

**September 15, 2020, 7:00 p.m.**

City Hall, 333 Civic Center Plaza, Tracy

Web Site: [www.ci.tracy.ca.us](http://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 7:00 p.m.

Mayor Rickman led the Pledge of Allegiance.

Deacon Jack Ryan 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.E by Council Member Vargas motion was made by Mayor Pro Tem Young and seconded by Council Member Arriola to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
  - 1.A APPROVAL OF SEPTEMBER 1, 2020 CLOSED SESSION AND REGULAR MEETING MINUTES - **Minutes were adopted.**
  - 1.B AUTHORIZE THE PURCHASE OF MULTIPLE TRAILERS IN THE AMOUNT OF \$105,534 – **Resolution 2020-165** authorized the purchase of the trailers.
  - 1.C APPROVE A SITE LEASE AGREEMENT WITH T-MOBILE WEST TO UPDATE ONE LIGHT STANDARD AT RITTER FAMILY BALLPARK, PLACE TELECOMMUNICATION DEVICES ON THE LIGHT STANDARD AND LEASE GROUND SPACE FOR AN INITIAL TERM OF FIVE YEARS, NOT TO EXCEED TWENTY YEARS – **Resolution 2020-166** approved a Site Lease Agreement with T-Mobile West.
  - 1.D APPROVE TWO MASTER PROFESSIONAL SERVICES AGREEMENTS WITH HARRIS AND ASSOCIATES (HA20-01 AND HA20-02) EACH FOR A NOT-TO-EXCEED AMOUNT OF \$800,000 PER FISCAL YEAR FOR PROGRAM MANAGEMENT SERVICES – **Resolution 2020-167** approved two Master Services Agreements with Harris and Associates.
  - 1.E APPROVE OPTION CONTRACT TERM SHEET TO CONVEY 200 ACRES (APNs 209-230-029 AND 209-230-030) TO VALLEY LINK FOR A FUTURE OPERATIONS AND MAINTENANCE FACILITY AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE TERM SHEET

Council Member Vargas pulled the item to congratulate Council for sharing and supporting the vision to bring economic growth to our region. Council Member Vargas shared the following passage from a letter received from Michael Tree,

Executive Director of Tri-Valley San Joaquin Valley Regional Rail Authority to Council: Valley Link will provide an estimated 22,000 jobs during construction and when operational support 400 jobs per year with labor income of over \$19 million per year and \$69 million in business sales annually.

Robert Tanner asked who would pay for the property taxes during that 10-year period, or does the City not pay property tax on land that they own.

Michael Tree, Executive Director of Valley Link thanked Council for being an important partner in the project and for their leadership with TOD efforts.

**ACTION:** Motion was made by Council Member Vargas and seconded by Council Member Ransom to adopt **Resolution 2020-168** approving Option Contract Term Sheet to convey 200 acres (APNs 209-230-029 and 209-230-030) to Valley Link for a future operations and maintenance facility and authorizing the City Manager to execute the term sheet. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Mary Mitracos refuted statements made by Mayor Pro Tem Young at the previous Council meeting related to City structural deficit during her term on Council. Ms. Mitracos referred to the adopted Code of Conduct and called upon the Council to make Mayor Pro Tem Young stop.

Mayor Pro Tem Young responded briefly to comments made by Ms. Mitracos stating the statements are untrue.

Neil Prescott, Patriot Coalition spoke about storms and fires across the country and asked if the City has any idea of how many crops have burned in the last month and are there plans for any food shortages.

Richard English spoke about Council Member Ransom being made accountable for breaking the Code of Conduct for previous comments made about Mayor Rickman, shared his concerns regarding Measure Y, removal of Legacy Fields from the priority list and supported building Legacy Fields first.

Council Member Arriola clarified he was not on Measure Y subcommittee and did not defund Legacy Fields and objected to Mr. English's commentary.

Council Member Ransom responded briefly to Mr. English's statements regarding requesting Council to look into Code of Conduct of Mayor Rickman stating no threat from her to the Mayor.

Council Member Vargas responded briefly to Mr. English's comments regarding Measure Y and provided information regarding the TOD.

Yubo Cody spoke about the Patriot Coalition of America Citizens and shared his concerns and opposition regarding the equity and empowerment initiative, and the facilitators of two workshops held by the City of Tracy.

Council Member Arriola responded the workshop facilitators did not author the initiative, clarified comments regarding defunding the Police and objected to Mr. Cody's commentary.

Council Member Ransom responded briefly to Mr. Cody's comments clarifying the workshop facilitators did not author the initiative, and were selected by staff.

Dan Evans, Patriot Coalition of American Citizens shared his concerns regarding the equity and empowerment initiative, suggested not rushing Measure Y, and get the downtown developed in the right way.

Council Member Vargas responded to Mr. Evan's comments regarding Valley Link and the TOD.

Lea Austin spoke in support of the equity and equality initiative and thanked staff for organizing forums.

### 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.

Neil Prescott, Patriot Coalition spoke about the COVID virus and asked about counter intelligence to find out if the information being provided from the CDC is legitimate.

Council Member Arriola objected to the legal conclusions made by Mr. Prescott.

City Council questions and comments followed.

City Council accepted the update.

#### 3.B RECEIVE AN UPDATE ON THE FY 2019-20 BUDGET UNAUDITED ACTUALS

Karin Schnaider, Finance Director, provided the staff report,

Council Members Arriola and Vargas, as Fiscal Sustainability Ad Hoc Committee members spoke about the budget principals, and long and short-term solutions to ensure fiscal responsibilities, and provided a brief overview of what the subcommittee has done and the strategies they are trying to put in place.

