

July 7, 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 7:11 p.m.

Mayor Rickman led the Pledge of Allegiance.

Pastor Kevin James, New Creation Bible Fellowship offered the invocation.

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

REGULAR MEETING – 7:00 P.M.

1. CONSENT CALENDAR – Motion was made by Council Member Arriola and seconded by Council Member Vargas to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
 - 1.A ADOPTION OF JUNE 16, 2020, COUNCIL MEETING MINUTES - Minutes were adopted.
 - 1.B AUTHORIZE THE CITY OF TRACY TO CONTINUE PARTICIPATION IN THE SAN JOAQUIN COUNTY URBAN COUNTY CONSORTIUM AND URBAN COUNTY COOPERATION AGREEMENT FOR FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) FUNDING FOR FISCAL YEARS 2021-2024 - Resolution 2020-113 authorized the City to continue participation in the San Joaquin County Urban County Consortium and Urban County Cooperation Agreement for Federal CDBG and Home Investment Partnerships Program (Home) Funding for Fiscal Years 2021-2024
 - 1.C APPROVE THE FIRST AMENDMENT TO THE SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT 3956, TRACY HILLS VILLAGE 7B, AND AUTHORIZE THE CITY CLERK TO FILE THE FIRST AMENDMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER- Resolution 2020-114 approved the First Amendment to the Agreement for Tract 3956, Tracy Hills Village 7B.
 - 1.D APPROVE PROFESSIONAL SERVICES AGREEMENTS WITH TERRACON CONSULTANTS, INC. OF LODI, CALIFORNIA, AND BSK ASSOCIATES, OF LIVERMORE, CALIFORNIA, FOR A NOT-TO-EXCEED AMOUNT OF \$200,000 PER YEAR FOR EACH CONSULTANT, TO PROVIDE MATERIALS TESTING AND GEOTECHNICAL SERVICES FOR FISCAL YEARS 2020-2022 WITH THE OPTION TO EXTEND THE AGREEMENTS AN ADDITIONAL TWO FISCAL

YEARS, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE EXTENSIONS, IF NEEDED– **Resolution 2020-115** approved a Professional Services Agreement with Terracon Consultants, Inc. **Resolution 2020-116** approved a Professional Services Agreement with BSK Associates.

- 1.E APPROVE AMENDMENT No.3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ICF JONES AND STOKES, INC, FOR AN AMOUNT NOT-TO-EXCEED \$289,998 FOR ADDITIONAL SERVICES RELATED TO THE TRAFFIC FORECASTING AND OPERATIONS ANALYSIS FOR THE LAMMERS ROAD / I-205 NEW INTERCHANGE PROJECT, CIP 73084, FEDERAL PROJECT NO. DEMO03LN-5192(021), AND AUTHORIZE THE ASSISTANT CITY MANAGER TO EXECUTE THIS AMENDMENT– **Resolution 2020-117** approved Amendment No. 3 to the Agreement with ICF Jones and Stokes, Inc.
 - 1.F APPROVE FUNDING AGREEMENT WITH PROLOGIS, L.P. AS PART OF CITY’S GRANT APPLICATION FOR THE RECONSTRUCTION AND WIDENING OF THE BRIDGE OVER THE DELTA MENDOTA CANAL ON INTERNATIONAL PARKWAY **Resolution 2020-118** approved the Funding Agreement with Prologis, L.P.
 - 1.G ADOPT A RESOLUTION AMENDING THE CITY OF TRACY MASTER EMPLOYEE PAY SCHEDULE AND THE PAY RATES FOR CITY OF TRACY ESTABLISHED POSITIONS - **Resolution 2020-119** amended the City of Tracy Employee Pay Schedules and the Pay Rates.
 - 1.H AUTHORIZE THE CITY MANAGER TO SUBMIT AND RECEIVE A PLANNING GRANT APPLICATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT IN COMPLIANCE WITH THE STATE LOCAL EARLY ACTION PLANNING GRANT PROGRAM AND EXECUTE ANY NECESSARY DOCUMENTS RELATED TO THE GRANT- **Resolution 2020-120** authorized the City Manager to submit and receive a Planning Grant Application to the California Department of Housing and Community Development.
 - 1.I APPROVE AMENDMENT NO. 2 TO THE MASTER PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TRACY AND GOODWIN CONSULTING GROUP, INC., FOR TAX CONSULTING AND ADMINISTRATION SERVICES FOR SPECIAL FINANCING DISTRICTS TO STIPULATE AN AGREEMENT TERM, AUTHORIZE THE CITY MANAGER TO EXECUTE EXTENSIONS, AND TO INCLUDE A NOT TO EXCEED AMOUNT OF \$250,000 PER FISCAL YEAR - **Resolution 2020-121** approved Amendment No. 2 to the Agreement with Goodwin Consulting Group, Inc.
2. ITEMS FROM THE AUDIENCE – Karya Colandres shared her concerns regarding the Tracy School District re-opening and asked Council to help the district to understand that it is not about money, it is about health.

Robert Tanner shared his concerns regarding illegal fireworks in the City of Tracy. Mr. Tanner wished the City would make all fireworks illegal.

Carlos read a letter into the record regarding Ted Howze's derogatory social media post and asked Mayor Rickman to rescind his endorsement of Ted Howze for congress.

Mayor Rickman provided a brief response to Carlos's comments.

3. REGULAR AGENDA

3.A DISCUSS CITY'S RESPONSE TO COVID-19 (VERBAL REPORT)

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

City Council questions and comments followed.

Sarah Gonzalez expressed her support of downtown Tracy restaurants and the proposal of one way traffic on 10th Street between Central and B Streets to enable restaurants to open while following the patio dining only COVID Rules.

Carla Henson-Perez suggested the City of Tracy needs to think outside the box, be flexible, creative, and utilize sidewalks and parking spaces for make-shift dining spaces.

Lea Austin urged Council to lead by developing local enforcement plans, ordinances and advocating on behalf of the City with County leaders to maintain our health and safety regulations. Ms. Austin reminded Council that low-income and black and brown communities are more likely to be essential workers and deserve to be protected by ordinances and leadership in order for us all to be safe.

Chrystena spoke in support of restaurants expanding dining to the street to help businesses survive during COVID.

Bill hoped the City decides to open up 10th Street to help small businesses survive.

Robert Tanner agreed the City should help the businesses on 10th Street. Mr. Tanner asked why the splash pads are shut down, but not Dr. Power's pool.

City Council comments and questions continued.

City Council accepted the update.

3.B PUBLIC HEARING TO CONSIDER APPLICATIONS FOR REZONING THE APPROXIMATELY 10.92-ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF CORRAL HOLLOW ROAD AND MIDDLEFIELD DRIVE, ASSESSOR'S PARCEL NUMBER 244-020-31, FROM PLANNED UNIT DEVELOPMENT (PUD) TO NEIGHBORHOOD SHOPPING (NS) ZONE AND A DEVELOPMENT REVIEW PERMIT FOR AN AUTOMOTIVE SERVICE STATION, ELECTRIC VEHICLE CHARGING STATION, AND CONVENIENCE STORE

Kimberly Matlock, Associate Planner provided the staff report.

Mayor Rickman opened the public hearing.

Chrystena Gonzaga-Rockett, Gerilyn Martin Featherston, Robert Rockett, Eleassia Davis, Pad Nadeau, Jennifer Speer, Phil and Lorraine Kyte, and Sheri Levasseur spoke in favor of the project.

Dan Schack, Schack & Company provided information about the project.

Mayor Rickman closed the public hearing.

City Council questions and comments followed.

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

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Vargas to waive the reading of the full text and introduce **Ordinance 1291** an ordinance of the City of Tracy rezoning Assessor's Parcel Number 244-020-31 from Planned Unit Development Zone (PED) to Neighborhood Shopping Zone. Roll call vote found all in favor; passed and so ordered.

ACTION: Motion was made by Council Member Vargas and seconded by Council Member Ransom to adopt **Resolution 2020-122** approving a Development Review Permit for a retail convenience store, an automobile service station with electric vehicle charging station, and associated parking and landscaping improvements at Assessor's Parcel Number 244-020-31 located at the southeast corner of Corral Hollow Road and Middlefield Drive – the applicant is Schack and Company and the property owners are Harpreet Singh & Varinder Pal Singh. Application Number D19-0031. Roll call vote found all in favor; passed and so ordered.

3.C PUBLIC HEARING TO CONSIDER A PLANNED UNIT DEVELOPMENT ZONING AMENDMENT AND A DEVELOPMENT REVIEW PERMIT FOR A FOUR-STORY, 87-ROOM, LA QUINTA INN AND SUITES ON A 1.9-ACRE PARCEL LOCATED ON THE NORTH SIDE OF CLOVER ROAD, APPROXIMATELY 500 FEET EAST OF TRACY BOULEVARD

Genevieve Federighi, Associate Planner provided the staff report.

Mayor Rickman opened the public hearing.

There was no public comment.

Mayor Rickman closed the public hearing.

City Council questions and comments followed.

Ajay Sidhu, project owner provided information regarding the project and responded to Council's questions.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Arriola to waive the reading of the full text and introduce **Ordinance 1292** an ordinance of the City of Tracy amending the PUD Zone District of the property on the north side of Clover Road, approximately 500 feet east of Tracy Boulevard, to permit hotels and increase the height maximum to 65 feet. Roll call vote found all in favor; passed and so ordered.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Vargas to adopt **Resolution 2020-123** approving a Development Review Permit for a four-story, 87-room, La Quinta Hotel on a 1.9-acre parcel located on Clover Road, east of Tracy Boulevard, APN 214-210-05. Roll call vote found all in favor; passed and so ordered.

3.D CONDUCT A PUBLIC HEARING TO ADOPT A RESOLUTION APPROVING THE AMENDMENT TO CITYWIDE MASTER FEE SCHEDULE FOR FISCAL YEAR 2020-2021 TO INCLUDE FEES ASSOCIATED WITH COMMERCIAL CANNABIS APPLICATIONS, PERMITS AND BACKGROUNDS

Karin Schnaider, Finance Director provided the staff report.

Mayor Rickman opened the public hearing.

There was no public comment.

Mayor Rickman closed the public hearing.

City Council questions and comments followed.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Vargas to adopt **Resolution 2020-124** approving the amendment to the Citywide Master Fee Schedule for Fiscal Year 2020-2021 to include fees associated with commercial cannabis applications, permits, and backgrounds. Roll call found all in favor; passed and so ordered.

3.E AUTHORIZE STAFF TO NEGOTIATE AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND AMONG THE CITY OF TRACY, THE TRACY HILLS PROJECT OWNER, LLC AND TRACY PHASE I, LLC FOR THE TRACY HILLS PROJECT LOCATED AT THE SOUTHWEST CORNER OF CORRAL HOLLOW ROAD AND TRACY HILLS DRIVE, APPLICATION DA20-0001

Andrew Malik, Assistant City Manager provided the staff report.

Mike Souza, Project Manager for Tracy Hills concurred with the staff report.

City Council questions and discussion ensued.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Young to adopt **Resolution 2020-125** authorizing staff to negotiate an amendment to the Development Agreement by and among the City of Tracy, the

Tracy Hills Project Owner, LLC and Tracy Phase I, LLC for the Tracy Hills project located at the southwest corner of Corral Hollow Road and Tracy Hills Drive, Application DA20-0001. Roll call found all in favor; passed and so ordered.

3.F RECEIVE UPDATE ABOUT THE JUNE 30, 2020 COMMUNITY FORUM ON RACIAL INJUSTICE, POLICING, AND YOUTH, PROVIDE DIRECTION REGARDING FUTURE COMMUNITY FORUMS, AND CONSIDER RESOLUTION IN SUPPORT OF RACIAL JUSTICE AND DECLARING BLACK LIVES MATTER

Jenny Haruyama, City Manager provided the staff report.

William Muetzenburg supported the adoption of the resolution in support of racial injustice and declaring Black lives matter.

Lea Austin supported the resolution in support of racial injustice and declaring Black lives matter. Ms. Austin urged Council to adopt the resolution, issue a statement about Black lives matter and engage in work to make that true.

Jenny Rowell was pleased to see a town hall conversation regarding racial justice and asked Council to approve the resolution in support of racial justice and declaring Black lives matter.

Alice English stated the town hall conversation was one sided and recommended more meetings, community input and a survey. Ms. English shared her concerns regarding the town hall conversation.

Manual Zapata, a member of the town hall conversation responded to Ms. English's comments and urged the City of Tracy to support anything we can do to bring the community together.

Council Member Arriola suggested the following changes to the resolution:
Paragraph 8 – replace believes with *commits*
Change the last two clauses to the following:

1. The City of Tracy supports racial justice and condemns racism and prejudice;
2. The City of Tracy condemns the use of unlawful excessive force by the police;
3. The City of Tracy declares that Black lives matter; and
4. The City of Tracy will develop policy through a comprehensive racial equity lens to ensure the social, economic, and physical well-being of the Tracy community regardless of race.

Paragraph #5 – Replace reduce with *prevent*

Paragraph #4 – amend Black Americans to read *many* Black Americans

Council Member Ransom suggested the following changes to the resolution:

Paragraph #1 – Replace live, work and play with *enjoy a sense of safety*

Paragraph #4 – Change: about policing to *about policing and systemic injustice*

Paragraph #5 – Change: demands of protestors and residents to *demands of residents and protestors*

Paragraph #6 – Change: Black Americans to *Black and Brown Americans*

In between Paragraphs # 7 and 8 – Add: Whereas, Tracy Police Department's policies and staff have demonstrated a commitment to positive policing in our city.

Council Member Arriola seconded Council Member Ransom's amendments to the resolution.

Council Member Vargas also supported the change to include brown in paragraph 6.

Council Member Ransom suggested a conversation to include the Council and engage with the community, have an external moderator, not to be run like a Council meeting, run as a forum to have people submit questions ahead of time, look at models to evaluate our own city policies. To include what are people's experiences in the city, how staff are feeling, see if our policies are in alignment with the values we have discussed. Mayor Pro Tem Young suggested including School District, clergy and community leaders in different organizations.

City Council discussion followed.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Arriola to adopt **Resolution 2020-126** in support of racial justice and declaring Black lives matter as amended by Council Member Ransom. Roll call found all in favor; passed and so ordered.

3.G DISCUSS AND CONSIDER TRACY EQUITY & EMPOWERMENT INITIATIVE AND PROVIDE DIRECTION TO STAFF

Jenny Haruyama, City Manager provided a brief introduction of the item.

Council Members Arriola and Ransom provided the staff report.

Jaime Medina did not support the Tracy Equity & Empowerment Initiative, and shared his concerns regarding labeling Tracy as racist.

Angelo Alejandro shared support for the initiative and commended Council Member Ransom for making Tracy a more equitable and racially conscious community.

Stephen Zendejas supported the Tracy Equity & Empowerment Initiative and urged Council to make contract negotiations with the Tracy Police Officer's Association public and accessible to local community groups.

Sharon Neal shared her supported for the initiative.

William Muetzenburg stated it is important to address the issues and should commend the actions taken today and hoped Council supports the initiative.

Robert Tanner shared his support for Tracy Police and stated he was against defunding the Police.

Jennifer Rowell voiced her support of the initiative.

City Council comments and questions followed.

Ms. Haruyama suggested bringing back discussion on a public safety policy in 30 days. Social equity will take more time, so will bring back equity resolution within 30 plus days after public safety policy.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Ransom to direct staff to conduct a feasibility analysis of each of the policy proposals in the Equity and Empowerment Initiative. Roll call found all in favor; passed and so ordered.

Mayor Rickman called for a recess at 11:27 p.m.

Mayor Rickman reconvened the meeting at 11:35 p.m.

3.H DISCUSS THE COUNCIL POLICY FOR THE DISPLAY OF FLAGS AT CITY FACILITIES AND PROVIDE DIRECTION TO STAFF

Leticia Ramirez, City Attorney provided the staff report.

There was no public comment.

City Council discussion followed.

ACTION: Motion was made by Council Member Arriola to amend Section 2.3.3 of the flag policy to amend the last sentence to instead state the 24-hour period may also be extended to a maximum of one month if specified in the approving resolution. Council Member Vargas offered a friendly amendment for the 24-hours to be no more than a week. Council Member Arriola declined the friendly amendment. Motion failed due to lack of second.

ACTION: Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to amend Section 2.3.3 of the flag policy to amend the last sentence to state the 24-hours to be extended no more than a week. Roll call found Council Members Ransom, Vargas, Mayor Pro Tem Young and Mayor Rickman in favor; passed and so ordered. Council Member Arriola opposed.

ACTION: Motion was made by Mayor Rickman and seconded by Mayor Pro Tem Young to re-open the item for discussion. Roll call found Council Member Ransom, Mayor Pro Tem Young and Mayor Rickman in favor. Council Member Arriola and Vargas opposed.

ACTION: Motion was made by Council Member Ransom and seconded by Council Member Vargas to add a process where a Council Member can request a ceremony along with the raising of the flag, using City resources. Mayor Rickman proposed a friendly amendment to strike the application process for Council. Council Member Vargas seconded the friendly amendment. Mayor Pro Tem Young requested a friendly amendment to make sure that it is part of the flag policy. Council Member Vargas seconded the friendly amendment. Roll call found all in favor; passed and so ordered.

3.1 DISCUSS AND PROVIDE DIRECTION REGARDING CITY COUNCIL COMMUNITY MESSAGING ACTIVITIES

Jenny Haruyama, City Manager provided the staff report.

Mary Mitracos stated one person does not represent the Council and one member can't make policies and decisions. Ms. Mitracos spoke about Council members having their own letterhead and suggested having a cohesive City Council letterhead.

City Council discussion ensued.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Young to adopt the proposed policy language in the staff report as 2.1.6. Roll call found all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – There was no public comment.

5. STAFF ITEMS – Jenny Haruyama, City Manager provided an update on the following actions taken by the City Manager during the COVID emergency:

- Approved amendment No. 1 to PSA with HdL Coren & Cone to Perform Tax Consulting Services
- Accepted the Construction for the Sewer Lateral Replacement Project, CIP 74161 Completed by Glosage Engineering, Inc. of Richmond, California, Authorize the City Clerk to File the Notice of Completion, Authorize the City Engineer to Release the Bonds and Retention Payment and Authorize the Finance Department to Close the Project

6. COUNCIL ITEMS – Mayor Pro Tem Young referred to a comment made by Council Member Vargas at the June 16, 2020, Council meeting regarding lack of response to Council Member Vargas. Mayor Pro Tem Young stated it was not plausible that it would take three months to talk to connect with her and that she was available.

Council Member Arriola reported on East Bay Community Energy and announced they are providing \$200,000 to organizations that are providing COVID relief and wanted to make sure that any organization in the City of Tracy that is providing COVID relief is eligible for some of those monies.

Council Member Vargas addressed comments made by Mayor Pro Tem Young stating she has emailed and texted her the regarding Emergency committee and apologized if her previous comment had caused Mayor Pro Tem Young any anxiety. Council Member Vargas provided an update on Valley Link and acknowledged Supervisor Haggerty for helping to secure funds to connect to Bart.

Council Member Ransom commended staff and appreciated support on the initiative that was brought forward. Council Member Ransom spoke about the following: The Homeless subcommittee meeting with TCCC regarding opportunities for them to do some quick lifting to start moving towards the Homeless Strategic Plan which staff is seeking to operationalize and bring back to Council, commitment with the Fire JPA and

the City regarding how to better mitigate the issue with illegal fireworks and get support for Police and Fire to be able to respond to some illegal fireworks, nine homes that were lost due to fire, although it was not known if fireworks were the cause, and added if anyone would like to make a donation of gift cards to those families contact Sylvia Mejia at the Community Partnership for Families. Council Member Ransom also spoke about COVID in Tracy. Council Member Ransom asked when the Aquatics Center was coming back before Council.

Jenny Haruyama, City Manager responded the direction during budget discussions is Measure V back in August and then an Aquatic conceptual Plan discussion.

Council Member Ransom referred to comments regarding a PRA and shared her frustrations about City resources being used to dig up emails when all she is doing is working.

Mayor Rickman responded to Council Member Ransom's comments stating everything Council does is an open book and people's right submit PRA's. Mayor Rickman spoke about the downtown and having outdoor dining by Friday. Mayor Rickman reminded everyone to shop local, social distance, and wear masks. Mayor Rickman gave a shout out to Fire Department and outlying agencies that came out to help Tracy's large structure fire and to Randy Bradley for coordinating with the Red Cross to help families.

Mayor Pro Tem Young wished her mother a happy birthday.

7. ADJOURNMENT – Time: 1:27 a.m. Wednesday, July 8, 2020.

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

Council reconvened to the special meeting at 1:27 a.m., July 8, 2020.

The above agenda was posted at the Tracy City Hall on July 2, 2020. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk