

May 18, 2021, 7:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy

Web Site: www.ci.tracy.ca.us

Due to the COVID-19 emergency, the regular meeting was conducted pursuant to the provisions of the Governor's Executive Order N-29-20, which suspends certain requirements of the Ralph M. Brown Act. Residents participated remotely via email, phone and WebEx during the meeting.

Mayor Young called the meeting to order at 7:06 p.m.

Mayor Young led the Pledge of Allegiance.

Deacon Jack Ryan, St. Bernard's Catholic Church provided the invocation.

Roll call found Council Members Arriola, Bedolla, Davis, Mayor Pro Tem Vargas, and Mayor Young present.

Mayor Young announced the following Proclamations: National Police Week – May 9 – 15, 2021, and (AAPI) Asian American and Pacific Islander Heritage Month – May 2021.

Lee Neves, Chief of Staff from Assemblymember Carlos Villapudua's office provided an informational presentation/legislative update.

1. CONSENT CALENDAR – Following the removal of consent item 1.B by Alice English and 1.F by Alvin Vaughn motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
 - 1.A APPROVAL OF MAY 4, 2021, CLOSED SESSION AND REGULAR MEETING MINUTES – **Minutes were adopted**
 - 1.C APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TRACY AND HF&H CONSULTANTS, LLC TO PERFORM A SOLID WASTE RATE STUDY, INCREASING THE NOT TO EXCEED AMOUNT BY \$17,000 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$147,720 – **Resolution 2021-056** approved Amendment No. 1 to Professional Services Agreement with HF&H Consultants.
 - 1.D APPROVE THE DEFERRED IMPROVEMENT AGREEMENT (DIA) FOR SEEFRIED INDUSTRIAL PROPERTIES, AND AUTHORIZE FOR THE CITY CLERK TO FILE THE DEFERRED IMPROVEMENT AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER – **Resolution 2021-057** approved the Deferred Improvement Agreement for Seefried Industrial Properties.
 - 1.E WAIVE SECOND READING AND ADOPT **ORDINANCE 1307**, AN ORDINANCE OF THE CITY OF TRACY ADDING CHAPTER 7.28 ("WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY") TO

TITLE 7 ("PUBLIC WORKS") OF THE TRACY MUNICIPAL CODE – Ordinance 1307 was adopted.

- 1.B APPROVE A THREE-YEAR PROFESSIONAL SERVICES AGREEMENT WITH MTM TRANSIT, LLC, FOR SERVICES RELATING TO THE CITY OF TRACY'S TRACER PUBLIC TRANSIT SYSTEM WITH A TOTAL NOT TO EXCEED AMOUNT OF \$10,917,793.01

Ed Lovell, Transit Manager provided the staff report.

Alice English pulled the item to enable virtual participants to hear the staff report.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adopt **Resolution 2021-058** approving a three-year Professional Services Agreement with MTM Transit, LLC, for services relating to the City of Tracy's Tracer public transit with a total of a not to exceed amount of \$10,917,793.01. Roll call found all in favor; passed and so ordered.

- 1.F. ADOPT RESOLUTION AUTHORIZING THE EXECUTION OF THE CERTIFICATIONS AND ASSURANCES AND AUTHORIZED AGENT FORMS FOR THE LOW CARBON TRANSIT OPERATION PROGRAM (LCTOP) FOR THE USE OF FREE STUDENT BUS RIDES USING AN ALLOCATION OF \$28,116 IN LCTOP FUNDS

Ed Lovell, Transit Manager provided the staff report.

Alvin Vaughn strongly supported using the allocation of LCTOP funds to subsidize free bus fares for students.

There were no comments from City Council.

ACTION: Motion was made by Council Member Davis and seconded by Council Member Arriola to adopt **Resolution 2021-059** authorizing the submittal of a project nomination and allocation request for the Low Carbon Transit Operation Program (LCTOP), the execution of the certifications and assurances and authorized agent forms for LCTOP for the following project: Free Student Fares, \$28,116.

2. ITEMS FROM THE AUDIENCE – Kathy offered condolences to the family of Paul Green who lost his life in a motorcycle accident, shared her concerns regarding traffic in Tracy, and stated Joranollo and Schulte and Marietta and Schulte need signal lights.

Shawn Cannon stated citizens voted for Measure A - slow growth and against Measure Y. Ms. Cannon shared her concerns regarding Council Member Bedolla, his intent to run for State Assembly, and asked him to step down.

Chris Overhuel spoke about Council continuously siding with developers, expressed his concerns regarding Council Member Bedolla, and added all representatives serve at the behest of the public of Tracy.

Nick Windsatt advocated for a Trader Joes in downtown Tracy.

Justin Mattos spoke about Council's constant support of developers, shared his concerns regarding Council Member Bedolla and his intent to run for State Assembly, and suggested Mayor Pro Tem Vargas also step down due to an FPPC ruling.

Mayor Pro Tem Vargas responded it was a filing error 5-6 years back, was fined \$200, and the FPPC has closed that matter.

Council Member Arriola objected to characterization of some of the comments from the prior caller.

Lowella Vista stated she recently moved to Tracy, thought cost of living was going to be great but with COVID was ridiculous and asked Council if there was anything they can do about it, and shared concerns regarding speeding issues.

Dotty Nygard spoke about bike ridership increase in Tracy, following the road rules in a partnership that makes them feel wanted and supported, and asked to be able to do this without the permits and insurance requirements.

James Hallen spoke about bike life being a growing trend, shared concerns regarding traffic and safety issues and requested to allow vesting up as citizens to be volunteers of the Police Department.

Robert Tanner shared his concerns regarding fireworks, another drought, and suggested the City rethink breaking ground for the Aquatics Park.

Josh Dean and son Cody stated as members of a bike riding community they look forward to working with the City, and asked to be allowed to continue to be outdoors and be a positive part of the community.

Alice English shared her concerns regarding Mayor Pro Tem Vargas not disclosing the company she was working for, and expressed disappointment regarding Council Member Bedolla.

Mayor Pro Tem Vargas stated she disagreed with Ms. English's false statements, and divisiveness attitude to this Council.

Dan Evans shared concerns regarding Council Member Bedolla not adhering to his campaign promises, running for State Assembly, and Mayor Pro Tem Vargas's FPPC ruling.

Mayor Pro Tem Vargas responded it was a clerical error, and the disclosure where she worked was on the document.

Garret Murphy stated he has met with Parks and Recreation and the Police Department about bike life and all are on board with what they are doing, and was not sure why permits are needed.

Jennifer Morelos requested Council build the swim center as designed, as a center for all aspects of the community.

Brandon Kanner requested Council build the swim center as designed, as a center for all aspects of the community.

Jim Bozeman commented about Mayor Pro Tem Vargas's FPPC ruling and encouraged Mayor Young to remove her from any economic or policy committees on which she sits.

Lisa Goode stated bike riding is a big thing now and requested Council to consider new bike paths that are safer and off main streets.

3. REGULAR AGENDA

3.A DISCUSS CITY'S RESPONSE TO COVID-19 (VERBAL REPORT)

Jenny Haruyama, City Manager provided an update and presentation on the City's response to COVID-19.

City Council comments and questions followed.

Adrienne Richardson, City Clerk stated Claudia Fab submitted an email with a link to information regarding vaccination concerns.

City Council accepted the report.

3.B PUBLIC HEARING OF THE CITY COUNCIL TO CONSIDER ADOPTION OF THE CITY OF TRACY FISCAL YEARS 2021-22 OPERATING AND CAPITAL BUDGET AND ADOPTION OF THE FUND RESERVE, DEBT, AND INVESTMENT POLICIES

Karin Schnaider, Finance Director provided the staff report.

Mayor Young opened the public hearing.

Robert Tanner spoke about the Police Budget and the decrease in the Code Enforcement budget, which needs to increase due to issues. Also need three more Police cars on each shift, and increase in the Police force.

Alice English echoed Mr. Tanner's comments and spoke about speeding in South Tracy, had hoped that the new 7-11 location would have been a nice Police satellite office, and look at funding for new Police Officers.

Mayor Young closed the public hearing.

City Council questions and comments followed.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to adopt **Resolution 2021-060** approving the City of Tracy Debt and Investment Policies for FY 2021-22. Roll call vote found all in favor; passed and so ordered.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to adopt **Resolution 2021-061** approving the Funds Reserves Policy Effective Fiscal Year Ending June 30, 2021. Roll call vote found all in favor; passed and so ordered.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Bedolla to adopt **Resolution 2021-062** approving the Operating, Debt and Capital Budget for Fiscal Year 2021-2022. Roll call vote found all in favor; passed and so ordered.

3.C INTRODUCE AN ORDINANCE OF THE CITY OF TRACY AMENDING CHAPTER 5.08 "ANIMALS" OF TITLE 5 "SANITATION AND HEALTH" OF THE TRACY MUNICIPAL CODE TO ADHERE TO CURRENT STANDARDS OF ANIMAL CARE AND PRACTICES AND ESTABLISH NEW OPERATIONAL ADMINISTRATIVE PRACTICES AND PERMITTING REQUIREMENTS

Brittany Pasquale, Animal Services Supervisor, provided the staff report.

City Council questions followed.

Kaycee Thomas asked about the definition of a community cat and whether those rules for applying to be a caregiver would apply on an individual's property.

Trish Johnson, Saving Ferals thanked staff for a great presentation and seeing it through for our animals and supported the program.

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

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to waive the reading of the full text and introduce **Ordinance 1308** an ordinance amending Chapter 5.08 "Animals" of Title 5 "Sanitation and Health" of the Tracy Municipal Code to adhere to current standards of animal care and practices and establish new operational administrative practices and permitting requirements. Roll call vote found all in favor; passed and so ordered.

3.D APPOINT ONE APPLICANT TO SERVE ON THE MEASURE V RESIDENTS' OVERSIGHT COMMITTEE FROM ELIGIBILITY LIST

Adrienne Richardson, City Clerk, provided the staff report.

There was no public comment.

City Council questions and comments followed.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to approve the subcommittee's recommendations to appoint Tai'Rance Kelly to the Measure V Residents' Oversight Committee to serve the remainder of the term, beginning May 19, 2021 to February 28, 2022. Roll call vote found Council Members Bedolla, Davis, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Member Arriola abstained.

3.E APPOINT THREE APPLICANTS TO SERVE ON THE CITY OF TRACY
TRANSPORTATION ADVISORY COMMISSION

Adrienne Richardson, City Clerk, provided the staff report.

The Council Subcommittee consisting of Council Member Davis and Council Member Bedolla announced their recommendations.

Alice English thanked Council for bringing back Commissioners Cooper and Khanna, and asked why a recruitment is opened when there are commissioners that are doing a good job and want to stay on the commission.

William Muetzenberg encouraged Council and commissioners to look at how the City can incentivize residents and visitors to get out of their cars, prioritize Tracer and make sure neighborhoods and developments are better integrated with our public transportation.

City Council questions and comments followed.

ACTION: Motion was made by Council Member Davis and seconded by Council Member Bedolla to approve the subcommittee's recommendations and reappoint Gary Cooper, Rajnish Khanna, and appoint Sharanjit Dhillon to the City of Tracy Transportation Advisory Commission to serve a 4-year term beginning May 19, 2021 and ending April 30, 2025. The following candidates were placed on the 12-month eligibility list: 1) Nicholas Sese, (2) William Muetzenberg, (3) Manjit Ghuman, and (4) Raj Dhillon. Roll call vote found all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – None

5. STAFF ITEMS – Jenny Haruyama, City Manager provided an update on the following action taken by the City Manager during the COVID emergency.

- Awarded contract to Goodland Landscape Construction, Inc. of Tracy, California for Alden Park and Ken Yasui Park Playground Renovation Project CIP 78173.

6. COUNCIL ITEMS – Mayor Pro Tem Vargas reported on the Latino Caucus, and League of California meetings, and announced Valley Link certified the EIR and is moving to design process and funding. Mayor Pro Tem Vargas requested a discussion with the Master Plan update on bike and trails regarding waiving any permit fees, insurance for the bike group. Wanted to understand how we can ask for a permit fee when it is not a facility rental. Council Member Bedolla seconded the request.

Council Member Bedolla spoke about the County being in extreme drought, the 2011 Sustainability Action Plan provisions and requested support to direct the City to modernize the 2011 sustainability action plan - with higher focus on drought tolerant landscaping - with targets for the year 2030 or 2035; to publish work plans with a performance period of two consecutive fiscal years; and to publish a halfway point progress report. Council Member Arriola seconded the request.

Council Member Bedolla requested support for the next affordable housing discussion to include options for adjustments to city residential development fees. Including to adjust fees on affordable projects and below market rate projects; to set charges on the square footage of a project; and to develop or refine best practices overall and if a project changes during the development process.

Jenny Haruyama, City Manager confirmed the item will be coming back and it would be broad enough to include Council Member Bedolla's recommendations. Mayor Pro Tem Vargas seconded Council Member Bedolla's request.

Council Member Bedolla requested support for the next affordable housing or growth management discussion to include amending a portion of the growth management ordinance to reflect when Council has a discretionary item before them and there is a request to move into the secondary residential area that a community benefit or community benefit funds be considered to help with expansion of roadways, water and sewer infrastructure, fire stations, parks and schools.

Leticia Ramirez, City Attorney asked Council Member Bedolla if he was requesting a Council policy to require a community benefit whenever there is a discretionary project or act before Council to include a project in the secondary residential growth area.

Council Member Bedolla responded yes. Whenever there is a discretionary item before Council asking to be brought into the secondary residential area there would at least be some kind of trigger where Council can discuss a possible community benefit from the applicant. Mayor Young seconded the request.

Council Member Arriola recognized and honored the loss of Officer Jimmy Inn of Stockton Police Department who was killed in the line of duty last week. In addition, Council Member Arriola thanked our Tracy Police department who participated in the procession and helped with control traffic, and such an honorable thing to work alongside other partner agencies.

Mayor Pro Tem Vargas stated in regards to drought, in the past water was cut on the trees and trees should continue to be watered during the drought.

Ms. Haruyama responded no decision has been made on modifying or rationing water until we receive more direction from the State. If there is any type of change that is significant to what we are doing now, it would be brought to Council's attention but for now it can be kept at the operational level. Ms. Haruyama confirmed she would send Council a memo if there are any changes.

Mayor Young stated the Eleventh Street center divide looks good and gave kudos to Public Works. Mayor Young reported on various meetings and events she attended.

Mayor Young requested support to bring back a revision to Section 2, D.2 of Exhibit A to Resolution 2020-009 – Adopting a Council Policy Establishing a Selection Process for Appointments to City Advisory Bodies, to update language relating to the eligibility list. Mayor Pro Tem Vargas supported the request.

7. ADJOURNMENT – Time: 10:48 p.m.

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

The above agenda was posted at the Tracy City Hall on May 13, 2021. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk