

**December 18, 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 at 7:00 p.m.

Mayor Rickman led the Pledge of Allegiance.

Pastor Tim Heinrich, Crossroads Baptist Church offered the invocation.

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

1. CONSENT CALENDAR - Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Young to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
  - A. Approval of December 4, 2018, Closed Session and Regular Meeting Minutes – Minutes were adopted
  - B. Award a Construction Contract to Taylor Backhoe Service Incorporated of Merced, California, for the Lowell Avenue Sidewalk Construction Project, CIP 73160 State Project Number ATPSB1L-5192(044) and Authorize a Contingency Amount of \$30,022 – Resolution 2018-245 awarded the Construction Contract to Taylor Backhoe Service, Inc.
  - C. Approve Amendment No. 1 to the Professional Service Agreement with Pennino Management Group for Grant, Research, and Funding Program Services for Additional Services Totaling \$32,984 – Resolution 2018-246 approved Amendment No. 1 to the agreement with Pennino Management Group
  - D. Approve a Professional Services Agreement with Patriot Pest Management of Tracy, CA, to Provide Pest Control Services for Various City Sites, for an Amount not to Exceed \$247,212 Annually, and Authorize the City Manager to Execute Extensions and to Make Any Minor Amendments to the Agreement – Resolution 2018-247 approved the agreement with Patriot Pest Management
  - E. Award a Construction Contract to Knife River Construction of Stockton, California for the 2016-2017 Overlay Project, CIP 73142-B in the Amount of \$827,572, Federal Project Number STPL-5192(043), Approve a Contingency Amount of \$82,758 and Authorize a Transfer of \$108,424 from CIP 73166 to CIP 73142-B, with a Total Project Cost of \$957,330 – Resolution 2018-248 awarded the Construction Contract with Knife River Construction

- F. That the City Council of the City of Tracy, Acting as the Governing Board of the Successor Agency to the Community Development Agency of the City of Tracy, Approve the Recognized Obligation Payment Schedule (ROPS) 19-20 – Resolution 2018-249 approved the Recognized Obligation Payment Schedule (ROPS) 19-20
  - G. Adopt a Resolution Approving the 2018 Annual Report on Development Impact Fee Revenues, Expenditures and Findings Regarding Unexpended Funds in Accordance with the Mitigation Fee Act – Resolution 2018-250 approved the 2018 Annual Report on Development Impact Fee Revenues, Expenditures and Findings Regarding Unexpended Funds in Accordance with the Mitigation Fee Act.
  - H. Approve an Appropriation of \$744,000 from Tracy Infrastructure Master Plans (TIMP) – Public Facilities Fund 366 to the Public Works Yard Renovation Phase 2 Project, CIP 71091 and Approve a Contingency Amount for the Project – Resolution 2018-251 approved the appropriation and contingency amount.
  - I. Approve Master Professional Services Agreements with Carollo Engineers, Inc., Lee & Ro, Inc., CH2M Hill, Inc., and West Yost & Associates with an Annual Not to Exceed Amount of \$350,000 for Each Consultant to Provide Engineering Services for the Utilities Department on an As-Needed Basis for a Period of Three Years and Authorize the Utilities Director to Issue Notices to Proceed Under These Agreements – Resolution 2018-252 approved the Master Professional Services Agreements with Carollo Engineers, Inc, Lee & Ro, Inc., CH2M Hill, Inc., and West Yost & Associates.
  - J. Approve a Professional Services Agreement with BSK Associates, Inc. of Livermore, California to Provide Material Testing Services During Construction for the Tracy Recycled Water Mains and WWTP Pump Station Project, CIP 74091 (State Project: City of Tracy Recycled Water Project Agreement Number 4600011424) – Resolution 2018-253 approved the agreement with BSK Associates, Inc.
  - K. Approve a Property Purchase and Sale Agreement Between the City of Tracy and Meritage Homes of California, Inc. for Development of Gretchen Talley Park Phase III, CIP 78170 – Resolution 2018-254 approved the Property Purchase and Sale Agreement with Meritage Homes
2. ITEMS FROM THE AUDIENCE – Patrica Alvarez announced she will be launching a petition condemning unethical misuse of power from politicians from leadership of non-profits. Ms. Alvarez read her complaints against Dan Arriola and Nicholas Hatton, Director of San Joaquin Pride Center. Ms. Alvarez stated she would be submitting the petition to the Board of Directors of the San Joaquin Pride Center demanding resignation or dismissal of Nicholas Hatton for alleged liable and unethical actions. Ms. Alvarez added she would be submitting the petition to the City Council requesting Dan Arriola be sanctioned for alleged unethical actions against his local constituent Patricia Alvarez, and Mr. Sanchez with zero cause. The San Joaquin County District Attorney will also be receiving a copy of the petition requesting Mr. Arriola be reprimanded regarding his alleged actions.

