

SPECIAL MEETING MINUTES OF THE TRACY CITY COUNCIL

February 28, 2023, 7:00 p.m.

Tracy City Hall, 333 Civic Center Plaza, Tracy, CA.

1. Mayor Young called the meeting to order at 7:10 p.m.
2. Roll call found Council Members Arriola, Bedolla, Evans, Mayor Pro Tem Davis and Mayor Young present.
3. ITEMS FROM THE AUDIENCE – Conrad Levoit shared support for the Machuca’s outdoor restaurant as a community member of Tracy and longtime customer stating he enjoys their food and wants to see them succeed as a restaurant and local business and get support at that location.

Brandon Simpson shared support for Johnny’s Diner and their outdoor patio setting, and stated he wants to see it stay open.

Robert Tanner referred to the no food or drink sign at the back of Council Chambers but see some Council Members with coffee, water and partake it during the event which says that Council is above what is being issued to the citizens in this town and they don’t care what we think.

Gabriela Machuca stated she has emailed and addressed Council for an extension on all Temporary Use Permits given to mobile food trucks to allow time for staff to find long term solutions for mobile food services to serve residents and Tracy businesses. Other extensions have been granted in 2021 and is asking for the same. Ms. Machuca provided a history of their mobile business and asked if there is capacity for more food establishments then why hasn’t there been more of an effort to mitigate hurdles rather than creating more red tape.

Teri Donaldson spoke in support of Johnny’s dinner. The fact that they are not a franchise needs to be considered and requested Council consider allowing them a permanent fixture downtown.

Bernal Shull stated she has a problem with Johnny’s Diner issue. Seems we want to get rid of anything that makes people in Tracy happy and a retaliation of the Planning Department and asked why it has not been on the agenda and for the Mayor and City Attorney to look into this.

Mayor Young announced at the last meeting it was noted there were six emails received in support of Johnny’s Diner.

4. DISCUSSION ITEMS:
 - 4.A Conduct a workshop to 1) Discuss Council’s A) Code of Conduct and B) Meeting Protocols and Rules of Procedures, and 2) Determine whether either (or both) should be amended at a future Council meeting.

Bijal Patel, City Attorney provided the staff report and presentation.

Council questions and comments followed.

Alice English stated the Clerk is timekeeper for public speaker time limits and asked who times Council, added back in July/August 2021 there was some discussion with the City Manager where Mayor Pro Tem Vargas and the Mayor wanted to have their own meeting with Department Heads. That should never be under the purview of Council to give direction to staff. Point of order or point of information is not being used properly.

Council questions and comments followed. Council provided the following input regarding amendments to the Code of Conduct and the Meeting Protocols and Rules of Procedure:

Council Member Bedolla

- Meeting protocols more thorough in providing framework on how meetings should be conducted and would like to abide by just meeting protocols only.
- In favor of amendments if cleaning up language.
- Time sensitive items should be requests outside of Council meeting.
- Time specific means two Council Members asking to bring back at a certain date.
- Supported City Attorney as designated Parliamentarian.
- Agreed to adding Orders of the Day to agenda.
- Supported the Clerk timing the public and Council on speaking time.
- Council should maintain discretion over time specific asks with respect to staff bandwidth. Council should have discretion to do time specific asks. Time sensitive is ok outside of Council for deadlines, goals, and was used during COVID emergency. Mayor Pro Tem Davis supported the request.

Mayor Pro Tem Davis

- Supported clean up of language.
- Supported designated Parliamentarian and should be the City Attorney. Like to see it memorialized in writing.
- City Clerk should be timekeeper for public and Council.
- Supported continuing with requiring two Council Members to request to agendaize an item under Council Items.
- Time sensitive Items should be requests that are made outside of the Council meeting.
- Suggested adopting language that states clapping during celebratory presentations is ok but not during remainder of meeting. Needs to be consistent as it is confusing.

Council Member Evans

- Suggested stating that in the event of a conflict between the Code of Conduct and the Meeting Protocols that the Meeting Protocols take precedents.
- Proposed adding Orders of the Day between items 5 and 6 of the Order of Business in the Meeting Protocols. Mayor Pro Tem Davis supported the request.
- Suggested adding language regarding clapping not withstanding presentations and proclamations. Should be applied equally.
- Supported designated Parliamentarian.

Council Member Arriola

- Agreed there should be clean up of protocol language.
- Agreed the City Clerk should time Council's discussion and should include language about how any objections should go (through Parliamentarian).
- Time sensitive items (such as a grant) can be put on an agenda by two Council Members outside of a meeting to the City Manager.
- Suggested adding language to clarify what to do about time specific requests and include language allowing or not allowing time specific requests.
- When a new item is not part of the consensus agreed upon in Council priorities, it pushes all of our priorities back because it forces staff to address something with some immediacy instead of the priorities the Council body has agreed upon. Have not seen that a lot but didn't see it when we were reviewing the language. Proposed not to allow it and agreed with colleagues but want consistency.

Mayor Young

- Cleaning up and consolidating language is important.
- Intent was for transparency that two Council Members make request on the dais unless time sensitive. Need definition of time sensitive.
- Supported City Clerk as timekeeper for public and Council discussion.
- Separate clarifying questions and Council discussion.
- Need to understand Point of Order.
- Important to know how agendas are set up for example what goes on the consent calendar.
- Imperative Council understands how the agenda is lined up and the order.
- Clapping – can further define what is disruptive. Cuts off clapping supporting negative, but positive is celebratory.
- Like to look at what other cities are doing regarding designated Parliamentarians and their role and relevancy to our Council, time limits on a non agendized item and best practices.
- Look at Council Items being agendized at every meeting.
- Clerk timing Council discussion: Clarifying questions, public comment, motion and Council discussion.
- Suggested Council Members prepare list of questions regarding the item for clarifying questions portion.

Ms. Patel summarized Council's asks: Orders of the Day – designated spot to support majority of Council wishing to make a change to the order on the agenda. Will look at General Law Cities within San Joaquin County to compare best practices and can take queue from Human Resources as to what they use for City comparisons (6 or 7 cities). Could have something for Council consideration by the first meeting in April if not the second meeting in April. Will drop edits to City Management team.

5. COUNCIL ITEMS AND COMMENTS – Council Member Bedolla announced Saturday he had the honor along with Mayor Pro Tem Davis, the Police Chief and other guests to attend the South Side Community Organization Board installation dinner and congratulated members who were stepping down and congratulated and celebrated transitioning board members who will take the lead of the organization and serve the community. Thanked those that put the event together and showed up. Council Member Bedolla gave a shout out to Team Phoenix in the City's Juniors Warrior team and congratulated them on their double-digit win.

Mayor Pro Tem Davis echoed the sentiments of Council Member Bedolla regarding the South Side Community Organization dinner and congratulated incoming and thanked the outgoing board members. Mayor Pro Tem Davis also congratulated Savi's Market on their grand opening and Camp Bow Wow on a phenomenal mixer.

Council Member Arriola thanked staff for their work tonight and wished safe travels to his colleagues who are traveling next week.

Council Member Evans asked when the Tracy Police Department Annual Report is coming back to Council. Also, Mr. Tanner mentioned the sign that says no food or drink in Council Chambers, asked if we are disallowing folks to bring water into Chambers, stated we should allow water in Chambers and agreed with no food, and just strike the water part. Council Member Bedolla and Mayor Pro Tem Davis supported the request.

Karin Schnaider, Assistant City Manager clarified there is a sign that is meant to discourage bringing in food. When we have events outside City Hall people will want to try and bring their food in so it is really intended for those purposes. Do not believe anyone has been denied entry for anything.

Council Member Evans congratulated Jay's Gourmet on their ribbon cutting last week.

Mayor Young stated at the Grand Theatre water can be taken in and when there is a show popcorn can also be taken into the theatre. Those of Council on the dais talking need to take a drink. It is important to be able to convey that and out of all these years the comment was just made tonight from someone who has been here much longer than she has.

Mayor Young announced the following: Congratulated the South Side Community Organization on their installation dinner, judged at an all-day pageant on Saturday and had good input and good thoughts from the ladies, congratulated the team that won this week, and congratulated Tracy High team that won the Mock Trial for the second year in a row.

Mayor Young requested following up on TUP's that were issued during the pandemic. A lot has been addressed with downtown regarding the eateries and having the one way but there is a number of businesses that are affected by the City going back to business as usual than when we made exceptions during the pandemic. Would like to bring back an item to follow up on all the TUP's to make sure there is fairness and the City is not just abruptly interrupting business or singling out one area. Mayor Pro Tem Davis supported the request. Mayor Young clarified to bring back an informational item and go from there.

Mayor Young asked about food trucks and ordinances. Different cities have different zoning areas. Does staff have anything in the works that we are looking at food trucks because there was no appetite before and then we made it thirty days. Is it coming back as would like to look at the ordinance.

Midori Lichtwardt, Acting City Manager confirmed the food truck ordinance will be going to Planning Commission in April and then it will be brought to City Council depending on the outcome of the Planning Commission if there is going to be additional amendments and can be brought to Council as early as May.

Ms. Lichtwardt confirmed the Police Annual Report will be before Council on March 21, 2023.

Mayor Pro Tem Davis stated Council Member Bedolla and herself will be attending the P3 Conference in Texas and asked legal Counsel if they needed to say anything about attending remotely.

Bijal Patel, City Attorney responded the Clerk needs to be notified about which rules Council Members are going to apply and if applying the old rules, will need to know your location.

Adrienne Richardson, City Clerk confirmed Council Member Bedolla had provided the hotel information for their trip to Texas.

6. ADJOURNMENT – Time: 9:11 p.m.

ACTION: Motion was made by Mayor Pro Tem Davis 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 February 23, 2023. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk