUNICIPAL AIRPORT; APPROPRIATE \$410,406 GENERAL FUND MATCH/ CONTINGENCY TO CIP 77037; AND APPROPRIATE \$774,917 FROM GENERAL FUND RESERVES TO THE AIRPORT FUND TO FUND THE NON-GRANT ELIGIBLE PAVEMENT RECONSTRUCTION PORTION OF CIP 77037

Ed Lovell, Management Analyst presented the staff report.

City Council questions and comments followed.

Dave Anderson thanked City Council and staff for interaction with the FAA. Mr. Anderson requested a better beacon and asked about the parts that are not eligible for FAA matching funds.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Young to adopt **Resolution 2018-182** authorizing the Mayor to sign terms and conditions of accepting Airport Improvement Program grant funds and approving Grant Agreement AIP #3-06-0259-019-2018 in the amount of \$1,846,827 with the Federal Aviation Administration for reimbursement for engineering, design and construction of the south hangar taxiways and installation of a new rotating beacon at the Tracy Municipal Airport; appropriate \$774,917 from General Fund

Reserves to the Airport Fund to fund the non-grant eligible pavement reconstruction portion of CIP 77037. Roll call vote found all in favor; passed and so ordered.

7. RECEIVE UPDATE ON AIRPORT FUND, AUTHORIZE A ONE-TIME TRANSFER FROM THE GENERAL FUND RESERVES TO THE AIRPORT FUND IN THE AMOUNT OF \$2,448,500 TO REPAY THE WATER FUND LOAN, WRITE OFF THE GENERAL FUND, AND COVER THE NEGATIVE CASH BALANCE IN THE AIRPORT FUND; AND APPROVE AN ON-GOING ANNUAL SUBSIDY OF \$150,000 FROM THE GENERAL FUND TO SUPPORT THE AIRPORT PROGRAM

Ed Lovell, Management Analyst presented the staff report.

City Council questions and comments followed.

Trina Anderson thanked staff for putting into words that they can all understand.

George Riddle appreciated the coverage of debts and added work needs to be done on reducing the airport debt.

Council Member Ransom requested the plan be reviewed in three years. Mayor Pro Tem Vargas supported the request.

ACTION: Motion was made by Council Member Dement and seconded by Mayor Pro Tem Vargas to adopt a **Resolution 2018-183** authorizing a one-time transfer from the General Fund Reserves to the Airport Fund in the amount of \$2,448,500 to repay the Water Fund Loan, write off the General Fund, and cover the negative cash balance in the Airport Fund; and approving an on-going annual subsidy of \$150,000 to be reviewed in three years from the General Fund to support the Airport Program. Roll call vote found all in favor; passed and so ordered

9. ITEMS FROM THE AUDIENCE – None

10. STAFF ITEMS - None

11. COUNCIL ITEMS - Mayor Pro Tem Vargas spoke about the Early Path Program which is starting this fall with the cooperation of the TUSD, Delta College and Humphrey University. Students from high school are able to enroll in the early path to college. Last Thursday School Board Member Walter Gouveia and Mayor Pro Tem Vargas welcomed new students to the Delta enrollment and the class room was full. Students from 8th grade and up are able to start taking early classes to college while in high school and could obtain an Associate's Degree by the time they reach high school graduation. Mayor Pro Tem Vargas added Mayor Rickman has been working to forward that path connecting with Humphreys University for higher education. Mayor Rickman is also working to get transportation to Delta College.

Mayor Pro Tem Vargas thanked the City Manager for coordinating with the County and getting a sidewalk connecting Redbridge to Kimball High.

Council Member Ransom asked about the future plan for the sidewalk connecting Redbridge to Kimball High.

Randall Bradley, City Manager responded he had been working with the County to redesign the sidewalk. The county put up the money. What is installed now is much safer than walking on the fog line and will serve until a permanent sidewalk is installed.

Council Member Ransom asked how the City Attorney wanted to handle her Homelessness Policy suggestions.

Mr. Bradley responded if Council Member Ransom has a proposed policy that she would like to see as a future agenda item, it can be put on an agenda.

Council Member Ransom announced the Tracy Police Activity League is having the first Poker Run on Saturday. Entry is \$25.00 which includes donuts and coffee, lunch, tee-shirts and prizes. There is a \$100 raffle ticket to win a Harley Davidson motorcycle. There will be less than 300 tickets sold. The funds will benefit the youth prevention program.

Council Member Dement invited everyone to Southside Community Organization's celebration of Mexican Independence Day. The parade is on September 15th at 6th and Central to Lincoln Park. Festivities start at 9:00 am.

Mayor Rickman announced September 11 dinner on Sunday at Nirvaanai - September 9 at 6:30 p.m., September 12 - Wreaths Across America Fundraiser at Buffalo Wild Wings from 2:00 – 9:00 p.m., September 14 - season opener for Grand Theater is Montgomery Gentry, tickets available on line At-the-Grand.

12. ADJOURNMENT – Time: 12:47 a.m. Wednesday, September 5, 2018

ACTION: Motion was made by Council Member Dement and seconded by Mayor Pro Tem Vargas to adjourn. Roll call found all in favor; passed and so ordered.

The above agenda was posted at the Tracy City Hall on August 30, 2018. The above are action minutes. A recording is available at the office of the City Clerk.

ATTEST:

Mayor

City Clerk