

**February 19, 2019, 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 7:02 p.m.

Mayor Rickman led the Pledge of Allegiance.

Chaplain Don Higgins offered the invocation.

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

Interim Police Chief Alex Neicu swore in Police Sergeant Joel Petty, and Officers Alberto Perez, Travis Alexander, Lana Pineo and Antonio D'Onofrio

1. CONSENT CALENDAR – Following the removal of items 1.J by Jacy Krogh, motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
  - 1.A ADOPTION OF FEBRUARY 5, 2019 CLOSED SESSION AND REGULAR MEETING MINUTES, AND FEBRUARY 8, 2019 CLOSED SESSION MINUTES – **Minutes were adopted.**
  - 1.B ACCEPT THE CONSTRUCTION OF THE OVERLAY PROJECT, CIP 73140A, FEDERAL PROJECT NUMBER STPL-5192(041), AND TRAFFIC LOOP INSTALLATION, CIP 72099, COMPLETED BY KNIFE RIVER CONSTRUCTION, OF STOCKTON, CALIFORNIA, AUTHORIZE AN APPROPRIATION OF \$52,540 FROM GAS TAX FUND 245 TO CIP 73140A, AUTHORIZE THE CITY CLERK TO FILE THE NOTICE OF COMPLETION, AUTHORIZE THE CITY ENGINEER TO RELEASE THE BONDS AND RETENTION PAYMENT, AND AUTHORIZE THE FINANCE DEPARTMENT TO CLOSE THE PROJECTS – **Resolution 2019-019 accepted the overlay project.**
  - 1.C APPROVE PERMITS FOR THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON CITY STREETS FOR THE FOLLOWING SPECIAL EVENTS: CITY OF TRACY GIRLS' NIGHT OUT ON MARCH 15, 2019; TRACY CITY CENTER ASSOCIATION TAPS ON TENTH ON APRIL 6, 2019; CITY OF TRACY DOWNTOWN BLOCK PARTIES ON MAY 3, MAY 31, JUNE 14, JULY 12, AND AUGUST 9, 2019; TRACY CHAMBER OF COMMERCE 4TH OF JULY DAY IN THE PARK ON JULY 4, 2019; CITY OF TRACY BLUES, BREWS & BBQ ON SEPTEMBER 7, 2019; TRACY CITY CENTER ASSOCIATION DOWNTOWN TRACY WINE STROLL ON SEPTEMBER 21, 2019; AND CITY OF TRACY GIRLS' NIGHT OUT – WITCHES AND BROOMSTICKS ON

OCTOBER 18, 2019 THE ANNUAL REPORT OF THE PARKS AND COMMUNITY SERVICES COMMISSION – **Resolution 2019-020 approved the permits for consumption of alcoholic beverages on city streets for various events.**

- 1.D ACCEPT CORRAL HOLLOW ROAD OVERLAY IMPROVEMENTS FOR THE TRACY HILLS PHASE IA PROJECT, CONSTRUCTED BY TRACY PHASE I, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ASSUME RESPONSIBILITY FOR THEIR FUTURE MAINTENANCE AND REPAIR, AND AUTHORIZE THE CITY ENGINEER TO RELEASE BONDS – **Resolution 2019-021 accepted the Corral Hollow Road Overlay Improvements.**
- 1.E DECLARE CERTAIN VEHICLES AND EQUIPMENT AS SURPLUS AND APPROVE THEIR SALE – **Resolution 2019-022 declared certain vehicles and equipment surplus.**
- 1.F APPROVE THE FIRST AMENDMENT TO THE SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACY HILLS VILLAGE 2, TRACT 3888, AND AUTHORIZE THE CITY CLERK TO FILE THE FIRST AMENDMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER – **Resolution 2019-023 approved the first amendment to the Subdivision Improvement Agreement for Tracy Hills Village 2, Tracy 3888.**
- 1.G APPROVE THE PARK IMPROVEMENT AND REIMBURSEMENT AGREEMENT FOR TRACY HILLS NEIGHBORHOOD PARK 2, AND AUTHORIZE THE CITY CLERK TO FILE THE AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER – **Resolution 2019-024 approved the Park Improvement and Reimbursement Agreement for Tracy Hills Neighborhood Park 2.**
- 1.H APPROVE THE FIRST AMENDMENT TO THE SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACY HILLS VILLAGE 7A, TRACT 3955, AND AUTHORIZE THE CITY CLERK TO FILE THE FIRST AMENDMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER – **Resolution 2019-025 approved the first Amendment to the Subdivision Improvement Agreement for Tracy Hills Village 7A, Tract 3955.**
- 1.I AUTHORIZE STAFF TO SUBMIT AN APPLICATION FOR THE FEDERAL GRANT, “INFRASTRUCTURE FOR REBUILDING AMERICA” COMPETITIVE GRANT PROGRAM FOR THE CENTRAL VALLEY GATEWAY PROJECT AND FURTHER AUTHORIZE THE CITY MANAGER TO EXECUTE ALL GRANT-RELATED DOCUMENTS AND AGREEMENTS - **Resolution 2019-026 authorized the application for the Federal Grant “Infrastructure for Rebuilding America” Competitive Grant Program for the Central Valley Gateway Project.**
- 1.J APPROVE A LEAVE OF ABSENCE FOR TRACY PLANNING COMMISSIONER RAJWINDER KAUR – **Resolution 2019-027 approved the leave of absence.**