Robert Tanner recommended not to be hasty about not needing Measure V funds, should be relooked at and still be in the plan. Mr. Tanner asked if the City has a plan for layoffs and shared his concerns regarding budget spending.

Council questions and comments followed.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Vargas to receive update on the 2019-2020 Budget Unaudited Actuals. Roll call vote found all in favor; passed and so ordered.

3.C RECEIVE UPDATE REGARDING SENATE BILL 793 PROHIBITING THE SALE OF FLAVORED TOBACCO IN CALIFORNIA, DISCUSS PROPOSED CITY ORDINANCE RESTRICTING LOCATION OF TOBACCO RETAILERS, AND PROVIDE DIRECTION TO STAFF

Leticia Ramirez, City Attorney, provided the staff report.

Bill Dean, Assistant Development Services Director spoke about the concept of non-conforming use in the City's zoning code and responded to Council's questions.

Robert Tanner requested that the sale of flavored tobaccos, as set in Senate Bill 793 be referenced in the ordinance so shops understand they cannot sell in City of Tracy.

Neil Prescott asked if anyone on Council has done an analysis to determine whether this is a problem within Tracy, and whether vaping is causing deaths or problems.

City Council questions and comments followed.

Council Member Arriola stated he would be in support of the following: If a business is over 50% tobacco to not permit those in residential neighborhoods. Council Member Vargas supported the request.

City Council questions and comments continued.

Ms. Ramirez summarized the following Council consensus: Add reference to SB 793 in the purpose and intent of the ordinance, change the definition of tobacco retailer to 50% or more of the square retail space dedicated for tobacco, tobacco products and tobacco paraphernalia. Also consensus on adding the residential.

City Council comments continued.

Council Member Arriola clarified his request that was supported by Council Member Vargas: Maintain the blue map that is parallel with cannabis and then add any smoke shops within a residential that is not surrounded by other commercial. After clarifying Council Member Arriola's request to include only carve out from the sensitive uses that he wants is smoke shops or those retailers that have more than 50% of their business dedicated to tobacco in a residential neighborhood. Council Member Ransom supported the request.

Staff to add smoke shops in residential areas to the map.

City Council questions and comments continued.

**ACTION:** Motion was made by Council Member Arriola to receive update regarding Senate Bill 793 prohibiting the sale of flavored tobacco in California, and to forward to the Planning Commission a proposed zoning ordinance as identified by staff with the additional prohibition of smoke shops in residential neighborhoods with language as to be determined and defined by staff.

Mayor Pro Tem Young requested a friendly amendment to consider the definition of what is a tobacco retailer in our city so it does not adversely affect gas stations and corner stores – to include 50% or more so it is geared more toward a smoke shop than a convenience store. Change definition of what tobacco retailer is.

Council Member Arriola declined the friendly amendment.

Council Member Ransom seconded Council Member Arriola's motion. Roll call vote found Council Members Arriola, Ransom, Vargas and Mayor Rickman in favor; passed and so ordered. Mayor Pro Tem Young opposed.

3.D APPOINTMENT OF CITY COUNCIL SUBCOMMITTEE TO INTERVIEW APPLICANTS TO FILL A VACANCY ON THE MEASURE V RESIDENTS' OVERSIGHT COMMITTEE

Adrienne Richardson, City Clerk, provided the staff report.

There was no public comment.

**ACTION:** Motion was made by Mayor Rickman and seconded by Council Member Vargas to appoint Mayor Rickman and Mayor Pro Tem Young to the Subcommittee to interview applicants to fill a vacancy on the Measure V Residents' Oversight Committee. Roll call vote found all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – Neil Prescott asked if everyone knows the powers of our local state government during a state of emergency, and spoke about plans for security, challenging election coming up, and a robust environment during a chaotic environment.

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

- Approval of Improvement and Inspection Agreement with Prologis, LP for the International Park of Commerce Phase 1G & 1J Roadway Improvements on International Parkway and Daylight Road
- Approval of Offsite Improvement Agreement for the Palmer Street Extension Improvements in Tracy Hills Phase 1A
- Approval of Offsite Improvement Agreement for Southwinds Church Traffic Signal
- Approval of Improvement and Inspection Agreement with Prologis for IPC Offsite Storm Drain, Sewer, and Detention Basin LW8 Improvements
- Approval of Offsite Improvement Agreement with Prologis for IPC Building 19 Offsite Street Improvements and Other Associated Improvements for Hopkins Road and Judah Way
- Approval of Offsite Improvement Agreement with Prologis for IPC Building 14 Frontage Improvements on Promontory Parkway and Iron Horse Parkway
- Approval of Professional Services Agreement with HDL – Cannabis Program Management Services

6. COUNCIL ITEMS – Council Member Arriola wished a happy Rosh Hashanah and Yom Kippur to residents that celebrate those holidays.

Council Member Vargas wished her two-year-old granddaughter a happy birthday.

Mayor Pro Tem Young wished everyone a happy Mexican Independence day and a happy birthday to her step children - Charmaine and Shannon, friend Joanie Townsend, James Young and eldest son Benjamin Young.

Council Member Ransom wished a happy birthday to all those mentioned and acknowledged the Mexican Independence Day Celebrations and Hispanic Heritage Month.

Mayor Rickman wished everyone that was mentioned a happy birthday, happy Mexican Independence Day and Rosh Hashanah. Mayor Rickman acknowledged firefighters that have been fighting the fires and their families, and announced on Saturday two L.A. County Sheriff Deputies were ambushed. Thoughts and prayers go out to the families and the department.

7. ADJOURNMENT – Time: 9:22 p.m.

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

The above agenda was posted at the Tracy City Hall on September 10, 2020. The above are action minutes. A recording is available at the office of the City Clerk.

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Mayor

ATTEST:

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City Clerk