

June 2, 2020, 7:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy

Web Site: www.ci.tracy.ca.us

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 remotely via email, phone and WebEx during the meeting.

Mayor Rickman called the meeting to order at 7:09 p.m.

Mayor Rickman led the Pledge of Allegiance.

Imaam Sheik Basem, Tracy Islamic Center offered the invocation.

Roll call found Council Members Arriola, Ransom, Vargas, Mayor Pro Tem Young and Mayor Rickman present.

1. CONSENT CALENDAR – Following the removal of agenda item 1.F by Council Member Ransom and Arabella McCreary, and agenda item 1.J by Council Member Ransom motion was made by Council Member Ransom and seconded by Mayor Pro Tem Young to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
 - 1.A ADOPTION OF MAY 19, 2020 CLOSED SESSION, SPECIAL MEETING AND REGULAR MEETING MINUTES - **Minutes were approved.**
 - 1.B RATIFY THE SAN JOAQUIN COUNCIL OF GOVERNMENTS ANNUAL FINANCIAL PLAN FOR FISCAL YEAR 2020-2021 – Resolution 2020-081 ratified the San Joaquin Council of Governments Annual Financial Plan for FY 2020-2021.
 - 1.C DECLARE CERTAIN VEHICLES AND EQUIPMENT AS SURPLUS AND APPROVE THEIR SALE - **Resolution 2020-082** declared certain vehicles and equipment as surplus and approved for sale.
 - 1.D AUTHORIZE SUBMISSION OF THE ANNUAL CLAIM TO THE STATE OF CALIFORNIA, THROUGH THE SAN JOAQUIN COUNCIL OF GOVERNMENTS (SJCOG), FOR TRANSPORTATION DEVELOPMENT ACT FUNDS IN THE AMOUNT OF \$5,908,911 FOR FISCAL YEAR 2019-2020 - Resolution 2020-083 authorized submission of the Annual Claim to the State of California.
 - 1.E WAIVE SECOND READING AND ADOPT ORDINANCE 1286, AN ORDINANCE OF THE CITY OF TRACY APPROVING AN AMENDMENT TO THE TRACY HILLS SPECIFIC PLAN FOR THE TRACY HILLS KT PROJECT – Ordinance 1286 was adopted.
 - 1.G WAIVE SECOND READING AND ADOPT ORDINANCE 1288, AN ORDINANCE OF THE CITY OF TRACY, ADDING CHAPTER 6.40 "CANNABIS BUSINESS TAX" TO TITLE 6 OF THE TRACY MUNICIPAL CODE TO IMPOSE A TAX ON

COMMERCIAL CANNABIS ACTIVITIES IN TRACY – Ordinance 1288 was adopted.

- 1.H APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH TJKM TRANSPORTATION CONSULTANTS OF PLEASANTON, CALIFORNIA FOR A NOT TO-EXCEED AMOUNT OF \$209,441 TO PROVIDE PROFESSIONAL ENGINEERING DESIGN SERVICES, THAT INCLUDES THE PREPARATION OF ENVIRONMENTAL DOCUMENTS AND CONSTRUCTION DOCUMENTS, SUCH AS PLANS, SPECIFICATIONS AND COST ESTIMATES FOR THE TRAFFIC SIGNAL AT CORRAL HOLLOW ROAD AND VALPICO ROAD INTERSECTION PROJECT, CIP 72095– Resolution 2020-084 approved an agreement with TJKM Transportation consultants.
- 1.I APPROVE PROFESSIONAL SERVICES AGREEMENTS WITH TEN COMPANIES FOR PLAN REVIEW AND/OR INSPECTION SERVICES – Resolution 2020-085 approved the agreement with ten companies.
- 1.F WAIVE SECOND READING AND ADOPT ORDINANCE 1287, AN ORDINANCE OF THE CITY OF TRACY AMENDING VARIOUS SECTIONS OF CHAPTER 6.36 OF TITLE 6 “BUSINESS, PROFESSIONS, AND TRADES” OF THE TRACY MUNICIPAL CODE REGARDING LOCAL REGULATIONS OF COMMERCIAL CANNABIS ACTIVITY IN THE CITY OF TRACY

Leticia Ramirez, City Attorney provided the staff report.

Arabella McCreary requested Council consider including the following sublicenses: Under Cultivation - processor license, under Distribution - transport only, and under Manufacturing – Type P and Type N.

Alex Monceaux requested clarity of whether Council is limiting licenses to four, and spoke about multiple licenses, and would only like Council to limit dispensaries to four.

Council Member Ransom pulled the item to ask about property line versus the actual and how do we determine the distance of sensitive use is to the locations.

City Council questions and comments followed.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Ransom to waive second reading and adopt **Ordinance 1287**, an ordinance of the City of Tracy amending various sections of Chapter 6.36 of Title 6 “Business, Professions, and Trades” of the Tracy Municipal Code regarding local regulations of commercial cannabis activity in the City of Tracy. Roll call found all in favor; passed and so ordered.

- 1.J APPROVE AN ALLOCATION OF \$30,000 FOR A CITY UTILITY BILL RELIEF PROGRAM FUNDED FROM THE CITY’S CARES ACT COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING ALLOCATION

Council Member Ransom pulled the item to ask how it is determined who was going to qualify over and above the budget amount, and who can fit into the perimeters that were set.

There were no comments from the public.

City Council questions and comments followed.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Vargas to adopt **Resolution 2020-086** approving an allocation of \$30,000 for a City Utility Bill Relief Program from the City's CARES Act Community Development Block Grant Funding Allocation. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Martha Villarreal applauded Council Members who attended the peaceful protest organized by our Tracy youth on Sunday, May 31, 2020, and stated she is proud to live in this city where the citizens are allowed to exercise their First Amendment right to freedom of expression and assembly.

Alex asked City Council what they are doing to ensure that the Tracy Police Officers are not abusing their power and are held accountable for their actions, and asked questions regarding whether necessary preventative measures are being taken to ensure incidents like the death of George Floyd will not occur in the future.

Deborah Skinner, owner of Academy of Performing Arts shared her frustrations about not being able to open her business and requested Council to advocate for her to the County to reopen her business.

Alice English clarified she was not encouraging laying off staff. Ms. English stated Legacy Fields has always been on the list and shared her concerns regarding Surland and the Aquatic Center stating the City has to finish one project before beginning another. Ms. English added she is not opposed to the swim center but did not support being irresponsible with resident's money.

3. REGULAR AGENDA

- 3.A PUBLIC HEARING TO INTRODUCE AN ORDINANCE AMENDING SECTION 3.08.580, ARTICLE 12, CHAPTER 3.08 OF THE TRACY MUNICIPAL CODE WHICH REGULATES THE ESTABLISHMENT OF SPECIAL SPEED ZONES

Anju Pillai, Associate Civil Engineer provided the staff report.

Mayor Rickman opened the public hearing.

No one from the public wished to speak.

Mayor Rickman closed the public hearing.

City Council questions and comments followed.

ACTION: Motion was made by Council Member Ransom and seconded by Mayor Pro Tem Young to approve the introduction of **Ordinance 1290** an Ordinance of the City of Tracy amending Section 3.08.580 of Article 12, of Chapter 3.08 (Traffic Regulations) of Title 3 (Public Safety) of the Tracy Municipal Code. Roll call vote found all in favor; passed and so ordered.

DEVIATION**3.E CONSIDER ADOPTION OF AN EMERGENCY ORDER REQUIRING THE WEARING OF FACE COVERINGS IN ESSENTIAL BUSINESSES AND THE FARMERS' MARKET IN THE CITY OF TRACY**

Leticia Ramirez, City Attorney provided the staff report.

The following comments were received by members of the public during the item via Webex and phone.

Michele Smith requested excluding teaching staff of California licensed child care center.

Moria Blea shared her concerns regarding wearing a mask at the Farmers' Market.

Sara supported an emergency order requiring the wearing of face coverings in essential businesses and the Farmers' Market. If this passes would like the Library to be included, and signs to make more people aware.

Robin Cole stated she is a proponent of requiring masks. By stating a blanket rule around wearing a mask and being consistent in processes and policies, then there will not be an issue as everyone will be doing the same thing.

Jennifer Rowell shared her support for wearing a mask.

Steve Nicolaou shared his concerns about having to wear a mask, effects on businesses, and weaponizing Business & Professions Code 17200 to shutdown businesses.

Bob Tanner asked why Council waited until late date to put ordinance into place. Mr. Tanner spoke about masks in restaurants, violation of order, stated the order needs an end date. Mr. Tanner did not support the emergency order.

Wendy Burry spoke in support of the emergency order.

Cindy Peterson shared her concerns regarding wearing masks outside, and did not support the order.

Adrienne Richardson, City Clerk read emails received from members of the public listed below prior to the start of the regular Council meeting, into the record:

Benet, Jerod and Melissa Lea, Aaron Burg, Christie Victorino, Wendy Tocchini, Anonymous, and John Garza submitted emails in support of the emergency order requiring the wearing of face coverings in essential businesses and the Farmers' Market.

Moria Blea, Rosie Junqueiro, Gina Tavares, Matt Scarlata, Jeff Brady, Heather Smiddy, Dina Rafford, Tais Richardson, Jennifer Dulkevich, Tony and Kelly

Leanos, Brett MacManus, Marcus Medina, Mary Casasanta, Melanie Juran, Will Davis, Sara Gomes, Ralph Pombo, Erika Johnson, James Pyke, Tom Blaskey, Steve Nahm, Scott Jacobson, Kelly Cabral, Ms. Tavares, Sherry Luiz, Eric Enterline, Tiffany Evans, Vivian Nuich, Traci Thoming, Susan David, Shona Mercurio, Rusty and Stephanie Clever, Rhonda Jacobson, Renee Saenz, Patrick McDonald, Michele Smith, Kathy Breeden, Jennica Lacey, Janessa Koski, James Clark, Hunter Cook James, Elaine Pombo, Dwayne Koski, dselestial, Debra Jensen, David Mercurio, Danette Powell, Dan Evans, Brandi Marotta, Anne Thompson, and Steve Nicolaou submitted emails not supporting adoption of an emergency order requiring the wearing of face coverings in essential businesses and the Farmers' Market, and shared their concerns.

City Council questions and comments followed.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Vargas not to adopt an emergency order at this time requiring the wearing of face coverings while in essential businesses and at the Farmers' Market but reserve the right to bring the order back if necessary. Council Members Arriola, Ransom, and Vargas in favor. Mayor Pro Tem Young and Mayor Rickman opposed.

Council Member Arriola moved to strike the last portion of Council Member Ransom's motion – *reserve the right to bring the order back if necessary*.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Vargas not to adopt an emergency order at this time requiring the wearing of face coverings while in essential businesses or at the Farmers' Market. All in favor; passed and so ordered.

Mayor Rickman called a recess at 10:40 p.m.

Mayor Rickman reconvened the meeting at 10:50 p.m.

3.B ALLOCATE UP TO \$250,000 FROM THE LOW AND MODERATE INCOME HOUSING ASSET FUND FOR HOMELESS PREVENTION AND RAPID REHOUSING SERVICES, AUTHORIZE THE CITY TO USE SUCH FUNDS TO IMPLEMENT THE CITY OF TRACY HOMELESSNESS STRATEGIC PLAN, AND PROVIDE AN UPDATE ON THE STATUS OF THE CITY'S AFFORDABLE HOUSING FUNDS REQUEST FOR PROPOSALS

Barbara Harb, Economic Development Management Analyst provided the staff report.

There was no one from the audience who wished to speak.

There were no comments from City Council.

ACTION: Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to adopt **Resolution 2020-087** allocating up to \$250,000 of low and moderate income Housing Asset Funds for homeless prevention and rapid rehousing services, and authorizing the City to use such funds to implement the

City of Tracy Homelessness Strategic Plan. Roll call found all in favor; passed and so ordered.

Mayor Rickman made a friendly amendment to the motion to include the language: *accept the Affordable Housing Request for Proposal update*. Council Member Vargas accepted the friendly amendment.

3.C APPOINTMENT OF CITY COUNCIL SUBCOMMITTEE TO INTERVIEW APPLICANTS TO SERVE AS A CITY OF TRACY REPRESENTATIVE FOR ONE VACANCY ON THE SAN JOAQUIN COUNTY COMMISSION ON AGING AND ONE VACANCY ON THE SAN JOAQUIN COUNTY MOSQUITO & VECTOR CONTROL DISTRICT BOARD

Adrienne Richardson, City Clerk provided the staff report.

There was no one from the audience who wished to speak.

City Council questions and comments followed.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Arriola to appoint Council Member Ransom and Council Member Arriola to interview the applicants on the San Joaquin County Commission on Aging and the San Joaquin County Mosquito & Vector Control District Board. Roll call found all in favor; passed and so ordered.

3.D CONSIDER A JOINT RESOLUTION REQUESTING THAT THE SAN JOAQUIN COUNTY BOARD OF SUPERVISORS CONDUCT AN AUDIT OF THE COUNTY'S CARES ACT SPENDING PLAN AND DETERMINE IF FUNDS CAN BE DISTRIBUTED TO CITIES WITHIN THE COUNTY

Leticia Ramirez, City Attorney provided the staff report.

No one from the public wished to speak.

City Council questions and comments followed.

Council Member Arriola proposed on the text and language in the fourth paragraph of the resolution to add after the last comma in the paragraph with semi colon and reiterate the following language: *and the total spent as of date is only \$8.8 million so far*. Council Member Ransom and Council Member Vargas supported Council Member Arriola's proposal.

Mayor Rickman read a letter into the record from the San Joaquin County Mayors to the San Joaquin Board of Supervisors regarding the CARES Act Funding.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Ransom to adopt Resolution **2020-088** a joint resolution of the City of Tracy and City Councils of other cities requesting the Board of Supervisors of San Joaquin County conduct an audit of CARES Act Funding and determine whether funds can be distributed to cities within the County including the addition of the

proposed language by Council Member Arriola. Roll call found all in favor; passed and so ordered.

3.F DISCUSS CITY'S RESPONSE AND DRAFT RECOVERY PLAN REGARDING COVID-19 (VERBAL REPORT)

Jenny Haruyama, City Manager provided an update and presentation on the City's response to COVID-19.

Andrew Malik, Assistant City Manager provided an updated on the City's Recovery Response Plan.

There was no public comment.

City Council questions and comments followed.

Mayor Rickman requested bringing back an item on June 16, 2020, to discuss the City of Tracy having a July 4 fireworks show since the Chambers event has been cancelled due to COVID-19. Council Member Ransom seconded the request.

City Council accepted the update.

4. ITEMS FROM THE AUDIENCE – There was no public comment.
5. STAFF ITEMS – There were no staff items.
6. COUNCIL ITEMS – Council Member Arriola commended the community for the peaceful protest on May 31, 2020, and thanked staff for raising of the pride flag for the month of June.

Council Member Ransom spoke about the community and law enforcement coming together, avoiding divisiveness, standing up for what we witnessed in Minneapolis, and encouraged positivity in the community. Council Member Ransom provided an update on the Valley Link project. Council Member Ransom added if the public is hearing things in the community, please contact Council.

Mayor Pro Tem Young thanked the organizers and those that joined the Tracy Solidarity peaceful protest on Sunday. Mayor Pro Tem Young requested community discussion to show the City is being proactive to control the temperature in our community, make sure people have an outlet, share the Police policies, and dialogue that could involve other community leaders and clergy. Council Member Ransom seconded the request.

Jenny Haruyama, City Manager suggested a community forum to understand the Police approach and taking temperature of community.

Council Member Vargas congratulated the 2020 graduates, and spoke about the impacts of virtual school. Council Member Vargas gave kudos to elementary school students, and Saint Bernard's 3rd grade class for their virtual connection. Council Member Vargas spoke about the Valley Link project and expressed appreciation to Chair

Supervisor Haggerty for his leadership to make this possible, and acknowledged Assemblymember Eggman and former Assemblymember Baker. Council Member Vargas announced the scheduled march to City Hall on Thursday, honoring the life of a person's untimely death.

Mayor Rickman thanked those who participated in the peaceful protest, congratulated the class of 2020, and thanked schools for their drive-in graduations. Mayor Rickman asked the City Manager to send an email to Council regarding graffiti not being removed in a timely matter.

7. ADJOURNMENT – Time: 12:14 a.m., Wednesday, June 3, 2020

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

The above agenda was posted at the Tracy City Hall on May 28, 2020. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk