

October 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 7:03 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.

Mayor Rickman presented Certificates of Appointment to new Planning Commissioners Gurtej Atwal, and Maurice Francis.

Mayor Rickman presented a Proclamation for Make a Difference Day to Brian Pekari, Tracy United to Make a Difference.

1. CONSENT CALENDAR – Following the removal of consent items 1.A by Council Member Arriola, 1.B by Mayor Pro Tem Young and 1.C by Alice English, 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.D APPROVE THE DEFERRED IMPROVEMENT AGREEMENT WITH MLP REALTY LLC, DBA CENTRAL PLASTICS, FOR A TEMPORARY STORM WATER RETENTION BASIN ON PESCADERO AVENUE, AND AUTHORIZE THE CITY CLERK TO FILE THE AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER – Resolution 2019-197 approved the agreement with MLP Realty LLC, DBA Central Plastics.

1.E APPROVE A GENERAL SERVICES AGREEMENT WITH SPECTRATURF, OF CORONA, CA, TO PROVIDE FOR THE REPLACEMENT OF POURED-IN-PLACE RUBBER PLAYGROUND SURFACE (CIP 78156) AT VETERAN'S PARK, 177 GLENHAVEN DRIVE, TRACY, FOR AN AMOUNT NOT TO EXCEED \$62,507, AND AUTHORIZE THE CITY MANAGER TO APPROVE AMENDMENTS TO THE AGREEMENT FOR EXTENSIONS TO THE TERM, IF NEEDED - Resolution 2019-198 approved the agreement with Spectraturf.

1.A APPROVAL OF OCTOBER 1, 2019, SPECIAL MEETING, CLOSED SESSION AND REGULAR MEETING MINUTES

Council Member Arriola pulled the item to request that the following language be added to the October 1, 2019 minutes under agenda item 3.A: City Attorney advised that Council had no grounds of which to deny the housing project without violating the California Housing Accountability Act, which would subject the City to legal and financial consequences. Council Member Ransom seconded the request to add the language.

No one from the public wished to speak.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Ransom to approve the October 1, 2019, special meeting, and closed session minutes and to amend the regular meeting minutes to include the language above under item 3.A. Roll call found all in favor; passed and so ordered.

1.B APPROVE AMENDMENTS TO THE COUNCIL POLICY FOR THE DISPLAY OF FLAGS AT CITY FACILITIES

Mayor Pro Tem Young pulled the item for clarification regarding supermajority vote requirement, flying City and U.S. flag, and discussions with the VFW to fly military flags at war memorial.

City Council questions and comments followed.

The item will return to Council in the future regarding the flying of military flags year round at the war memorial.

ACTION: Motion was made by Council Member Vargas and seconded by Council Member Arriola to adopt **Resolution 2019-199** repealing Resolution No. 2019-138 and approving an amended Council Policy regarding the display of flags at City facilities. Roll call found all in favor; passed and so ordered.

1.C CONSIDER STAFF'S RECOMMENDATION FOR AWARD OF MAYOR'S COMMUNITY YOUTH SUPPORT NETWORK (MCYSN) RECONNECTING OUR YOUTH (ROY) GRANT PROGRAM FUNDS FOR FISCAL YEAR 2019-2020, APPROVE THE FUNDING AGREEMENTS FOR THE PROGRAM, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE FUNDING AGREEMENTS

Alice English pulled the item for discussion.

Christine Mabry, Management Analyst provided the staff report.

Ms. English requested continued transparency, and indicated in the past Council Member Ransom received funds which were not brought before Council.

Council Member Ransom responded to Ms. English's comments stating her employer, Sow A Seed Foundation, was awarded funds through a competitive process.

Barbara Sassa, Board Member of Sow A Seed Foundation, stated Ms. Ransom was directed by the board to apply for this program. The funds have helped with mentoring programs.

City Council questions and comments followed.

Brian MacDonald, Parks and Recreation Director responded to questions.

ACTION: Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to adopt **Resolution 2019-200** awarding the Mayor's Community Youth Support Network (MCYSN) Reconnecting Our Youth (ROY) Grant Program funds for Fiscal Year 2019-2020 and authorizing the City Manager to execute the Funding Agreement. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Yubo Cody asked about the City reaching out to big box companies along Schulte Road to keep trucks off the roadway during heavy commute times.

Robert Tanner clarified his comments made at the previous Council meeting stating he was not opposed to the Katerra project, but did not like the look or feel of the project and felt there would be traffic impacts.

Martin Evans spoke about rezoning, boundaries and traffic issues by the hospital.

3. REGULAR AGENDA

- 3.A RECEIVE PUBLIC TESTIMONY FROM PUBLIC HEARING FOR ANNUAL UNMET TRANSIT NEEDS, CITY OF TRACY, FISCAL YEAR 2019-20

Ed Lovell, Management Analyst provided the staff report.

Mayor Rickman opened the public hearing.

Kathleen Bergthold shared her concerns for seniors regarding the bus stop at Winco, lack of transportation at Morehead Mobile Home Park, and requested an analysis of where seniors are living and how they get around.

Mayor Rickman closed the public hearing.

City Council questions and comments followed.

Mayor Pro Tem Young requested staff to return with an update of unmet operational transit items. Mayor Rickman seconded the request.

City Council accepted the public testimony from the public hearing for annual unmet transit needs, City of Tracy, Fiscal Year 2019-2020.

- 3.B PUBLIC HEARING TO INTRODUCE AN ORDINANCE AMENDING TRACY MUNICIPAL CODE SECTION 10.08.3560 REGARDING OFF-STREET PARKING AREA LANDSCAPING REQUIREMENTS

Kimberly Matlock, Associate Planner provided the staff report.

Mayor Rickman opened the public hearing.

Fernando Ricardo, ADM Group advocated for the project and shared some of the benefits.

Mayor Rickman closed the public hearing.

City Council questions and comments followed.

Mayor Rickman requested the City Clerk read the title of the proposed ordinance.

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

ACTION: Motion was made by Council Member Ransom and seconded by Mayor Pro Tem Young to waive the reading of the text and introduce Ordinance 1273, an ordinance of the City of Tracy amending Section 10.08.3560 of the Tracy Municipal Code relating to landscaping requirements for parking areas. Roll call found Council all in favor; passed and so ordered.

3.C RECEIVE AND ACCEPT THE PRESENTATION OF THE GRAND THEATRE CENTER FOR THE ARTS ANNUAL REPORT

Kim Scarlata, Division Manager provided the staff report.

City Council questions and comments followed.

Debra Padong, Executive Director of the Grand Foundation acknowledged the continued joint efforts of the City, donors, sponsors, members and volunteers. Ms. Padong provided a copy of the Grand Foundation Gratitude Report for Fiscal Year 2018-2019 to the Clerk for City Council.

No one from the public wished to speak.

City Council comments followed.

ACTION: Motion was made by Council Member Vargas and seconded by Council Member Ransom to accept the presentation of the Grand Theatre Center for the Arts Annual Report. Roll call found all in favor; passed and so ordered.

3.D APPROVE AN EMPLOYMENT AGREEMENT BETWEEN LETICIA RAMIREZ AND THE CITY OF TRACY TO SERVE AS CITY ATTORNEY

Kimberly Murdaugh, Director of Human Resources provided the staff report.

No one from the public wished to speak.

There were no comments from City Council.

ACTION: Motion was made by Council Member Vargas and seconded by Council Member Arriola to adopt **Resolution 2019-201** approving an Employment Agreement between Leticia Ramirez and the City of Tracy to serve as City Attorney. Roll call found all in favor; passed and so ordered.

3.E ACCEPT A REPORT ON SENATE BILL 438, AN ACT TO AMEND SECTION 53110 OF AND TO ADD SECTION 53100.5 TO THE GOVERNMENT CODE, AND TO ADD SECTIONS 1797.223 AND 1798.8 TO THE HEALTH AND SAFETY CODE RELATING TO EMERGENCY SERVICES

Randall Bradley, Fire Chief provided the staff report.

No one from the public wished to speak.

City Council comments followed.

City Council accepted the report on SB-438, an act to amend the California Government Code, and the Health and Safety Code relating to emergency services.

3.F APPROVE AMENDMENT NO. 1 TO THE JOINT POWERS AGREEMENT OF THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY

Randall Bradley, Fire Chief provided the staff report.

No one from the public wished to speak.

There were no comments from City Council.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Ransom to adopt **Resolution 2019-202** approving Amendment No. 1 to the Joint Powers Agreement of the South San Joaquin County Fire Authority. Roll call found all in favor; passed and so ordered.

3.G ADOPT PROPOSED CITY OF TRACY CITY COUNCIL CODE OF CONDUCT

Jenny Haruyama, City Manager provided the staff report.

Robert Tanner stated if members of City Council receive more than \$4,000 campaign funds from developers, they should not be able to vote on that developer's projects for fifty percent of their term.

Steve Nicolaou shared his support for the Code of Conduct, and added maybe Campaign Finance Reform should be another project in 2020.

City Council questions and comments followed.

It was Council consensus to add an amendment to Section 2.4: Council will endeavor to rotate Council adhoc standing committee appointments to ensure equitable participation amongst Council.

ACTION: Motion was made by Council Member Vargas and seconded by Council Member Ransom to adopt **Resolution 2019-203** approving City of Tracy City Council Code of Conduct as amended from the dais. Roll call found all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – No one from the public wished to speak.
5. STAFF ITEMS – Jenny Haruyama, City Manager spoke about the Interactive Voice Response Telephone System being back online, a recruitment to fill four Tracy Arts Commission seats, and announced various upcoming local events.

Leticia Ramirez, City Attorney, informed Council that the Council vacancy process item will be coming back on November 5, 2019.

6. COUNCIL ITEMS

Council Member Vargas asked for support to request formally for San Joaquin Council of Governments to amend the Transportation Plan to allow Valley Link to be added as a priority project. Council Member Arriola seconded the request. Council Member Vargas wished her daughter a happy 23rd birthday, and announced she will be attending a class next week at USC Los Angeles for Urban Planning studies.

Council Member Arriola spoke about two recent murders on Carlton Way and requested a report on what the City is doing to decrease violence in Tracy. Council Member Vargas seconded the request. Council Member Arriola reported on the Council workshop held on October 2, 2019, and announced he will be going to Mexico to celebrate his 30th birthday.

Mayor Pro Tem Young wished her oldest grandson happy 21st birthday, and youngest son happy 19th birthday. Mayor Pro Tem Young reported on the ACE Rail Board meeting held on October 4, 2019, and her attendance at various local events. Mayor Pro Tem Young asked when her request to look at landscaping will return to Council, and requested a commitment by November 5 as to when discussion regarding Measure V will return to Council to get an idea of where the City stands with the aquatics, gymnasium, and Legacy Fields projects.

Council Member Ransom also voiced her concerns regarding having a full discussion related to Measure V. Council Member Ransom requested an update on the homeless strategic plan, and announced that a census meeting will be coming to Tracy in November, and a date will be released at the next meeting.

Jenny Haruyama, City Manager responded that the landscape item and Measure V update will return in November 2019.

Mayor Rickman announced various local events and requested information regarding cases rejected by the District Attorney's office for interests of justice that need to be part of Council Member Arriola's request, or in the Police Annual Report.

7. ADJOURNMENT – Time: 9:15 p.m.

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

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

ATTEST:

Mayor

City Clerk