3. ADOPT A RESOLUTION RECITING THE FACTS AND DECLARING THE RESULTS OF THE NOVEMBER 6, 2018 CITY OF TRACY GENERAL MUNICIPAL ELECTION

Adrienne Richardson, City Clerk provided the staff report.

No one from the audience wished to speak.

There were no comments from City Council

**ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Young to adopt a **Resolution 2018-255** reciting the fact of the General Municipal Election held in the City of Tracy on November 6, 2018, declaring the results of the Election and such other matters as provided by law. Roll call vote found all in favor; passed and so ordered

4. OUTGOING COUNCIL MEMBER PRESENTATION – Mayor Rickman presented Council Member Dement with a plaque and recognized her service on City Council.

Bob Elliott, Board of Supervisors District 5 presented Council Member Dement with a Certificate of Recognition for her service on the Tracy City Council.

5. ADMINISTER OATH OF OFFICE AND SEAT NEWLY ELECTED COUNCIL MEMBER

Tori Verber Salazar, San Joaquin County District Attorney administered the Oath of Office and presented a Certificate of Election to Council Member Arriola

Christopher Vargas, administered the Oath of Office and presented a Certificate of Election to Council Member Vargas

Karen Rickman administered the Oath of Office and presented a Certificate of Election to Mayor Rickman

Mayor Rickman called for a Roll Call of the new Council: Roll call found Council Members Arriola, Ransom, Young, Mayor Pro Tem Vargas, and Mayor Rickman present.

6. RECEIVE PRESENTATION AND DISCUSS ANIMAL SHELTER SERVICES PROVIDED BY THE CITY OF TRACY'S ANIMAL SERVICES STAFF

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

City Council comments and questions followed.

Brittany Pasquale responded to Council questions regarding timeframe related to euthanasia if an animal is deemed to be aggressive, and if there are any other options.

Arlene Robbins, Trisha Johnson, Ricky Butch, Sara Heinrich, Lisa Cooksy, Jennifer Douglas, Leslie Parks on behalf of Jan Monroe, Linda Miller, Sue Ramondy, Jessica Minigis, Wendy Tochini, Stacy Murphy, Bethany Neal, Cheri Savage, Conrad Leviof, Caroline Gracon, Zena Robbins expressed concerns regarding the animal shelter practices, shared experiences regarding rescues from the Animal Shelter, issues with

communication between shelter staff and rescue organizations, lack of exposure to the public, forming an Animal Shelter Committee, encouraged TNR (trap, neuter, release) of feral cats, support for Trisha Johnson, requested clarification about what happened to Ozzie, education for staff and the public, asked why pet animals are being euthanized when there are empty kennels, and indicated the guidelines are outdated.

Martin Evans stated he is not feeding stray cats as that breeds more, and they have diseases. Mr. Evans suggested feeding your own cat and bringing the food inside.

Michelle Jimmerson spoke in support of the Animal Shelter staff and expressed her concerns regarding keyboard warriors saying atrocious things on social media about the Animal Shelter and its staff.

Stacy Danes, Shelter Manager at San Jose Animal Care and Services spoke about contention between the rescue community and staff, and described compassion fatigue. Ms. Danes visited the Tracy Animal Shelter with Council Member Ransom stating it was spotless. The Animal Shelter needs to look at the mental health of animals, and needs to be well funded with appropriate resources. Ms. Danes supported Trish Johnson in her efforts with the feral cat problem and the rescue community. Ms. Danes also supported shelter staff.

Deborah DeWolf spoke in support of the Tracy Animal Shelter.

City Council questions and discussion ensued.

City Council requested the information regarding the following be brought back to Council for discussion:

- Animal Services Manual was not included in the report.
- Confirm with staff that when we euthanize we do not anesthetize them.
- Consistency with assessments in regard to with what animals and when
- Spaying and neutering policy, how it is decided which animals to spay or neuter
- Communications – Carnelian program used to communicate with rescues. Enhance tools in program. Look at whether we are using all the tools that we have and how we communicate.
- Commission or group
- Is it necessary for animal shelter to be under Police Department or possible to be under Parks and Recreation Department to have that community liaison.
- Cooperative agreements regarding communications with rescue groups. Would it be useful for our city.
- Way to communicate what deems a dog being put down - what will warrant euthanasia
- Voucher Program details and what it includes – spay and neuter.
- What Information can we give to rescue groups that want to recolonize the animals. What is minimum standard of information we can give.
- Concern about use of squeeze cages and purpose – when we use it and why we would use it.
- Outdated education - how we are doing injections. Details on training plan and making sure we are using the most recent policies.
- Provide details on the \$6 adoption fee.

- Animal Services Manual available to public (Arriola)
- TMC sections that are affected (Arriola)
- Issues are categorized and answered with different solutions.

City Council comments continued.

Randall Bradley, City Manager confirmed staff would return to Council with answers to the questions and options from a public policy perspective on how to enhance the program.

Mr. Bradley added that tonight is an introductory staff report on the Animal Shelter. Staff will bring back comprehensive answers to Council's questions with recommendations.

Alex Neicu, Interim Police Chief provided an explanation regarding the euthanasia of Ozzie.

Mr. Bradley stated staff will return to Council by February 5, 2019, with a staff report or an update on the when the staff report will be agendized.

City Council accepted the report.

7. ITEMS FROM THE AUDIENCE – Michael Maciel asked the new City Council to consider addressing the previous submitted complaint related to activities at a Regional Rail meeting on January 5, 2018 by City Manager Randall Bradley, and Transportation Commissioner Alice English, for inappropriate conduct engaging in political activity representing the City. The complaint also contained information about Mayor Rickman and Mayor Pro Tem Vargas for influencing city staff to participate against his appointment. Mr. Maciel encouraged Council Member Ransom and Young to not be disenfranchised. Council needs to be held accountable for past transactions.

Arlene Robbins expressed her concerns regarding truck traffic on West Carlton. Ms. Robbins added Sutter Gould promised no freight trucks on West Carlton but it continually happens.

Robert Tanner thanked Council for a sidewalk at Dr. Powers Park. Mr. Tanner wished everyone a happy holiday and safe new year.

Martin Evans agreed with Ms. Robbins about the trucks. Mr. Evans expressed concerns about residential boundaries around the hospital. Mr. Evans requested the maps be put back.

Ameni Alexander congratulated the newly elected Council Members.

Tim Silva expressed concerns about commercial traffic on Lowell Ave. Mr. Silva added he has been petitioning the City to slow down traffic. Mr. Silva would like to see commercial traffic taken off the area and traffic slowed down.

8. STAFF ITEMS – Randall Bradley, City Manager announced staff plans to work with Council to schedule a Strategic Planning session in March 2019.

## 9. COUNCIL ITEMS

A. Appointment of Mayor Pro Tempore

Adrienne Richardson, City Clerk presented the staff report.

Ameni Alexander, Olinga Alexander, Arlene Robbins and Zena Robbins supported Nancy Young as Mayor Pro Tem.

Council Member Ransom nominated Council Member Young. Council Member Arriola seconded the nomination.

Mayor Rickman explained why he would be voting against the nomination of Council Member Young to the seat of Mayor Pro Tem.

**ACTION:** Motion was made by Council Member Ransom and seconded by Council Member Arriola to appoint Council Member Young as Mayor Pro Tem for a two year term ending in December 2020. Roll call vote found Council Members Arriola, Ransom and Young in favor. Mayor Pro Tem Vargas and Mayor Rickman opposed.

Council Member Arriola thanked everyone and stated he was looking forward to moving forward, and wished everyone a Merry Christmas and a safe and happy holiday.

Mayor Pro Tem Young thanked those that spoke on her behalf and congratulated new Council Member Arriola. Mayor Pro Tem Young stated she wanted to move forward and see positive collaboration. Mayor Pro Tem Young hoped Council continues to aspire for higher levels. Mayor Pro Tem Young responded to Mayor Rickman's explanation of why he voted against her appointment as Mayor Pro Tem. Mayor Pro Tem Young stated she will continue to work for the community as Mayor Pro Tem and City Council member.

Council Member Vargas welcomed Council Member Arriola. Council Member Vargas apologized to Council Member Arriola for the distasteful campaign flyer and stated she takes full responsibility for the flyer. Council Member Vargas wished Nancy Young the best as Mayor Pro Tem and stated she looks forward to Council being collaborative. Council Member Vargas addressed Council Member Arriola stating she hoped he would dismiss Mr. Maciel's complaint as it brings division and marginalization, and not take his advice and lead independently. Council Member Vargas added she looks forward to seeing how Council Member Arriola leads and be true to his word about collaborating and moving forward, and that goes to all the people on the Council. Council Member Vargas announced earlier this month she was asked to be a board member for the Latino Board Caucus and accepted the nomination. Council Member Vargas will be serving in that new capacity through the state to promote transportation programs to continue to better the community and figure out ways to bring Valley Link and transportation solutions to the community.

Council Member Ransom stated this is the new Council and she is looking forward to being able to hit the reset button and do what is best for the city and for Tracy's citizens to see the best side of City Council. Council Member Ransom added when she was elected in 2016, she was excited and ready to serve, and has taken time to bring forward all the policies people have brought to her, but got zero support from Council members. Council

Member Ransom stated she will do her part and hoped City Council will work with her and have open dialogue. A majority is not a way to run a city. Council Member Ransom asked the City Attorney about the Public Records Act software process and if staff is tracking the time it takes for all public records requests.

Thomas Watson, City Attorney responded the website is up and running. Staff is tracking all public record requests and putting material on the website.

Bianca Rodriguez, Deputy City Attorney responded the application does track the average number of days it takes to close out a response and tracks staff's time

Council Member Ransom asked if staff was familiar with a legal ruling that says that cities can recover costs for electronic records when people are excessively requesting items.

Mr. Watson responded staff will start with tracking for a period of time and come back to see if a Council policy is necessary.

Council Member Ransom wished a very merry Christmas to staff and the community.

Mayor Pro Tem Young wished everyone a Merry Christmas and referred to a conversation she previously had with the City Attorney about Council policies regarding things that Council should or should not cover or look into or overturn.

Mr. Watson responded part of that policy will be discussed when staff brings the Code of Conduct to City Council. Mr. Watson estimated bringing the item before Council at the February 5, 2019 meeting once last minute items were ironed out. Mr. Watson confirmed he understood what Mayor Pro Tem Young was referring to regarding dealing with Council protocol and policies.

Mayor Rickman responded to Michael Maciel's complaint regarding misconduct of City Manager Randall Bradley, Transportation Advisory Commission Alice English, Mayor Pro Tem Vargas and Mayor Rickman speaking up in opposition of Mr. Maciel's appointment to the Regional Rail Commission on January 5, 2018.

Mayor Rickman announced the following: Saturday was Wreaths Across America which had a great turn out with many veterans at Tracy Cemetery. Mayor Rickman stated he was proud to participate and sponsor some wreaths. Santa's Show at Nirvaana at 6:00 p.m. Mayor Rickman wished everyone Merry Christmas and happy birthday to his wife.

10. ADJOURNMENT – City Council adjourned the regular meeting at 10:26 p.m., and reconvened into Closed Session.

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

The above agenda was posted at the Tracy City Hall on December 13, 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