

September 6, 2022, 7:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy

Web Site: www.cityoftracy.org

Mayor Young called the meeting to order at 7:21 p.m.

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

Mayor Young led the Pledge of Allegiance.

Pastor Doug Diestler, Mission City Church offered the invocation.

Michael Rogers, City Manager presented the Employee of the Month Award for September to Lacy Starling, Police Department.

Mayor Young presented a Certificate of Recognition to outgoing Transportation Advisory Commissioner Rajnish Khanna.

Mayor Young read a proclamation for Tracy Connects Day.

Mayor Young called for a moment of silence for Dino Margaros, Tracy City Center Association Executive Director who passed away.

1. CONSENT CALENDAR – Following the removal of Consent Item 1.G by Mary Mitracos motion was made Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt the consent calendar. Roll call found all in favor, passed and so ordered. Council Member Davis abstained from voting on agenda item 1.H.
 - 1.A ADOPTION OF AUGUST 16, 2022 CLOSED SESSION AND REGULAR MEETING MINUTES – **Minutes were adopted**
 - 1.B ADOPT A RESOLUTION MAKING FINDINGS AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE CITY COUNCIL AND ALL LEGISLATIVE BODIES OF THE CITY OF TRACY FOR THE PERIOD FROM SEPTEMBER 7, 2022 THROUGH OCTOBER 6, 2022 PURSUANT TO THE BROWN ACT – **Resolution 2022–123** adopted the findings and re-authorized remote teleconferencing.
 - 1.C ADOPT A RESOLUTION AUTHORIZING THE ACCEPTANCE OF \$255,000 FROM THE UNITED STATES DEPARTMENT OF JUSTICE BYRNE DISCRETIONARY COMMUNITY PROJECTS GRANT FOR FUNDING THE POLICE DEPARTMENT'S LICENSE PLATE READER PROGRAM, APPROVING THE APPROPRIATION TO THE POLICE DEPARTMENT'S OPERATIONAL BUDGET FOR FISCAL YEAR 22/23, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AWARD ACCEPTANCE– **Resolution 2022-124** authorized the acceptance of the Grant.

- 1.D STAFF RECOMMENDS THAT THE CITY COUNCIL ADOPT A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE MASTER PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC. FOR ON-CALL PUBLIC OUTREACH SERVICES WITH A NOT-TO-EXCEED AMOUNT OF \$200,000 PER YEAR AND EXTENDING THE AGREEMENT FROM ONE YEAR TO THREE YEARS – **Resolution 2022-125** approved Amendment No. 1 to the Master Services Agreement with HDR Engineering, Inc.
- 1.E ADOPT A RESOLUTION AUTHORIZING SUBMISSION OF THE BETTER CITIES FOR PETS GRANT APPLICATION FOR THE PROJECTED AMOUNT OF \$20,000 TO PROVIDE LOW COST ALTERATIONS FOR CERTAIN DOG BREEDS AND TO SENIOR CITIZEN OWNERS OF FELINES, AND AUTHORIZING THE CITY MANAGER TO ACCEPT AND EXECUTE THE GRANT AGREEMENT, IF AWARDED– **Resolution 2022-126** authorized the submission of the Better Cities for Pets Grant Application.
- 1.F ADOPT A RESOLUTION APPROVING A TWO-YEAR MASTER SERVICES AGREEMENT WITH FLOCK GROUP, INC. FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF AUTOMATED LICENSE PLATE READER TECHNOLOGY FOR A NOT TO EXCEED AMOUNT OF \$255,000 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND ANY AMENDMENTS– **Resolution 2022-127** approved a two-year Master Services Agreement with Flock Group, Inc.
- 1.H WAIVE SECOND READING OF FULL TEXT AND ADOPT TWO ORDINANCES 1) RESCINDING ORDINANCE 1253 APPROVING SECOND AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF TRACY AND SURLAND COMMUNITIES, LLC. AND 2) RESCINDING SECOND AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF TRACY AND SURLAND COMMUNITIES, LLC – **Ordinance 1330** rescinded Ordinance 1253 approving second amendment to amended and restated Development Agreement. Council Member Davis abstained. **Ordinance 1331** approved rescinding second amendment to amended and restated Development Agreement. Council Member Davis abstained.
- 1.I ADOPT A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH TRINE INTEGRATED SERVICES, INC. FOR SECURITY SERVICES FOR A TOTAL AMOUNT NOT TO EXCEED \$280,000 (\$45,000 MONTHLY) FOR A TERM OF SIX MONTHS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND ANY EXTENSIONS OR AMENDMENTS FOR UP TO ONE YEAR – **Resolution 2022-128** approved a Professional Services Agreement with Trine Integrated Services, Inc.
- 1.G STAFF RECOMMENDS THAT THE CITY COUNCIL ADOPT A LIST OF PROPOSED PROJECTS FOR FISCAL YEAR 2022-2023 FUNDED BY SENATE BILL 1 (SB 1): THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017 – **Resolution 2022-129** adopted a list of proposed projects for FY 2022-2023 funded by Senate Bill 1.

Mary Mitracos stated Beverly Place to Carlton Way and Walnut Street from 11th Street to Highland Avenue are both dead end streets and both streets extend beyond Beverly Place and Highland Avenue and asked if the pavement rehabilitation will extend in the half block of those streets.

Robert Armijo, City Engineer responded yes.

There were no Council comments.

City Council amended the previous motion made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt the Consent Calendar to also include adoption of Consent Item 1.G. Roll call found all in favor; passed and so ordered. Council Member Davis abstained from voting on Consent Item 1.H.

Michael Rogers, City Manager requested Item 3.B be moved to after 3.G.

2. ITEMS FROM THE AUDIENCE – Ruth Esther spoke in support of Mayor Nancy Young.

Meena Saiprasad spoke in support of Mayor Nancy Young.

Robert Tanner stated Council has failed citizens because of homeless, shelter delay, Aquatics Park, cost of trash for seniors, and cannabis. Going to have cannabis stores in the City with no rules and needs to be restricted in the downtown area. Mr. Tanner shared his concerns about sending Mayor Pro Tem Vargas to Miami when she is terming out.

Mayor Pro Tem Vargas disagreed with the previous speaker.

Dan Evans stated Council failed residents on the cannabis issue, is not against cannabis but is against terrible planning. The homeless situation is a terrible disaster. People are upset, and families at risk. Mr. Evans spoke about a mailer from an opponent regarding Council Member Davis and spoke in support of Council Member Davis.

Alice English echoed Mr. Tanner's comments, stated Council has failed Tracy, shared concerns about the waste rate increase, spoke in support of Council Member Davis, added the City needs a policy for homeless and Council failed by not putting a policy on zoning in the cannabis ordinance. Ms. English urged Council to move item 3.E to second on the regular agenda.

Wilson Truong, California Mortgage Relief Program managed by California Mortgage Relief Corporation and part of California Housing and Finance Authority spoke about a State mortgage relief program. More information is available at: camortgagerelief.org

Karen Moore stated she couldn't reset password on Tracy App and asked to have the main page of the website to link to more information and who to contact when having problems with GoTracy App. Also asked staff to look into the link to the most recent Instagram and Facebook posts. Ms. Moore stated Council voted to increase the waste pickup in July, have gotten nothing but have been paying for increased costs since July. More education for the community is needed.

Tony spoke about the homeless and safety issues at El Pescadero Park, asked Council to provide solutions, and spoke about traffic hazards on Kavanagh at night with no Policing and suggested moving cars to cul-de-sac where it is much safer. Tony requested when the homeless are moved that the areas that homeless people have been living on be barricaded or remediated as the soil has biohazards, drugs, needles.

Jagadeesh stated his home is near a community park and asked if the Council meeting was the right place to request for a tennis court in the park or is it the builder.

Kalyan stated he is also a first-time homeowner in Tracy and spoke about changing pickleball court and opting for a tennis court.

Andrea Brown spoke about a meeting she had with the City Manager about what is happening in the park and enforcing the ordinances at the park, and was told he had never heard of these items before even though he has been to Council meetings. Ms. Brown shared several situations with the homeless residents in the park that the children at North School are exposed to and asked if anyone cares adding the City should be arresting these people that are committing these crimes.

