

JOINT MEETING OF THE TRACY CITY COUNCIL  
AND THE TRACY OPERATING PARTNERSHIP  
JOINT POWERS AUTHORITY BOARD

REGULAR MEETING MINUTES

**December 17, 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 7:00 p.m.

Mayor Rickman led the Pledge of Allegiance.

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

1. CONSENT CALENDAR – Following the removal of agenda item 1.J by Mayor Rickman motion was made by Council Member Vargas and seconded by Council Member Ransom to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
  - 1.A APPROVAL OF MINUTES OCTOBER 15, 2019, REGULAR MEETING MINUTES, NOVEMBER 19, 2019 SPECIAL AND REGULAR MEETING MINUTES, AND DECEMBER 3, 2019, REGULAR MEETING MINUTES - Minutes were approved.
  - 1.B APPROVE AMENDMENT 1 TO THE LICENSE AGREEMENT WITH JAMES McDERMOTT POST NO. 172, THE AMERICAN LEGION, DEPARTMENT OF CALIFORNIA – Resolution 2019-241 approved Amendment 1 to the License Agreement with James McDermott Post No. 172, the American Legion.
  - 1.C APPROVE A THIRD EXTENSION TO 1998-1 AMENDMENT TO THE WASTEWATER TREATMENT DISCHARGE AGREEMENT WITH LEPRINO FOODS - Resolution 2019-242 approved a third extension to 1998-1 amendment to the Discharge Agreement with Leprino Foods.
  - 1.D APPROVE A SECOND EXTENSION TO THE AGREEMENT FOR PROPERTY TAX ALLOCATION UPON ANNEXATION BETWEEN THE COUNTY OF SAN JOAQUIN AND THE CITY OF TRACY - Resolution 2019-243 approved a second extension to the Property Tax Allocation Upon Annexation Agreement with the San Joaquin County.
  - 1.E CONFIRMATION OF MATTERS RELATED TO ANNEXATION OF PROPERTY (ELLIS PHASE 3 TOWN AND COUNTRY NEIGHBORHOOD) INTO IMPROVEMENT AREA NO. 3 OF THE CITY OF TRACY COMMUNITY FACILITIES DISTRICT NO. 2016-2 (ECFD) – Resolution 2019-244 confirmed matters related to annexation of property into Improvement Area No. 3 of Tracy CFD No. 2016-2.
  - 1.F ADOPT A RESOLUTION APPROVING THE 2019 ANNUAL REPORT ON DEVELOPMENT IMPACT FEE REVENUES, EXPENDITURES AND FINDINGS REGARDING UNEXPENDED FUNDS IN ACCORDANCE WITH THE MITIGATION FEE ACT – Resolution 2019-245 approved the 2019 Annual

Report on Development Impact Fee Revenues, Expenditures and Findings regarding unexpended funds.

- 1.G APPROVE THE INSTALLATION OF A NO LEFT-TURN (R3-2) SIGN, WITH SUPPLEMENTAL 'SCHOOL DAYS 7:30-8:30 AM 1:30-3:30 PM' SIGN, IN FRONT OF CENTRAL ELEMENTARY SCHOOL – **Resolution 2019-246** approved installation of a no left-turn sign.
- 1.H APPROVE AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICE AGREEMENT WITH PENNINO MANAGEMENT GROUP FOR ADDITIONAL GRANT, RESEARCH, AND FUNDING PROGRAM SERVICES TOTALING \$39,019 – **Resolution 2019-247** approved amendment No. 2 to the agreement with Pennino Management.
- 1.I WAIVE SECOND READING AND ADOPT ORDINANCE 1280, AN ORDINANCE OF THE CITY OF TRACY AMENDING CHAPTER 11.12 OF THE TRACY MUNICIPAL CODE RELATING TO UNIFORM BILLING, COLLECTION AND DELINQUENCY PROCEDURES OF CITY SERVICES – **Ordinance 1280 was adopted.**
- 1.K APPROVE THE FINAL SUBDIVISION MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT 3856 SANTOSHA (BERG ROAD PROPERTIES), AND AUTHORIZE THE CITY CLERK TO FILE THE SUBDIVISION IMPROVEMENT AGREEMENT WITH THE SAN JOAQUIN COUNTY RECORDER – **Resolution 2019-248** approved the Final Subdivision Map and Subdivision Improvement Agreement.
- 1.L APPROVE THE INTERIM RENEWAL CONTRACT BETWEEN THE UNITED STATES BUREAU OF RECLAMATION AND THE CITY FOR PROVIDING CENTRAL VALLEY PROJECT WATER SERVICE EFFECTIVE MARCH 1, 2020, THROUGH FEBRUARY 28, 2022, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT AND OTHER AGREEMENTS WITH THE BUREAU OF RECLAMATION FOR VARIOUS OPERATIONAL FUNCTIONS RELATED TO THE CENTRAL VALLEY PROJECT – **Resolution 2019-249** approved the Interim Renewal Contract with the United States Bureau of Reclamation.
- 1.M ADOPT REVISED CITY COUNCIL POLICY ON FILLING CITY COUNCIL VACANCIES TO APPOINT NEXT HIGHEST VOTE-GETTER TO FILL COUNCIL VACANCY CREATED WITHIN FIRST YEAR OF THE POSITION'S TERM AND UTILIZE CURRENT APPOINTMENT SELECTION PROCESS FOR OTHER VACANCIES – **Resolution 2019-250** adopted the revised City Council policy on filling City Council vacancies.
- 1.N APPROVE AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT WITH WEST YOST ASSOCIATES IN THE AMOUNT OF \$13,518 FOR DESIGN SUPPORT FOR EXTENSION OF RECYCLED WATER PIPELINE AND AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT WITH CH2M HILL IN THE AMOUNT OF \$150,000 FOR THE RECYCLED WATER PROJECT, CIP 74091 AND STATE AGREEMENT NO. 4600011424 – **Resolution 2019-251** approved Amendment No. 2 to the Professional Services Agreement with West Yost Associates.

1.J ADOPT A RESOLUTION FORMALLY ESTABLISHING THE TRACY HOMELESSNESS STRATEGIC PLAN DEVELOPMENT AD HOC COMMITTEE THROUGH JUNE 30, 2020

Mayor Rickman pulled the item for clarification on the roles of the Homeless Task Force and the Homelessness Ad Hoc Committee, and Council Member Ransom's intern.

Jenny Haruyama, City Manager provided the staff report.

No one from the audience wished to speak.

City Council discussion ensued.

**ACTION:** Motion was made by Council Member Ransom and seconded by Mayor Pro Tem Young to adopt **Resolution 2019-252** establishing the Tracy Homelessness Strategic Plan Development Ad Hoc Committee through June 30, 2020. Roll call found Council Members Arriola, Ransom, Vargas, and Mayor Pro Tem Young in favor; passed and so ordered. Mayor Rickman opposed.

**ACTION:** Motion was made by Council Member Vargas and seconded by Council Member Arriola to bring quarterly updates to Council including details from previous meetings and those updates to be brought back after the January 14, 2020, meeting in order to have compiled information of all public comments. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Melissa Johnson asked about the public joining the Homeless Task Force and Ad Hoc Committee, when are the next public meetings, status on emergency shelter discussions, and what is being done regarding the homeless tents next to North Elementary School.

Robert Tanner spoke about Council not allowing e-cigarettes, vapors and cartridges to be sold in the City limits of Tracy.

Alice English referred to comments made during the October 15, 2019, consent item and spoke about Rhodesia Ransom, Sow A Seed applying and receiving the Mayor's fund during 2017-2018, 2016-2017, Council Member Young as advisory committee member not recusing herself from voting for funding for Sow A Seed. Ms. English submitted a document into the record.

Mayor Pro Tem Young reminded Ms. English that her correct title is Mayor Pro Tem and she is on the advisory committee, not the board.

Council Member Ransom responded to Ms. English's comments regarding award of funding to Sow A Seed, Mayor Pro Tem Young as an advisory member, funds awarded through a competitive process, and withdrawal of an application for 2017-2018.

Council Member Arriola asked that any personal identifying information that has been requested to be included in the record be redacted for personal information including addresses.

Felix Montes shared his negative experience with Fire Department staff stating he would not have received an injury while changing his flat tire, after having to revisit the Fire Department to obtain a permit.

3. REGULAR AGENDA

3.A 1) CITY COUNCIL ADOPTION OF A RESOLUTION APPROVING DOCUMENTS AND ACTIONS RELATING TO THE REFINANCING OF OUTSTANDING LEASE REVENUE BONDS AND RELATED LEASE PAYMENT OBLIGATIONS OF THE CITY  
2) TRACY OPERATING PARTNERSHIP JOINT POWERS AUTHORITY BOARD OF DIRECTORS APPROVAL OF A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF LEASE REVENUE BONDS TO REFINANCE OUTSTANDING LEASE REVENUE BONDS, AND APPROVING RELATED DOCUMENTS AND OFFICIAL ACTIONS

Karin Schnaider, Finance Director provided the staff report.

Mayor Rickman opened the public hearing.

No one from the public wished to speak.

Mayor Rickman closed the public hearing.

There were no comments from City Council.

**ACTION:** Motion was made by Mayor Pro Tem Young and seconded by Council Member Arriola to adopt **Resolution 2019-253** approving documents and actions relating to the refinancing of outstanding lease revenue bonds and related payment obligations of the City. Roll call found Council Members Arriola, Ransom, Mayor Pro Tem Young and Mayor Rickman in favor; passed and so ordered. Council Member Vargas absent from voting on the item.

**ACTION:** Motion was made by Director Young and seconded by Director Ransom to adopt **Resolution 2019-001** of the Tracy Operating Partnership Joint Powers Authority authorizing the issuance and sale of Lease Revenue Bonds to refinance outstanding Lease Revenue Bonds, ratifying and approving Debt Management Policy, and approving related documents and official actions. Roll call found Directors Arriola, Ransom, Young and Chair Rickman in favor; passed and so ordered. Director Vargas absent from voting on the item.

3.B PUBLIC HEARING TO INTRODUCE AN ORDINANCE AMENDING THE I-205 CORRIDOR SPECIFIC PLAN, APPENDIX A, TABLE A-2, PERMITTED AND CONDITIONALLY PERMITTED COMMERCIAL AND INDUSTRIAL USES, TO ALLOW BREWERIES, WINERIES, AND DISTILLERIES

Scott Claar, Senior Planner provided the staff report.

Mayor Rickman opened the public hearing.

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

Mayor Rickman closed the public hearing.

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 Mayor Pro Tem Young to waive the reading of the full text and introduce **Ordinance 1281** an ordinance of the City of Tracy amending the I-205 Corridor Specific Plan, appendix A, table A-2, permitted and conditionally permitted commercial and industrial uses, to allow breweries, wineries, and distilleries, Application Number SPA19-0005. Roll call found Council Members Arriola, Ransom, Mayor Pro Tem Young and Mayor Rickman in favor; passed and so ordered. Council Member Vargas absent from voting on the item.

3.C PUBLIC HEARING TO INTRODUCE AN ORDINANCE AMENDING THE CENTRAL BUSINESS DISTRICT ZONE TO PERMIT HIGH DENSITY RESIDENTIAL USES, INCLUDING SINGLE-FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, AND MULTI-FAMILY DWELLINGS, AND APPROVAL OF A DEVELOPMENT REVIEW PERMIT TO CONSTRUCT A FIVE-UNIT RESIDENTIAL PROJECT, CONSISTING OF TWO SINGLE-FAMILY DWELLINGS AND A TRIPLEX LOCATED AT 21, 25, AND 29 E. EIGHTH STREET

Scott Claar, Senior Planner provided the staff report.

Mayor Rickman opened the public hearing.

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

Mayor Rickman closed the public hearing.

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 Arriola to waive the reading of the full text and introduce **Ordinance 1282** an ordinance of the City of Tracy amending Article 18, Central Business District (CBD) Zone of Chapter 10.08 of the Tracy Municipal Code to permit high density residential uses, including single-family dwellings, two-family dwellings, and multi-family dwellings, Application Number ZA17-0003. Roll call found all in favor; passed and so ordered.

**ACTION:** Motion was made by Council Member Vargas and seconded by Council Member Arriola to adopt **Resolution 2019-254** approving a development review permit to construct a five-unit residential project consisting of two single-family dwellings and a triplex on an approximately 9,885 square-foot site located at 21, 25, and 29 E. Eighth Street. Roll call found all in favor; passed and so ordered

3.D PROVIDE DIRECTION ON FY 2019/20 STRATEGIC PRIORITIES AND APPROVE COUNCIL WORKSHOP REPORT AS OCTOBER 2, 2019 SPECIAL MEETING MINUTES

Jenny Haruyama, City Manager provided the staff report.

No one from the public wished to speak.

City Council provided input regarding suggested changes and additions to the Strategic Priorities.

Ms. Haruyama summarized City Council's changes and additions to the Strategic Priorities:

- Public Safety - include emergency preparedness and crime prevention
- Economic Development – add incentives to target jobs
- Quality of Life – Stronger language in respect to infrastructure – swapping out word *facilitate* and replace with *advance*
- Under Homelessness piece – Incorporate affordable housing
- Want these goals through December of 2020
- To memorialize in protocols (come back to Council as separate item)
- Make affordable housing goal under quality of life
- Homelessness to remain under public safety and quality of life

**ACTION:** Motion was made by Council Member Vargas and seconded by Council Member Arriola to adopt the workshop report as the October 2, 2019 special meeting minutes. Roll call found all in favor; passed and so ordered

3.E RECEIVE AN UPDATE ON CITY'S WATER SYSTEM MASTER PLAN AND WATER RELIABILITY

Andrew Malik introduced Elizabeth Drayer, West Yost Associates, Project Manager for the City of Tracy Master Plan update who provided the presentation and answered questions from City Council.

Mike Sandhu stated the City has the likelihood of success of receiving credit back for recycled water similar to what has already occurred in Modesto and Turlock, and suggested the City go out to bid for selling water.

City Council questions and comments followed.

City Council accepted the update on the City's Water System Master Plan.

3.F PROVIDE DIRECTION TO STAFF REGARDING NEGOTIATING AN EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT (ENRA) WITH PRIVATE PUBLIC INFRASTRUCTURE GROUP LLC (PPIG) REGARDING THE COMPLETION OF A FEASIBILITY STUDY TO DETERMINE THE POTENTIAL MONETIZATION OF THE CITY'S FUTURE RECYCLED WATER SUPPLY

Andrew Malik, Assistant City Manager provided the staff report.

Robert Tanner suggested since one of the managers from PPIG previously worked for the City of Tracy, that the City obtain a formal advice letter from the Fair Political Practices Commission before contracting with PPIG after the expiration of the ENRA.

Mike Sandhu asked what is special about PPIG for the City to enter into an agreement, and stated he would pay for the study and would not ask for anything back. Mr. Sandhu added the extra water should be sold to the highest bidder.

Jim Miller, General Manager of PPIG stated they are not looking to purchase any recycled water from the City, but are trying to see that the water that is not going to be used can be monetized to create a new revenue stream for the City.

City Council questions and comments followed.

In response to a question from Council, John Palmer stated if PPIG agrees to complete a feasibility study and develop a project, they are willing to walk away from the project if that is the best thing for the community, but getting compensated for developing that project on the City's behalf could be addressed in the Exclusive Negotiating Rights Agreement.

City Council questions and comments continued.

**ACTION:** Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Young to direct staff to negotiate an Exclusive Negotiating Rights Agreement (ENRA) with Private Public Infrastructure Group (PPIG) for the completion of a feasibility study regarding the potential monetization of the City's future recycled water supply. The scope would include a legal analysis, and the City cost recovery with a cost recovery agreement. In the event the feasibility of the ENRA, that does not involve PPIG, there will be reimbursement. Roll call found all in favor; passed and so ordered.

### 3.G APPOINT FOUR APPLICANTS TO SERVE ON THE TRACY ARTS COMMISSION

Mayor Rickman and Council Member Ransom 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 Ransom and seconded by Mayor Rickman to reappoint Maxine Lees and Jill Taylor, and appoint Margarita Anderson, and Cynthia Reis to the Tracy Arts Commission to serve four year terms beginning January 1, 2020, and ending December 31, 2023. Roll call found all in favor; passed and so ordered

### 3.H APPOINTMENT OF CITY COUNCIL SUBCOMMITTEE TO INTERVIEW APPLICANTS TO FILL THREE TERM EXPIRATIONS ON THE PARKS AND COMMUNITY SERVICES COMMISSION

Adrienne Richardson, City Clerk provided the staff report.

No one from the public wished to speak.

City Council comments and questions followed.

**ACTION:** Motion was made by Mayor Pro Tem Young and seconded by Council Member Ransom to appoint Council Member Vargas and Council Member Arriola to interview the applicants to fill three term expirations on the Parks and Community Services Commission. Roll call found all in favor; passed and so ordered.

3.I DISCUSS AMENDING THE TRACY MUNICIPAL CODE SECTION 2.08.080 TO REQUIRE A SUPERMAJORITY VOTE OF FOUR (4) MEMBERS OF THE CITY COUNCIL TO REMOVE THE CITY MANAGER OR CITY ATTORNEY AND PROVIDE DIRECTION TO STAFF

Kimberly Murdaugh, Human Resources Director provided the staff report.

City Council questions and comments followed.

Robert Tanner stated this is long overdue and will bring stability in the City Manager and City Attorney's office.

City Council questions and comments followed.

**ACTION:** Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Young to direct staff to amend the Tracy Municipal Code Section 2.08.080 to require a supermajority vote of four (4) members of City Council to remove the City Manager or City Attorney. Roll call found all in favor; passed and so ordered.

3.J CONSIDER AN ORDINANCE AMENDING THE COMPENSATION FOR THE COUNCIL AND MAYOR IN ACCORDANCE WITH STATE LAW

Leticia Ramirez, City Attorney provided the staff report.

Robert Tanner did not support amending the compensation for City Council by 5% times 12 years, and suggested taking the average of the percentage that was given to staff over that time period.

Alice English echoed Mr. Tanner's comments and stated some Council Members don't deserve a raise, or do their homework and suggested reviewing in 2022.

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 Mayor Pro Tem Young and seconded by Council Member Arriola to waive the reading of the full text and introduce **Ordinance 1283** an ordinance of the City of Tracy amending Chapter 2.04 (City Council Organization and Procedure) of Title 2 (Administration) of the Tracy Municipal Code to add Section 2.04.060 "Council Member and Elected Mayor Compensation". Roll call found Council Members Arriola, Ransom, Mayor Pro Tem Young in favor; passed and so ordered. Council Member Vargas and Mayor Rickman opposed.



3.K ADOPT A RESOLUTION ESTABLISHING A 2020 CALENDAR OF REGULAR CITY COUNCIL MEETINGS AND WORKSHOPS

Adrienne Richardson, City Clerk provided the staff report.

Henry Cole urged Council to cancel the November 3, 2020 meeting for the general election.

City Council questions and comments followed.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Ransom to adopt **Resolution 2019-255** establishing a 2020 calendar of regular City Council meetings and workshops with the amendment to include the cancellation of the November 3, 2020, meeting, and removal of the 4<sup>th</sup> Tuesday workshop dates. Roll call found all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – Alice English spoke in regards to her earlier comments and Council behavior and shared her opinions.

Yolanda Magana spoke about various code enforcement and public safety concerns and requested review of policies regarding storing non ops, RV's, trailers, and more personnel.

5. STAFF ITEMS – None

6. COUNCIL ITEMS

Council Member Vargas reported on the California League of Cities Annual Leadership Workshop in Napa, and wished everyone a Merry Christmas and a Happy New Year.

Council Member Arriola spoke about his town hall neighborhood safety meeting, bringing policy proposals soon, and wished everyone a Merry Christmas and Happy New Year.

Mayor Pro Tem Young wished everyone a Merry Christmas and reported on the December 6, 2019, Ace Board meeting.

Council Member Ransom reported on her attendance at the San Joaquin Partnership meeting, Council Member Arriola's town hall meeting, Supreme Court's decision regarding challenges to the Martin versus Boise case, and requested the City Attorney provide an update on Project Labor Agreements.

Leticia Ramirez, City Attorney provided an update on the status of the Project Labor Agreement.

Council Member Ransom shared her concerns regarding comments made by Ms. English. Council Member Ransom wished everyone a Merry Christmas.

Mayor Rickman spoke about the Wreaths Across America event, thanked Gold Star moms, and his daughter Grace who spoke at the event. Mayor Rickman wished everyone a Merry Christmas, and Happy Birthday to his wife Karen.

Mayor Rickman asked the City Attorney about any liability if Council is sending text messages or posting on Facebook from the dais. Ms. Ramirez responded there is no provision in the Code of Conduct that addresses social media or texting during a Council meeting directly, but if the content has to do with the public's and City business, they could be subject to a public records request.

Mayor Rickman referred to a social media post that occurred tonight by a Council member, and stated that he would send the City Attorney an item tomorrow and that it be put into the record of this meeting for the public.

Council Member Ransom explained the social media post Mayor Rickman was referring to.

Mayor Rickman read a social media post made by Council Member Ransom during the Council meeting into the record and shared his concerns regarding Council attacking other Council Members, and the public's right to submit public record requests.

Council Member Ransom clarified her request was not to deny the right to submit a public record request, but add the requests to the City's website, which is now being done.

7. ADJOURNMENT – Time: 12:16 a.m., Wednesday, December 18, 2019

**ACTION:** Motion was made by Council Member Arriola 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 December 12, 2019. The above are action minutes. A recording is available at the office of the City Clerk.

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Mayor

ATTEST:

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City Clerk