Jacy Krogh expressed concerns regarding leave of absence requests by appointed commissioners and requested Council re-evaluate the use of the leave of absence policy for those that serve on the appointed commissions and boards.

City Council comments followed.

**ACTION:** Motion was made by Council Member Vargas and seconded by Council Member Ransom to approve a leave of absence for Tracy Planning Commissioner Rajwinder Kaur. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Sheri Savage shared her frustration regarding the euthanizing of animals at the Tracy Shelter. Ms. Savage requested a subcommittee of members of the community to decide when an animal should die.

Caroline Grayson shared her concerns about the kennel I.D. number/information not being on the cages at the Tracy Animal Shelter. Ms. Grayson submitted photos to the Clerk.

Dave Helm announced that the FPPC will be investigating his complaint against Mayor Pro Tem Young related to a fireworks stand permit issued to nonprofit organizations through the lottery process. Mr. Helm provided a handout.

Council Member Young responded to Mr. Helm's allegations stating the City Attorney had contacted the FPPC to get a writing as to whether she did anything improper. Council Member Young clarified she ran on "Voice Matters" which is why she fought for the organizations, and looks forward to the FPPC's response.

3. REGULAR AGENDA

Deviation to Item 3.D by Mayor Rickman

- 3.D 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

Thomas Watson, City Attorney provided the staff report.

City Council questions and Comments followed.

Dave Helm shared his concerns regarding limiting the public comments and use of speaker cards.

Robert Tanner suggested that Council members who have received campaign donations of \$4,000 or more from developers should not be able to vote on that builder's request before Council, for the first 2 years in office. Mr. Tanner expressed concerns about limiting public comment, and speaker card issues.

Steve Nicolaou stated requiring a speaker card is unconstitutional, and the public comment period should be at the beginning of the meeting. Mr. Nicolaou referred to Article V of the San Joaquin County Board of Supervisors Code of Ethics regarding Code of Ethics violations, and suggested similar language should be added to the City's Code of Ethics.

Martin Evans stated he does not like meetings televised or late at night and suggested have one meeting a month on a Saturday.

Jacy Krogh encouraged Council to think twice about moving the public comment period to the end of the meeting.

Alice English stated speaker cards are a violation of rights, and did not support putting the public comment period at the end of the meeting. Ms. English added residents should know they have a right to go to the FPPC to hold Council accountable. Ms. English suggested a timer for Council Members, and not to censor the public.

Roger Birdsall did not support moving the public comment period to the end of the meeting. Mr. Birdsall referred to the County Code of Ethics Mr. Nicolaou had provided previously and suggested using them as a guide.

City Council made comments regarding various sections of the proposed Code of Ethics.

City Council moved the item to the end of the meeting following item 6.E.

3.A CONTINUED 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.

Bret Wallach, Director of Operations from Lennar Homes provided an update regarding the fence issue at Ellis.

Mayor Rickman closed the public hearing.

City Council comments and questions continued.

Adrienne Richardson, City Clerk read the title of the proposed ordinance.

**ACTION:** Motion was made by Mayor Pro Tem Young and seconded by Council Member Ransom to waive the reading of the full text and introduce **Ordinance 1266** an Ordinance of the City of Tracy approving an amendment to the Ellis Specific Plan fence regulations and minimum lot width requirements, Application Number SPA19-0001. Roll call vote found all in favor; passed and so ordered.

3.B PUBLIC HEARING TO CONSIDER EXTENDING AN URGENCY ORDINANCE TEMPORARILY PROHIBITING OUTDOOR CULTIVATION, COMMERCIAL CULTIVATION AND MANUFACTURING, AND SALES AND DELIVERY OF CANNABIS USES IN THE CITY AND TO ISSUE A REPORT REGARDING MEASURES TAKEN TO ALLEVIATE CONDITIONS LEADING TO ADOPTION OF URGENCY ORDINANCE

Leticia Ramirez, Assistant City Attorney provided the staff report.

Mayor Rickman opened the public hearing.

Conrad Levoitt stated it is a serious issue when a person is smoking cannabis in a neighborhood and should take certain precautions of where they choose to smoke it, not in car, street or side of residence.

Mayor Rickman closed the public hearing.

City Council questions and comments followed.

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

Adrienne Richardson, City Clerk read the title of the proposed ordinance.

**ACTION:** Motion was made by Council Member Ransom and seconded by Council Member Arriola to waive the reading of the full text and adopt **Ordinance 1267** an ordinance of the City of Tracy extending urgency ordinance (Ord No. 1265) 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.

3.C RECEIVE AND FILE THE CITY OF TRACY'S COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDING JUNE 30, 2018

Martha Garcia, Finance Manager introduced Amy Meyer, Maze & Associates, Karin Schnaider, Finance Director, and provided the staff report.

No one from the audience wished to speak.

City Council questions and comments followed.

**ACTION:** Motion was made by Council Member Vargas and seconded by Council Member Arriola to approve the City of Tracy's Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ending June 30, 2018. Roll call found all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – There was no one wishing to speak.

5. STAFF ITEMS – There were no items from staff.

6. COUNCIL ITEMS

6.A DISCUSS AND APPROVE UPCOMING CITY COUNCIL OUT-OF-STATE TRAVEL, INCLUDING TRAVEL TO WASHINGTON, D.C. FOR LOBBYING EFFORTS FOR THE SAN JOAQUIN COUNCIL OF GOVERNMENTS (SJCOG) ONE VOICE® TRIP; AND TRAVEL TO WASHINGTON, D.C. FOR LOBBYING EFFORTS FOR THE CITY OF TRACY (PRE-ONE VOICE)

Karin Schnaider, Finance Director provided the staff report.

No one from the audience wished to speak.

City Council questions and comments followed.

**ACTION:** Motion was made by Council Member Vargas and seconded by Council Member Ransom to approve the attendance of Council Members Arriola, Ransom, Vargas, Mayor Pro Tem Young and Mayor Rickman to the San Joaquin Council of Governments One Voice® trip to Washington D.C. May 5 through May 9, 2019, and approve the attendance of Council Members Arriola, Ransom, Vargas, and Mayor Pro Tem Young at the City's lobbying trip to Washington D.C. during the week of April 29 through May 3, 2019. Roll call found all in favor; passed and so ordered.

6.B APPROVE REQUEST FOR OUT-OF-STATE TRAVEL BY COUNCIL MEMBER VARGAS

Karin Schnaider, Finance Director provided the staff report.

No one from the audience wished to speak.

City Council questions and comments followed.

**ACTION:** Motion made by Mayor Pro Tem Young and seconded by Council Member Arriola to approve the out-of-state travel by Council Member Vargas. Roll call found all in favor; passed and so ordered.

6.C APPOINT APPLICANTS TO THE BOARD OF APPEALS

Adrienne Richardson, City Clerk provided the staff report.

Council Member Ransom announced the subcommittee's recommendation to the Board of Appeals.

No one from the audience wished to speak.

City Council questions and comments followed.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Ransom to appoint Scott Schendel, Dennis Alegre and James Caling to the Board of Appeals for terms commencing on March 1, 2019 and ending on March 1, 2023, and appoint Jerry Yerian and Hossein Ebrahimi for terms commencing on March 1, 2019 and ending March 1, 2022. Roll call vote found all in favor; passed and so ordered.

6.D APPOINTMENT OF CITY COUNCIL SUBCOMMITTEE TO INTERVIEW APPLICANTS TO FILL THE VACATED SEAT OF THE CITY OF TRACY REPRESENTATIVE SERVING ON THE SAN JOAQUIN COUNTY COMMISSION ON AGING

Adrienne Richardson, City Clerk provided the staff report.

No one from the public wished to speak.

**ACTION:** Motion was made by Mayor Rickman and seconded by Council Member Arriola to appoint Council Member Vargas and Mayor Rickman to interview applicants for the vacated seat of the City of Tracy representative serving on the San Joaquin County Commission on Aging. Roll call vote found all in favor; passed and so ordered.

6.E APPOINTMENT OF CITY COUNCIL SUBCOMMITTEE TO INTERVIEW APPLICANTS TO FILL A VACANCY ON THE TRACY ARTS COMISSION

Adrienne Richardson, City Clerk provided the staff report.

No one from the public wished to speak.

**ACTION:** 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 a vacancy on the Tracy Arts Commission. Roll call vote found all in favor; passed and so ordered.

Mayor Rickman called for a recess at 9:32 p.m.

Mayor Rickman reconvened the meeting at 9:42 p.m.

DEVIATION BACK TO ITEM 3.D

3.D Mayor Pro Tem Young and Council Member Vargas (Code of Conduct subcommittee) suggested that Council send their red lines to the City Attorney, and the subcommittee meet to consolidate the comments from the Council and the public and return to Council with a more comprehensive, cleaner and integrated document.

Thomas Watson, City Attorney added Sections 2, 3 and 4 to be incorporated into an ordinance to be encapsulated into the Tracy Municipal Code.

Mayor Pro Tem Young and Council Member Vargas (Code of Conduct

subcommittee) agreed to Council Member Arriola's request that if there are substantive differences where they do not agree with the red lines, make them options to consider.

It was City Council consensus that each Council Member redline the proposed Code of Conduct and send to the City Attorney by March 5, 2019. The subcommittee will meet with the City Attorney to consolidate and bring the document back to City Council at a special meeting on Tuesday, April 2, 2019, at 5:30 p.m. Minutes also to be discussed.

**ACTION:** Motion was made by Mayor Pro Tem Young and Council Member Vargas to continue the item to April 2, 2019. Roll call vote found all in favor; passed and so ordered.

#### COUNCIL ITEMS CONTINUED

Council Member Ransom wished everyone a great evening.

Council Member Young announced the following: February is Black History Month, Tracy African American Association (TAAA) has a display in the Library, TAAA has a free scholarship workshop at Tracy High School on February 27 at 3:45 p.m.

Council Member Vargas provided an update on the Valley Link project and announced upcoming community outreach events: February 23, 2019 at Winter Farmers Market on 6<sup>th</sup> Street from 9:00 to noon, and workshop on February 23, 2019 at Transit Center from noon to 2:00 pm.

Council Member Arriola announced the following: Attended a lunch with the President of Azores. Saturday is Suicide Prevention Walk at West High School from 10:00 a.m. to 2:00 p.m.

Mayor Rickman announced the following: Attended crab feeds and encouraged everyone to attend the crab feed fundraisers. Saturday, February 23, 2019 is the American Legion Law and Order Dinner beginning at 6:00 p.m. Mayor Rickman wished his daughter Allison a happy 16<sup>th</sup> birthday.

Council Member Young announced happy birthday to Barbara Lill, who will be 80 years old.

Council Member Ransom announced Congressman Josh Harder is having a town hall meeting in Council Chambers - February 22, 2019 at 5:30 p.m.

7. ADJOURNMENT – Time: 10:00 p.m.

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

The above agenda was posted at the Tracy City Hall on February 14, 2019. 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