

October 5, 2021, 7:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy

Web Site: www.cityoftracy.org

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 in-person and remotely via WebEx during the meeting.

Mayor Young called the meeting to order at 7:17 p.m.

Mayor Young led the Pledge of Allegiance.

Deacon Jack Ryan offered the invocation.

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

Mayor Young proclaimed the month of October as Breast Cancer Awareness Month.

Mayor Young presented a proclamation for Arbor Day to John Newman, Public Works Supervisor.

Mayor Young presented a proclamation for Domestic Violence Awareness Month to Merlyn Pittman, Executive Director, Chest of Hope.

Sekou Millington, Police Chief swore in Lieutenant Scott Muir and Sergeant Dan Pasquale.

1. CONSENT CALENDAR – Following the removal of consent item 1.C by Bob Adams, Interim City Manager motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adopt the consent calendar. Roll call found all in favor; passed and so ordered. Mayor Pro Tem Vargas abstained from voting on Item 1.A.
 - 1.A. ADOPTION OF SEPTEMBER 21, 2021 CLOSED SESSION AND REGULAR MEETING MINUTES – **Minutes were adopted.** Mayor Pro Tem Vargas abstained from voting on 1.A.
 - 1.B. AUTHORIZE STAFF TO INITIATE THE PROCESS TO PARTICIPATE IN THE PROPOSED LOS VAQUEROS RESERVOIR EXPANSION PROJECT FOR WATER STORAGE AND APPROPRIATE \$280,000 FROM THE WATER FUND RESERVES TO PAY FAIR-SHARE START UP COSTS AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE PROJECT ACTIVITY AGREEMENT – **Resolution 2021-139** authorized initiating the process to participate in the proposed Los Vaqueros Reservoir expansion project for water storage.

- 1.D. WAIVE SECOND READING AND ADOPT ORDINANCE 1317, AN ORDINANCE OF THE CITY OF TRACY ADDING A NEW CHAPTER 7.32, PARKLETS, TO TITLE 7, PUBLIC WORKS, OF THE TRACY MUNICIPAL CODE - Ordinance 1317 was adopted.
- 1.E. AMEND COUNCIL POLICY FOR REIMBURSEMENT OF TRAVEL AND EXPENSES FOR ELECTED AND APPOINTED OFFICIALS – Resolution 2021-140 approved the amendment to the Council Policy for Reimbursement of Travel and Expenses for Elected and Appointed officials.
- 1.F. ACCEPT UPDATE ON FISCAL YEAR 2021-2023 MULTI-YEAR AND SHORT-TERM CITY COUNCIL STRATEGIC PRIORITIES AND WORKPLAN - Update Accepted
- 1.G. RECEIVE AN UPDATE ON THE TRACY CITY CENTER ASSOCIATION (TCCA) SPECIAL EVENT PERMIT WHICH WILL NOT BE EXTENDED AT THE REQUEST OF TCCA AND WILL EXPIRE ON OCTOBER 14, 2021 – Update Accepted
- 1.H. PROVIDE AN UPDATE TO THE CITY COUNCIL ON THE POLICE DEPARTMENT’S RESPONSE TO FIREWORKS COMPLAINTS AND OFFICIAL CITY EVENTS DURING THE JULY 4TH WEEKEND – Update Accepted
- 1.C. APPROVE CUSTOM SURVEY QUESTIONS FOR INCLUSION IN THE 2021 NATIONAL COMMUNITY SURVEY™ FOR THE CITY OF TRACY

Vanessa Carrera, Assistant to the City Manager 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 Arriola to adopt **Resolution 2021-141** approving custom survey questions for inclusion in the 2021 National Community Survey™ for the City of Tracy as amended below:

It was Council’s consensus to make the following changes to the survey questions:

- Add to Question 14: Work and office space as an example in the mixed-use space category.
- Change Question 15 to read: *What is your preferred location for a future rail/bus hub (e.g. Valley Link) and TOD District in Tracy?* Council also directed staff to remove the “Westside Ranch area near Mountain House Parkway” location option, and provide a point of reference in parenthesis next to each location option, such as: I-205/Mall area (north), Downtown Tracy (central).
- Remove the following categories from Question 16: Building a Temporary Emergency Housing Facility for the Homeless, Building a Multi-Generation Recreation Center, and Community Aquatics Center.
- Add the following categories to Question 16: Begin the next phase of Legacy Fields Sports Complex Phase II, and begin the Tracy Nature Park.

2. ITEMS FROM THE AUDIENCE – Simon Losch shared his concerns regarding Council Member Davis and Fire Department staff attending a political event on September 18, 2021 called Brew with the Government Crew.

Council Member Davis responded she was invited to Assemblymember Villapudua's event, but did not orchestrate the event.

Mayor Young asked the City Attorney where the City is officially as far as the Fire Chief being in uniform at political events.

Leticia Ramirez, City Attorney responded there are certain state prohibitions that govern the use of a uniform in a political advertisement. Will have to do research. Mayor Young and Mayor Pro Tem Vargas agreed to a memo.

Bob Adams, Interim City Manager responded staff did not know it was a political event, and shared that the Police Chief declined, the picture of the Police Chief in uniform was taken from the City's website and was not approved. Mr. Adams stated he did not believe Fire Chief Bradley attended, a Battalion Chief was there answering questions and that was the extent of the City's involvement. Staff will look into it and get a better answer.

Zahra shared her concerns regarding lack of jobs in Tracy, River Island planning to build a business park that Tracy should build, should be focusing on high tech jobs, head of household jobs and requested Council reconsider putting needs of developers before needs of residents.

A member of the public shared concerns regarding Mayor Pro Tem Vargas and Mayor Young, residents voted against downtown TOD, neighboring city getting a business park, asked what is the plan for additional traffic and congestion, and asked Council to impose a curfew on commercial motor vehicles departing and arriving from these warehouses.

Mayor Pro Tem Vargas responded she has supported and is a proponent of TOD. Incorrect information is being shared.

Mayor Young responded it is important that facts are presented. Makes it seem like there is a 2-3, but that is not this Council. This is Team Tracy and never look for 3-2.

Dan Evans agreed with the previous speaker's comments stating the City is in shambles, and shared his experience living in Livermore and Hacienda business park. Mr. Evans shared his disappointment that we had Westside approved and sat on it and pushed for more warehousing. Need higher wages, easing our commute, and lowering greenhouse emissions.

Mayor Pro Tem Vargas responded SB 548 was a bill that just got signed by the Governor that Valley Link has spearheaded which will reduce green gases, alleviating congestion. Mayor Pro Tem Vargas clarified why she recused herself from the Westside item.

Mayor Young stated there is way too much to go into a detailed list of what is happening in our City, and how many years it takes to get things done. It's a process. The City is in the midst of doing the International Park of Commerce that people wished they had.

Robert Tanner stated the Police Department needs to be increased by ten and a vehicle added in the field. Mr. Tanner added even though a survey was done on amenities for the City, the Mayor insisted the multi-gen, which was third on the list, go first and put Library third.

Dotty Nygard thanked the City for coming out for Clean Air Day event. Ms. Nygard shared her disappointment regarding a survey information request in March and no follow through, is not publicly noticed and need to have more direct link for community input. With California Clean Air Day celebrating this week ties into Arbor Day and decreasing our carbon footprint. Ms. Nygard strongly recommended an environmental task force on this Council.

Alex Monceaux asked when the City is going to work on non-competitive licensing or issue refund check if that is the direction the City is going. Mr. Monceaux stated he is signing deals in other cities, and cannot keep waiting.

3. REGULAR AGENDA

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

Midori Lichtwardt, Assistant City Manager provided the staff report.

City Council comments and questions followed.

There was no public comment.

City Council accepted the report.

3.B APPROVE AN AMENDMENT TO ADD ANIMAL BOARDING FACILITIES AS A CONDITIONALLY PERMITTED USE WITHIN THE GENERAL INDUSTRIAL LAND USE DESIGNATION OF THE INDUSTRIAL AREAS SPECIFIC PLAN (SPA20-0009)

Alan Bell, Senior Planner provided the staff report and responded to questions.

There was no public comment.

Council comments and questions followed.

ACTION: Motion was made by Council Member Davis and seconded by Mayor Pro Tem Vargas to adopt **Resolution 2021-142** approving of an amendment to the Industrial Areas Specific Plan – Permitted Uses within the General Industrial Land Use Designation – Section 4.1.1.2. Roll call found all in favor, passed and so ordered.

3.C DISCUSS CITY'S DEVELOPMENT AGREEMENT PROCEDURES AND PROVIDE DIRECTION TO STAFF

Bill Dean, Interim Development Services Director, provided the staff report and responded to questions.

Mary Mitracos stated developers hold too much sway over the City and Council. As new subdivisions have come on it seems the previous Council concerned primarily with infrastructure. The biggest problem is the City is not adhering to concentric growth, and suggested Council put an emphasis in the future on infill and concentric growth.

Council comments and questions followed.

Mr. Dean clarified Council's direction to add into the Development Agreement Guidelines bullet points related to connectivity, completing infrastructure, public art and public spaces as well as funding for amenities such as libraries. Will make it clear to the development community that when proposing a Development Agreement to expect to have dialogue with Council when it comes forward.

3.D INTRODUCE AN ORDINANCE AMENDING TRACY MUNICIPAL CODE SECTION 6.36 TO INCREASE THE NUMBER OF CANNABIS BUSINESS PERMITS FOR RETAILERS-STOREFRONT (DISPENSARIES) TO ONE DISPENSARY PER 10,000 RESIDENTS

Midori Lichtwardt, Assistant City Manager recused herself from the item as she is the hearing officer for the current cannabis hearings.

Bill Dean, Interim Development Services Director provided the staff report and responded to questions.

Michelle Trew, Tracy Cannabis Collective thanked Council for the opportunity to serve Tracy, strongly supported an amendment to let final applicants to continue to the Conditional Use Permit (CUP) process, also supported applicants turning in an updated benefit agreement.

Pamela Epstein, representing GOE Tracy supported staff's recommendation to amend commercial cannabis business permit, submittal of a revised Community Benefit Plan (CBP) and standardized language, moving the updated CBP to the time of CUP submission, and referred to a letter submitted to Council.

Kimberly Cargile, Tracy Cannabis Collection supported the increase of the number of cannabis business permits and looks forward to applying for a CUP and continuing through the process, and supported Council's request for guidelines regarding community benefit proposals.

Lauren Carpenter, CEO of Embarc Tracy thanked Council for their decision and efforts to allow Embarc to move forward with the applicant process and is looking forward to submitting a community benefit proposal.

Ariana Van Alstine, Tracy Cannabis Collective supported moving forward with the ordinance. Also supported Council to allow a standardized community benefit plan, and the final applicants in the process to move forward with CUP process and a Community Benefit Plan.

Deanna Garcia shared appreciation for Council's efforts bringing cannabis to Tracy and making it into the ordinance.

Robert Tanner shared his concerns regarding Council's decision to increase cannabis business licenses from one for every 25,000 to one for every 10,000. Mr. Tanner suggested starting with four and see how that goes.

Council comments and questions followed.

Mayor Young requested extending the permit expiration date from 2-3 years and come back and make sure they are a good business in our community. Let it expire in two years. Mayor Pro Tem Vargas and Council Member Arriola supported the request to extend the permit expiration date to two years.

Adrienne Richardson, City Clerk announced correspondence was received and provided to Council on behalf of C.H.C.C, Inc. dba Tracy Cannabis Collective, GOE Tracy, LLC. dba Garden of Eden, Jiva TCY LLC and Altamont Wellness, LLC. dba Bowtie.

City Council questions continued.

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

Leticia Ramirez, City Attorney clarified Council cannot make the amendment today to the permit expiration date because it was not noticed. Staff can bring it back with the Community Benefit Plan.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to waive the reading of the full text and introduce **Ordinance 1318** an ordinance of the City of Tracy amending Chapter 6.36, Commercial Cannabis Activity, of the Tracy Municipal Code regarding retailer – storefront permits. Roll call found Council Members Arriola, Davis, Mayor Pro Tem Young and Mayor Young in favor; passed and so ordered. Council Member Bedolla opposed.

3.E DISCUSS AMENDING REQUIREMENT FOR A SUPERMAJORITY VOTE (OR FOUR-FIFTHS VOTE) OF THE CITY COUNCIL TO REMOVE THE CITY MANAGER OR CITY ATTORNEY AND PROVIDE DIRECTION TO STAFF

Kimberly Murdaugh, Director of Human Resources and Leticia Ramirez, City Attorney, provided the staff report.

Dan Evans did not think it would benefit the City or residents, will have alliances and was strongly opposed to amending the requirement for a supermajority.

Robert Tanner stated two positions are too important to allow a 3-2 position. The Grand Jury said 3-2 is not good, Council agreed and came up with 4-1. There is no reason for change, keep supermajority.

Mary Mitracos stated the supermajority only came into effect in the last two years. The decision was always 3-2 and did not think long standing policies

should be changed. Ms. Mitracos believed Tracy is the only city with the 4-1 policy in the County. Should stay with what has worked for long time.

Alice English echoed same sentiment as Mr. Tanner. Past Council created the problem and does not trust this decision right now, maybe in two years. It is a Grand Jury recommendation, and there is no reason to change it.

Mayor Pro Tem Vargas explained why she requested this item to amend the supermajority requirement to hire or let go the City Manager or City Attorney.

Council questions and comments continued.

Council Members Arriola, Bedolla, and Davis supported keeping the supermajority requirement for a supermajority vote of the City Council to remove the City Attorney or City Manager.

4. ITEMS FROM THE AUDIENCE – Dan Evans stated he is critical of this Council, but it feels like the audience was heard and thanked Council for that.

Karen Moore spoke about Tracy Parks stating Tracy is not keeping up with changes other cities are doing, and suggested equipment for adults to do workouts. When planning parks make more variety for citizens.

5. STAFF ITEMS – Bob Adams, Interim City Manager provided an update on the following actions taken by the Interim City Manager during the COVID emergency:

- Accept Improvements for Tracy Hills Neighborhood Park 3 within the Dedicated Park Site in Village 8A, Tract 3957
- Approve a Professional Services Agreement with Tripepi Smith and Associates for Marketing and Communications Services – FY 2021-2022

6. COUNCIL ITEMS – Council Member Arriola reported on the League of California Cities Annual Conference, and his election as Statewide President on the LGBT Caucus, and as President of a caucus was also given a seat on the California Cities Board of Directors. With the addition of our Mayor, Tracy is very well represented.

Council Member Arriola stated Council heard from 3rd party contracted employees related to Tracer bus drivers, and would like to evaluate our legal options about what is going on there. Council Member Bedolla responded Council was sent a memo regarding this issue.

Council Member Arriola requested to have closed captioning for Channel 26 in the future. Council Member Bedolla seconded the request.

Mayor Pro Tem Vargas reported on SB 548 which was signed by the Governor. SB 548 allows Tri-Valley-San Joaquin Valley, Valley Link to be a transportation district which will allow the agency to go to design build on the 42 miles on rail. Mayor Pro Tem Vargas reported on the League of California Cities Annual Conference, and was asked to remain on the Latino Caucus Executive Board for another year.

Mayor Young reported on meetings and events she has attended. Mayor Young spoke about the charity check presentations by Tracy Connects to Tracy Community Connections and the Tracy Mayor's Benefit for Tracy Community Connection to help with homelessness efforts, as well as Boys and Girls Club for mental health for our youth. Mayor Young also reported on the League of California Cities Annual Conference and being officially sworn in on the Board of Directors.

Mayor Young wanted to make sure the following is codified for the Council budget 1. Caucus membership to be included as Council represents the area. 2. Requested to have jackets with the City logo on it for Council so Council is representing the City, and catalogue that has our logo to order extra if desired. Mayor Pro Tem Vargas and Council Member Arriola supported the requests.

7. ADJOURNMENT – Time: 10:25 p.m.

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

The above agenda was posted at the Tracy City Hall on September 30, 2021. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk