

June 15, 2021, 7:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy

Web Site: [www.ci.tracy.ca.us](http://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 WebEx during the meeting.

Mayor Young called the meeting to order at 7:04 p.m.

Mayor Young led the Pledge of Allegiance.

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

1. CONSENT CALENDAR – Following the removal of consent items 1.B by Robert Tanner, 1.D by Mayor Pro Tem Vargas and 1.F by Council Member Davis motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adopt the Consent Calendar. Roll call vote found Council Members Bedolla, Davis, Mayor Pro Tem Vargas and Mayor Young in favor, passed and so ordered. Council Member Arriola absent.
  - 1.A ADOPTION OF JUNE 1, 2021, CLOSED SESSION, SPECIAL MEETING AND REGULAR MEETING MINUTES – **Minutes were adopted.**
  - 1.C APPROVE RESOLUTIONS: (1) INITIATING PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENTS FOR TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT FOR 2021/2022, (2) APPROVING THE PRELIMINARY ENGINEER'S REPORT FOR THE TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT, AND (3) DECLARING THE INTENTION TO LEVY ANNUAL ASSESSMENTS AND SETTING THE DATE FOR A PUBLIC HEARING – **Resolution 2021-070** initiated proceedings for the annual levy of assessments and ordered the preparation of an Engineer's Report for TCLMD. **Resolution 2021-071** approved the Preliminary Engineer's Report regarding the proposed levy and collection of assessments for the TCLMD. **Resolution 2021-072** declared the City of Tracy's intention to levy annual assessments for the TCLMD, FY 2021/2022 and setting the public hearing date. Council Member Bedolla abstained from voting on Zone 7. Council Member Davis abstained from voting on Zone 15, and Mayor Pro Tem Vargas abstained from voting on Zone 25.
  - 1.E APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TRACY AND VERDE DESIGN, INC. TO COMPLETE DESIGN OF LEGACY FIELDS SPORTS COMPLEX PHASE 1E, INCREASING THE NOT TO EXCEED AMOUNT BY \$622,373 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$1,803,286 - **Resolution 2021-073** approved Amendment No. 1 to the Professional Services Agreement with Verde Design, Inc.

- 1.G WAIVE SECOND READING AND ADOPT ORDINANCE 1310, AN ORDINANCE OF THE CITY OF TRACY AMENDING CHAPTER 7.16 "PARKS AND COMMUNITY SERVICES COMMISSION" OF THE TRACY MUNICIPAL CODE TO CHANGE THE MAKEUP OF THE PARKS AND COMMUNITY SERVICES COMMISSION FROM SEVEN TO FIVE MEMBERS – **Ordinance 1310 was adopted.**
- 1.H AUTHORIZE THE CITY OF TRACY TO ENTER INTO A GENERAL SERVICES AGREEMENT FROM JULY 1, 2021 TO JUNE 30, 2026 WITH MOTOROLA SOLUTIONS, INC. FOR LIFECYCLE SUSTAINMENT SERVICES FOR THE POLICE RADIO COMMUNICATIONS TOWER EQUIPMENT WITH A NOT TO EXCEED AMOUNT OF \$302,387 – **Resolution 2021-074** authorized entering into a General Services Agreement with Motorola.
- 1.I APPROVE ACCEPTANCE OF AN ECONOMIC DEVELOPMENT ADMINISTRATION GRANT AWARD AFTER-THE-FACT AND FURTHER AUTHORIZE CITY MANAGER TO EXECUTE ALL GRANT-RELATED DOCUMENTS AND AGREEMENTS – **Resolution 2021-075** approved acceptance of an Economic Development Grant Award.
- 1.J AUTHORIZE STAFF TO SUBMIT CURRENT AND FUTURE APPLICATIONS FOR "REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY," A COMPETITIVE GRANT PROGRAM FOR THE I-580/INTERNATIONAL PARKWAY INTERCHANGE PROJECT, FUNDED BY REGIONAL AND CITY FUNDS, DEVELOPER FEES AND TRADE CORRIDOR GRANT FUNDS, AND FURTHER AUTHORIZE THE CITY MANAGER TO EXECUTE ALL GRANT-RELATED DOCUMENTS AND AGREEMENTS – **Resolution 2021-076** authorized staff to submit current and future applications for "Rebuilding American Infrastructure with Sustainability and Equity", a Grant Program for I-580/International Parkway Interchange Project.
- 1.K AUTHORIZE THE SUBMISSION AND RECEIVE THE SAN JOAQUIN COUNCIL OF GOVERNMENTS REGIONAL EARLY ACTION PLANNING (REAP) GRANT FUNDS – **Resolution 2021-077** authorized the submission of a San Joaquin Council of Governments Regional Early Action Planning (REAP) Grant Funds Application.
- 1.L APPROVE THE COMMITTED FUND BALANCES FOR FISCAL YEAR ENDING JUNE 30, 2021 – **Resolution 2021-078** approved the Committed Fund Balances for fiscal year ending June 30, 2021.
- 1.M ADOPTION OF ANNUAL ADJUSTMENT TO APPROPRIATIONS LIMIT (GANN LIMIT) PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION ESTABLISHING THE LIMIT FOR FISCAL YEAR 2021-22 – **Resolution 2021-079** adopted the Annual Adjustment to Appropriations Limit (Gann Limit).

1.B ADOPT THE LIST OF PROPOSED PROJECTS FOR FISCAL YEAR 2021-2022 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

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

Robert Tanner pulled the item to request a brief list of the projects be available to the public.

City Council questions and comments followed.

**ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Bedolla to adopt **Resolution 2021-080** approving a list of projects for Fiscal Year 2021-22 funded by SB 1: The Road Repair and Accountability Act of 2017. Roll call found Council Members Bedolla, Davis, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Member Arriola absent.

1.D APPROVE CLAIM TO BE SUBMITTED TO THE STATE OF CALIFORNIA, THROUGH THE SAN JOAQUIN COUNCIL OF GOVERNMENTS (SJCOG), FOR TRANSPORTATION DEVELOPMENT ACT FUNDS IN THE AMOUNT OF \$1,950,066 FOR FISCAL YEAR 2020-2021

Ed Lovell, Transit Manager provided the staff report and responded to Council questions.

Mayor Pro Tem Vargas pulled the item to ask about efforts to gather grants to complete the green painting of lines, transparency regarding seeking funds for projects, mechanisms where the public can get update, and progress of trails in the city.

**ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Bedolla to adopt **Resolution 2021-081** approving a claim to be submitted to the State of California, through the San Joaquin Council of Governments, for Transportation Development Act Funds in the amount of \$1,950,066 for Fiscal Year 2020-2021, and authorizing the Finance Director to execute the claim. Roll call found Council Members Bedolla, Davis, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Member Arriola absent.

1.F. WAIVE SECOND READING AND ADOPT ORDINANCE 1309, AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTION 10.08.2930 OF THE TRACY MUNICIPAL CODE REGARDING THE MINIMUM LOT FRONTAGE REQUIREMENT IN THE HIGHWAY SERVICE ZONE

Scott Claar, Senior Planner provided the staff report.

Council Member Davis pulled the item to ask how many lots are impacted by the ordinance.

City Council comments and questions followed.

There was no public comment.

City Council comments followed.

**ACTION:** Motion was made by Council Member Bedolla and seconded by Mayor Young to continue Consent Item 1.F until there are votes of the full Council. Roll call found Council Member Bedolla and Mayor Young in favor. Council Member Davis and Mayor Pro Tem Vargas opposed. Council Member Arriola absent. Motion failed.

**ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to not approve Consent Item 1.F. Roll call found Council Member Davis and Mayor Pro Tem Vargas in favor. Council Member Bedolla abstained. Mayor Young opposed. Council Member Arriola absent. Motion failed.

**ACTION:** Council Member Bedolla made another motion to continue the item.

Leticia Ramirez, City Attorney clarified that there have been two motions, one to continue the item, the other to not approve the item and both failed. There is no action. Ms. Ramirez clarified the motion to reconsider process.

Mayor Young stated she would support Council Member Bedolla's motion but the other two Council Members would not, so moved on to the next item.

2. ITEMS FROM THE AUDIENCE – Steve Young shared his frustration regarding a citation he received for having his boat in his driveway, stating it has been there on and off for 25 years with no problems. Mr. Young wanted to know why the code changed and what he can do about the issue.

Donna Young shared her concerns regarding pepper trees not being cut behind her property and causing damage to back yard.

Cynthia Reece, member of Tracy Earth Project shared concerns regarding a water efficiency ordinance and requested the following: 1. Establish environmental commission that allows continuity between future City Council Members with representatives from environment, non-profit, labor, business and developer interest. 2. An agenda item for the next Council meeting to review and implement the City's appropriate water efficiency plan stage level.

Council Member Bedolla requested a memo regarding water efficiency plan stage level.

Robert Tanner shared his concerns regarding fireworks, and motor scooters, and spoke about a Council Member reading from a script during the meetings, and shared concerns regarding a Council Member running for Assembly.

Mayor Young requested to move up items 3.E and 3.F to follow item 3.A.

### 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.

Alice English stated wear facemasks if not vaccinated as children are not vaccinated.

Mary Mitracos thanked staff for televising Planning Commission meetings.

City Council comments and questions followed.

City Council accepted the report.

### **DEVIATION**

Mayor Pro Tem Vargas announced: In accordance from an advice letter received from the FPPC she recused herself from items 3.E and 3.F related to transition of City fire employees to the South San Joaquin County Authority due to her husband's employment as Fire Division Chief.

3.E ACCEPT UPDATE AND RESPONSE TO MARCH 2, 2021 COUNCIL QUESTIONS REGARDING THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY (SSJCFA) PHASE 2 PERSONNEL TRANSITION PLAN FISCAL IMPACT ANALYSIS REPORT AND PROVIDE DIRECTION TO STAFF – Item Continued

3.F APPROVE THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY PERSONNEL TRANSITION PLAN – Item Continued

**ACTION:** Motion was made by Mayor Young and seconded by Council Member Bedolla to continue both items 3.E and 3.F, and take the opportunity to have a joint meeting with Tracy Rural, and no later than August come back with this item, and ensure all five Council Members are here to participate in the discussion. Roll call found Council Member Bedolla and Mayor Young in favor. Council Member Davis opposed. Mayor Pro Tem Vargas recused herself from both items 3.E and 3.F. Council Member Arriola absent. Agenda items 3.E and 3.F were continued.

3.B CONTINUATION OF PUBLIC HEARING AND APPROVAL OF THE 2020 URBAN WATER MANAGEMENT PLAN INCLUDING THE WATER SHORTAGE CONTINGENCY PLAN

Kul Sharma, Utilities Director provided the staff report and responded to questions.

Anona Dutton, EKI Consultant provided a presentation on the Urban Water Management Plan, and responded to questions.

Mayor Young opened the public hearing.

Robert Tanner stated the City should reconsider or delay the Aquatics Park due to the drought.

Mary Mitracos encouraged Council to continue on the path that they have been and do everything to get as much water as possible.

Mike Souza stated he would like to continue to work with staff to make sure we agree that all those assumptions that have gone into what the water supplies are and what they will look like particularly in dry years is something we can all agree to and the water demands are well accounted for and adjusted properly in the report.

John Palmer spoke about the need to address assumptions of growth and water demand requirements.

Jeff Major stated he provides technical and development services for Prologis for IPC and NEI Industrial Parks, referred to a letter sent to Council and stated their comments and concerns have not been addressed. Will work with staff and if we are correct, that the plan will be amended.

Karen Moore stated as a concerned citizen during the drought she is glad to see City is giving thorough review of the long-term strategy.

Mayor Young closed the public hearing.

City Council questions and comments followed.

Stephanie Reyna-Hiestand, Water Resources and Compliance Manager responded to Council questions.

**ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adopt **Resolution 2021-082** approving the 2020 Urban Water Management Plan including the Water Shortage Contingency Plan. Roll call vote found Council Members Bedolla, Davis, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Member Arriola absent.

3.C PUBLIC HEARING TO INTRODUCE AN ORDINANCE APPROVING AN AMENDMENT TO THE CORDES RANCH SPECIFIC PLAN REGARDING MOBILE FOOD VENDORS, PARK USES, MAXIMUM FLOOR AREA RATIO FOR HOTELS, AND SIGNS

Scott Claar, Senior Planner provided the staff report.

Mayor Young opened the public hearing.

Matt Simms, Prologis spoke in support of the change and reiterated that it is much more than a food truck amendment, and to remain competitive in the area and continue to attract Fortune 500 employees to Tracy, more park like amenities must be provided. The desire is to attract and retain Tracy jobs.

Mayor Young closed the public hearing.

City Council questions and comments followed.

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 1311** an ordinance of the City of Tracy approving an amendment to the Cordes Ranch Specific Plan regarding Mobile Food Vendors, Park Uses, maximum floor area ratio for hotels, and signs, Application Number SPA20-0004. Roll call vote found Council Members Bedolla, Davis, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Member Arriola absent.

Mayor Young called for a recess at 10:08 p.m.

Mayor Young reconvened the meeting at 10:16 p.m.

3.D PUBLIC HEARING TO CONSIDER APPROVING THE TRACY HILLS 35-ACRE ANNEXATION PROJECT, WHICH INCLUDES APPROVING A GENERAL PLAN AMENDMENT, INTRODUCING AN ORDINANCE APPROVING A TRACY HILLS SPECIFIC PLAN AMENDMENT, AND APPROVING THE PRE-ZONING AND ANNEXATION TO THE CITY OF TRACY OF APPROXIMATELY 35 ACRES LOCATED SOUTH OF I-580 IN THE VICINITY OF CORRAL HOLLOW ROAD, ASSESSOR'S PARCEL NUMBERS 253-030-13 AND 253-040-10

Scott Claar, Senior Planner, provided the staff report.

Mayor Young opened the public hearing.

John Palmer stated he represents Tracy Hills and AKT on this matter and fully supports moving forward in ensuring the same amount of land is preserved and improving the development by taking the conservation easement land, exchanging it on another piece of property but committing to maintain 33 acres of this annexation land as open space that will be operated and maintained by the HOA.

Alice English stated what is the use of having a General Plan or Specific Plan if Council keeps amending them and how will this affect RGA's. Ms. English asked if Council will go ahead before it is approved by LAFCo.

Mayor Young closed the public hearing.

City Council questions and comments followed.

Mr. Palmer responded to Council questions.

**ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Mayor Young to adopt **Resolution 2021-083** approving a General Plan Amendment, an addendum to the Environmental Impact Report for the Tracy Hills Specific Plan, and the submission of an application to LAFCO for Annexation of the Tracy Hills 35-acre annexation area into the Tracy City Limits with Pre-Zoning of Tracy Hills Specific Plan Zone for approximately 35 acres located south of I-580 in the vicinity of Corral Hollow Road, Assessor's Parcel Numbers 253-030-13 and 253-040-10. Roll call vote found Council Member Bedolla, Mayor Pro Tem Vargas

and Mayor Young in favor, passed and so ordered. Council Member Davis opposed. Council Member Arriola absent.

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

**ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Mayor Young to waive the reading of the full text and introduce **Ordinance 1312** an ordinance of the City of Tracy approving a Tracy Hills Specific Plan Amendment and Pre-Zoning the Tracy Hills 35-acre annexation area as Tracy Hills Specific Plan Zone for approximately 35 acres located south of I-580 in the vicinity of Corral Hollow Road, Assessor's Parcel Numbers 253-030-13 and 253-040-10, application numbers SPA20-0001 and AP20-0002. Roll call vote found Council Member Bedolla, Mayor Pro Tem Vargas and Mayor Young in favor, passed and so ordered. Council Member Davis opposed. Council Member Arriola absent.

3.G TAKE ACTION, BY RESOLUTION, TO AUTHORIZE AMENDING THE POSITION CONTROL ROSTER TO EXTEND THE END DATE OF THE LIMITED-TERM DIVISION CHIEF POSITION FOR A SIX-MONTH PERIOD, ENDING ON DECEMBER 31, 2021

Randall Bradley, Fire Chief provided the staff report.

Alice English supported extending the position because it does not affect the budget and will help the JPA and public safety.

Justin Legasa, Tracy Firefighter stated the position is specifically designed to work on the JPA, and asked Council to consider extending this position.

In order to avoid any perception of impropriety, Mayor Pro Tem Vargas recused herself from discussion on the item.

City Council questions and comments followed.

**ACTION:** Motion was made by Council Member Davis and seconded by Council Member Bedolla to adopt **Resolution 2021-084** authorizing an amendment to the Position Control Roster to extend the Limited-Term Division Chief position for a six-month period, ending on December 31, 2021.

Mayor Young asked for a friendly amendment to replace *ending on* December 31, 2021 with *up to* December 31, 2021. Council Member Davis accepted the friendly amendment.

Roll call vote found Council Members Bedolla, Davis and Mayor Young in favor, passed and so ordered. Mayor Pro Tem Vargas recused herself from voting on the item. Council Member Arriola absent.

4. ITEMS FROM THE AUDIENCE – Karen Moore spoke about Measure K funding for any kind of transportation improvements, and stated the City should make sure if we have projects that need funding to tap into that resource.



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

- Accepted Offsite Improvement Agreement for Chrisman Road and storm drainage with Seefried Industrial Properties.

Ms. Haruyama announced there will be a heat warning issued for tomorrow and cooling zones locations at West Valley Mall, and Tracy Transit Station. The City is also offering free Tracer bus rides on fixed routes when it is over 100 degrees.

6. COUNCIL ITEMS – Council Member Davis stated she had attended a Philippine Independence Day event in Mountain House and during that event she was presented with a blue lined flag plaque, which she accepted on behalf of Council. Council Member Davis presented the plaque to Police Captain Alex Neicu. Council Member Davis spoke about coming back with a donation policy. Jenny Haruyama, City Manager responded a donation policy item is already scheduled to come before Council.

Mayor Pro Tem Vargas provided updates on her attendance at Valley Link and League of California Cities meetings. Mayor Pro Tem Vargas wished her husband a happy anniversary, stated she appreciated Council's commitment to collaborate for the benefit of community, and sent well wishes to Council Member Arriola.

Council Member Bedolla requested support to increase fines for administrative citations for safe and sane firework displays being discharged outside of the time period allowed in the Tracy Municipal Code. Council Member Davis supported the request.

Mayor Young suggested a friendly amendment to look at what is being done by Fire and Police. Council Member Bedolla supported the amendment.

Leticia Ramirez, City Attorney clarified based on Council's conversation and the additional add on, Council is requesting a more detailed staff report that talks about what Police and Fire do to address illegal fireworks and could include a discussion about what we as a city legally do to enhance penalties and fines.

Council Member Bedolla requested support for a policy to limit campaign contributions and the raising of money for city candidates by special interests including bidders for city contracts, corporations, individuals that come before Council for development, lobbyists, and political action committees. There was no second for the request.

Council Member Bedolla requested support for a memo about current plans to expand the county hospital and court system into south San Joaquin County. Mayor Pro Tem Vargas supported the request.

Mayor Young stated it has been a number of years since we have looked at the ordinance regarding boats, parking, driveways, and because of things we have done to encourage housing, there are more parking issues, would like to bring back the ordinance and see how it is affecting people. Seems like certain areas were grandfathered in, want to bring back to make sure it is relevant. Mayor Pro Tem Vargas supported the request.

Mayor Young reported on various meetings and events she has attended, and announced the following upcoming events: Saturday is Juneteenth and the flag will be flown, June 25<sup>th</sup> – Chest of Hope is having a Laugh Out Loud Comedy Show, June 26<sup>th</sup> - Tracy Chamber Community Awards, and the winners were recently announced. July 4<sup>th</sup> – wished everyone a happy and safe Independence Day, and added there will be a parade downtown.

Mayor Pro Tem Vargas wished everyone a happy Father’s Day.

7. ADJOURNMENT – Time: 11:32 p.m.

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

The above agenda was posted at the Tracy City Hall on June 10, 2021. The above are action minutes. A recording is available at the office of the City Clerk.

---

Mayor

ATTEST:

---

City Clerk