

May 4, 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 7:07 p.m.

Mayor Young led the Pledge of Allegiance.

Pastor Tim Heinrich, Crossroads Baptist 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 Day of Prayer – May 6, 2021, and National Public Works Week – May 16-22, 2021.

1. CONSENT CALENDAR – Following the removal of consent items 1.B by Council Member Davis, 1.C and 1.D by Council Member Davis and Robert Tanner, and 1.E by Alice English motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.

1.A APPROVAL OF APRIL 20, 2021, CLOSED SESSION, SPECIAL MEETING AND REGULAR MEETING MINUTES – **Minutes were adopted**

1.B APPROVE THE FINAL SUBDIVISION MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT 3954, TRACY HILLS VILLAGE 7C, AND AUTHORIZE THE CITY CLERK TO FILE THE SUBDIVISION IMPROVEMENT AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER

Council Member Davis pulled the item to ask staff clarifying questions regarding the project.

Robert Armijo, City Engineer provided the staff report, and responded to Council questions.

City Council questions and comments followed.

Mike Souza responded mitigations for Tracy Hills Phase 1.A do not include the widening of Corral Hollow and is not triggered by this phase of Tracy Hills, so it is not accurate to say the trigger was pushed back by this project.

Alice English shared her concerns regarding traffic impacts on Corral Hollow, safety hazards, no traffic light at Linne and Corral Hollow Roads, asked the City Manager to do something about staff, and added traffic studies are bogus.

Kevin Silva asked if there is a title report showing who holds mineral rights to the Ellis tract, and stated his family could hold rights to properties at Tracy Hills and Ellis.

Robert Tanner stated a single family home may have two cars, would be doubling that with duets, and shared his concerns regarding more homes bringing more traffic.

City Council questions and comments followed.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Bedolla to adopt **Resolution 2021-048** approving the Final Subdivision Map and Subdivision Improvement Agreement for Tract 3954, Tracy Hills Village 7C, and authorizing the City Clerk to file the agreement with the office of the San Joaquin County Recorder. Roll call found Council Members Arriola, Bedolla and Mayor Young in favor; passed and so ordered. Council Member Davis and Mayor Pro Tem Vargas opposed.

1.C WAIVE SECOND READING AND ADOPT ORDINANCE 1305, AN ORDINANCE OF THE CITY OF TRACY APPROVING AMENDMENTS TO THE ELLIS SPECIFIC PLAN, INCORPORATING THE AVENUES SPECIFIC PLAN PROPERTY INTO THE ELLIS SPECIFIC PLAN AND VARIOUS OTHER AMENDMENTS; APPLICATION NUMBER SPA20-0007

Council Member Davis and Robert Tanner pulled the item for discussion.

Andrew Malik, Assistant City Manager provided the staff report.

Robert Tanner spoke about a majority of Council being in the back pockets of Ellis and developers, and their lawyer indicating that if Council did not combine the two developments it could delay the Aquatic Center.

Mayor Young responded that is making an assumption that is incorrect, she did not give into any kind of threats, and her decision was based on the different information.

Council Member Arriola objected to that characterization and legal conclusion.

City Council comments followed.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Bedolla to waive the reading of the full text and adopt **Ordinance 1305** approving amendments to the Ellis Specific Plan, incorporating the Avenues Specific Plan property into the Ellis Specific Plan and various other amendments; Application Number SPA20-0007. Roll call found Council Members Arriola, Bedolla and Mayor Young in favor; passed and so ordered. Council Member Davis and Mayor Pro Tem Vargas opposed.

- 1.D WAIVE SECOND READING AND ADOPT ORDINANCE 1306, AN ORDINANCE OF THE CITY OF TRACY REPEALING THE AVENUES SPECIFIC PLAN AND THE TRACY MUNICIPAL CODE AVENUES SPECIFIC PLAN ZONE, CHAPTER 10.08, ARTICLE 22.8, AND REPEALING ORDINANCE 1262 – APPLICATION NUMBERS SPA20-0007 AND ZA20-0004

Council Member Davis and Robert Tanner pulled the item for discussion.

Andrew Malik, Assistant City Manager provided the staff report.

Robert Tanner stated his reason for pulling item 1.D is the same as item 1.C.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Bedolla to waive the second reading of the full text and adopt **Ordinance 1306** repealing the Avenues Specific Plan and the Tracy Municipal Code Avenues Specific Plan Zone, Chapter 10.08, Article 22.8, and repealing Ordinance 1262 – Application Numbers SPA20-0007 and ZA20-0004. Roll call found Council Members Arriola, Bedolla, and Mayor Young in favor; passed and so ordered. Council Member Davis and Mayor Pro Tem Vargas opposed.

- 1.E AMEND COUNCIL MEETING PROTOCOLS AND RULES OF PROCEDURE TO ESTABLISH A FIVE MINUTE TIME LIMIT FOR COUNCIL DISCUSSION AND DEBATE, PROVIDE CITY BOARDS AND COMMISSIONS FLEXIBILITY ON THE USE OF PARLIMENTARY PROCEDURES, AND REQUIRE THAT ALL COUNCIL MEETING AGENDAS INCLUDE A “COUNCIL ITEMS AND COMMENTS” SECTION

Alice English pulled the item for discussion.

Leticia Ramirez, City Attorney provided the staff report.

Alice English spoke about Council misconduct and abuse of power at meetings, not giving the public the right to speak, violations of the Brown Act, and having consideration for staff and the public by limiting Council speaking time.

Mayor Pro Tem Vargas disagreed with comments made by Ms. English.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to adopt **Resolution 2021-049** amending Council Meeting Protocols and Rules of Procedure to establish a five minute time limit for Council discussion and debate, provide City Boards and Commissions flexibility on the use of Parliamentary Procedures, and require that all Council special meeting agendas include a “Council Items and Comments” section. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Michael Warda stated the financial ability to perform as a cannabis operator has not been considered in the first two phases. Mr. Warda suggested adding two licenses to the process to consider the business operators instead of having four licenses that are primarily based on social equity and local businesses.

Pete Moyer spoke about traffic issues on Hansen Road due to commercial development, formation of Lammersville Preservational Alliances, and the County, CHP and Prologis looking for solutions. Mr. Moyer stated they would like to close the overpass on Hansen Road in some capacity, and requested help from the City to solve their problem.

Thomas Heckman, member of Lammersville Preservational Alliance spoke about the issues on Hansen Road, and is looking forward to cooperative measures with the County, City and Prologis.

Robert Tanner shared his concerns regarding people riding motorized scooters on sidewalk, and lack of signage.

Denise Haliczzer shared support for the swim center project and requested Council not change the previously approved plan or adjust the previously approved budget.

William Muetzenberg, as a new representative on the EBEC Community Advisory Committee, announced a meet and greet on May 6 to provide an opportunity for the public to familiarize themselves with the committee. Mr. Muetzenberg shared his concerns regarding bike paths in Tracy.

3. REGULAR AGENDA

3.A PUBLIC HEARING TO INTRODUCE AN ORDINANCE ADDING CHAPTER 7.28 TO THE TRACY MUNICIPAL CODE TO INCLUDE WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY AND APPROVE COUNCIL POLICY ESTABLISHING SMALL WIRELESS FACILITIES REGULATIONS

Andrew Malik, Assistant City Manager provided the staff report.

Mayor Young opened the public hearing.

Dan Evans shared his support for the item.

Mayor Young closed the public hearing.

Adrienne Richardson, City Clerk read the title of the 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 1307** adding Chapter 7.28 ("Wireless Telecommunications Facilities in the Public Right of Way") to Title 7 ("Public Works") of the City of Tracy Municipal Code. Roll call vote found all in favor; passed and so ordered.

City Council questions and comments followed.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Bedolla to adopt **Resolution 2021-050** approving Council policy establishing

small wireless facilities regulations in accordance with federal law. Roll call vote found all in favor; passed and so ordered.

3.B APPROVE A MASTER LICENSE AGREEMENT WITH VERIZON WIRELESS FOR THE INSTALLATION OF SMALL WIRELESS FACILITIES ON CITY OWNED POLES IN THE RIGHT-OF-WAY

Andrew Malik, Assistant City Manager, provided the staff report.

There was no public comment.

There were no comments from Council.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adopt **Resolution 2021-051** approving a Master License Agreement with Verizon Wireless for installation of small wireless facilities on city owned poles in the right-of-way. Roll call vote found all in favor; passed and so ordered.

3.C RECEIVE THE CITY OF TRACY POLICE DEPARTMENT'S ANNUAL REPORT FOR 2020

Sekou Millington, Police Chief provided the staff report and responded to questions.

Robert Tanner asked for the number of Police Officers in the City, how many are retiring and how many in queue for training, and needs for policing the City of Tracy.

Dan Evans stated the Police Department have been quick in response and professional, and asked about use of force compared to past years.

Alice English stated graffiti has been increasing and not being taken care of especially off Tracy Blvd, noticed more car accidents, and asked about the numbers for catalytic converters and trucks being stolen.

City Council questions and comments followed.

City Council accepted the report.

3.D APPROVE PROPOSED AMENDMENTS TO THE COUNCIL POLICY FOR DISPLAY OF FLAGS AT CITY FACILITIES TO INCLUDE PROTOCOLS FOR THE PASSING OF CURRENT OR FORMER CITY COUNCIL MEMBERS, DISCUSS AND AUTHORIZE COUNCIL MEMBERS' CEREMONIAL FLAG REQUESTS FOR THE COMING YEAR, AND PROVIDE DIRECTION TO STAFF

Midori Lichtwardt, Assistant City Manager, provided the staff report.

City Council questions and comments followed.

Andrea JuarezSmith stated she is an advocate for raising the LGBT flag for the month of June, spoke about the LGBTQ community, and statistics from the Trevor Project geared to eliminate teen suicide, and shared her experiences.

Julia Conover, Gold Star mother requested the City fly the Gold Star Flag on the last Sunday of September, National Gold Star Family Day.

Carla Waluck requested Council raise the pride flag for Pride Month.

Nancy Whelihan requested to continue raising the Pride Flag during the month of June.

William Muetzenberg shared support for raising the Pride Flag.

Dan Evans provided information about what the Gold Star represents, and requested Council approve the Gold Star flag or banner to be flown on the last Sunday of September every year.

Alice English stated she believed the U.S. and California flags should be flown all the time at City Hall because it represents everyone, and shows a solidarity that we support the LBGT community, veterans, and Gold Star flags.

City Council questions and comments follow.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to adopt **Resolution 2021-052** amending the Council policy for the display of flags at City facilities to include protocols for the passing of current or former City Council Members.

City Council comments followed.

Roll call vote found all in favor; passed and so ordered.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt **Resolution 2021-053** authorizing the display of a Gold Star Flag the last Sunday in September annually at City Hall to commemorate Gold Star Mothers and Family Day.

Jenny Haruyama, City Manager stated staff needs direction on whether Council would like a ceremony for each flag.

Council Member Arriola requested a friendly amendment to allow one of the Gold Star families in Tracy to raise the flag or have a ceremony if they wish. Mayor Pro Tem Vargas supported the amendment.

City Council comments followed.

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 2021-054** approving the display of a Juneteenth

Flag on June 19 annually at City Hall to commemorate the end of slavery in the United States.

City Council comments followed.

Roll call vote found Council Members Arriola, Bedolla, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Member Davis opposed.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas, to adopt **Resolution 2021-055** approving the display of the LGBT Pride Flag for the month of June annually at City Hall to recognize LGBT Pride month.

City Council comments followed.

Roll call vote found Council Members Arriola, Bedolla, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Member Davis opposed.

4. ITEMS FROM THE AUDIENCE – Dan Evans stated he appreciated adopting the Gold Star flag, spoke about Council Member Davis having principals that she stands by, stated the Flag Policy is a terrible policy, and Council demonstrated constant politicking. Council can put these flags anywhere, in front of City Hall is wrong.

Alice English shared disappointment regarding Council's Ellis Avenues decision. Council gave Mr. Serpa priorities on the RGA's and should have stayed in line like other developments. Surland should follow the same policy as everyone else.

5. STAFF ITEMS – Jenny Haruyama, City Manager provided an update on the following actions taken by the City Manager during the COVID emergency.
 - Accept the Construction of the 2018-2019 Street Overlay (Phase 1) Construction Project, CIP 73166 and Federal Project Numbers STPL-5192 (045) & STPL-5192 (046) Completed by Knife River Construction, of Stockton California.
 - Accept the Construction of the Street Overlay and Slurry Seal Project 2018-2019 (Phase 2) Construction Project, CIP 73166 & 78182 Completed by Knife River Construction, of Stockton California.

Ms. Haruyama also announced effective May 5, 2021 all City facilities will be accepting in-person and by appointment only services, and hope to evolve that to limited in-person services as we move into the orange tier. Schedule will be posted on line and on social media platforms and as soon as we get a sense of where we are traveling for the orange tier and timing of that then we will get those service indicators out to the community of when they can physically come into City Hall.

6. COUNCIL ITEMS – Mayor Pro Tem Vargas requested to bring back a discussion to add two more cannabis permits and change our policy to instead of being social equity to be a revenue sales tax performance base. Council Member Davis supported the request.

Council Member Bedolla asked if there was any implications to possible litigation.

Leticia Ramirez, City Attorney responded it would be preferable to provide Council with a memo on this issue.

Mayor Pro Tem Vargas responded she did not want a memo, but wants a discussion and add permits. The discussion was always after a year to see what we can add, more businesses and more revenues.

Jenny Haruyama, City Manager responded that process was endeavored to be done before the end of the calendar year. Once the existing process is wrapped up by late fall or at the end of the calendar year, then staff will bring the item forward.

Mayor Pro Tem Vargas announced the following: Grand Foundation is having a gift basket fundraising event for Mother's Day. For information contact: Grand Foundation Facebook site, or website: www.grandfoundation.org or phone 209-835-3900. Funds will go to support art programs. Save the date – September 25, 2021 to celebrate the third Mayor's ball.

Mayor Pro Tem Vargas stated a friend lost their elderly father last week, sending love and condolences to O'Connor family from City of Tracy. Happy Mother's Day.

Council Member Davis requested support for discussion on permanently erecting a flagpole to represent every branch of the US Armed Forces including the Gold and Blue Star Families. Looking at the War Memorial or Little Arlington at Tracy Cemetery for locations. Council Member Arriola seconded the request.

Ms. Haruyama clarified Council can raise it as part of your budget discussions when Council consider the operating and capital budget. If there is interest in Council to fund Blue and Gold Star flag we can add that.

Council Member Davis requested support on bringing back conversation regarding addressing a shortage of affordable housing, and support to agendize creating and implementing inclusionary housing in the City of Tracy. Council Member Arriola seconded the request.

Council Member Davis requested support to look at opportunities to permanently erect flag poles that display flags that are important to residents in dedicated areas for our community so that all races, ethnicities, causes and ideologies can feel represented without the subjectivity and this could include a public survey to see if the community has an appetite for creating a United Nations type of public art display made of flags. There was no support for the request.

Council Member Davis acknowledged 18 year old Jordan Matthew Martinez for becoming an 11X Airborne Ranger and wanted to say prayers for him and his family as he embarks on his new journey in protection and defense of our country. Council Member Davis also wished everyone a happy Mother's Day.

Council Member Arriola asked Mayor Pro Tem Vargas to add to the cannabis discussion to include a public comment period to look over the entire policy. Have heard complaints from cannabis businesses and from labor unions and want to make sure we have a holistic overview and find any gaps so we can fill them when we bring it back. Mayor

Pro Tem Vargas agreed with the request. Council Member Arriola wished everyone a happy Cinco de Mayo and happy Mother's Day.

Mayor Young wished everyone a happy Mother's Day and happy Cinco de Mayo. Mayor Young announced Pastor James Young, His Image Ministries invites everyone to join him in prayer for National Day of Prayer on Thursday, May 6, 2021 at noon at the City Hall fountain. Mayor Young reported on various meetings and events she attended.

7. ADJOURNMENT – Time: 11:32 p.m.

ACTION: Motion was made by Council Member Bedolla 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 April 29, 2021. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk