

April 20, 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.

Mayor Young called for a moment of silence.

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

Mayor Young announced the following Proclamations: Neurofibromatosis Awareness Month – May 2021, Older Americans Month – May 2021, Week of the Young Child Proclamation – April 11-17, 2021, and Child Care Provider Appreciation Day – May 7, 2021.

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

1. CONSENT CALENDAR – 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 ADOPTION OF APRIL 6, 2021 SPECIAL MEETING AND REGULAR MEETING MINUTES – **Minutes were adopted**
 - 1.B APPROVE A SITE LEASE AGREEMENT WITH SACRAMENTO-VALLEY LIMITED PARTNERSHIP, DBA VERIZON WIRELESS, A CALIFORNIA CORPORATION, TO LEASE GROUND SPACE AND INSTALL A NEW MONOPOLE CELL TOWER AT DON COSE PARK WITH AN INITIAL TERM OF FIVE YEARS AND THREE AUTOMATIC FIVE-YEAR RENEWAL PERIODS NOT TO EXCEED A TOTAL TERM OF TWENTY YEARS – **Resolution 2021-042** approved the Site Lease Agreement with Sacramento-Valley Limited Partnership, DBA Verizon Wireless.
 - 1.C APPROVE AN AGREEMENT FOR DEFERRAL OF CERTAIN IMPACT FEES FOR THE DUKE REALTY PARKING LOT EXPANSION, AND AUTHORIZE THE CITY CLERK TO FILE THE AGREEMENT WITH OFFICE OF THE SAN JOAQUIN COUNTY RECORDER – **Resolution 2021-043** approved the Agreement of Deferral for Duke Realty Parking Lot Expansion.
 - 1.D AUTHORIZE THE INSTALLATION OF A NO-PARKING ZONE ON PARKER AVENUE NORTH OF GRANT LINE ROAD, AND AROUND THE CURVE OF EL

PESCADERO PARK PARKING LOT – **Resolution 2021-044** authorized the installation of a no-parking zone on Parker Avenue.

2. ITEMS FROM THE AUDIENCE – Alice English spoke about the City not having a good skate park and amenities for our children should be a priority. Ms. English shared her concerns regarding a Gateway landowner wanting to change to industrial, and suggested if it does come back as industrial, the landowner should pay for outreach.

Brandon Kanner implored Council to keep the swim center moving forward and not change the previously approved plan or budget.

Dotty Nygard commented about Tracy Earth Day, shared support for the TOD and asked Council to continue to support the visionary goals of our past leaders, and develop policies that promote environmental sustainability action initiatives.

Richard English spoke about Planning Commission minutes not being on the website and requested to open the Planning Commission meetings to the public and/or televise.

Mayor Pro Tem Vargas responded to Mr. English's comments stating she agreed it is important for Planning Commission meetings to be accessible to the public, is concerned about expenditure but it is not her decision only.

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.

There was no public comment.

There were no comments from Council.

City Council accepted the report.

- 3.B PUBLIC HEARING TO CONSIDER DISSOLVING THE AVENUES SPECIFIC PLAN AND INCORPORATING THE PROPERTY INTO THE ELLIS SPECIFIC PLAN BY: AMENDING THE GENERAL PLAN TO UPDATE THE DESCRIPTION OF ELLIS AND ADD THE AVENUES PROPERTY TO THE CITY'S SECONDARY RESIDENTIAL GROWTH AREA (GPA20-0003); AMENDING THE ELLIS SPECIFIC PLAN TO EXPAND IT TO INCLUDE THE AVENUES PROPERTY, ADD A PUBLIC PARK TO THE NORTHEAST CORNER OF THE PROPOSED SCHOOL SITE, AND APPROVE VARIOUS OTHER MODIFICATIONS TO THE ELLIS SPECIFIC PLAN (SPA20-0007); AMEND THE ZONING ORDINANCE TO REMOVE THE AVENUES SPECIFIC PLAN ZONING DISTRICT (ZA20-0004); AND REPEAL ORDINANCE 1262 CREATING THE AVENUES SPECIFIC PLAN AND AVENUES SPECIFIC PLAN ZONING DISTRICT

Andrew Malik, Assistant City Manager and Alan Bell, Senior Planner provided the staff report and presentation.

Chris Long, Surland Communities provided a presentation.

Barry Long, Urban Design Associates continued with the presentation.

Steve Herum, Attorney representing Surland Communities continued the presentation.

City Council questions followed.

Leticia Ramirez, City Attorney clarified comments made, and responded to Council questions.

Bill Dean, Assistant Development Services Director and Karin Schnaider, Finance Director responded to Council's questions.

Mayor Young opened the public hearing.

Mary Mitracos referred to the Code of Conduct stating it should be recognized that there is usually a proponent and an opponent, and requested her attorney should be granted the same time as the proponent.

Ms. Ramirez clarified the Mayor can appoint an opponent who can present a rebuttal.

Mark Connolly, representing Mary Mitracos as designated opposition to the project responded to the presentation and Mr. Herum's comments and stated it is time to stop the gift of public funds to Surland and look out for the best interest of the citizens of Tracy.

Chris Overheul stated Council continues to allow developers to operate against the wishes of the voters, skeptical of the changes being sought by Ellis and the Avenues, Tracy voters voted against Measure Y, and it is unethical to refuse to act per voters' wishes.

Mary Mitracos spoke about providing affordable housing in Tracy – what is being proposed is not affordable housing, suburban sprawl is expensive to build and maintain, all about the RGA's, and asked Council to not do this.

Don Cose stated the City has already spent \$100 million in the downtown and requested not to abandon us, want to see bowtie developed and be integral part of downtown, want specific plan for the bowtie completed as soon as possible with public input, and when it comes up that RGA's are available.

Robert Tanner spoke about the 2018 DA still being in court, threat of a delay of the Aquatic Center because of a drainage pond, previous Council had approved a drainage pond outside Ellis area, Ellis and Tracy Hills taking over the majority of RGA's, and suggested waiting to see what happens with the DA, or let the City take over the development of the Aquatic Center.

Tim Silva shared his concerns regarding the developer discrediting Planning Commission. If the Planning Commission say the policy is not fair and equitable, then send it back and come up with one that is fair and equitable.

Alice English shared her concerns regarding staff's recommendations, Avenue's not being in the DA, developer threats, no need to include swimming pool with DA, all about RGA's and requested Council say no and keep RGA's for downtown and other areas. Ms. English provided the Clerk with a copy of the City of Tracy Residential Pipeline annual report.

Dan Evans spoke about Tracy Gateway switching to an industrial area, a letter sent to homeowners in Redbridge and Edgewood threatening no fire station if their development doesn't happen, response times will suffer, Council should stand up for Tracy, and requested Council pull this one back for now.

Pete Mitracos stated as Council Member Arriola pointed out there is no subdivision map, and all we have is a lot of promises. Planning Commission said no on the DA twice, Council went along with it, and court said it is illegal. This is the third time Planning Commission has said no. If we want to do affordable housing, workforce housing the chance is not primary zone.

Les Serpa spoke about the Avenues being an approved project and would like it to be part of Ellis, intended part of ECFD and to stay in the F-4 category.

Mary Mitracos provided her rebuttal to Mr. Serpa's comments stating this is not an approved project, Planning Commission did not approve the project. There is a reason there is a primary and secondary growth area. That is what has been decided is the best for our city is the primary growth area.

William Muetzenberg stated that without certain conditions of approval, we will contribute to sprawl and does little to address affordability for both existing residents and newcomers and asked Council to consider what is at stake.

Miguel Esquivel suggested Council do what is best for Tracy, and approve the Avenues section of Ellis that helps get a new fire station built.

Michele Zaragoza recommended the approval of the update to the Ellis Specific Plan.

Ellie Lopez encouraged Council to approve the Ellis Specific Plan Amendment.

Brandi Marotta requested Council say yes to this final step in allowing the Ellis Avenues neighborhood to advance, and help our new school open.

Sharon Gardner believed the merger of Avenues and Ellis Specific Plan could provide an opportunity to address development concerns within the city if the plan is updated to include affordability and sustainability measures.

Susan and Rich Hudson opposed the Avenues being incorporated into the Ellis Specific Plan and shared concerns regarding traffic issues.

Chrystena Rockett shared concerns about allowing the Avenues to be considered part of the Ellis Specific Plan stating a precedent will be set that developers don't have to upgrade or provide the infrastructure for their projects.

Mayor Young closed the public hearing.

Mayor Young requested a memo dated March 29, 2021 from Surland Companies regarding Surland/Ellis RGA's, which was addressed to Andrew Malik, Assistant City Manager and Leticia Ramirez, City Attorney, received prior to the publication of the April 6, 2021 Council meeting agenda, be included in the record for the April 20, 2021, meeting. The applicant and City Council agreed to include the memo into the record.

City Council questions and comments followed.

Les Serpa, Surland Communities responded to Council's questions.

It was City Council's consensus on the following Policy questions:

Policy Question #1 – Yes to approving an expansion of the City's Secondary Residential Growth Areas to add the Avenues property, thereby allowing the City to accept and consider residential development applications for the Avenues property and making the Avenues property eligible for the RHNA exemption to the City's GMO. (Council Members Arriola, Bedolla, and Mayor Young in favor, Council Member Davis and Mayor Pro Tem Vargas not in favor).

Policy Question #2 – Available priority types should be assigned to the Avenues property under the GMO and GMO Guidelines, priority F.4 (Ellis Specific Plan area). (Council Members Arriola, Bedolla, and Mayor Young in favor, Council Member Davis and Mayor Pro Tem Vargas declined).

Policy Question #3 – City Council directed the Avenues property to the City's existing City-wide Services CFD (2018-1) for funding public services through the \$68 annual assessment. (Council Members Arriola, Bedolla, Davis and Mayor Pro Tem Vargas in favor. No policy selection by Mayor Young).

Policy Question #4 – City and Avenues property form a separate CFD to fund costs of infrastructure necessary to serve the Avenues property. (Council Members Arriola, Bedolla, Davis, Mayor Pro Tem Vargas in favor. No policy selection by Mayor Young).

Policy Question #5 – Naming of the new Ellis park - Staff to follow the newly Council-approved Naming Public Buildings, Parks and Recreation Facilities Policy. (Council Members Arriola, Davis, Mayor Pro Tem Vargas in favor, Council Member Bedolla in favor of School House Park. No policy selection by Mayor Young).

Mayor Pro Tem Vargas left the meeting at 12:13 a.m.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Young, to adopt **Resolution 2021-045** approving the addendum to the Ellis Specific Plan Environmental Impact Report and the Avenues Specific Plan mitigated negative declaration for the Ellis/Avenues Specific Plan Amendment (SPA20-0007), General Plan Amendment, (GPA20-0003), and Zoning Actions (ZA20-0004) Project. Roll call vote found Council Members Arriola, Bedolla and Mayor Young in favor; passed and so ordered. Council Member Davis opposed. Mayor Pro Tem Vargas absent.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Bedolla, to adopt **Resolution 2021-046** approving a General Plan Amendment to the description of the Ellis Specific Plan Area and adding the Avenues Specific Plan Area to the Secondary Residential Growth Areas, figure 2-3 Application Number GPA20-0003. Roll call vote found Council Members Arriola, Bedolla and Mayor Young in favor; passed and so ordered. Council Member Davis opposed. Mayor Pro Tem Vargas absent.

Mayor Young stated in accordance with the policy direction Council gave tonight to the introduction of the ordinance amendments to Ellis Specific Plan, waive the reading of the full text and introduce the ordinance.

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

ACTION: Motion was made by Council Member Bedolla and seconded by Council Member Arriola to waive the reading of the full text and introduce **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 vote found Council Members Arriola, Bedolla and Mayor Young in favor; passed and so ordered. Council Member Davis opposed. Mayor Pro Tem Vargas absent.

City Clerk read the title of the proposed ordinance.

ACTION: Motion was made by Council Member Bedolla and seconded by Council Member Arriola to waive the reading of the full text and introduce **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 vote found Council Members Arriola, Bedolla and Mayor Young in favor; passed and so ordered. Council Member Davis opposed. Mayor Pro Tem Vargas absent.

3.C ADOPT A RESOLUTION AMENDING THE CITY'S OPERATING AND CAPITAL IMPROVEMENT PROJECTS (CIP) BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2021, AS PROPOSED

Karin Schnaider, Director of Finance, provided the staff report.

There was no public comment.

There were no comments from City Council.

ACTION: Motion was made by Council Member Bedolla and seconded by Council Member Davis to adopt **Resolution 2021-047** approving the amended City Operating and Capital Budget for Fiscal Year 2020-2021. Roll call vote found Council Members Arriola, Bedolla, Davis, and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Vargas absent.

3.D APPOINTMENT OF CITY COUNCIL SUBCOMMITTEE TO INTERVIEW APPLICANTS TO FILL THREE TERM EXPIRATIONS ON THE TRANSPORTATION ADVISORY COMMISSION

Adrienne Richardson, City Clerk, provided the staff report.

William Muetzenberg hoped whoever makes it on the Council Subcommittee, strongly considers candidates who are focused on improving access to all modes of transport in Tracy.

Tim Silva urged Council to expedite the process, as there will not be a quorum and spoke about important projects the commission is rolling out.

City Council questions and comments followed.

Council Member Davis and Council Member Bedolla volunteered to serve on the Council subcommittee.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Young to appoint Council Member Davis and Council Member Bedolla to interview applicants to fill three (3) term expirations on the Transportation Advisory Commission. Roll call vote found Council Members Arriola, Bedolla, Davis and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Vargas absent.

3.E DISCUSS COUNCIL POLICY REGARDING STANDARD PROCEDURES FOR ISSUING CEREMONIAL DOCUMENTS AND PROVIDE DIRECTION TO STAFF

Adrienne Richardson, City Clerk, provided the staff report.

There was no public comment.

City Council questions and comments followed.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Young to remove the word *national* from the amendments to the Standard Procedures for Issuing Ceremonial Documents under types of recognition #1. Roll call found Council Member Arriola and Mayor Young in favor. Council Members Bedolla and Davis opposed. Mayor Pro Tem Vargas absent. Motion failed.

City Council questions and comments followed.

Council Member Bedolla motioned to table the item to the next appropriate Council meeting. There was no second for the motion.

After brief discussion, City Council agreed to leave the policy as is and if any questions arise, address at that time.

4. ITEMS FROM THE AUDIENCE – None
5. STAFF ITEMS – None
6. COUNCIL ITEMS – Council Member Arriola announced the first meeting for Tracy Homelessness Advisory was on April 14, 2021, and he was appointed as chair, meetings will be quarterly, and next meeting will be on July 15, 2021. Council Member Arriola requested for the month of June that the City of Tracy raise the LGBT Pride flag in accordance with Pride Month. Council Member Arriola stated he was not seeking a ceremony but he would like the privilege of, or a designee, to raise the flag. Mayor Young seconded the request.

Council Member Davis thanked Tracy Babe Ruth and Tracy Express for the facemasks.

7. ADJOURNMENT – Time: 12:58 a.m. Date: Wednesday, April 21, 2021

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

The above agenda was posted at the Tracy City Hall on April 15, 2021. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk