

**MINUTES
TRACY CITY PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 14, 2024, 7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA**

CALL TO ORDER

Vice Chair Atwal called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Vice Chair Atwal led the pledge of allegiance.

ROLL CALL

Roll Call found Commissioner English, Commissioner Penning, Vice Chair Atwal and Chair Orcutt present via Webex. Commissioner Boakye-Boateng was not present at roll call but arrived shortly after. Also present: Karin Schnaider, Assistant City Manager/Interim Development Services Director; Jeffrey Crosswhite, Assistant City Attorney; Scott Claar, Senior Planner; and Miranda Aguilar, Administrative Assistant.

MINUTES

Vice Chair Atwal introduced the Regular Meeting Minutes from the January 24, 2024 Planning Commission Regular Meeting.

ACTION: It was moved by Commissioner English and seconded by Commissioner Penning to approve the January 24, 2024 Planning Commission Regular Meeting Minutes. A voice vote found Chair Orcutt, Vice Chair Atwal, Commissioner English, and Commissioner Penning in favor. Commissioner Boakye-Boateng Absent at the time of Voice Vote. Passed and so ordered; 4-0-1-0.

DIRECTOR'S REPORT REGARDING THIS AGENDA

None.

ITEMS FROM THE AUDIENCE

None.

1. NEW BUSINESS

- A. STAFF RECOMMENDS THAT THE PLANNING COMMISSION: (1) DISCUSS THE PROVISIONS AND POLICY AIMS OF A PROPOSED DRAFT ORDINANCE AMENDING SECTION 10.08.3193 OF THE TRACY MUNICIPAL CODE EXPANDING THE RIGHT OF MOBILE FOOD VENDORS TO OPERATE IN THE COMMERCIAL AND OFFICE ZONES (EXCLUDING CERTAIN PORTIONS OF THE CENTRAL BUSINESS DISTRICT ZONE) IN ADDITION TO INDUSTRIAL ZONES; AND (2) DISCUSS THE PROVISIONS AND POLICY AIMS OF CORRESPONDING PROPOSED AMENDMENT TO PAGE 3-14 OF THE CITY**

DESIGN GOALS AND STANDARDS TO ADD A NEW SECTION FOR MOBILE FOOD VENDORS.

Scott Claar, Senior Planner, presented the staff report and addressed questions from the Commission.

Vice Chair Atwal opened the Public Hearing at 7:50 p.m.

Pilar Martinez, Tracy Resident, addressed the Commission and requested that the permit for the vendors be extended to 12 hours instead of 3 and months instead of just one and the monthly permit be extended to 12 months.

Leticia Melendez, Restaurant Owner, addressed the Commission with questions regarding limits to food trucks and types of food trucks allowed and also inquired about buffers between businesses and where the trucks will be allowed.

Ana Magana, Food Truck Owner, addressed the Commission with comments regarding costs for vendors and stated customers tend to go to trucks when wanting something quick to go versus a dine-in restaurant.

Octavio Castaneda, Tracy Resident and Business Owner, addressed the Commission regarding the \$1200 fee for a monthly permit being too high for vendors and also stated that food truck expenses are very high as well. Octavio also commented on the safety of the trucks and where some of them are located.

Jessica Magana, Tracy Resident and Business Owner, addressed the Commission with the help of Maria Valenzuela, Tracy Chamber of Commerce CEO, to interpret from Spanish to English. Jessica is interested in running a food truck business in the City of Tracy with the correct permits and is willing to comply with rules and requirements. Jessica is also in favor of the monthly permit being extended for a year.

Maria Valenzuela, Tracy Chamber of Commerce CEO, addressed the Commission, thanked City Staff and hopes to have a community where businesses can thrive.

Gabriela Machuca, Business Owner, addressed the Commission in support of a new food truck ordinance. Gabriela also mentioned that restaurant capital costs are not always higher than those for food truck businesses. Gabriela also mentioned some locations that may benefit from allowing food trucks and does not agree with limiting one truck per parcel.

Andrew Christensen, Tracy resident via WebEx, addressed the Commission believed there are many parking lot locations that are under-utilized and are places a food truck court may work which could bring business to downtown.

Marcus Medina, via WebEx, addressed the Commission supports changing the mobile ordinance but believes we need to make sure there are buffers between restaurants and intersections for safety reasons. Marcus also believes the City of Tracy should start with a limit on mobile vendors.

Jorge Varga, Small Business Owner, addressed the Commission with the help of Maria Valenzuela, Tracy Chamber of Commerce CEO, to interpret from Spanish to English. Jorge stated that mobile vendors are not necessarily in competition with the restaurants, food trucks are considered fast food and are designed for the customer that does not have time to sit down. People such as truck drivers, paramedics, and landscapers are the primary customers for food trucks.

Pilar Martinez, Tracy Resident, addressed the Commission and made some clarifications on some comments.

Seeing as no one else came forward Vice Chair Atwal closed the Public Hearing at 8:43 p.m.

Commission discussion continued.

Scott Claar, Senior Planner, addressed questions from the Commission.

Jeffrey Crosswhite, Assistant City Attorney, addressed questions from the Commission.

Karin Schnaider, Assistant City Manager/Interim Development Services Director, addressed questions from the Commission.

Vice Chair Atwal called for a recess at 10:31 p.m. and all Commissioners agreed.

Vice Chair Atwal reconvened the meeting at 10:37 p.m.

Commission discussion continued.

Commission provided some suggestions to Staff to bring to City Council.

2. ITEMS FROM THE AUDIENCE

None.

3. DIRECTOR'S REPORT

Scott Claar, Senior Planner, advised Commission that the Planning Commissioner Academy is sold out and Staff is looking for another opportunity to enroll the Commissioners.

4. ITEMS FROM THE COMMISSION

Commissioner English wanted to confirm the next Planning Commission Meeting on the 28th of February.

Commissioner Boakye-Boateng thanked staff for all work.

Vice Chair Atwal requested to have Staff work on guidelines and future policies when taking surveys for the City so that they are more inclusive. Vice Chair Atwal would also like to request improvement on research policies for projects and comparing similar size cities to the City of Tracy. Vice Chair Atwal would also like Staff to bring to Commission and Council the approach to surveying the community so that the Commission and Council can give comments on what should be included in the survey.

Scott Claar, Senior Planner, answered questions from the Commission.

Chair Orcutt is in agreement with Vice Chair Atwal regarding the policies but stated Staff can be under time constraints and may not have time to come to Commission with every survey they would like to do.

Karin Schnaider, Assistant City Manager/Interim Development Services Director, addressed questions from the Commission.

Commissioner Boakye-Boateng clarified Commissioner Atwal's request for the Planning Commission to be notified when the City Council adopts a policy update or change.

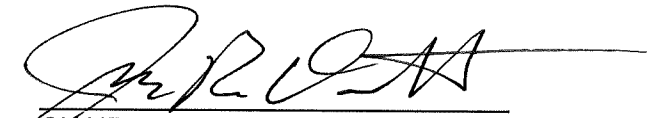
Vice Chair Atwal is requesting that if items are brought up in Planning Commission and are then brought to City Council, that the Planning Commission is notified of those items.

5. ADJOURNMENT

ACTION: It was moved by Commissioner Boakye-Boateng and seconded by Vice Chair Atwal to adjourn.

A voice vote found Chair Orcutt, Vice Chair Atwal, Commissioner Boakye-Boateng, in favor. Commissioner English and Commissioner Penning absent. Passed and so ordered; 3-0-2-0.

Time: 11:20 p.m.


CHAIR
STAFF LIAISON

From: [REDACTED]
To: [Miranda Aguilar](mailto:Miranda.Aguilar@cityoftracy.org)
Subject: Fw: 02 14 24 Planning Commission Public Hearing Notice - Interested Parties
Date: Wednesday, February 14, 2024 12:54:41 PM
Attachments: [02 14 24 PC PH - Amendment to Mobile Food Vendors Ordinance - For Website.pdf](#)
[Comments Mobile Food Ordinance.pdf](#)

Caution: This is an external email. Please take care when clicking links or opening attachments.

Hello Miranda Aguilar,

I have attached a letter I would like to submit to the planning commissioners , my comments regarding the mobile food ordinance.

If this is not the correct place to send my comments can you please tell me the correct email

thank you

Gabriela Rodriguez Machuca

----- Forwarded Message -----

From: Miranda Aguilar <miranda.aguilar@cityoftracy.org>
Cc: Planning Admin <planningadmin@cityoftracy.org>; Scott Claar <scott.claar@cityoftracy.org>
Sent: Friday, February 2, 2024 at 01:38:41 PM PST
Subject: 02 14 24 Planning Commission Public Hearing Notice - Interested Parties

Hello,

Please see the attached Planning Commission Public Hearing Notice published this week. You can also access them via our website using the link below:

[Public Notices | City of Tracy, CA](#)

Thank you

Miranda Aguilar | City of Tracy

Administrative Assistant

Development Services – Planning Division

333 Civic Center Plaza | Tracy, CA 95376

Office: (209) 831.6421 | Miranda.Aguilar@cityoftracy.org



Mobile Food Ordinance Comments/Questions/Suggestions

On October 18, 2022 I was the one who asked the City Council to request Staff to amend or create a whole new ordinance because the way it is written made it extremely difficult to do business in Tracy as a mobile food vendor.

I stated then that we had been a brick n mortar the last 30 years and due to Covid we had to pivot a mobile food truck and then we transitioned into a permanent location on a private commercial property in Downtown Tracy. Our project took a different long process however I am still passionate about making changes to the mobile food ordinance because we have future endeavors we would like to see flourish.

At the time I also stated that in the last few years the City of Tracy Events as well as the Downtown TCCA Events have all hosted food trucks or mobile food vendors and the food trucks have enhanced their events. Since those events are under an event umbrella there are no obstacles for the food trucks.

But the moment those food trucks want/need to set up independently then there are lots of hurdles and Red tape.

I said then it was unfair to expect/want /need mobile food vendors for all their events and then to not allow those businesses to operate in Tracy on a daily business.

So it has been a long awaited report. Its roughly 63 pages of information and yet I still feel that it is written in a way that continues to make being a mobile food vendor in Tracy very difficult. My intention was then and continues today to fulfill some of the Tracy Community pleas for more food varieties with more availability.

The request to change the ordinance was not brought up to instigate a "war" between Brick n mortar food places and mobile food vendors/food trucks. And yet there has been quite some tension created.

I believe that the City Staff needs to show that ALL businesses bring value to the Tracy Community. And it's up to the City Staff, Planning Commission and City Council to find a balance that works for the Tracy Community and not just one segment of businesses.

The 990 survey responses demonstrate the Tracy Community supports the idea of food trucks in different locations not just during events.

Questions / Comments/ Suggestions

1. Will the light industrial area continue as currently : No mobile food permit required ?
2. Why is the City Of Tracy suggesting the mobile food vendor permit process and fee be the same as the current TUP. The cost would be \$1255. Just for the vendor permit. That is way too much. And then they want to charge the fee for each separate location: (Example if a food truck wants to sell lunch at a gas station A but then wants to sell dinner at the Home Depot lot this language would require them to have two different vendor permits each at \$1255. That's too much) Manteca charges \$200. And Lathrop charges \$254.

3. While making an analysis and comparing to other Cities at the end of the day we need to make choices that work best for our Tracy Community.

4. **Allow food trucks in Downtown Tracy: Just look at the responses from the survey.**

Page 7 of the survey "I would like more food trucks in Downtown on private property."

449 + 210 = 659 said YES. 155 were neutral so that's 814 out of 990 responses

Page 14 of survey : "To what extent would you like food trucks allowed in Downtown
608 said permanent. 152 said 6 months at a time. 98 said 30 days, that's 858 YES.

*** In the report that talks about 'Background' meetings that were held at Tracy transit station hosted by Chamber and City: well it was mainly only food businesses present. And it's my understanding that TCCA (Tracy City Center) was invited to participate however they only invited their food businesses. I was present at this meeting. I have business neighbors in Downtown that confirmed they were not invited to these meetings.

Downtown Tracy is more than just food ,beverage & spirits.

Downtown Tracy is full of businesses that provide services and retail : you have Bankers, Barbers, Beauty Specialists, Lawyers, Boutique owners, Realtors, Tattoo Artist, Yoga Instructors, Karate Instructors, Dance teachers ,Florists..and more...

Their businesses matter. Their opinions matter.

All of their businesses could benefit from more foot traffic during all 7 days of the week as well as longer hours throughout the day. Yet their input is not reflected in this report. The Restaurants and beverage spots Downtown are awesome. But because they are all independent they have to tailor their business hours to fit their needs. Some are only open for dinner 5-9. Others are open only for breakfast 8-2. Many are closed on Sundays/Mondays.

Read the survey and the comments.

Under FEEDBACK from the Business Community it mentions that Brick n mortar restaurants have a higher capital costs : In my observation I feel that is not accurate.. I can name 5 restaurants in Downtown that moved into existing food facilities therefore their capital investment is not as high as those who built out from scratch.

I can also name 3 restaurants that built out their spaces however I also know that their property owners/landlords contributed to T. I. (tenant improvement) which means those business owners either got a subsidy like dollars matched for dollars invested or possibly FREE rent sometimes up to a year.

I know this because at one time we looked at those spaces and looked at their leasing material.

I bring this up to simply show that the comments of higher capital is disingenuous.

5. Suggest the commission ask for a separate draft ordinance for consideration for curb only, designate a few spots : Pilot program.

Some ideas of spots to consider in Downtown:

9th street between Central and A Street adjacent to the curb on street

On A street between 9th and 10th adjacent to the curb on the street.

Along 6th street, either side of Central Ave.

These areas would be near parking and would allow customers to purchase food and still be close enough to walk around Downtown exploring.

6. Allow at the curb parking at Parks: You could designate a few parks.
Read the survey comments . Folks are asking for food truck options in South Tracy. Tracy Hills, Ellis, Edgewood those could all benefit from food trucks.
We have participated/parked at the curb at several parks. The customers enjoy their own neighborhoods.
7. Allow more than 1 food vendor per parcel. Allow more than 1 food truck in one private property without requiring a development review.(The development review is \$10,400.and would not be needed in this instance)
This would be when a few trucks come together for a period of 3-4 hours and are set up to be a grab and go. Not a permanent set up. Families enjoy making one stop but having a few options to choose from.

*** If you look at the last pages of report

Whereas: The community survey results indicate that the community has a strong desire for more food trucks in the commercial areas....

That is not a complete statement they left out that the Community has a strong desire for Downtown locations as well.

Respectfully

Gabriela Rodriguez Machuca / Johnny's Diner aka MachucasKitchen 22 E. 9th Street

From: [Karin Schnaider](#)
To: [Miranda Aguilar](#)
Cc: [Scott Claar](#); [Gina Peace](#)
Subject: FW: 02-14-2024: Tracy City Planning Commission Meeting (clarification on some items)
Date: Thursday, February 29, 2024 3:32:50 PM

Hi Miranda

This email should be attached to the meeting minutes for the 2/14/2024 Planning Commission meeting. Thank you

Thank You,

Karin Schnaider

Assistant City Manager
City of Tracy

From: gurtej atwal [REDACTED]
Sent: Thursday, February 15, 2024 12:08 PM
To: Joe [REDACTED] ORCUTT, JOSEPH R Col USAF PACAF PACAF/A4MA
[REDACTED] Scott Claar <Scott.Claar@cityoftracy.org>; Karin Schnaider <Karin.Schnaider@cityoftracy.org>
Cc: Jeffrey Crosswhite <Jeffrey.Crosswhite@cityoftracy.org>
Subject: 02-14-2024: Tracy City Planning Commission Meeting (clarification on some items)

Caution: This is an external email. Please take care when clicking links or opening attachments.
Hello Planning Commission Chair Joe, Engineering and Development Services Scott and Assistant City Manager Karin,

(Adding City Attorney to the email: So, to help follow the protocol. If the Attorney thinks this email should be entered into meeting minutes, I am ok. If he thinks it can be internal discussion without any action, that's acceptable as well.)

I want to request your kindly disregard my request made in items from the commission in the meeting yesterday. I will make sure to state that in the next meeting in the items to the commission. Let's close that for now. I rethought about it; you all are aware of the perspective that I shared and are better judge how to approach it better in this scenario and future such scenarios.

I apologize to the City Manage and Staff for emphasizing on the scenario/survey. I will make sure to apologize in the next meetings for the items to the commission. Will do better next time. Maybe I was not able to clarify my intent, though I continue learning; and always try my best to improve.

One point I want to address:

- a) The Chair asked in the meeting, if surveys contain individual responses and is there a scenario, where one individual can submit multiple survey responses.

b) Staff's response was, only one person can take the survey for one time.

But based on my research and discussing with stakeholders: (I was not 100% confident so wanted to do a bit more research; before sharing with you)

a) In this survey, one individual can do multiple attempts, from different devices, computers, using multiple browsers, closing/clearing cookies of one browser and using it again and again.

b) Anyone outside of the City across the US can be asked by one stakeholder to use the survey. As most internet users use VPN; there's no mechanism to block a response from someone who doesn't reside in the city.

Request for your consideration:

a) Kindly confirm with the City IT team if the above analysis that I shared is factual. Or they have made a foolproof system in the survey to make sure only one citizen responds once.

b) If City IT agrees with the above finding; I propose 2 options:

1. Staff should not present survey slides to the council. As in the Agenda item 38 Slides out of 42 Slides are focused on Survey. As it is not the reflection of the majority of stakeholders; and there are chances one stakeholder could have influenced the survey.

2. If the City wants to move forward with sharing the survey slides with Council. That's 100% acceptable. In that case, kindly put a wording in the agenda that should clarify that one citizen can submit more than one response in this survey.

Basis of my Analysis:

I work very closely with Surveys and Research in education and work projects. So I have a bit of idea how they work. I possess an MBA from CSU Hayward. I am currently pursuing a Master of Science in Transportation Management from SJSU; coincidentally I am taking a course at this point MTM-203 Transportation Marketing and Communication Management. That focuses on public sector Surveys and Researches. Some additional certifications that I have gained through my learning allows me to see from a different perspective. Though my perspective should not always be right; it can allow me to brainstorm better.

1. Bachelor of Engineering: Electronics and Telecommunications
2. Master of Engineering: Electrical Engineering
3. MBA Major in Finance | California State University Hayward | CSU East Bay
4. Active Student | Master of Science in Transportation Management | San Jose State University
5. Took American Institute of Certified Planners, AICP certification test
6. Member American Planning Association (APA)
7. Certification: Data Analysis: Forecasting | Course length: 3 hours

Skills Covered: Gained a comprehensive understanding of planning theory, history, and ethics, deepened my knowledge of California's specific planning context, strengthened my

skills in planning analysis and research, enhanced my ability to think critically and solve problems, learned effective collaboration and conflict resolution techniques, gained exposure to diverse planning perspectives and approaches, can contribute to the advancement of planning practice in City of Tracy.

8. Certification: Project Management Professionals (PMP) certification

9. Certification: Management: Top Tips

10. Certification: Project Management Foundations

11. Certification: Project Management Simplified

12. Certification: Microsoft Project Step by Step

13. Certification: Business Collaboration in the Modern Workplace

14. Certification: Solving Business Problems

Skills Covered: Project management processes, initiation, planning, executing, monitoring, controlling, closing and their associated processes within each group. Familiarized myself with the key inputs, tools, techniques, and outputs of each process of effectively managing projects. Leant professional and social aspects, leadership and team management, ethics, and professional conduct.

15. Certification: Lean Six Sigma White Belt

16. Certification: Lean Six Sigma Yellow Belt

17. Certification: Lean Six Sigma Green Belt

18. Certification: Lean Six Sigma Black Belt

Skills Covered: Acquired knowledge and skills across two key areas: Lean principles and Six Sigma methodology. Learned principles for identifying and eliminating waste, process improvement, customer focus, learned about voice of customer (VOC) technique and how to translate customer needs into actionable insights, teamwork, and collaboration, understood the importance of teamwork and collaboration in process improvement initiatives, Learnt DMAIC cycle, mastered the Define, Measure, Analyze, Improve and Control cycle, the core framework for Six Sigma Projects. Leant Statistical tools and analysis, learnt statistical tools like histograms, pareto charts, control charts, and hypothesis testing for data analysis and problem identification, Project Management, understood project management principles like scope definition, risk assessment, resource allocation, and project documentation, Measurement and performance metrics, learnt how to measure process performance using various metric like defects per million opportunities (DPMO) and sigma level, Specific tools and techniques, learnt specific tools like Design of Experiments (DOE) and Failure Mode and Effects Analysis (FMEA), learnt Industry-specific applications, learnt Soft skills, effective communication, problem-solving, and leadership skills.

19. Certification: Cisco Certified Network Associate certification (CCNA)

20. Certification: Cisco Certified Specialist – Security Core

21. Certification: Certified on Ethernet and TCP/IP Fundamentals

22. Certification: Certified on Advanced IPv4 Networks/Protocols

Skills Covered: Learned a strong foundation in networking fundamentals and advanced security principles.

Knowledge Sharing:

I can always share my learning with City staff if they would like, on future surveys or research. As well I can be a bridge b/w Cal State East Bay professors and SJSU professors and industry experts who do this day in and day out. Also, I can always assist and arrange any kind of free of cost zoom sessions for staff on this topic from industry experts.

Just sharing this with you all; though I duly understand, and respect, the City has its own resources to work through these things. But as part of the team, I wanted to share my perspective. Not just questioning about the process; but always willing to participate in improvement, learning.

Kindly review the above and let me know for clarification on any topic.

Best Regards

Gurtej Atwal