

January 15, 2019, 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 7:00 p.m.

Mayor Rickman led the Pledge of Allegiance.

Pastor Tim Heinrich, Crossroads Baptist Church offered the invocation.

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

Randall Bradley, City Manager presented Employee of the Month award for January to Tim Rivas, Fire Department

Mayor Rickman presented a Proclamation for Anti-Slavery and Human Trafficking Prevention Month 2019 to Ana Blanco, Human Trafficking Program Manager, Women's Center-Youth & Family Services, Brian Pekari, TUSD Board Member, and Marshall Rose, Tracy Crimestoppers

Mayor Rickman presented a Proclamation for 2019 Year of the American Legion and American Legion Auxiliary to Anne Marie Fuller, President of the American Legion Auxiliary, and Vaughn Gates, Commander of American Legion

Michael Tree, Executive Director at Livermore Amador Valley Transit Authority & Tri-Valley San Joaquin Valley Regional Rail Authority, and Diane Cowen, Project Manager for Valley Link presented an update on the Valley Link project and responded to City Council questions and comments.

1. CONSENT CALENDAR – Following the removal of items 1.B by staff and 1.D by Robert Tanner, motion was made by Council Member 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 December 18, 2018, Special Meeting, Closed Session and Regular Meeting Minutes – **Minutes were adopted**
 - B. Approve Lease Agreements with Combined Solar Technologies, Inc. and Arnaudo Bros., LLC for Drying Beds Located at the Former-Holly Sugar Property – **Item was pulled by staff**
 - C. Accept Subdivision Improvements for Plan "C" – Barcelona Infill, Tract 3803, Constructed by Taylor Morrison of California LLC. – **Resolution 2019-001** accepted the Subdivision Improvements for Plan "C" – Barcelona Infill, Tract 3803
 - E. Adopt Resolution Authorizing the Submittal of an Airport Improvement Program (AIP) Matching Grant Application with the California Department of Transportation and

- Authorizing the Mayor to Accept an Allocation of Funds and to Execute the Grant Agreement – **Resolution 2019-002** authorized the submittal of an Airport Improvement Program (AIP) matching Grant Application
- F. Approve Resolution Increasing Compensation and Benefits to be Paid to the City Treasurer – **Resolution 2019-003** approved increasing compensation and benefits to be paid to the City Treasurer
- D. Accept Intersection Improvements at the 11th Street & MacArthur Drive Project, CIP 72069, Federal Project NO. CML-5192(035), Completed by Gradetech, Inc., of San Ramon, California

Robert Tanner pulled the item to express his concerns regarding blocking of traffic by people with bikes, or bikes with trailers attached, when heading eastbound on 11th Street and making a right turn on to MacArthur.

ACTION: Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to adopt **Resolution 2019-004** accepting the intersection improvements at the 11th Street & MacArthur Drive Project, CIP 72069, Federal Project No. CML-5192(035), constructed by Gradetech, Inc., of San Ramon, California, as complete, and authorizing the filing of a Notice of Completion and release of bonds and retention payment. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Trisha Johnson and Wendy Tochini provided information regarding a Trap-Neuter-Return (TNR) program for Tracy. Ms. Johnson submitted into the record copies of a 2016 Community Cat Proposal for Tracy.

Catherine Hanson Rush and Barbara Pulliam expressed concerns regarding the Tracy Animal Shelter not taking lost and found reports over the telephone and requested that the lost/found policy and shelter operations be improved.

Bethany Neal responded to the Police Departments explanation provided at the December 18, 2018 Council meeting, regarding what happened to Ozzie. Ms. Neal expressed concerns about dogs being euthanized when there are empty kennels and the ability to outreach to rescue. Ms. Neal requested an investigation regarding these issues at the Animal Shelter.

Sheri Savage, Sarah Heinrich, and Carolyn Greyson also expressed their concerns regarding dogs being euthanized prematurely without proper assessment or outreach to rescue.

Martin Evans spoke about kids leaving school yards without helmets, taking dogs to the pound if people can't take care of them, and the area around the hospital being back to residential. Mr. Evans requested the maps put back.

3. CONDUCT A PUBLIC HEARING AND APPROVE BY RESOLUTION THE LICENSE AGREEMENT BETWEEN THE CITY OF TRACY AND AMERICAN LEGION, JAMES McDERMOTT POST NO. 172, INC., AND APPROVE \$30,000 TO BE ALLOCATED DURING THE 2019-2020 BUDGET AUGMENTATION PROCESS FOR PARKING LOT REPAIR, SLURRY SEAL, AND STRIPING

Christine Mabry, Management Analyst provided the staff report.

Mayor Rickman opened the public hearing.

Vaughn Gates, American Legion stated for years the parking lot has been used jointly and the American Legion has maintained it for over 25 years. Mr. Gates appreciated having an agreement with the City.

Mayor Rickman closed the public hearing.

City Council questions and comments followed.

ACTION: Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to adopt **Resolution 2019-005** approving the License Agreement between the City of Tracy and American Legion, James McDermott Post No. 172, Inc., and approving \$30,000 to be allocated during the 2019-2020 budget augmentation process for parking lot repair, slurry seal, and striping. Roll call vote found all in favor; passed and so ordered.

4. APPROVE THE CITY OF TRACY 2019 REGIONAL TRANSPORTATION AND LOCAL PROJECT SUBMITTAL FOR CONGRESSIONAL APPROPRIATION REQUESTS DURING SAN JOAQUIN COUNCIL OF GOVERNMENTS' ONE VOICE TRIP TO WASHINGTON D.C.

Andrew Malik, Assistant City Manager presented the staff report.

City Council questions and comments followed.

Michael Tree, Tri-Valley San Joaquin Valley Regional Rail Authority and staff responded to Council questions.

Don Cose expressed his support for the Valley Link project.

Dave Helm expressed his support for the Valley Link project stating it is not a priority, it is essential.

Michael Maciel expressed concerns about pushing the project as a regional priority, the feasibility study being completed to provide data for Council to discuss and make a priority, and losing an opportunity for two projects on behalf of the City.

Bernice King Tingle, Mountain House Community Services Director expressed her support for Valley Link. Ms. Tingle stated it is important that the project be socialized in Washington, and all of the cities should put their effort into this.

Dino Margaros expressed his support for Valley Link project.

City Council comments and questions continued.

ACTION: Motion was made by Council Member Vargas and seconded by Council Member Ransom to adopt **Resolution 2019-006** approving the City of Tracy 2019 Regional Transportation and Local Project Submittal for congressional appropriation requests during San Joaquin Council of Governments' One Voice Trip to Washington D.C. Roll call vote found all in favor; passed and so ordered.

5. **ADOPT URGENCY ORDINANCE TEMPORARILY PROHIBITING OUTDOOR CULTIVATION, COMMERCIAL CULTIVATION AND MANUFACTURING, AND SALES AND DELIVERY OF CANNABIS IN THE CITY AND PROVIDE DIRECTION TO STAFF**

Karin Schnaider, Finance Director provided the staff report.

Robert Tanner stated Tracy has had a strong opinion about making cannabis illegal. The sales tax portion did not pass and comments made were if it did not pass the City should reverse its stance. Mr. Tanner suggested the ban on medical and recreational cannabis be made permanent.

Jacy Krogh agreed with the enactment of the urgency ordinance while Council decides what direction to take. Mr. Krogh stated it is time for City Council to make a decision and tell residents what is going to happen regarding cannabis in Tracy.

Vaughn Gates asked City Council not to allow cannabis in Tracy.

Christopher Steele stated he thought Tracy was a business friendly city and this seems to go against the ideology of a free enterprise and business. Mr. Steele added it goes back to black markets and against what voters have approved. Is Tracy business friendly or not.

City Council comments and questions followed.

Staff to start from scratch and bring back in February opportunities for City Council to revisit all the potential options.

Mayor Rickman announced that a four-fifths vote of the City Council is required to enact an urgency ordinance.

Adrienne Richardson, City Clerk read the title of the ordinance

ACTION: Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to adopt Ordinance 1265, an urgency ordinance of the City of Tracy prohibiting outdoor cultivation, commercial cultivation and manufacturing, and sales and delivery of marijuana (cannabis). Roll call vote found all in favor; passed and so ordered.

6. ITEMS FROM THE AUDIENCE – Abdul Wahid referred to a report provided at the December 18, 2018 Council meeting regarding the Animal Shelter stating the City is spending over a million dollars for operations. Mr. Wahid added he would like to see the City use technology to resolve Animal Shelter problems to help the operational costs. Mr. Wahid submitted a document into the record titled City of Tracy Pet Tracking Solution.

Mary Mitracos thanked City Council, staff, Public Works and the new arborist Dave Murphy for 20 or more new trees planted along Wall Street.

7. STAFF ITEMS – Randall Bradley, City Manager stated city staff will be at the Farmers Market on Saturday providing information regarding the development of a hazardous mitigation plan and conducting a survey about the plan.
8. COUNCIL ITEMS

- A. Appointment of City Council Subcommittee to Interview Applicants to Fill Five Vacancies on the Building Board of Appeals

Adrienne Richardson, City Clerk presented the staff report.

There was no one from the audience wishing to speak.

Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to appoint Council Member Ransom and Council Member Arriola to interview applicants to fill five vacancies on the Board of Appeals. Roll call vote found all in favor; passed and so ordered.

- B. Review and Determine Appointments to Council Committees

Adrienne Richardson, City Clerk presented the staff report.

Andrew Malik, Assistant City Manager added there is no Tracy representative on the San Joaquin Regional Rail Commission, which is selected by COG, but he had heard there may be a reconsideration of having a Tracy representative on the commission. Mr. Malik suggested providing Council with an opportunity to select a Council representative and an alternate should Tracy regain a seat on the commission.

Robert Tanner stated he attends the South San Joaquin County Fire Authority and pointed out that the board meets on the second Wednesday of each month at 1:00 p.m.

Bernice King Tingle, Tri-Valley- San Joaquin Valley Region Rail Authority member requested reappointment of Council Member Vargas to the Tri-Valley- San Joaquin Valley Region Rail Authority.

Greg Cose endorsed the reappointment of Council Member Vargas to the Tri-Valley- San Joaquin Valley Region Rail Authority.

Betsy Morano expressed support for the reappointment of Council Member Vargas to the Tri-Valley- San Joaquin Valley Region Rail Authority

Michael Maciel shared his concerns regarding reappointment of Council Member Vargas to the Tri-Valley- San Joaquin Valley Region Rail Authority, and urged Council to appoint a Council Member who will work collaboratively throughout the San Joaquin County to move the project forward.

Council Member Vargas responded to Mr. Maciel's allegations stating Mr. Maciel told people in the San Joaquin Council of Governments not to appoint her to a subcommittee to be part of ACE because she was a mother of a young child and had a full time job and he had doubts about her ability and time commitments to be able to serve on the transportation board. Council Member Vargas stated those comments are the most sexist and divisive comments she has heard from a former Mayor and added Mr. Maciel is divisive and misleading and continues to do that despite proven record of how well Tri-Valley- San Joaquin Valley Region Rail Authority is doing moving the project forward. Council Member Vargas added she will continue to work hard on this project and would like to be selected to continue to work on the project.

City Council reviewed the Committees/Commissions and assigned the following:

Committee/Commission	Council Members
City/Chamber Liaison	Council Member Arriola Council Member Ransom (alternate)
City/Schools Liaison	Mayor Rickman Council Member Arriola
Investment Review Committee	Council Member Vargas Council Member Ransom
South San Joaquin County Fire Authority	Mayor Rickman Council Member Ransom Council Member Vargas (Alternate)
Tracy Area Public Facilities Financing Agency	Council Member Vargas Mayor Pro Tem Young
City Selection Committee	Mayor Rickman

Community Development Block Grant Policy Advisory Committee	Council Member Vargas
Council of Governments	Mayor Rickman Council Member Ransom (Alternate)
Duel Vocational Institution, Citizen's Advisory Committee	Council Member Ransom Mayor Pro Tem Young (Alternate)
San Joaquin County Water Advisory Commission	Kul Sharma Stephanie Reyna-Heinstand
San Joaquin Partnership	Council Member Ransom
San Joaquin Regional Rail Commission	Mayor Pro Tem Young Council Member Vargas (Alternate)
Solid Waste Management Plan Advisory Task Force	Mayor Pro Tem Young Don Scholl
Special City Selection Committee, SJVAPCD	Council Member Vargas Mayor Pro Tem Young (Alternate)
League of California Cities, Central Valley Division Executive Committee	Council Member Ransom Council Member Arriola (Alternate)
Joint City/County Criminal Justice Task Force	Mayor Pro Tem Young Council Member Vargas (Alternate)
San Joaquin Council of Government's One Voice – Washington	Mayor Rickman Council Member Ransom <i>Mayor Pro Tem Young and Council Member Vargas expressed interest in attending also. Staff to check with SJCOG regarding any attendance requirements.</i>

Altamont Regional Traffic Authority (ARTA) JPA	Mayor Rickman
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Council Member Arriola nominated Council Member Ransom to serve on the Tri-Valley-San Joaquin Valley Regional Rail Authority. Council Member Ransom declined the nomination due to being appointed to a number of committees/commissions. Council Member Ransom nominated Council Member Arriola to serve on the Tri-Valley-San Joaquin Valley Regional Rail Authority. Mayor Pro Tem Young and Mayor Rickman supported the reappointment of Council Member Vargas. Council supported the appointment of Council Member Vargas to the Tri-Valley-San Joaquin Valley Regional Rail Authority.

Tri-Valley- San Joaquin Valley Regional Rail Authority	Council Member Vargas
LAFCo	No appointment at this time
Tracy Chamber Governmental Affairs Committee	Council Member Vargas

ACTION: Motion was made by Mayor Rickman and seconded by Council Member Ransom to approve the 2019 Council Committees. Roll call found all in favor; passed and so ordered.

Council Member Arriola announced he would be attending the new Council Member Academy for the rest of the week, and would be on vacation the following week. Council Member Arriola stated there are people in the community that are furloughed federal workers who are struggling, and requested the suspension or wavier of late fees for City utilities for any furloughed federal workers in the City of Tracy. City Council approved the request.

Randall Bradley, City Manager responded that with Council's direction staff can market that the City Manager has authority to waive those fees and extend timeline before we shut utilities off.

Mayor Pro Tem Young recommended cleaning up some governance policies.

Mayor Rickman stated there are many crab feeds coming up, one being at the Portuguese Hall on the January 19, 2019, and encouraged supporting nonprofits. Mayor Rickman announced Super Diamond performed at the Grand Theatre on Saturday night,

and encouraged people to spend time at the Grand Theatre. Mayor Rickman wished everyone a Happy New Year.

Council Member Vargas thanked Council for allowing her to continue to serve on the Latino Caucus and announced her appointment as an executive board member of the Latino Caucus. Besides immigration and advocacy of immigration, the Caucus will be working on affordable housing and attainable housing and will continue to work with the state and federal level to request distribution of funding of critical transportation system especially on the underserved areas as determined by the state. In addition to that is California's housing needs. Council Member Vargas thanked everyone for the vote of confidence and added she will strive to continue to evolve. Council Member Vargas thanked City Manager Randall Bradley for his time serving as City Manager and praised his accomplishments.

Council Member Ransom announced the Police Officer's Association Crab Feed on January 19, and Martin Luther King Jr. holiday on January 21, 2019. The Tracy African American Association along with the Black Student Union of the local high schools will be getting together at Tracy High School for the annual Martin Luther King Jr. breakfast at 8:30 am. Council Member Ransom encouraged everyone to get into the spirit of what Martin Luther King Jr. day symbolizes.

Mayor Pro Tem Young congratulated Yolanda Barial Knight for her appointment as the new Tracy African American Association President. Mayor Pro Tem Young announced there is a pancake breakfast on January 19, 2019, at 8:00 am to 11 am at the Masonic Temple and the proceeds will benefit the DARE program. In addition, the Chamber of Commerce is having their Awards Recognition Gala on January 25, 2019. Mayor Pro Tem Young thanked Randall Bradley for stepping in as the City Manager.

Council Member Ransom referred to allegations made by the members of the public that rescue only animals can't be adopted and are potentially euthanized, and asked if there is something that can be done while the policy is being reviewed.

Mr. Bradley responded there will be meetings with the Animal Shelter staff again to make sure everything is being done and mistakes are not being made.

Council Member Arriola seconded Council Member Ransom's request.

Mayor Rickman thanked Mr. Bradley for his efforts during his time as City Manager.

9. ADJOURNMENT – Time: 11:29 p.m.

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

The above agenda was posted at the Tracy City Hall on January 10, 2019. The above are action minutes. A recording is available at the office of the City Clerk.

ATTEST:

Mayor

City Clerk