

November 19, 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.

Deacon Ryan offered the invocation.

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

1. CONSENT CALENDAR – Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to adopt the Consent Calendar. Roll call found all in favor; passed and so ordered.

- 1.A WAIVE SECOND READING AND ADOPT ORDINANCE 1275, AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 5.24 (WASTE DISPOSAL) OF TITLE 5 (SANITATION AND HEALTH) OF THE TRACY MUNICIPAL CODE – Ordinance 1275 was adopted.

- 1.B WAIVE SECOND READING AND ADOPT ORDINANCE 1276, AN ORDINANCE OF THE CITY OF TRACY ADDING A NEW CHAPTER 5.26 (DISCHARGE OF FATS, OILS AND GREASE) OF TITLE 5 (SANITATION AND HEALTH) OF THE TRACY MUNICIPAL CODE – Ordinance 1276 was adopted.

2. ITEMS FROM THE AUDIENCE - Melinda Ramirez provided a summary of the Homeless Strategic Planning event for service providers held at the Grand Theatre and encouraged everyone to attend upcoming meetings.

Alice English spoke about a presentation made by Chief Bradley on October 15 related to EMS legislation and thanked Mayor Rickman, Fire Chief Randall Bradley, Tracy residents, Mountain House and Manteca residents for their contribution to the victory for the Tracy community. Ms. English recited a quote from Dave Helm and Ray Moreles.

3. REGULAR AGENDA

DEVIATION

- 3.B CONDUCT A PUBLIC HEARING REGARDING AN ORDINANCE ADOPTING, BY REFERENCE, THE 2019 CALIFORNIA BUILDING AND RELATED CODES, SPECIFYING WHICH APPENDICES APPLY TO THE CITY OF TRACY, RE-ADOPTING CERTAIN EXISTING SECTIONS OF TITLE 9 OF THE TRACY MUNICIPAL CODE, ADOPTING LOCAL STANDARDS RELATED TO EMERGENCY HOUSING, STRAW-CLAY CONSTRUCTION, CORROSIVE SOILS, EXTERIOR PALLET STORAGE, RADIO AMPLIFICATION SYSTEMS,

OTHER EMERGENCY RESPONDER REQUIREMENTS AND FLOOD PLAIN REGULATIONS

Chris Landreth, Supervising Building Inspector provided the staff report.

Mayor Rickman opened the public hearing.

No one from the audience wished to speak.

Mayor Rickman closed the public hearing.

There were no comments from City Council.

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 Vargas and seconded by Council Member Ransom to waive the full reading of the text and adopt **Ordinance 1274**, an ordinance of the City of Tracy adopting the 2019 California Building Code, 2019 California Electrical Code, 2019 California Plumbing Code, 2019 California Residential Code, 2019 California Mechanical Code, 2019 California Green Building Standards Code, 2019 California Historical Building Code, 2019 California Existing Building Code, AND 2019 California Energy Code, 2019 California Fire Code, Adopting Appendices C, F, H, I, K and O of the 2019 California Building Code, Appendices A, B, C, D, E, G, H, I, J and K of the 2019 California Plumbing Code, Appendices D and F of the 2019 California Mechanical Code, Appendices H, I, O, R, S, W and X of the 2019 California Residential Code, all Appendices of the 2019 California Historical Building Code, Appendices B, BB, C, CC, D, F, H, L and N of the 2019 California Fire Code, Adopting Standards Related to Emergency Housing, Straw-Clay Construction, Corrosive Soils, Exterior Pallet Storage, Radio Amplification Systems, Other Emergency Response Standards, Floodplain Regulations and Repealing Sections to Reorganize existing ordinance language, correct code references, and clarify language. Roll call found all in favor; passed and so ordered.

3.C ADOPT RESOLUTION SUPPLEMENTING RESOLUTION NO. 2017-025 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

Karin Schnaider, Finance Director provided the staff report.

No one from the audience wished to speak.

Chris Long thanked Karin Schnaider, Finance Director and the consultant team for their responsiveness through the process.

City Council questions and comments followed.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Arriola to adopt **Resolution 2019-229** approving supplementing Resolution

2019-025 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. 2016.2 (ECFD). Roll call found all in favor; passed and so ordered.

3.D PUBLIC HEARING TO CONSIDER ADOPTION OF A PRECISE PLAN LINE (ALIGNMENT) FOR THE CHRISMAN ROAD EXTENSION FROM GRANT LINE ROAD TO THE FUTURE I-205 FREEWAY INTERCHANGE

Robert Armijo, City Engineer provided the staff report.

Nanda Gottiparthi, SNG & Associates provided information regarding the item.

Mayor Rickman opened the public hearing.

No one from the public wished to speak.

Mayor Rickman closed the public hearing.

City Council questions followed.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Vargas to adopt **Resolution 2019-230** approving the precise plan line (Alignment) for the Chrisman Road extension from Grant Line Road to the future I-205 freeway interchange. Roll call found all in favor; passed and so ordered.

3.E INTRODUCE ORDINANCES AMENDING CHAPTER 6.36 OF THE TRACY MUNICIPAL CODE (TMC) REGARDING COMMERCIAL CANNABIS ACTIVITY AND AMENDING SECTION 10.08.3196 OF THE TMC REGARDING ESTABLISHING ZONING AND LOCATION REQUIREMENTS FOR COMMERCIAL CANNABIS ACTIVITY IN TRACY

Karin Schnaider, Finance Director provided the staff report.

Alan Monceaux provided the following recommendations for the ordinance: Prioritize local residents as business owners, controlled access – redundancy of secure room within limited access area, visitors must be escorted on site by manager or authorized employee at all times.

Michaela Toscas, H.E. Community Collective provided information regarding her business and supported the ordinance and locally operated permits, exemption of juvenile convictions, and low fees and taxes.

Deanna Garcia, Therapeutic Alternative indicated the information in the proposed ordinance on Page 31, item e, titled Restricted Access to Minors, is outdated.

Christopher Heckler, H.E. Community Collective spoke in favor of the ordinance. Mr. Heckler did not believe juvenile records should not be included in the regulations.

Robert Tanner stated he was in favor of the double investigation by the Police Department, background checks for juveniles arrested for marijuana, cannabis stores banned from downtown, and spoke about the lack of enforcement of the rule that smoking is not allowed within 25 feet of a building.

City Council questions and discussion followed.

Leticia Ramirez, City Attorney stated staff will do homework regarding clarification on the following: Correction to Section 6.36.380 (e) Restricted Access to Minors – no one under 18 is allowed in dispensary, and also look into the State law regarding retailers not being allowed to give out free cannabis goods, and whether that includes during employee off time, and minor amendment to address some of the background check issues.

Council Member Ransom requested language regarding clarification on background checks including who would be excluded, and specifics about when a person would not be recommended for employment and would have to appeal to the City, and timeframes for background. Council Member Arriola seconded the request.

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 Arriola and seconded by Council Member Ransom to introduce **Ordinance 1277** an ordinance of the City of Tracy amending Chapter 6.36 of Title 6, “Businesses, Professions, and Trades” of the Tracy Municipal Code to establish local regulations for commercial cannabis activity in the City of Tracy, as amended. Roll call found all in favor; passed and so ordered.

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 Mayor Pro Tem Young and seconded by Council Member Arriola to introduce **Ordinance 1278** an ordinance of the City of Tracy amending Section 10.08.3196 of Chapter 10.08 “Zoning Regulations” of Title 10 “Planning and Zoning” of the Tracy Municipal Code to establish land use restrictions on commercial cannabis activity in the City of Tracy. Roll call found all in favor; passed and so ordered.

Ms. Ramirez confirmed that staff was directed by Council, introduced by Council Member Ransom and seconded by Council Member Arriola, to come back with more language on the employee background checks.

3.A PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION OF NECESSITY AUTHORIZING THE INITIATION OF EMINENT DOMAIN PROCEEDINGS TO ACQUIRE RIGHT-OF-WAYS AND TEMPORARY CONSTRUCTION EASEMENTS FROM CERTAIN REAL PROPERTIES FOR THE WIDENING OF CORRAL HOLLOW ROAD FROM WEST SCHULTE ROAD TO LINNE ROAD, AND AUTHORIZE THE DEPOSIT OF \$15,200 FOR

STEVENSON PARCEL, \$48,000 FOR TLC, INC. PARCEL, \$29,400 FOR PRABHAKARAN PARCEL, \$10,400 FOR CARTER PARCEL, \$90,300 FOR DURKEE PARCEL, \$57,100 FOR GALVAO PARCEL, \$23,800 FOR SCHIRMER PARCEL, \$39,600 FOR KING PARCEL, AND \$32,300 FOR SALOMON AND REITZ PARCEL, WITH THE STATE OF CALIFORNIA CONDEMNATION DEPOSIT FUND

Kul Sharma, Utilities Director provided the staff report.

Mayor Rickman opened the public hearing.

Robert Mehlhaff, Attorney on behalf of Maximino and Maria Galvao requested the letter of objection be entered into the record. Mr. Mehlhaff spoke about his client's objections to the Resolution of Necessity in its current form.

Errol King spoke about the effects the road widening would have on their homes and whether it will be equitable to those affected.

Stephen Richard Clark, appraiser for Errol King's home shared his concerns about the City's appraiser not recognizing severance damage in some of the most obvious circumstances.

Errol King continued with his concerns and stated there needs to be a fair and equitable solution to the problem for both parties.

Ms. Durkee expressed her concerns regarding the appraisal and negotiation process and severance damages.

Martin Evans spoke about the Heinz factory and sewer rights.

Robert Mehlhaff urged the City to look at the agreement the City has with the County indicating it does not authorize the City to exercise the County's right of eminent domain.

Mayor Rickman closed the public hearing.

City Council questions and discussion followed.

Todd Amspoker, City's special outside Counsel responded to Council questions and explained the process on behalf of the City.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Young to adopt **Resolution 2019-231**, a Resolution of Necessity of the City of Tracy to condemn real properties in connection with the widening of Corral Hollow Road from West Schulte Road to Linne Road; make findings and determinations; authorize eminent domain proceedings and applications for possession prior to judgment; draw and deposit warrants (Portion of Stevenson, APN 242-030-41; Tender Loving Care, APN 240-100-07; Prabhakaran, APN 242-030-40; Carter, APN 244-030-13; Durkee, APN 240-090-04; Galvao, APN 240-100-02; Schirmer, APN 240-100-15; King, APN 242-030-42; and Salomon/Reitz, APN 240-100-14). Roll call found all in favor; passed and so ordered.

Mayor Rickman called a recess at 9:28 p.m.

Mayor Rickman reconvened the meeting at 9:40 p.m.

3.F UPDATE ON MEASURE V FUNDED PROJECTS, APPROVE PROJECT PRIORITIES, AND PROVIDE STAFF DIRECTION

Brian MacDonald, Parks and Recreation Director, and Karin Schnaider, Finance Director provided the staff report.

Martin Evans requested a flower garden by the hospital at Bessie and Beverly.

Robert Tanner suggested the pay-go projects could be reduced to \$1 million annually, and asked if grant money from the County is used for ADA upgrades for City facilities. Mr. Tanner supported the City's budget of \$55 million for the aquatic center, the developer putting in \$10 million, and start with pools.

Travis Courtney requested to allocate funds requested to finish Legacy Fields.

Roy Hawkins thanked Council for approving Measure V funding for the aquatic center.

Marsha McCray echoed Mr. Hawkin's comments and stated she was optimistic the project will get started this coming year.

Rod Simmons requested Council finish Legacy Fields first and don't push out four years.

Michel Bazinet, Chair of Measure V Oversight Committee stated there were misalignments in the staff report, and requested the City Council mandate that the Measure V Committee report be included in the report.

Abdul Wahid referred to page 4 of the staff report stating the number that reflected on that page was not the same as on the presentation, and requested Council to hold on making a decision on Measure V funding.

Alice English urged City Council to finish Legacy Fields first, and spoke about the Aquatics Center funding.

Mary Mitracos stated the City needs a pool and added the biggest response in the survey was for new parks and library. Ms. Mitracos spoke about a commitment with General Services Agency to develop 300 acres of Legacy Fields.

City Council questions and discussion followed.

Jenny Haruyama, City Manager summarized Council's consensus regarding Measure V project priorities and funding allocations:

Aquatics Center – \$55 Million
Multi-Gen Rec Center - \$40 Million

Operations and Maintenance - \$40 Million

Remove pay-go reference and return with scenarios separately. The timelines may shift depending on what pay-go scenarios Council ultimately chooses.

Ms. Haruyama also confirmed the following Council consensus: Return to Council no later than the end of the first quarter in 2020 to provide refined information around needs assessment, programmatic opportunities with the multi-Gen Rec Center and also funding approaches, including debt service, cost benefit analysis, and which is better.

ACTION: Motion was made by Council Member Vargas and seconded by Council Member Ransom to adopt **Resolution 2019-232** approving Measure V Project Priorities and Funding Allocations with the following modifications: Aquatics Center – \$55 Million, Multi-Gen Rec Center - \$40 Million, Operations and Maintenance - \$40 Million, removing pay-go reference from table in the resolution, and return with scenarios separately. Timelines will shift based on future direction from Council regarding pay-go scenario projects. Roll call found all in favor; passed and so ordered.

Mayor Rickman announced 3.G will be moved to the December 3, 2019, Council meeting.

- 3.G **ADOPT COUNCIL MEETING PROTOCOLS AND RULES OF PROCEDURE - Item moved to the December 3, 2019, Council meeting.**
4. ITEMS FROM THE AUDIENCE – None
5. STAFF ITEMS – None
6. COUNCIL ITEMS

Council Member Ransom spoke about a deceased homeless person found in a City park, and stated there are health and safety issues in the parks. Council Member Ransom suggested the following: Council consider using CBD funds as well as working with service providers in order to have an emergency shelter to direct people to, so park curfews can be enforced, funding for lights and cameras in parks, and an RFP to secure City parks and addressing homelessness issues which is contributing to issues in parks. Council Member Arriola seconded the request.

Jenny Haruyama, City Manager responded those issues can be brought back when talking about Council strategic priorities.

Council Member Ransom spoke about families being impacted by landlords trying to get ahead of the Governor's rent control law, and suggested implementing an urgency ordinance in regards to people who are being asked to move with the exemptions of people who do have just cause (not paying rent, damaging property), and provide an exception where the rent that is being collected does not pay the mortgage, tax and insurance.

Leticia Ramirez, City Attorney clarified Council Member Ransom's request: Bring back an urgency ordinance on no fault evictions on December 3, 2019, with the exception that it would not apply to evictions motivated by a landlord whose current rent is not covering

the cost of mortgage or property ownership. Council Member Arriola and Mayor Pro Tem Young supported the request.

Council Member Ransom reported on her attendance at the League of California Cities Annual Conference & Expo, October 16-18, 2019.

Mayor Pro Tem Young reported on her attendance at the League of California Cities Annual Conference & Expo, October 16-18, 2019. Mayor Pro Tem Young announced her 50th birthday and wished her daughter-in-law, nephew and niece a Happy Birthday.

Council Member Arriola reported on his attendance at the League of California Cities Annual Conference and Expo, October 16-18, 2019. Council Member Arriola spoke about the Homeless Strategic Plan session held today, shared his concerns about three homicides in the Lowell neighborhood and stated he would like to bring back policy proposals as action needs to be taken. Council Member Arriola wished everyone a Happy Thanksgiving.

Council Member Vargas wished everyone a wonderful, peaceful, enjoyable Thanksgiving.

Mayor Rickman stated when the emergency shelter item comes back to Council he would like to include a discussion regarding Proposition 47, Assembly Bill 109, why Council did not join other cities against the Idaho case, and the enforcement side. Council Member Vargas supported the request.

7. ADJOURNMENT – City Council adjourned the regular meeting at 11:47 p.m., and reconvened the special meeting.

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

The above agenda was posted at the Tracy City Hall on November 14, 2019. The above are action minutes. A recording is available at the office of the City Clerk.

ATTEST:

Mayor

City Clerk