

**November 2, 2021, 7:00 p.m.**

City Hall, 333 Civic Center Plaza, Tracy

Web Site: [www.cityoftracy.org](http://www.cityoftracy.org)

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

Mayor Young led the Pledge of Allegiance.

Pastor Scott McFarland, Journey Christian Church offered the invocation.

Roll call found Council Members Arriola, Bedolla, Davis, and Mayor Young present. Mayor Pro Tem Vargas was absent from the meeting.

Bob Adams, Interim City Manager presented Employee of the Month Award to Marcel Miranda, IT Department.

Mayor Young presented a proclamation for Sikh American Awareness Month to Jass Sangha.

Mayor Young proclaimed November as National Native American Awareness Month.

Sekou Millington, Police Chief swore in new Officers Joshua Denino and Badr Fayyaz, and Corporal Chris Evola (promotional).

Sekou Millington, Police Chief presented Life Saving Awards to Officer Yordan Coss and Corporal Ken Steele.

Mayor announced item 3.G will not be considered tonight as the developer has withdrawn their request.

1. CONSENT CALENDAR – Motion was made by Council Member Arriola and seconded by Council Member Davis to adopt the consent calendar. Roll call found Council Members Arriola, Bedolla, Davis and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Vargas absent.
  - 1.A. ADOPTION OF OCTOBER 15, 2021 CLOSED SESSION MINUTES, OCTOBER 19, 2021 CLOSED SESSION AND REGULAR MEETING MINUTES, AND OCTOBER 26, 2021 CLOSED SESSION MINUTES – **Minutes were adopted.**
  - 1.B. DECLARE CERTAIN VEHICLES AND EQUIPMENT AS SURPLUS AND APPROVE THEIR SALE – **Resolution 2021-155** declared certain vehicles and equipment as surplus and approved their sale.
  - 1.C. WAIVE SECOND READING AND ADOPT ORDINANCE 1319, AN ORDINANCE OF THE CITY OF TRACY APPROVING AN AMENDMENT TO THE TRACY HILLS SPECIFIC PLAN FOR THE TRACY HILLS PHASE 2 PROJECT APPLICATION NUMBER SPA21-0003 – **Ordinance 1319** was adopted.

- 1.D AUTHORIZE AMENDMENTS TO THE CITY'S CLASSIFICATION AND COMPENSATION PLANS AND MASTER SALARY SCHEDULE RELATING TO THE SUPERVISING BUILDING INSPECTOR - Resolution 2021-156 authorized amendments to the City's Classification and Compensation Plans and Master Salary Schedule.
2. ITEMS FROM THE AUDIENCE – Wes Huffman stated he was making the same request as the previous meeting for \$20,000 for the Tracy Tree Foundation to advance our urban forest, and to put on the agenda.

Robert Tanner spoke about various cities voting on how they want to see Police Departments, some want to call it Department of Public Safety, and stated the City needs ten new officers and an additional car.

Dotty Nygard, Tracy Earth Project spoke about reviewing legislation and policies that were catalyst in creating Tracy's Sustainability Action Plan, and requested Council's support for a Sustainability Task Force that will monitor Tracy's Sustainability Action Plan targets and measures.

Sharon Gardner-Losch voiced concerns on behalf of the Greater Democratic Party of Tracy with the rising political discord in the City, attacks on Council members, and there should be civilized discourse and respect others.

Karen Moore stated a Sustainability Task Force could communicate with new residents who have questions. Task forces from other cities work with their community driving the measures and metrics of sustainability. The task force is a connection between the community and Sustainability Action Plan.

3. REGULAR AGENDA

- 3.A PUBLIC HEARING TO CONSIDER AMENDMENT TO THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN DEVELOPMENT FEE TO APPROVE UPDATED FEES FOR 2022

Kimberly Matlock, Associate Planner provided the staff report.

Mayor Young opened the public hearing.

There was no public comment.

Mayor Young closed the public hearing.

There were no comments from Council.

**ACTION:** Motion was made by Council Member Bedolla and seconded by Council Member Davis to adopt **Resolution 2021-157** amending development fees for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan for 2022. Roll call found Council Members Arriola, Bedolla, Davis and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Vargas absent.

3.B ADOPTION OF A RESOLUTION OF INTENTION TO ESTABLISH COMMUNITY FACILITIES (CFD) DISTRICT NO. 2021-2 (MAINTENANCE AND PUBLIC SERVICES) AND A RELATED FUTURE ANNEXATION AREA; SETTING THE PUBLIC HEARING DATE FOR DECEMBER 7, 2021 TO CONSIDER QUESTIONS OF ESTABLISHING THE CFD AND LEVYING THE SPECIAL TAX; AND DIRECTING PREPARATION OF A CFD REPORT

Karin Schnaider, Finance Director presented the staff report.

Mayor Young opened the public hearing.

There was no public comment.

Mayor Young closed the public hearing.

There were no comments from Council.

**ACTION:** Motion was made by Council Member Davis and seconded by Council Member Arriola to adopt **Resolution 2021-158** a Resolution of Intention to establish a Community Facilities District – City of Tracy Community Facilities District No. 2021-2 (Maintenance and Public Services). Roll call found Council Members Arriola, Bedolla, Davis and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Vargas absent.

3.C APPROVAL OF ACTIONS NECESSARY TO FORM COMMUNITY FACILITIES DISTRICT NO. 2021-1 (HILLVIEW): CONDUCT PUBLIC HEARINGS TO CONSIDER THE FORMATION OF THE DISTRICT AND THE ISSUANCE OF BONDS AND OTHER DEBT; APPROVE THE FORM OF AN ACQUISITION AGREEMENT AND AUTHORIZE EXECUTION OF SUCH AGREEMENT; ACCEPT THE COMMUNITY FACILITIES DISTRICT REPORT; CONDUCT PROPERTY OWNER ELECTION; AND INTRODUCE ORDINANCE LEVYING SPECIAL TAXES

Mayor Young asked if there were any written protests.

There were no written protests filed with the City Clerk.

Mayor Young opened the public hearing.

Karin Schnaider, Finance Director presented the staff report.

There was no public comment.

Council comments followed.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Davis to adopt **Resolution 2021-159** a Resolution of Formation of Community Facilities District – City of Tracy Community Facilities District No. 2021-1 (Hillview). Roll call found Council Members Arriola, Bedolla, Davis and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Vargas absent.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Davis to adopt Resolution **2021-160** determining necessity to incur bonded indebtedness and other debt – City of Tracy Community Facilities District No. 2021-1 (Hillview). Roll call found Council Members Arriola, Bedolla, Davis and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Vargas absent.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Davis to adopt Resolution **2021-161** calling for a special election – City of Tracy Community Facilities District No. 2021-1 (Hillview). Roll call found Council Members Arriola, Bedolla, Davis and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Vargas absent.

Adrienne Richardson, City Clerk opened the ballot and announced she was in receipt of one ballot from the only property owner in the District. The ballot shows that 27 votes were cast, and all 27 are in favor of the ballot measure.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Davis to adopt Resolution **2021-162** declaring results of special election and directing recording of Notice of Special Tax Lien – City of Tracy Community Facilities District No. 2021-1 (Hillview). Roll call found Council Members Arriola, Bedolla, Davis and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Vargas absent.

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

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Davis to introduce **Ordinance 1320**, an ordinance of the City Council of the City of Tracy levying special taxes within City of Tracy Community Facilities District No. 2021-1 (Hillview). Roll call found Council Members Arriola, Bedolla, Davis and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Vargas absent.

Mayor Young closed the public hearing.

## DEVIATION

### 3.E PROVIDE DIRECTION TO PROCEED WITH LEASE REVENUE BOND FINANCING FOR LEGACY FIELDS

Karin Schnaider, Finance Director provided the staff report.

There were no public comments.

Council questions and comments followed.

Motion was made by Council Member Davis and seconded by Council Member Arriola to direct staff to proceed with a tax-exempt lease revenue bond financing for Legacy Fields Measure V amenity.

Council Member Arriola offered a friendly amendment to return for Council approval of related documents. Council Member Davis accepted the friendly amendment.

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

3.D INTRODUCE ORDINANCES TO AMEND THE CITY'S SIGN REGULATIONS AND I-205 SPECIFIC PLAN TO ADD DEFINITIONS AND REGULATIONS FOR DIGITAL FREEWAY SIGNS AND TO AMEND THE CITY'S SIGN REGULATIONS TO REFLECT NEW CONTENT NEUTRAL INDUSTRY STANDARDS AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE PROPOSED AMENDMENTS. APPLICATION NUMBERS ZA20-0001 AND SPA20-0006

Victoria Lombardo, Senior Planner provided the staff report.

Council Member Davis recused herself from the item and left the dais due to a potential conflict of interest.

There was no public comment.

City Council comments followed.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Bedolla to adopt Resolution **2021-163** adopting a Mitigated Negative Declaration for a City-initiated zone text amendment (ZA20-0001) and I-205 Specific Plan Amendment (SPA20-0006) to add definitions and regulations for digital freeway signs, and to amend the City's sign regulations to reflect new content neutral industry standards. Roll call found Council Members Arriola, Bedolla, and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Vargas absent. Council Member Davis recused herself from the item.

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

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Bedolla to introduce **Ordinance 1321**, an ordinance of the City of Tracy amending Article 35 (Signs) of Chapter 10.08, Zoning Regulations, of the Tracy Municipal Code. Roll call found Council Members Arriola, Bedolla, and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Vargas absent. Council Member Davis recused herself from the item.

City Clerk read the title of the proposed ordinance.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Bedolla to introduce **Ordinance 1322**, an ordinance of the City of Tracy amending the I-205 Corridor Specific Plan sign regulations. Roll call found Council Members Arriola, Bedolla, and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Vargas absent. Council Member Davis recused herself from the item.

Council Member Davis returned to the dais.

3.F AMEND THE CANNABIS GUIDELINES REGARDING COMMUNITY BENEFIT PROPOSALS FOR RETAIL STOREFRONT DISPENSARIES AND PROVIDE DIRECTION ON PERMIT REQUIREMENTS FOR NON-COMPETITIVE CANNABIS BUSINESS TYPES

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

Victoria Lombardo, Senior Planner provided the staff report.

Michaela Toscas recommended Council go forward with 9 noncompetitive applicants that score 60% and above which will give mixed license type in the community and stay true to ordinance, give applicants time to find locations, and have applicants resubmit community benefit proposals.

Alex Monceaux stated at the last meeting Council expanded 4 to 10 retail dispensaries and suggested to allow all to move forward. These are noncompetitive, if they can pass a background check, it should not be up to City to determine what their business plan looks like and how they plan to operate.

Alice English recommended to keep it at 80% and is not in favor of 10 dispensaries. Because misjudgment from staff, residents shouldn't pay the price. Council should look down the road for the future of Tracy.

Dan Evans supported having dispensaries but suggested starting with low number of dispensaries and see how it goes. Mistakes may have been made because it is a new process.

Zoe Schreiber, Garden of Eden Tracy supported tonight's proposal regarding update to community benefits plan and spoke about the CUP process.

Michelle Trew, Tracy Cannabis Collective supported Council's intent to move forward with a fair community benefit and was in favor for all applicants to adhere to option 2. Curious of timeline for turning in CUP process and community benefits agreement.

Arabella McCreary requested cleaning up documents when getting to scoring so they are not scored against each other. Ms. McCreary supported recalculating the score or review applications, shared concerns regarding scoring. In Section 5 – social equity – cannabis arrest or conviction, requested Council consider adding a spouse as being impacted by arrest.

City Council questions and comments followed.

Bill Dean, Interim Development Services Director responded to questions.

Bob Adams, City Manager called for a three-minute recess to 9:55 p.m.

**ACTION:** Motion was made by Council Member Arriola and seconded by Mayor Young to adopt **Resolution 2021-164** amending the application procedures and guidelines for a City of Tracy Cannabis Business Permit to decrease the minimum passing score criteria for noncompetitive, non-storefront cannabis businesses from 80% to 60%. Roll call found Council Member Arriola, Bedolla, and Mayor Young in favor; passed and so ordered. Council Member Davis opposed. Mayor Pro Tem Vargas absent.

Council comments and questions continued.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Davis to adopt a **Resolution 2021-165** amending the application procedures and guidelines to provide for the top competitive applicants with the opportunity to proceed with options 1, 2 or 3 as stated in the agenda through either a community benefit agreement or development agreement. Roll call found Council Members Arriola, Davis, Bedolla, and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Vargas absent.

3.G CONSIDER AUTHORIZING STAFF TO NEGOTIATE A THIRD AMENDMENT TO THE SURLAND DEVELOPMENT AGREEMENT WITH SURLAND COMMUNITIES, LLC RELATED TO THE ELLIS SPECIFIC PLAN AND PROVIDE DIRECTION TO STAFF ON PROPOSED TERMS – Item was not considered as the developer withdrew their request.

4. ITEMS FROM THE AUDIENCE – None

Mayor Young called for a 2-minute recess.

5. STAFF ITEMS – Leticia Ramirez, City Attorney stated it was her last Council meeting, and thanked Council for the opportunity to serve Tracy, and shared her appreciation for her coworkers and City of Tracy.

6. COUNCIL ITEMS – Council Member Davis thanked Ms. Ramirez for her service with the City. Council Member Davis commended Director Dhillon from Mountain House on the Diwali event held on Saturday, and also mentioned the Heart exhibit at the Grand Theatre, Diwali Festival of Lights coming up, and Taps on 10<sup>th</sup> on November 6, 2021.

Council Member Bedolla requested support to follow up on any outstanding airport development proposals. Council Member Davis supported the request.

Council Member Bedolla requested as part of the pending Council item on Citizens Water Commission, consideration of a Joint Water and Sustainability Commission in light of public comment. Mayor Young stated she will be including with her request.

Council Member Bedolla requested to include in budget conversations for road repairs around the hospital on Tracy Blvd and Bessie Avenue. Council Member Davis supported the request.

Council Member Bedolla requested to include in budget options to fund Tracy Tree to plant trees at the Nature Park site. Council Member Davis supported the request.

Council Member Bedolla thanked Leticia Ramirez, City Attorney for her service, and wished everyone a fruitful Day of the Dead and shared a quote.

Council Member Arriola expressed his gratitude to Leticia Ramirez for her service. Council Member Arriola thanked Mayor Young for her commentary and letter to the Redistricting Commission. Today they released new maps which are better. Congressional District includes: Tracy, Manteca, Lathrop, Mountain House, French Camp, Modesto and Turlock. State Senate District includes: Tracy, Modesto and Merced. Assembly District includes: Tracy, Stockton and Mountain House. Thank you to Mayor and community members for advocating for our City. There are still more sessions to be approved and encouraged everyone to support and advocate for these new districts to make sure Tracy is centered in the Central Valley, which is best for our community. Council Member Arriola also reported on the various meetings he has attended.

Mayor Young announced the Veteran's Day event on November 11<sup>th</sup>, 2021 at the War Memorial at 11:00 a.m. Mayor Young reported on various meetings and events she has attended. Mayor Young stated there was a request in past about commissions, but need an update, including revamping and makeup of commissions – lot more details that need to go in the past. There are one or two Council Members in addition to staff to bring back items to the Council because they almost function completely autonomous from us. As a part of that commission discussion want to bring back additional commissions which is the Water and Environmental Sustainability Task Force as has been requested as potential new commissions.

Council Member Bedolla asked if the water and sustainability would be together.

Mayor Young responded it would be a look at the overall commissions and discuss the viability of both as additional, and not one commission. Council Member Arriola and Bedolla supported the request.

7. ADJOURNMENT – Time: 10:40 p.m.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Davis to adjourn. Roll call found Council Members Arriola, Davis, Bedolla, 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 October 28, 2021. The above are action minutes. A recording is available at the office of the City Clerk.

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Mayor

ATTEST:

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City Clerk