

July 2, 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 Kevin James, New Creation Bible Fellowship offered the invocation.

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

Jenny Haruyama, City Manager presented the Employee of the Month Award to Detective Patrick Heaney.

Alex Neicu, Interim Police Chief swore in Police Corporals Jeff Berdosh and Nestor Mejia and Police Officers Sofia-Natasia Bechler and Clinton Gardner.

1. CONSENT CALENDAR – Following the removal of consent item 1.C by Robert Tanner, motion was made by Mayor Pro Tem Young and seconded by Council Member Vargas to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
 - 1.A ADOPTION OF JUNE 18, 2019, REGULAR MEETING MINUTES – Minutes were adopted.
 - 1.B ACCEPT CONSTRUCTION OF PHASE 1 OF CIP 76066 DETENTION BASIN 2B, COMPLETED BY MOZINGO CONSTRUCTION, INC., OF OAKDALE, CALIFORNIA, AUTHORIZE THE CITY CLERK TO FILE THE NOTICE OF COMPLETION, AND AUTHORIZE THE CITY ENGINEER TO RELEASE THE BONDS AND RETENTION PAYMENT – **Resolution 2019-141** accepted the project.
 - 1.D APPROVE THE PLACEMENT OF A PLAQUE IN THE SPLASH PAD LANDSCAPING OF MCDONALD PARK IN HONOR OF THE LATE FRANK A. GARCIA PER CITY STANDARD POLICY AND PROCEDURES – **Resolution 2019-142** approved the placement of the plaque in McDonald Park.
 - 1.E APPROVE A CHANGE ORDER IN THE AMOUNT OF \$50,000 TO CROSSPOINT GENERAL ENGINEERING, OF PALO CEDRO, CALIFORNIA FOR THE 10TH STREET AND CENTRAL AVENUE DOWNTOWN FESTIVAL LIGHTS PROJECT CIP 71106 – **Resolution 2019-143** approved the change order for \$50,000 to Crosspoint General Engineering.
 - 1.C SET A PUBLIC HEARING DATE FOR CONSIDERATION OF THE PROPOSED WATER RATE INCREASE AND AUTHORIZE STAFF TO TAKE NECESSARY STEPS TO BEGIN THE PROCESS TO ESTABLISH NEW WATER RATES

Kul Sharma, Utilities Director provided the staff report.

Mr. Tanner pulled the item to share his concerns regarding a 25% water rate increase.

City Council comments and questions followed.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Vargas to adopt **Resolution 2019-144** setting a public hearing on September 17, 2019 for consideration of the proposed water rate increase and directing staff to take necessary steps to begin the process to establish new water rates. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Ray Moreles thanked staff and Council for the placement of a plaque in the splash pad landscaping of McDonald Park in honor of the late Frank A. Garcia.

Amrik Wander spoke about Adams Park in the Edgewood community and requested adding a public restroom and a basketball court to the park.

Robert Tanner thanked Council and the Parks Commission for the completion of the sidewalk repairs at Dr. Powers Park (Tanner walk).

Jeff Fierro expressed his concerns regarding high decimal noise readings from the ACE train near his home in Edgewood, homeless crisis in Tracy, spray used on train area potentially causing cancer, and stated a 25% water rate increase too much.

Martin Evans spoke about his concerns about the following: the hospital area, Sandra Cantu, requested a memorial park for murder victims by the hospital at the corner of Beverly and Bessie, and putting the maps back.

3. REGULAR AGENDA

- 3.A ADOPT RESOLUTION SUPPLEMENTING RESOLUTION NO. 2016-161 TO AUTHORIZE THE ISSUANCE AND SALE OF SPECIAL TAX BONDS FOR THE PURPOSE OF FINANCING AUTHORIZED FACILITIES, AND APPROVING AND AUTHORIZING RELATED DOCUMENTS AND ACTIONS - IMPROVEMENT AREA NO. 1 OF THE CITY OF TRACY COMMUNITY FACILITIES DISTRICT NO. 2016-1 (TRACY HILLS)

Karin Schnaider, Finance Director provided the staff report.

Mike Souza, Tracy Hills Project Manager thanked staff and consultants and agreed with staff's recommendation.

There were no comments from City Council.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Vargas to adopt **Resolution 2019-145** supplementing Resolution No. 2016-191 to authorize the issuance and sale of special tax bonds for the purpose of financing authorized facilities, and approving and authorizing related documents and actions – Improvement Area No. 1 of the City of Tracy Community Facilities District No. 2016-1 (Tracy Hills). Roll call found all in favor; passed and so ordered.

3.B ADOPT RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF ONE OR MORE SERIES OF SPECIAL TAX REFUNDING BONDS, AND APPROVING AND AUTHORIZING RELATED DOCUMENTS AND ACTIONS- CITY OF TRACY COMMUNITY FACILITIES DISTRICT NO. 2006-01 (NEI PHASE II)

Karin Schnaider, Finance Director provided the staff report.

Jeff Fierro asked if there was a plan to widen Corral Hollow Road over the aqueduct (not related to agenda item 3.B). Andrew Malik spoke with Mr. Fierro outside of Council chambers.

There were no comments from City Council.

ACTION: Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to adopt a **Resolution 2019-146** authorizing the issuance and sale of special tax refunding bonds, and approving and authorizing related documents and actions – City of Tracy Community Facilities District No. 2006-01 (NEI Phase II) Special Tax Refunding Bonds, Series 2019. Roll call found all in favor; passed and so ordered.

3.C PUBLIC HEARING FOR THE PURPOSE OF ACCEPTING THE CITY OF TRACY 2019 PUBLIC HEALTH GOALS REPORT ON WATER QUALITY AS REQUIRED BY THE CALIFORNIA HEALTH AND SAFETY CODE AND APPROVING THE REPORT TO FILE WITH THE STATE WATER RESOURCES CONTROL BOARD

Kul Sharma, Utilities Director provided the staff report.

Mayor Rickman opened the public hearing.

There was no one from the audience who wished to speak on the item.

Mayor Rickman closed the public hearing.

City Council comments and questions followed.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Ransom to adopt **Resolution 2019-147** accepting the City of Tracy 2019 Public Health Goals Report on water quality as required by the California Health and Safety Code and approving the report to file with the State Water Resources Control Board. Roll call vote found all in favor; passed and so ordered.

3.D DISCUSS AND APPROVE A RESPONSE LETTER TO THE SAN JOAQUIN COUNTY CIVIL GRAND JURY'S REPORT "TRACY CITY COUNCIL: RESTORE THE PUBLIC TRUST" 2018-2019 CASE NO.0418 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE LETTER

Leticia Ramirez, Interim City Attorney, provided the staff report. Jenny Haruyama, City Manager continued with the staff report.

Robert Tanner encouraged Council to adopt an Ethics Policy by October 31, 2019, abstain from voting on any developer items for 50% of their term if they have received campaign funds from that developer, and allow Tracy voters to fill vacant seats on Council.

Ray Moreles expressed his concerns regarding Council's behavior and spoke about the need for Code of Ethics/Conduct, working for people and benefit of the City, being productive, Council appointing someone to fill a Council seat does not work, and suggested selecting the person who came third during the election.

Jan Couturier stated Dan Arriola got the majority of the votes at the last election, which speaks to the community concerns, and hoped Council can move forward.

Steve Nicolaou stated he agreed with 95% of the Grand Jury Report, and spoke about looking at how to handle staff separations, if you mess up, fess up, and showing the public that Council has learned from this experience.

City Council reviewed and discussed the following Grand Jury findings, recommendations, and draft responses to the Grand Jury recommendations.

1.0 Ethics Policy Findings and Recommendations

Finding F1.1 - The Tracy City Council's failure to agree on an Ethics Policy is reflective of the Council's inability to agree on the fundamentals of how to work together as an effective governing body.

Council Member Arriola	Agree
Council Member Ransom	Agree
Council Member Vargas	Partially Agree
Mayor Pro Tem Young	Agree
Mayor Rickman	Partially Disagree

Ms. Ramirez confirmed that partially agree is equivalent to partially disagree.

City Council provided comments regarding finding F1.1

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Ransom to **agree wholly** with the finding F1.1. - The Tracy City Council's failure to agree on an Ethics Policy is reflective of the Council's inability to agree on the fundamentals of how to work together as an effective governing body. Roll call found Council Members Arriola, Ransom, Mayor Pro Tem Young in favor; passed and so ordered. Council Member Vargas and Mayor Rickman opposed. Motion carried: 3:2.

Finding F1.2 -The Tracy City Council's failure to prioritize the establishment of an Ethics Policy conveys a message to Tracy residents that ethical behavior by the City Council is not of paramount importance.

Council Member Arriola	Agree
Council Member Ransom	Agree

Council Member Vargas	Partially Agree
Mayor Pro Tem Young	Agree
Mayor Rickman	Partially Disagree

City Council provided comments regarding finding F1.2

ACTION: Motion was made by Council Member Ransom and seconded by Mayor Pro Tem Young to **agree wholly** with the finding F1.2. - The Tracy City Council's failure to prioritize the establishment of an Ethics Policy conveys a message to Tracy residents that ethical behavior by the City Council is not of paramount importance. Roll call found Council Members Arriola, Ransom, Mayor Pro Tem Young in favor; passed and so ordered. Council Member Vargas and Mayor Rickman opposed. Motion carried: 3:2.

Finding F1.3 - The adoption of an Ethics Policy will provide the Tracy City Council with a tool to hold fellow members accountable for their actions.

Council Member Arriola	Agree
Council Member Ransom	Agree
Council Member Vargas	Agree
Mayor Pro Tem Young	Agree
Mayor Rickman	Agree

ACTION: Motion was made by Council Member Ransom and seconded by Mayor Pro Tem Young to **agree wholly** with the finding F1.3 - The adoption of an Ethics Policy will provide the Tracy City Council with a tool to hold fellow members accountable for their actions. Roll call found Council Members Arriola, Ransom, Vargas, Mayor Pro Tem Young and Mayor Rickman in favor; passed and so ordered. Motion carried: 5:0.

Recommendation R1.1 - The Tracy City Council create and adopt an Ethics Policy that governs the behavior of its elected officials, appointed officials, and senior staff by October 31, 2019.

ACTION: Motion was made by Council Member Vargas and seconded by Council Member Arriola to **agree wholly** with the recommendation R1.1 that the Tracy City Council create and adopt an Ethics Policy that governs the behavior of its elected officials, appointed officials, and senior staff by October 31, 2019. Roll call found Council Member Arriola, Ransom, Vargas, Mayor Pro Tem Young and Mayor Rickman in favor; passed and so ordered. Motion carried: 5:0.

Recommendation R1.2 - The Tracy City Council develop a "Rules of Behavior" document to be distributed to each Council member and posted in the Council Chambers and the closed meeting rooms by October 31, 2019.

ACTION: Motion was made by Council Member Vargas and seconded by Council Member Arriola to **agree wholly** with recommendation R1.2 - The Tracy City Council develop a "Rules of Behavior" document to be distributed to each Council member and posted in the Council Chambers and the closed meeting rooms by October 31, 2019. Roll call found Council Members Arriola, Ransom, Vargas, Mayor Pro Tem Young and Mayor Rickman in favor; passed and so ordered. Motion carried: 5:0.

2.0 City Council Conduct Findings and Recommendations

Finding F2.1 - The petty bickering between Tracy City Council members during Council meetings has diminished their ability to effectively conduct the public's business and has undermined the public's trust in the Council.

Council Member Arriola	Agree
Council Member Ransom	Agree
Council Member Vargas	Partially Agree
Mayor Pro Tem Young	Agree
Mayor Rickman	Disagree

City Council provided comments regarding finding F2.1.

ACTION: Motion was made by Council Member Vargas to **partially agree** with the finding F2.1. - The petty bickering between Tracy City Council members during Council meetings has diminished their ability to effectively conduct the public's business and has undermined the public's trust in the Council. No one seconded the motion. Motion failed.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Arriola to **agree wholly** with the finding F2.1 - The petty bickering between Tracy City Council members during Council meetings has diminished their ability to effectively conduct the public's business and has undermined the public's trust in the Council. Roll call found Council Members Arriola, Ransom, Mayor Pro Tem Young in favor; passed and so ordered. Council Member Vargas and Mayor Rickman opposed. Motion carried: 3:2.

Finding F2.2 - The lack of an Ethics Policy restricts the ability of Tracy City Council members to hold one another accountable for violating established ethical standards.

Council Member Arriola	Agree
Council Member Ransom	Agree
Council Member Vargas	Partially Agree
Mayor Pro Tem Young	Agree
Mayor Rickman	Partially Agree

City Council provided comments regarding finding F2.2.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Arriola to **agree wholly** with the finding F2.2. - The lack of an Ethics Policy restricts the ability of Tracy City Council members to hold one another accountable for violating established ethical standards. Roll call found Council Members Arriola, Ransom, Vargas, Mayor Pro Tem Young and Mayor Rickman in favor; passed and so ordered.

Finding F2.3 - The discord amongst Tracy City Council members is obvious to viewers of Council meetings, although the Council members themselves seemingly fail to recognize this reality.

Council Member Arriola	Disagree Partially
Council Member Ransom	Disagree Partially
Council Member Vargas	Disagree Partially
Mayor Pro Tem Young	Disagree Partially
Mayor Rickman	Agree

City Council provided comments regarding finding F2.3.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Arriola to **disagree partially** with finding F2.3. - The discord amongst Tracy City Council members is obvious to viewers of Council meetings, although the Council members themselves seemingly fail to recognize this reality. Roll call found Council Members Arriola, Ransom, Vargas and Mayor Pro Tem Young in favor; passed and so ordered. Mayor Rickman opposed. Motion carried: 4:1.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Young to add the following language to finding F2.3: Disagree partially; Individual Council Members did recognize the discord amongst the Council body. Roll call found Council Members Arriola, Ransom, Vargas, Mayor Pro Tem Young, and Mayor Rickman in favor; passed and so ordered. Motion carried: 5:0.

Finding F2.4 - Unethical conduct during the 2018 election campaign further damaged Council members' ability to work together.

Council Member Arriola	Agree
Council Member Ransom	Agree
Council Member Vargas	Disagree
Mayor Pro Tem Young	Agree
Mayor Rickman	Abstain

City Council provided comments regarding finding F2.4.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Arriola to **agree wholly** with finding F2.4. - Unethical conduct during the 2018 election campaign further damaged Council members' ability to work together. Roll call found Council Members Arriola, Ransom, and Mayor Pro Tem Young in favor; passed and so ordered. Council Member Vargas opposed. Mayor Rickman abstained. Motion carried: 3:1:1.

Recommendation R2.1 -Tracy City Council members publicly agree to set aside their personal differences and conduct the public's business in an efficient and respectful manner, by October 31, 2019.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Vargas to agree wholly with the response to recommendation R2.1: This recommendation has not yet been implemented. The anticipated adoption of an Ethics Policy will serve as an opportunity for the Council as a body to proclaim its commitment to work together collaboratively. Roll call found Council Members Arriola, Ransom, Vargas, Mayor Pro Tem Young and Mayor Rickman in favor; passed and so ordered. Motion carried: 5:0.

3.0 Council Vacancy Appointment Findings and Recommendations

Finding F3.1 - The appointment process used by the Tracy City Council to fill Council vacancies has fostered loyalty, allegiance, and personal obligation by appointed Council members and has resulted in consistent voting blocs and facilitated divisiveness amongst the Council members.

Council Member Arriola	Agree
Council Member Ransom	Disagree partially
Council Member Vargas	Partially Agree
Mayor Pro Tem Young	Agree
Mayor Rickman	Partially Disagree

City Council provided comments regarding finding F3.1

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Arriola to **agree wholly** with finding F3.1. - The appointment process used by the Tracy City Council to fill Council vacancies has fostered loyalty, allegiance, and personal obligation by appointed Council members and has resulted in consistent voting blocs and facilitated divisiveness amongst the Council members. Roll call found Council Member Arriola, and Mayor Pro Tem Young in favor. Council Members Ransom, Vargas and Mayor Rickman opposed. Motion failed.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Vargas to **disagree partially** with finding F3.1. - The appointment process used by the Tracy City Council to fill Council vacancies has fostered loyalty, allegiance, and personal obligation by appointed Council members and has resulted in consistent voting blocs and facilitated divisiveness amongst the Council members. Roll call found Council Members Ransom, Vargas and Mayor Rickman in favor; passed and so ordered. Council Member Arriola and Mayor Pro Tem Young opposed. Motion carried: 3:2.

ACTION: Motion was made by Council Member Vargas and seconded by Mayor Rickman to add the following language to the F3.1 response: It was unclear that the appointment process resulted in consistent voting blocs and facilitated divisiveness however, alternative appointment methods could be explored in the future. Roll call found Council Members Ransom, Vargas, and Mayor Rickman in favor; passed and so ordered. Council Member Arriola and Mayor Pro Tem Young opposed. Motion carried: 3:2.

Finding F3.2 - The appointment process used by the Tracy City Council to fill Council vacancies does not take into account the will of the voters and has not been endorsed by Tracy's electorate.

Council Member Arriola	Agree
Council Member Ransom	Disagree
Council Member Vargas	Agree
Mayor Pro Tem Young	Partially Disagree
Mayor Rickman	Partially Disagree

City Council provided comments regarding finding F3.2

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Young to **agree wholly** with the finding F3.2. - The appointment process used by the Tracy City Council to fill Council vacancies does not take into account the will of the voters and has not been endorsed by Tracy's electorate. Roll call found Council Member Arriola, and Mayor Pro Tem Young in favor. Council Members Ransom, Vargas and Mayor Rickman opposed. Motion failed.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Ransom to **disagree partially** with finding F3.2. - The appointment process used by the Tracy City Council to fill Council vacancies does not take into account the will of the voters and has not been endorsed by Tracy's electorate. Roll call found Council Members Ransom, Vargas, Mayor Pro Tem Young and Mayor Rickman in favor; passed and so ordered. Council Member Arriola opposed. Motion carried: 4.1.

ACTION: Motion was made by Council Member Vargas and seconded by Mayor Rickman to add the following language to the F3.2 response: The appointment process provides an opportunity for Council Members, as elected officials themselves, to take into account the will of the voters during the appointment process. Roll call found Council Members Ransom, Vargas and Mayor Rickman in favor; passed and so ordered. Council Member Arriola and Mayor Pro Tem Young opposed. Motion carried: 3:2.

Mayor Rickman called for a break at 9:36 p.m.

Mayor Rickman reconvened the meeting at 9:46 p.m.

Recommendation R3.1 - The Tracy City Council adopt a resolution for filling Council vacancies that is more responsive to the voice of the voters by appointing the next highest vote-getter from the previous election by December 31, 2019.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Arriola to **agree wholly** with the R3.1 recommendation: This recommendation requires further analysis and discussion. Upon Council direction, staff will develop and present alternative Council vacancy selection processes for consideration. Roll call found Council Members Arriola, Ransom, Vargas, Mayor Pro Tem Young and Mayor Rickman in favor; passed and so ordered. Motion carried: 5:0.

4.0 Impact of Executive Staff Separations Findings and Recommendations

Finding F4.1 - The rapid succession of executive staff terminations and forced resignations created an unstable work environment for the City of Tracy's staff as department leadership was dismantled. The instability created an unnecessarily stressful work environment which was compounded by fear of job loss.

Council Member Arriola	Disagree Partially
Council Member Ransom	Agree
Council Member Vargas	Disagree
Mayor Pro Tem Young	Agree
Mayor Rickman	Disagree

City Council provided comments regarding finding F4.1.

ACTION: Motion was made by Council Member Vargas and seconded by Mayor Rickman to **disagree wholly** with finding F4.1. - The rapid succession of executive staff terminations and forced resignations created an unstable work environment for the City of Tracy's staff as department leadership was dismantled. The instability created an unnecessarily stressful work environment which was compounded by fear of job loss. Roll call found Council Member Vargas and Mayor Rickman in favor. Council Members Arriola, Ransom and Mayor Pro Tem Young opposed. Motion failed.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Ransom to **agree wholly** with the finding F4.1. - The rapid succession of executive staff terminations and forced resignations created an unstable work environment for the City of Tracy's staff as department leadership was dismantled. The instability created an unnecessarily stressful work environment which was compounded by fear of job loss. Roll call found Council Member Ransom and Mayor Pro Tem Young in favor. Council Members Arriola, Vargas and Mayor Rickman opposed. Motion failed.

ACTION: Motion was made by Council Member Arriola to **disagree partially** with finding F4.1 - The rapid succession of executive staff terminations and forced resignations created an unstable work environment for the City of Tracy's staff as department leadership was dismantled. The instability created an unnecessarily stressful work environment which was compounded by fear of job loss. There was no second for the motion. Motion failed.

Mayor Rickman called a break at 10:04 p.m. to allow Council Member Arriola to confer with Leticia Ramirez, Interim City Attorney.

Mayor Rickman reconvened the meeting at 10:07 p.m.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Young to **agree wholly** with the finding F4.1. The rapid succession of executive staff terminations and forced resignations created an unstable work environment for the City of Tracy's staff as department leadership was dismantled. The instability created an unnecessarily stressful work environment which was compounded by fear of job loss. Roll call found Council Members Arriola, Ransom and Mayor Pro Tem Young in favor; passed and so ordered. Council Members Vargas and Mayor Rickman opposed. Motion carried: 3:2.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Ransom to add the following language to the F4.1 response: The rapid succession of executive staff terminations and forced resignations may have contributed to an unstable working environment for the City of Tracy staff as department leadership dismantled. The instability may have contributed to an unnecessarily stressful work environment which was compounded by fear of job loss. Roll call found Council Members Arriola, Ransom, and Mayor Pro Tem Young in favor; passed and so ordered. Council Member Vargas and Mayor Rickman opposed. Motion carried 3:2.

Finding F4.2 - The Tracy City Council's lack of transparency further eroded the public trust and caused many to speculate that power politics was the catalyst for unexplained departures of the City's professional leadership team.

Council Member Arriola	Agree
Council Member Ransom	Agree
Council Member Vargas	Disagree
Mayor Pro Tem Young	Agree
Mayor Rickman	Disagree

City Council provided comments regarding finding F4.2.

ACTION: Motion was made by Mayor Rickman and seconded by Council Member Vargas to **disagree wholly** with the finding F4.2 and respond commentary be the disclosure of files – the confidential information subject to removal or voluntary departure. Roll call found Council Member Vargas and Mayor Rickman in favor. Council Members Arriola, Ransom and Mayor Pro Tem Young opposed. Motion failed.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Arriola to **agree wholly** with the finding F4.2. - The Tracy City Council's lack of transparency further eroded the public trust and caused many to speculate that power politics was the catalyst for unexplained departures of the City's professional leadership team. Roll call found Council Members Arriola, Ransom and Mayor Pro Tem Young in favor; passed and so ordered. Council Member Vargas and Mayor Rickman opposed. Motion carried: 3:2.

Finding F4.3 - The City of Tracy's reputation as a desirable employer was damaged by the series of unexplained terminations and forced resignations. This unstable environment made recruiting for open positions substantially more difficult.

Council Member Arriola	Disagree Partially
Council Member Ransom	Disagree Partially
Council Member Vargas	Disagree
Mayor Pro Tem Young	Disagree Partially
Mayor Rickman	Disagree

City Council provided comments regarding finding F4.3.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Arriola to **disagree partially** with finding F4.3. - The City of Tracy's reputation as a desirable employer was damaged by the series of unexplained terminations and forced resignations. This unstable environment made recruiting for open positions substantially more difficult. Roll call found Council Members Arriola, Ransom, Mayor Pro Tem Young in favor; passed and so ordered. Council Member Vargas and Mayor Rickman opposed. Motion carried: 3:2.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Ransom to add the following language to the F4.3 response: The City of Tracy's reputation as a desirable employer may have been damaged by the series of unexplained terminations and forced resignations. This unstable environment may have made recruiting for open positions more difficult. Roll call found

Council Members Arriola, Ransom, and Mayor Pro Tem Young in favor; passed and so ordered. Council Member Vargas and Mayor Rickman opposed. Motion carried 3:2.

Recommendation R4.1 - The Tracy City Council amend the Tracy City Municipal Code to require a supermajority vote of four (4) members of the City Council to remove the City Manager or City Attorney, by December 31, 2019.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Vargas to **approve** recommendation R4.1: This recommendation requires further analysis and discussion. Upon Council direction, staff will evaluate the proposed ordinance amendment. Roll call found Council Members Arriola, Ransom, Vargas, Mayor Pro Tem Young and Mayor Rickman in favor; passed and so ordered.

5.0 Council Intrusions in City Operations Findings and Recommendations

Finding F5.1 - The Tracy City Council has failed to follow their policy by intruding into the responsibilities of City staff. This has negatively impacted staff morale and the effective operations of City business.

Council Member Arriola	Agree
Council Member Ransom	Agree
Council Member Vargas	Abstain
Mayor Pro Tem Young	Agree
Mayor Rickman	Agree

City Council provided comments regarding finding F5.1.

ACTION: Motion was made by Council Member Ransom and seconded by Mayor Pro Tem Young to **agree wholly** with finding F5.1. - The Tracy City Council has failed to follow their policy by intruding into the responsibilities of City staff. This has negatively impacted staff morale and the effective operations of City business. Roll call found Council Members Arriola, Ransom, Mayor Pro Tem Young and Mayor Rickman in favor; passed and so ordered. Council Member Vargas abstained. Motion carried: 4:1.

Finding F5.2 - Individual Council members have intimidated staff by giving orders that are in direct opposition to departmental procedures.

Council Member Arriola	Agree
Council Member Ransom	Agree
Council Member Vargas	Abstain
Mayor Pro Tem Young	Agree
Mayor Rickman	Agree

ACTION: Motion was made by Council Member Ransom and seconded by Mayor Pro Tem Young to **agree wholly** with finding F5.2. Individual Council members have intimidated staff by giving orders that are in direct opposition to departmental procedures. Roll call found Council Members Arriola, Ransom, Mayor Pro Tem Young and Mayor Rickman in favor; passed and so ordered. Council Member Vargas abstained. Motion carried: 4:1.

Finding F5.3 - The professional recommendations of City of Tracy staff may be tempered by the potential consequences of disapproving Council members due to fear of potential job loss.

Council Member Arriola	Disagree Partially
Council Member Ransom	Agree
Council Member Vargas	Abstain
Mayor Pro Tem Young	Agree
Mayor Rickman	Abstain

ACTION: Motion was made by Council Member Ransom and seconded by Mayor Pro Tem Young to **agree wholly** with finding F5.3. - The professional recommendations of City of Tracy staff may be tempered by the potential consequences of disapproving Council members due to fear of potential job loss. Roll call found Council Member Ransom, and Mayor Pro Tem Young in favor. Council Member Arriola and Mayor Rickman opposed. Council Member Vargas abstained. Motion failed.

Council Member Arriola stated since the finding includes a “may” he would make a new motion.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Ransom to **agree wholly** with finding F5.3. - The professional recommendations of City of Tracy staff may be tempered by the potential consequences of disapproving Council members due to fear of potential job loss. Roll call found Council Members Arriola, Ransom, Mayor Pro Tem Young in favor; passed and so ordered. Council Member Vargas abstained. Mayor Rickman opposed. Motion carried: 3:2.

Recommendation R5.1 - The Tracy City Council develop and implement a written protocol for sanctions or censure of Council members who violate the Tracy Municipal Code by failing to work through the City Manager to conduct City business, by December 31, 2019.

Ms. Haruyama stated staff will return with a work plan outlining the 6 recommendations for Council consideration on the next agenda.

ACTION: Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to accept the Recommendation R5.1: This recommendation requires further analysis and discussion. Upon Council direction, staff will present options for accountability measures to be included in the Ethics Policy. Roll call found Council Members Arriola, Ransom, Vargas, Mayor Pro Tem Young and Mayor Rickman in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – Terry Rocha, a member of the Grand Jury that wrote the report, shared her observation of Council’s response to the Grand Jury Report.
5. STAFF ITEMS – Jenny Haruyama, City Manager announced the City will be closed on July 4 and 5, 2019, and spoke about the various July 4th events, and also other upcoming City of Tracy events.
6. COUNCIL ITEMS – Council Member Vargas provided an update on the Latino Caucus mid-year retreat. Council Member Vargas talked with Council Member Arriola about

hosting an event in Tracy to update citizens on what the caucus is working on. Council Member Vargas requested support to look into a quiet zone on the transit where there is train traffic. Mayor Rickman supported the request.

Council Member Vargas handed the clerk suggestions for preferred hiring for City initiated projects and the RFQ, RFP and bidding process. Mayor Rickman stated research is being done regarding preferred hiring for City initiated projects and it will be coming back to Council.

Council Member Arriola thanked the community, staff and Council for the LGBT flag raising event.

Mayor Pro Tem Young wished everyone a happy and safe 4th of July. Mayor Pro Tem Young provided an overview of her attendance at the Mayor and Council Members Executive Forum in Newport Beach. Mayor Pro Tem Young requested an item regarding a disaster plan. Council Member Vargas seconded the request.

Council Member Ransom requested support to look into what other power options the City has for servicing the community. Council Member Arriola seconded the request.

Council Member Ransom requested an item to discuss decorum at Council meetings. Jenny Haruyama, City Manager stated part of Code of Conduct process in terms of work plan will include Council protocol component and also include a decorum.

Council Member Ransom also provided an overview of her attendance at the Mayor and Council Members Executive Forum. Council Member Ransom spoke about Santa Ana's homeless shelter that was put together in 28 days and would like to look into Mercy Housing options.

Mayor Rickman requested getting the Code of Ethics out of the way, announced various local events, wished everyone a happy 4th of July and thanked our military personnel and veterans for their service.

ADJOURNMENT – Time: 11:02 pm.

ACTION: Motion was made by Mayor Pro Tem Young 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 June 27, 2019. The above are action minutes. A recording is available at the office of the City Clerk.

ATTEST:

Mayor

City Clerk