

February 5, 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 7:10 p.m.

Mayor Rickman led the Pledge of Allegiance.

Pastor Scott McFarland, Journey Christian Church offered the invocation.

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

Andrew Malik, Assistant City Manager presented Employee of the Month award for February to Sharon Davis, City Manager's Office

Lisa Melo, Plant Controller for Leprino Foods presented a \$43,000 check to Mayor Rickman and Dino Margaros, Tracy Friends for Parks Recreation and Community Services Foundation, in support of the Legacy Fields project.

1. CONSENT CALENDAR – Following the removal of items 1.A, 1.E and 1.L by Council Member Vargas, motion was made by Council Member Ransom and seconded by Council Member Vargas to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
 - 1.B RECEIVE THE ANNUAL REPORT OF THE YOUTH ADVISORY COMMISSION – **Council reconsidered item after adoption of Consent Calendar**
 - 1.C RECEIVE THE ANNUAL REPORT OF THE PARKS AND COMMUNITY SERVICES COMMISSION – **Council reconsidered item after adoption of Consent Calendar**
 - 1.D RECEIVE THE ANNUAL REPORT ON SENIOR SERVICES – **Council reconsidered item after adoption of Consent Calendar**
 - 1.F APPROVE A LEASE AGREEMENT WITH COMBINED SOLAR TECHNOLOGIES, INC. AND APPROVE A LEASE AGREEMENT WITH ARNAUDO BROS., LLC FOR DRYING BEDS – **Resolution 2019-007** approved the lease agreement with Combined Solar Technologies. **Resolution 2019-008** approved the lease agreement with Arnaudo Bros., LLC.
 - 1.G AUTHORIZE THE ESTABLISHMENT OF A FOUR-WAY STOP AT THE INTERSECTION OF W. 12th STREET AND BESSIE AVENUE – **Resolution 2019-009** authorized the establishment of a four-way stop.

- 1.H AWARD A CONSTRUCTION CONTRACT TO PACIFIC EXCAVATION, INC., OF ELK GROVE, CALIFORNIA, FOR THE STREET LIGHT INSTALLATION AND CONDUIT REPAIR PROJECT, CIP 72112 AND CIP 73169, IN THE AMOUNT OF \$181,960, APPROVE A CONTINGENCY AMOUNT OF \$18,190, APPROPRIATE \$88,150 FROM GAS TAX AND UN-FUND GAS TAX FUNDS PREVIOUSLY COMMITTED TO CIP 72086, WITH A TOTAL PROJECT COST OF \$214,150 – **Resolution 2019-010** awarded the Construction Contract to Pacific Excavation, Inc.
- 1.I AUTHORIZE THE PURCHASE OF SPORTS FIELD LIGHTING EQUIPMENT AND SHADE STRUCTURES IN THE AMOUNT OF \$2,923,394 FOR PHASE 1D OF THE LEGACY FIELDS SPORTS COMPLEX CIP 78164 AND ADOPT A RESOLUTION DECLARING INTENTION TO REIMBURSE EXPENDITURES FOR THE LEGACY FIELDS PROJECT FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE CITY AND DIRECTING CERTAIN ACTIONS – **Resolution 2019-011** approved the purchase of the sports field lighting equipment and shade structures. **Resolution 2019-012** declared the intention to reimburse expenditures from the proceeds of obligations to be issued by the City.
- 1.J APPROVE A NEW CAPITAL IMPROVEMENT PROJECT (CIP) FOR A FIRE DEPARTMENT TRAINING TOWER SITE WITH A NOT TO EXCEED AMOUNT BUDGET OF \$450,000; ACCEPT FUNDING FROM TRACY RURAL FIRE PROTECTION DISTRICT FOR \$200,000 AND APPROPRIATE \$250,000 FROM RESERVES IN THE INTERNAL SERVICE-EQUIPMENT (605) FOR SITE IMPROVEMENTS AT NEI RESERVOIR – **Resolution 2019-013** approved the CIP for the Fire Department Training Tower
- 1.K RECEIVE AND APPROVE A REQUEST FROM THE GRAND FOUNDATION TO INCREASE DISCOUNTS FROM TEN PERCENT TO FIFTEEN PERCENT FOR GRAND FOUNDATION MEMBERSHIP LEVELS OF \$1,000 AND GREATER – **Resolution 2019-014** approved the request from the Grand Foundation to increase discounts to fifteen percent for Grand Foundation membership levels of \$1,000 or greater.
- 1.M APPROVE A MAINTENANCE AGREEMENT WITH THE COUNTY OF SAN JOAQUIN AND THE CITY OF TRACY REGARDING THE MAINTENANCE OF A PROPOSED FUTURE RETENTION POND NEAR THE LAMMERS ROAD AND SCHULTE ROAD INTERSECTION, CIP 72068 – **Resolution 2019-015** approved a Maintenance Agreement with the San Joaquin County
- 1.N APPROVE THE REPORT “GOVERNANCE REVIEW: A REVIEW OF GOVERNANCE TRANSITION AND EVALUATED OPTIONS OF THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY” AND REAFFIRM THE RECOMMENDATION AND ACTION TAKEN ON FEBRUARY 20, 2018 TO APPROVE THE FORMATION OF THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY – **Report Accepted the report.**
- 1.A ADOPTION OF JANUARY 15, 2019, CLOSED SESSION AND REGULAR MEETING MINUTES

Council Member Vargas pulled the item to request an amendment to the January 15, 2019, regular meeting minutes to include her response to Michael Maciel's allegations.

ACTION: Motion was made by Council Member Vargas and seconded by Mayor Rickman to adopt the January 15, 2019, closed session minutes and the regular meeting minutes to include the amendment. Roll call found all in favor; passed and so ordered.

- 1.E APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH WRT, LLC OF SAN FRANCISCO, CALIFORNIA FOR AN UPDATE TO THE CITYWIDE PARKS, RECREATION AND TRAILS MASTER PLAN (CIP 78179) AND PREPARATION OF NATURE PARK CONCEPTUAL PLAN (CIP 78180), AND APPROVE AN APPROPRIATION OF \$11,000 FROM LMD FUND (F271), \$39,000 FROM GENERAL FUND (F301), AND \$76,000 FROM PROGRAM MANAGEMENT FUND (F391) FOR CIP 78179 IN FY 2018-1

Council Member Vargas pulled the item to praise staff for their efforts and progress.

City Council comments followed.

Lisa Roth thanked staff and Council for addressing the amenities to bring to the community.

Tim Silva expressed his disappointment regarding a disk golf course not being in the plan.

City Council questions and comments followed.

Brian MacDonald, Parks and Recreation Director responded to Council questions.

ACTION: Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to adopt a **Resolution 2019-016** approving a Professional Services Agreement with WRT, LLC of San Francisco, California for an update to the Citywide Parks, Recreation and Trails Master Plan update and preparation of Conceptual Plan for the proposed Nature Park (CIP 78179 & CIP 78180) in an amount not to exceed \$425,827, and approving an appropriation of \$11,000 from LMD Fund (F271), \$39,000 from General Fund (F301), and \$76,000 from Program Management Fund (F391) for CIP 78179 in FY 2018-19. Roll call found all in favor; passed and so ordered.

- 1.L ESTABLISH A CAPITAL IMPROVEMENT PROJECT FOR THE CONSTRUCTION OF NEW SIDEWALK ALONG TRACY BOULEVARD WITH A NOT TO EXCEED BUDGET OF \$724,581, AUTHORIZE AN APPROPRIATION OF \$66,000 FROM GENERAL FUND CAPITAL FUND (F301) FOR THE CITY'S MATCH OF THE NEW PROJECT, AND APPROVE THE COOPERATIVE AGREEMENT WITH THE SAN JOAQUIN COUNCIL OF GOVERNMENTS FOR

THE CITY OF TRACY TO RECEIVE A REIMBURSEMENT OF \$658,581 FOR PROJECT DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT

Council Member Vargas pulled the item to thank staff for working on connectivity.

City Council comments followed.

No one from the audience wished to speak.

ACTION: Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to adopt **Resolution 2019-017** authorizing the establishment of a Capital Improvement Project for the construction of new sidewalk along Tracy Boulevard with a not to exceed budget of \$724,581, authorizing an appropriation of \$66,000 from General Fund Capital Fund (F301) for the City's match of the new project, and approving a Cooperative Agreement with San Joaquin Council of Governments for the City to receive reimbursement of \$658,581 for project design, and construction management. Roll call vote found all in favor; passed and so ordered.

Mayor Pro Tem Young requested Council reconsideration of Consent Items 1.B, 1.C AND 1.D

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Vargas to reconsider Consent Items 1.B, 1.C and 1.D. Roll call found all in favor; passed and so ordered.

Council deviated to Items from the Audience while staff prepared to provide staff reports for Items 1.B, 1.C and .D.

2. ITEMS FROM THE AUDIENCE – Erica Ransom spoke about a growing drug and homeless problem, lack of resources in Tracy, and shared experiences.

Catherine Rush asked if Lost and Found Policy will be added to the list of concerns in the Animal Shelter report.

Philip Anderson expressed his concerns regarding a Ziggy's Smoke Shop trying to open at 1655 Parker Avenue, and submitted combined petitions to the City Clerk.

Martin Evans shared his concerns about zoning by the hospital on Carlton and Bessie and wants the maps put back in purple all in medical zone.

City Council reconsidered Agenda Items 1.B, 1.C and 1.D

1.B RECEIVE THE ANNUAL REPORT OF THE YOUTH ADVISORY COMMISSION

Amanda Jensen, Recreation Coordinator introduced Jasjot Kaur, Youth Advisory Commissioner who provided a powerpoint presentation.

City Council comments followed.

ACTION: Motion was made by Council Member Vargas and seconded by Council Member Arriola to approve the annual report for the Youth Advisory Commission. Roll call found all in favor; passed and so ordered.

1.C RECEIVE THE ANNUAL REPORT OF THE PARKS AND COMMUNITY SERVICES COMMISSION

Thien Nguyen, Recreation Services Supervisor provided the staff report.

City Council comments followed.

No one from the public wished to speak.

Council Member Vargas stated a member of the public requested looking into a community garden.

Conrad Levoitt spoke about consideration of a community garden.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Vargas to approve the annual report for the Parks and Community Services Commission. Roll call found all in favor; passed and so ordered

1.D RECEIVE THE ANNUAL REPORT ON SENIOR SERVICES

Amanda Jensen, Recreation Coordinator provided the staff report.

Clara Stiles thanked staff for their continuous support and efforts.

City Council comments followed.

ACTION: Motion was made by Council Member Ransom and seconded by Mayor Pro Tem Young to approve the annual report for the Senior Services. Roll call found all in favor; passed and so ordered

3. REGULAR AGENDA

3.A PUBLIC HEARING TO CONSIDER INTRODUCING AN ORDINANCE APPROVING AN AMENDMENT TO THE ELLIS SPECIFIC PLAN FENCE REGULATIONS AND MINIMUM LOT WIDTH REQUIREMENTS

Scott Claar, Senior Planner provided the staff report

Mayor Rickman opened the public hearing.

Jenny Rutherford expressed concerns regarding a violation notice issued for a fence that was there before they moved to the Ellis development.

City Council questions and comments followed.

William Dean, Assistant Development Services Director responded to Council questions.

Ms. Booker stated as one of the first buyers and one of the five homes impacted, the process is dragging out and she would like it to end.

Chris Long, representing the developer shed light on zoning approved many years ago, explained the fence standards, and responded to City Council questions.

Sergio Perez, Lennar Homes Project Manager responded to Council questions regarding replacing/relocating fence and working with the homeowners to find a resolution for the fencing issue.

City Council comments and questions continued.

Council directed staff to return on February 19, 2019, with a specific plan amendment that articulates clearly the carve-out for the five residents and bring back language that would perpetuate the fence standards into the future for the balance of the neighborhood in addition to the lot width requirement Mr. Long mentioned. Staff to also bring back illustrations.

Council also requested the applicant find a solution that would address the homeowner's concerns. Mr. Perez responded Lennar Homes is committed to finding a resolution, and will correct any impact to existing landscaping.

ACTION: Motion was made by Council Member Vargas and seconded by Council Member Ransom to continue the Public Hearing to February 19, 2019. Roll call vote found all in favor; passed and so ordered.

3.B APPROVE AN EMPLOYMENT AGREEMENT BETWEEN MIDORI LICHTWARDT AND THE CITY OF TRACY TO SERVE AS INTERIM CITY MANAGER

Kimberly Murdaugh, Human Resources Director provided the staff report.

No one from the audience wished to speak.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Ransom to adopt a **Resolution 2019-018** approving an At-Will Employment Agreement between Midori Lichtwardt and the City of Tracy to serve as Interim City Manager. Roll call vote found all in favor; passed and so ordered.

3.C RECEIVE AND FILE THE CITY OF TRACY'S COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDING JUNE 30, 2018 – Item was moved to February 19, 2019

3.D DISCUSS POTENTIAL REGULATIONS FOR COMMERCIAL CANNABIS ACTIVITY AND PROVIDE DIRECTION TO STAFF

Karin Schnaider, Finance Director provided the staff report.

Ms. Schnaider and Leticia Ramirez, Assistant City Attorney responded to City Council questions.

Steve Nicolaou expressed concerns regarding handling of cash deposits generated by cannabis sales, and suggested waiting to see what happens with the State.

Roger Birdsall asked if staff is implying that a dispensary would generate approximately \$35,000, hiring 4.75 staff is recommended to cover the difference, and putting it on the November 2020 ballot to raise the general tax to pay for it.

City Council comments and questions followed.

Alex Neicu, Interim Police Chief responded to Council's questions.

It was Council's consensus for staff to include the following to develop cannabis regulatory requirements for Council's consideration:

Staff to bring back an item on February 19 to extend the urgency ordinance.

Look at both store front and walk-ins.

Highest level of regulations.

Limitation to permitted dispensaries based on population size of 1 per 40,000 (both).

Locations of dispensaries - Industrial zoning.

Commercial cannabis activities should be allowed: Distribution, Testing Labs, Microbusinesses, Manufacturing.

Revenue and service level options for all.

3.E REVIEW AND DISCUSS THE PROPOSED CODE OF ETHICS AND CONDUCT AND CHANGES TO THE CURRENT COUNCIL POLICY C-1 AS RECOMMENDED BY THE CITY COUNCIL SUBCOMMITTEE AND APPROVE THE ENABLING RESOLUTION. – Item was moved to next Council meeting

City Attorney will gather more input from Council and present suggestions at next Council meeting.

4. ITEMS FROM THE AUDIENCE – Robert Tanner stated in regards to the cannabis item, an increase of the number of stores per population size of 1 per 55,000 residents would be more accurate by 2020.

Roger Birdsall announced the Notre Dame de Namur speaker series on Wednesday, February 13, 2019 from 11:30 am to 1:00 p.m. at the Grand Theatre.

Tim Silva referred to an earlier speakers concerns regarding a smoke shop business coming to Parker Ave stating it is a legal business.

Alice English read out an Ethic policies from the Grand Jury.

5. STAFF ITEMS – Alex Neicu, Interim Police Chief Neicu stated staff will bring back the report on the Animal Shelter on March 19, 2019. Chief Neicu provided a brief update on progress on final report.

6. COUNCIL ITEMS

- 6.A APPOINTMENT OF CITY COUNCIL SUBCOMMITTEE TO INTERVIEW APPLICANTS TO VACANCIES ON THE MEASURE V RESIDENTS' OVERSIGHT COMMITTEE

Adrienne Richardson, City Clerk provided the staff report.

No one from the audience wished to speak.

ACTION: Motion was made by Council Member Vargas and seconded by Council Member Ransom to appoint Mayor Pro Tem Young and Council Member Arriola to interview applicants to fill vacancies on the Measure V Residents' Oversight Committee. Roll call found all in favor; passed and so ordered.

- 6.B DISCUSS AND PROVIDE DIRECTION ON THE CITY OF TRACY AND THE TRACY CHAMBER OF COMMERCE AS IT RELATES TO THE ANNUAL STATE OF THE CITY EVENT

Mayor Rickman explained his request for an item to be placed on the agenda to discuss whether there should be a charge for the State of the City event.

City Council questions and comments followed.

Andrew Malik, Assistant City Manager responded to City Council's questions and comments.

Staff to circulate a copy of the Memorandum of Understandings (MOU) between the City of Tracy and the Chamber of Commerce to Council.

Cliff Hudson, representing the Tracy Chamber of Commerce stated the State of the City is a Chamber event in partnership with City, and a fundraiser for the Chamber. The Chamber would also be supportive of making the State of the City event in the future. Sponsorships have helped cover costs, but if the City would like to cover costs for linen, foods or speakers that would be the city's decision

Mr. Malik confirmed that staff will look into the budget for funds to cover actual costs.

Juana Dement asked if the City partners with any other non-profits, and if the Tracy Chamber of Commerce is a 501(c)(6), is the City correctly partnering with this entity.

Lisa Aguilera, stated the Chamber counts on fundraisers and suggested changing it next year as there is already something in place.

Lisa Roth provided suggestions of ways to bring the State of the City to residents free of charge.

Alice English stated the State of the City should be a free event and it is not too late, as they have great sponsors.

City Council comments and questions continued.

In future staff to make sure existing contracts are attached to agenda item.

Staff to look into streaming the State of the City live.

ACTION: Motion made by Mayor Rickman and seconded by Council Member Vargas to cover actual costs for a free event State of the City event with partnership with the Tracy Chamber of Commerce and update the Memorandum of Understanding between the City of Tracy and the Tracy Chamber of Commerce going forward. Roll call found all in favor; passed and so ordered.

Council Member Vargas announced Valley Link meeting dates.

Council Member Arriola announced a local upcoming event, and also noted Banfield Pet Hospital has seven stainless steel kennels to donate to the shelter.

Council Member Ransom asked if Council can provide suggestions regarding the Animal Shelter report scheduled on March 19. Council Member Ransom requested details of all Memorandum of Understandings between non-employee related organizations (not developer) and the City, to include financial commitment, staff time, and what the City is giving to various organizations. Council Member Vargas seconded the request.

Mayor Pro Tem Young also inquired about the Animal Shelter report. Mayor Pro Tem Young requested committee/commission reports be placed on the regular agenda, and a Council Comments section be added to the agenda template. Mayor Pro Tem Young announced her swearing in to represent Tracy on the San Joaquin Regional Rail Commission and provided information regarding the ACE train.

Mayor Rickman announced an upcoming community event. Mayor Rickman also stated he would also like to review 501(C)(3) non-profits to see who the City is subsidizing.

7. ADJOURNMENT – Wednesday, February 6, 2019 at 12:28 a.m.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member 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 January 31, 2019. The above are action minutes. A recording is available at the office of the City Clerk.

ATTEST:

Mayor

City Clerk