Council Member Bedolla asked if there was any interest in seeing how many members of the public are wanting to speak on certain items so Council can prioritize the items, so people do not have to wait. Council Member Davis supported the request.

James Osborne requested 3.E be moved to the top of the agenda.

Council Member Bedolla motioned to hear item 3.E first. Motion was seconded by Council Member Arriola.

Mayor Young confirmed item 3.A will be heard first and she will consider moving 3.E.

3. REGULAR AGENDA

3.A ADOPT A RESOLUTION: (1) APPROVING ANNEXATION OF PROPERTY INTO IMPROVEMENT AREA NO. 2 OF THE CITY OF TRACY COMMUNITY FACILITIES DISTRICT NO. 2016-1 (TRACY HILLS) (CFD); (2) CONFIRMING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF BONDS AND OTHER DEBT AND THE ANNUAL APPROPRIATIONS LIMIT FOR IMPROVEMENT AREA NO. 2 AS \$50,000,000; (3) CONFIRMING THE RATE AND METHOD OF APPORTIONMENT OF THE SPECIAL TAX FOR IMPROVEMENT AREA NO. 2; AND (4) APPROVING, CONFIRMING, ORDERING AND DIRECTING RELATED IMPLEMENTATION ACTIONS

Guadalupe Pena, Senior Accountant provided the staff report.

Council questions and comments followed.

There was no public comment.

Chris Lynch, Jones Halls Consultant responded to questions.

ACTION: Motion was made by Council Member Bedolla and seconded by Council Member Arriola to adopt **Resolution 2022-130** (1) Approving Annexation of Property into Improvement Area No. 2 of the City of Tracy Community Facilities District No. 2016-1 (Tracy Hills) (CFD); (2) Confirming the maximum aggregate principal amount of bonds and other debt and the annual appropriations limit for Improvement Area No. 2 as \$50,000,000; (3) Confirming the Rate and Method of Apportionment of the Special Tax for Improvement Area No. 2; and (4) Approving, confirming, ordering and directing related implementation actions. Roll call found all in favor; passed and so ordered.

DEVIATION

3.E ADOPT AN URGENCY ORDINANCE MAKING FINDINGS AND ESTABLISHING A TEMPORARY MORATORIUM PURSUANT TO GOVERNMENT CODE 65858 ON THE PROCESSING OF CONDITIONAL USE PERMITS FOR CANNABIS ESTABLISHMENTS UNDER CHAPTER 10.08 OF THE TRACY MUNICIPAL CODE, TO TAKE EFFECT IMMEDIATELY UPON ADOPTION

Council Member Davis and Council Member Bedolla provided the staff report.

Council questions and comments followed.

William Dean, Assistant Development Services Director and Victoria Lombardo, Senior Planner responded to questions.

Cherise Bradley and dance students shared signs that show proximity to the dance studio, read out a letter from her niece and shared concerns regarding putting a cannabis dispensary next to dance studio.

Karen Moore stated if we were going with four, density would not be an issue, but Council increased the number of dispensaries. Mr. Tanner expressed concerns previously about downtown density. Ms. Moore referred to previous discussion by Council and stated she was confused why now when Planning Commission can make decisions on density, we are asking for a moratorium. Does not seem like an emergency.

Council Member Bedolla responded to Ms. Moore's comment.

Arabella McCreary shared information about retailers and urged Council to take into consideration and do retail only and not the other retail types. Stick to downtown area and limit to permit types, retail will address the concern about the concentration in the downtown area and exposure to the public and children.

Marcus Medina, downtown businessowner shared his concerns regarding the dispensary density issue downtown adding it is our job to protect youth. Shared concerns regarding sensitive use stating it contradicts the code and suggested the last portion of code be removed so it can be addressed with the Planning Commission.

Zoe Schreiber, GOE Tracy provided information about the cannabis process and urged Council to reject the moratorium and rely on the City's land use process to play out and grant approval and denial of individual projects based on the merits of the operation.

Joshua Dean stated there seems to be confusion about retail sites and some of applicants are delivery services. The four that have been approved have not yet opened. It is still a myth that it is drugs; it is natural medicine.

Chris Phillips, owner of Devonport Extracts stated they had to reach out to other areas to open their business because this is being stalled. The Council keeps adding more CUPs, should not have 12. Open four and get it going and move from there. Operators are bleeding us dry waiting for decisions that could have been made 18 months ago.

Dale Schafer, Attorney for three cannabis candidates in Tracy stated they have been following the rules, it has been difficult to find real estate and is against the moratorium but send to Planning Commission to address density. Children are not allowed in the businesses and urged Council not to adopt the ordinance.

Devon Julian, Inside the Culture Triangle stated there were four permits originally. On October 15, 2021, the number was increased from four to 11. Spoke about it being an election period and those running introducing this emergency ordinance to hold back companies that have invested, and urged Council not to move forward with the moratorium.

Quinn Brady, Megan's Organic Market, one of the original permit winners stated their team is listening and have made amendments to their project, shared information about Megan's and experience with cannabis and hoped to keep the process fair and supported the original permit winners.

A caller stated a lot of the emotions being expressed are not facts. Need to educate your own children and need to let people that applied open their business.

Devon stated there are a few working diligently with staff through the CUP process that are not located in the downtown area and requested to not stop the processing of locations that are compliant and properly zoned outside of the downtown area. A moratorium would be an additional delay.

James Osborne, Attorney disputed the order of business, stated his firm represents Byron Alvarez, asked Council to consider a 45-day moratorium or longer. Mr. Osborn does not oppose dispensaries, but zoning ordinance should address density issues and location, proposed a one-mile buffer between dispensaries and 500-1000 feet from youth centered locations and change the definition.

Elizabeth Villarreal shared her concerns regarding dispensaries downtown stating it is going against the City's mission, and do not want cannabis row downtown.

Troy Ermish stated it is disturbing that after 30 meetings Council has gained no traction. It is unfortunate that staff is unable to foresee these issues; the problem is density and he hoped 45 days is enough time to come up with a plan to eliminate density.

Michaela Toscas, Inspire Positive LLC aka Higher Elevation stated they received a permit from the City. Have been open for seven years and are happy to relocate facility to Tracy but have been paying rent for two years while waiting to open a warehouse in Tracy. Concerns regarding the downtown dispensaries should have been addressed in the ordinance and requested if Council decides to adopt a moratorium not to affect other business who are trying to locate elsewhere in the City.

Deborah Skinner, Academy of Performing Arts owner stated this is a colossal mistake. Have 500 students through her studio a week and does not think it will be safe downtown now, and shared concerns about bringing dispensaries downtown.

Faith Roe read a letter from Katie Borncamp: DARE envisioned a world against violence, substance use and other dangerous behavior. Should be adding family friendly things and keep away from family spaces.

Daniel Helm stated he did not think cannabis facilities are appropriate for downtown. Dispensaries deal in cash; do we want armed robberies going on.

Council Member Arriola objected to Mr. Helm's characterization.

Andrew Wood appreciated the concerns about introduction of cannabis dispensaries, but people may not have visited dispensaries, and shared the process of entering a dispensary stating they are secure and did not support the moratorium.

Rachael Knight Scott asked Council about their long-term intentions for the downtown area, shared her concerns regarding density of dispensaries downtown and spoke about tax revenue for City.

Greg Cose, TCCA spoke about the loss of Dino Margaros and reiterated what Dino had said at the Planning Commission meeting. People who started paying rent did so at their own risk. Mr. Cose asked Council to consider adding perimeters of spacing and capping the number of dispensaries in the central business district at two.

Dan Evans stated he is not against cannabis but is against poor planning and talked about coming up with zoning ordinance. If five liquor stores go up in the downtown, they should also have restrictions and asked Council to implement the moratorium.

Ken Cefalo, Main Street Music stated he did not want retail sales of cannabis in downtown Tracy. He voted for Council and hoped they would make good decisions for the City. Need to look at definition of youth center and requested Council consider the moratorium.

Robert Tanner stated there was a moratorium before under Mayor Rickman at the 205 for 45 days. Hope this Council does the same thing so we can get something done within 90 days and spoke about mortgages on locations. There is too much concentration downtown or central business district and suggested to take time to do it right.

Mike Shoher stated the City needs to take the time because children are involved. Need to protect children and get it right.

Hailey Andrew, Operator of a dispensary in Dixon shared her experience with going before the Dixon City Council, and opposition from the community. Have been there 4.5 years, have won awards in Dixon because of community commitment and urged Council to look at who your operators will be.

Mike Souza asked Council to be fair to those who want to be part of this business and not be downtown and not penalize those that are not trying to go downtown and asked if the Planning Commission can continue items that are downtown so Council can continue to look at it to come back with emergency ordinance.

Nick Andre, Megan's Organic Market stated they are one of the four original permit winners. Issue of density is going from four to 11. Let the four original winners proceed and deal with density issues for the remaining. Mr. Andre added they made an application to amend the CUP with a revised plan to move the entry to B Street and are trying to solve the problem.

Dana stated Livermore is thriving and there are zero dispensaries downtown and asked why the Planning Commission and Council doesn't have the guts and common sense to say no to six dispensaries in our downtown. Dana stated she is not opposed to dispensaries in Tracy, only in the downtown.

Alice English stated they are going to move the entrance on B Street but what about residents; families that live on 9th Street and who is protecting them. Council failed in June. Need the 45 days, to protect residents and need buffer, and zoning. The store on 11th Street is more than enough to serve downtown and need a moratorium for our community.

Erwin asked what the amount of sales tax and impacts are of having a dispensary in certain locations and asked what the impacts on residents are, crime rates, business impacts. Eleven is too much.

Dotty Nygard, Co-partner Megan's Organic Market stated there is a large population in town that look forward to this opening up for health reasons. Understand safety concerns and addressed what they heard at Planning

Commission. Ms. Nygard stated they came to Council before about density issues and offered solutions.

Tim Silva stated the bigger issue is how did we get to this point. Had over 30 meetings and we're still talking about zoning and density. How is it fair to business people and residents to endure this and how are we so ineffective and not able to come up with comprehensive resolution for everyone.

Jennifer Toscas stated cannabis has replaced all her pharmaceutical, is not in favor of a moratorium and delaying opening of cannabis stores and is tired of having to travel outside of Tracy.

Megan Roe stated she is not against cannabis or dispensaries but there are better locations for them and shared concerns regarding dispensaries downtown and requested Council take into consideration the 45-day moratorium.

Deanna Garcia stated by removing regulated and legal cannabis you are removing the education that is needed as well as safety, security, and tax dollars. They are scheduled for their CUP hearing next week. The process has cost \$240,000 so far. Let's keep this item going as is with no postponement and requested Council vote no on a moratorium.

Alex Monceaux stated he was pro cannabis. His business is not store front or downtown and would love to move back but with tax rates it is better to keep in other towns. This is a knee jerk reaction from four to 11 because of inadequate scoring process.

Burnell Shull stated she was not against cannabis but against it being downtown and asked who is in charge of seeing who is paying taxes since it is all cash. Ms. Schull was upset that the City would give a corporation the first cannabis store when people from Tracy have wanted to open a store.

Michele True, Tracy Cannabis Collective shared events and benefits of cannabis, understands the public concerns. Their location is outside of TCCA district and they do not want the moratorium.

Cecile Hines stated she is not against dispensaries but totally against being downtown. Modesto has a buffer around their downtown. Council needs to put the community first as they are talking about changing the culture of downtown and take the time the moratorium gives you.

Megan Souza, Megan's Organic Market stated they invested significant resources based on the ordinance that Council approved. The ordinance works for four dispensaries, it does not work for 11 or 12 and agreed overconcentration is an issue. This is a concern that Council considered potential solutions but went ahead anyway. Two would be appropriate.

Kimberly Cargile, Tracy Cannabis Collective asked Council to vote no on the moratorium. Heard concerns from other towns because people are afraid of unknown.

Dennis Chang, Tracy Cannabis Collective spoke about the security and safety of employees and community is paramount and provided highlights of cannabis businesses. This is a highly regulated industry.

Mayor Young clarified with staff which items can be moved to the next Council meeting due to the late hour.

Kevin Sheridan, Valley Link suggested item 3.F be taken as it starts the 30 day clock and the other item can be handled later.

Motion was made by Council Member Arriola and seconded by Council Member Bedolla to table all items other than 3.D and 3.F to the next meeting. Roll call found all in favor; passed and so ordered.

Karin Schnaider, Assistant City Manager confirmed Council will come back and finish the discussion and action on Item 3.E. and then go to Item 3.D and Item 3.F and that will be all for the evening.

Mayor Young called for a recess at 11:45 p.m.

Mayor Young reconvened the meeting at 12:04 a.m. September 7, 2022.

Council questions and comments continued.

Council Member Arriola supported directing staff to bring back three specific proposed ordinance amendments that considers 1) Limited number of permits for business district 2) Buffer zones including density applicant proximity to one and another and 3) Definition of youth center. Council Member Bedolla supported the suggestion.

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 waive the reading of the full text and adopt proposed Ordinance and also direct staff to return with specific proposed ordinance amendments 1) Limited number of permits for business district, 2) Buffer zones including density applicant proximity to one and another and 3) Definition of youth center.

Mayor Pro Tem Vargas made a second motion to direct staff to do an amendment to Title 10 to look into the amendment of limited amount of dispensaries per district, to define buffer zones and also define the youth center with the same timeline and not do a moratorium. Mayor Young seconded the motion. Roll call found Mayor Pro Tem Vargas and Mayor Young in favor. Council Members Arriola, Bedolla and Davis opposed. Motion failed.

Roll call on the first motion on the item found Council Members Arriola, Bedolla and Davis in favor. Mayor Pro Tem Vargas and Mayor Young opposed. Motion failed.

- 3.B STAFF RECOMMENDS THAT THE CITY COUNCIL INTRODUCE AN ORDINANCE AMENDING SECTION 3.08.580 REGARDING SPECIAL SPEED ZONES OF THE TRACY MUNICIPAL CODE TO UPDATE SPEED LIMITS AS REQUIRED BY THE CALIFORNIA VEHICLE CODE – Item moved to September 20, 2022 Council meeting.
- 3.C STAFF RECOMMENDS THAT THE CITY COUNCIL ADOPT THE FOLLOWING RESOLUTIONS TO FURTHER COMPLY WITH THE JUDGMENT AND PEREMPTORY WRIT OF MANDATE IN *MITRACOS V. CITY OF TRACY, ET AL.*, SAN JOAQUIN COUNTY SUPERIOR COURT CASE NO. STK-CV-UWM-2018-5531: (1) A RESOLUTION RESCINDING RESOLUTION NO. 2020-154 APPROVING FINAL AQUATIC CENTER CONCEPTUAL PLAN WITH A NOT-TO-EXCEED AMOUNT OF \$65 MILLION INCLUDING CONTINGENCY AND SOFT COSTS; (2) A RESOLUTION RESCINDING RESOLUTION NO. 2019-78 APPROVING THE AGREEMENT FOR DEFERRAL OF CERTAIN IMPACT FEES FOR ELLIS GARDENS PHASE 1- 3 (TRACT 3877, TRACT 3906, AND TRACT 3907); AND (3) A RESOLUTION RESCINDING RESOLUTION NO. 2021-116 APPROVING THE AGREEMENT FOR DEFERRAL OF CERTAIN IMPACT FEES FOR ELLIS TOWN AND COUNTRY (TRACT 4007) – Item moved to September 20, 2022 Council meeting.
- 3.D STAFF RECOMMENDS THAT CITY COUNCIL INTRODUCE AN ORDINANCE EFFECTUATING AN OMNIBUS AMENDMENT OF THE TRACY MUNICIPAL CODE TO (A) UPDATE CHAPTER 4.16, “REGULATIONS PERTAINING TO THE USE OF PARK AND RECREATION AREAS AND FACILITIES” AND CHAPTER 5.12, “CAMP CARS AND TRAILERS,” AND (B) ADD PROVISIONS PROHIBITING CERTAIN ACTS, CAMPING, AND STORAGE OF PERSONAL PROPERTY IN PARKS AND PUBLIC AREAS

Sekou Millington, Police Chief introduced Ana Contreras, Code Enforcement Manager, and Lieutenant Miguel Contreras who provided the staff report and responded to questions.

A resident shared her concerns regarding the homeless community at El Pescadero. Tracyites helping them by giving food, water, shelter, laundry service, birth control is perpetuating a lifetime of bad choices and not teaching them to be survivors. The code needs to be enforced immediately.

Damian Gray shared her experiences and concerns with living near El Pescadero Park. The City has allowed the behavior at the park. People being accountable for their illegal actions will make them accountable.

Karen Moore stated when a law is made people find a way around it, is concerned that people may think this is going to be a solution, but it may not and believes the City is working diligently on a solution.

John Oh stated the ordinance has been worked on for some time and appreciated the Police Department's involvement and spear heading of this directive. Dealt with vagrancy downtown for quite some time. Eventually our vendors may take away certain activities or events downtown and they may not want to come back.

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

ACTION: Motion was made by Council Member Bedolla and seconded by Council Member Davis to waive the reading of the full text and introduce an Ordinance making an omnibus amendment to Tracy Municipal Code to (A) update Chapter 4.16. "Regulations Pertaining to the Use of Park and Recreation Areas and Facilities" and Chapter 5.12, "Camp Cars and Trailers," and (B) Add provisions prohibiting certain acts, camping, and storage of personal property in parks and public areas. Roll call found all in favor; passed and so ordered.

3.F ADOPT A RESOLUTION DECLARING 200 ACRES OF CITY-OWNED LAND LOCATED AT 15580 AND 15178 WEST SCHULTE ROAD (APNs 209-230-029 AND 209-230-030) AS EXEMPT SURPLUS PROPERTY UNDER GOVERNMENT CODE SECTION 54221(F)(1)(D)

Karin Schnaider, Assistant City Manager provided the staff report.

Council questions and comments followed.

Daniel Helms spoke about the City giving away 200 acres and asked if the City is hoping to get a maintenance yard or something with economic impact or just right of way.

Mary Mitracos provided a history on how the City acquired the property and the restriction on the uses and stated if the City can get rid of this land, do it.

Alice English stated it is not up to us to use for other purposes. That location, Ellis Development, maybe Redbridge that connection is the biggest pipeline in California. This should not be approved and asked how can the City think of putting hydrogen plant over that big pipeline. Let's wait until we have more information.

Karen Moore stated she lives close to the piece of land and have been attending Valley Link meetings and is excited to see Tracy on the map about green energy. Whoever gets that land will have to work with PG&E and hoped that Council votes for this.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to adopt **Resolution 2022-131** declaring 200 acres of City-owned land located at 15580 and 15178 West Schulte Road (APNs 209-230-029 and 209-230-030) as exempt surplus property under Government Code Section 54221 (F)(1)(D). Roll call found Council Members Arriola, Bedolla, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Member Davis opposed.

- 3.G ADOPT A RESOLUTION APPROVING THE PROPERTY TRANSFER OPTION AND SALE AGREEMENT WITH JOINT ESCROW INSTRUCTIONS GRANTING TRI-VALLEY – SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY A TEN YEAR OPTION TO PURCHASE, FOR INDEPENDENT CONSIDERATION OF \$100 FOR APPROXIMATELY 200 ACRES OF CITY-OWNED EXEMPT SURPLUS LAND LOCATED AT 15580 AND 15178 WEST SCHULTE ROAD (APNs 209-230-029 AND 209-230-030) – Item moved to September 20, 2022 Council meeting.
4. ITEMS FROM THE AUDIENCE – Karen Moore stated during the different agenda items emails were not asked about and asked if they are not part of the discussion anymore.
- Mayor Young responded we do have them on the dais and do make mention of them.
- Alex Monceaux apologized for swearing and was just frustrated.
5. STAFF ITEMS – Michael Rogers, City Manager stated the heat warning is still in effect until Friday at 8:00 p.m. If anybody needs to, they can call 211 for the nearest cooling station and a ride with the Tracer bus which will be free to beat the heat. Mr. Rogers also announced there is a vacancy on Transportation Advisory Commission. We would like for those who are residents of the City who have a background in mobility and transportation to consider this particular commission.
6. COUNCIL ITEMS – Council Member Arriola requested a second look at incentives for cannabis applicants to move to another location. Mayor Pro Tem Vargas seconded the request.
7. ADJOURNMENT – Time: 1:47 a.m. Wednesday, September 7, 2022.

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

The above agenda was posted at the Tracy City Hall on September 1, 2022. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk