

October 6, 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 7:00 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 – Following the removal of Consent Item 1.A, motion was made by Mayor Pro Tem Young and seconded by Council Member Vargas to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.

- 1.B CERTIFY TRACT 3856 BERG ROAD PROPERTIES (NOW SANTOSHA) GRADING AND AUTHORIZE THE CITY ENGINEER TO RELEASE THE GRADING BOND IN ACCORDANCE WITH THE TERMS OF THE IMPROVEMENT AND INSPECTION AGREEMENT, THE CITY'S SUBDIVISION ORDINANCE, AND SECTION 66499.7 OF THE GOVERNMENT CODE–
Resolution 2020-169 certified Tract 3856 Berg Road properties grading.

- 1.A APPROVAL OF SEPTEMBER 15, 2020 REGULAR MEETING MINUTES

Council Member Vargas pulled the item to request to amend the minutes to reflect the portion of the letter to Council from Michael Tree, Executive Director, Tri-Valley San Joaquin Valley Regional Rail Authority that was read out at the September 15, 2020, Council meeting. Council Member Ransom seconded the request.

ACTION: Motion was made by Council Member Vargas and seconded by Council Member Ransom to adopt the September 15, 2020 regular meeting minutes with the amendment to include the portion of the letter to Council from Michael Tree, Executive Director, Tri-Valley San Joaquin Valley Regional Rail Authority that was read out at the Council meeting.

2. ITEMS FROM THE AUDIENCE – Joe Hernandez shared his concerns regarding the appointment process of the Executive Director of the South County Fire Authority JPA.

Robert Tanner shared his concerns regarding Measure Y, and Council not finishing Legacy Fields.

Mr. English shared his concerns regarding the removal of Legacy Fields from the priority list by Council Members and the conditions of the fields.

Council Member Arriola objected to some of the commentary made by Mr. English.

Tim Silva shared his concerns about Measure Y and referred to a presentation by staff who stated the City of Tracy has no authority over Valley Link even if the measure passes.

Council Member Vargas requested clarification from staff to make sure there was no misinformation with what was presented to the Transportation Commission.

Marsha McCray spoke in support of the Aquatic Center and expressed concern that the City has continued to put money into Legacy Fields without the same level of public, staff and Council scrutiny that should be given to any project of that scope, and requested that the City Manager put the Aquatics Park back on the agenda this month.

Alice English shared her concerns regarding Council Members advocating for Measure Y, and misleading the voters.

Council Member Vargas disagreed with comments made by Alice English.

Council Member Arriola objected to legal conclusions stated by Ms. English.

Mayor Pro Tem Young clarified each individual within the City can advocate for the measure.

Neil, Patriot Coalition of American Citizens, spoke about an investigation opened in 2019 by Dave Helm with the FPPC related to Mayor Pro Tem Young attempting to obtain a permit during a 2018 fireworks season on behalf of three non-profit organizations.

Mayor Pro Tem Young responded to Neil's comments regarding the FPPC investigation.

Alex Monceaux spoke about the cannabis application process and asked how the City will vet that process, and if the City will interview locals or applicants that will come in under local process.

Mr. Cody shared reasons why the Patriot Coalition of American Citizens is supporting Mayor Robert Rickman for Board of Supervisor.

Mr. Evans spoke about the FPPC case against Mayor Pro Tem Young and Council breaking Code of Conduct and asked how to get a Code of Conduct investigation started, and would like a preliminary investigation opened.

Michel Bazinet spoke about the swim center project and requested proceeding with approving the projects detail design.

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 asked what do cases mean and would like to have it broken down, just because someone tested positive how do we know that is a threat.

City Council questions and comments followed.

City Council accepted the update.

3.B APPROVE PARTIAL VACATION OF A PUBLIC UTILITY EASEMENT FOR GOLDEN LEAF WAY WEST OF ADOBE LANE, AND AUTHORIZE THE CITY CLERK TO RECORD THE RESOLUTION WITH THE SAN JOAQUIN COUNTY RECORDER

Robert Armijo, City Engineer provided the staff report.

Mayor Rickman opened the public hearing.

Mayor Rickman closed the public hearing.

There was no public comment.

There was no City Council comment.

ACTION: Motion was made by Mayor Pro Tem Young and seconded by Council Member Ransom to adopt **Resolution 2020-170** approving the partial vacation of public utility easement on Golden Leaf Way west of Adobe Lane and authorizing the City Clerk to file the Resolution with the San Joaquin County Recorder. Roll call vote found all in favor; passed and so ordered.

3.C CONDUCT A PUBLIC HEARING TO CONSIDER ADOPTION OF A RECYCLED WATER RATE FOR USE OF RECYCLED WATER AT CITY FACILITIES

Kul Sharma, Utilities Director, provided the staff report.

Mayor Rickman opened the public hearing.

Mayor Rickman closed the public hearing.

No one from the public wished to speak.

Council questions and comments followed.

ACTION: Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to adopt **Resolution 2020-171** approving a recycled water rate for use of recycled water at city facilities. Roll call vote found all in favor; passed and so ordered.

3.D RECEIVE PRESENTATION ON THE SAN JOAQUIN COUNTY COMMUNITY RESPONSE TO HOMELESSNESS – 2020 SAN JOAQUIN STRATEGIC PLAN AND ADOPT A RESOLUTION SUPPORTING THE PLAN

Midori Lichtwardt, Assistant City Manager, provided the staff report.

Jon Mendelson, San Joaquin Continuum of Care presented the community response to homelessness on behalf of the Continuum of Care.

Neil Prescott asked what it means to commit to the strategic plan, who would be in charge of how the plan would be implemented, where are the finances coming from, and how would landlords be part of this plan.

Mr. Mendelson responded to public comments.

Tim Silva, Patriot Coalition of American Citizens spoke about displaced residents stating for people who want and need help this is a step in the right direction by looking at it as a regional problem.

Bubba Paris, Executive Director of Tracy Community Connections Center spoke in strong support of adoption of the County plan adding to address the homeless issue countywide and statewide is to get as many organizations together to fight the problem.

Jennifer Rowell advocated adopting the County's plan as it aligns with the City's plan and is the next logical step to further efforts and move as a united county towards providing services needed to address this problem.

Council questions and comments followed.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Young to adopt Resolution **2020-172** supporting the San Joaquin County Community Response to Homelessness – 2020 San Joaquin Strategic Plan. Roll call vote found all in favor; passed and so ordered.

3.E DISCUSS AND APPROVE A RESPONSE LETTER TO THE SAN JOAQUIN COUNTY CIVIL GRAND JURY'S REPORT "HOMELESSNESS IN SAN JOAQUIN COUNTY" 2019-2020 CASE NO.0119 AND AUTHORIZE THE MAYOR TO EXECUTE THE LETTER

Midori Lichtwardt, Assistant City Manager, provided the staff report.

Peter Claffey spoke about the new shelter at the old Animal Shelter on Arbor and asked who will be constructing the shelter and who will run shelter.

Yubo Cody asked if the DVI facility, which is slated to close, could be converted into care or living facility for people who are displaced and spoke about reopening mental institutions that were closed in 1960 and 1970 by the Federal Government could be part of the solution.

Jennifer Rowell spoke about revisiting all the cities chipping in for the homeless coordinator position if we are talking about a regional approach.

City Council questions and comments followed.

Recommendation 3.1 By December 30, 2020, the Cities of Stockton, Tracy, Manteca, Lathrop, Ripon, and Escalon post plain language information on their website that outlines the actions each city has taken to address homelessness. It was Council consensus to agree to this recommendation.

This recommendation has been implemented. The City of Tracy established a dedicated webpage to Homelessness in April 2019, shortly after the Tracy City Council established the Council Ad Hoc Committee to guide the creation of a Tracy Homelessness Strategic Plan. The webpage clearly outlines specific Council and staff activities related to homeless and provides hyperlinks to City Council meetings, staff reports, other resources such as County Behavioral Health and Tracy Community Connections, and serves as a one-stop-shop for linking interested visitors to additional homelessness resources including updated information from the Center for Disease Control's guidance with respect to homeless individuals and service providers during the COVID-19 pandemic.

It was also Council's consensus to be more transparent to make it in more plain language. Midori Lichtwardt, Assistant City Manager stated staff can add a tab to the main webpage that links to homeless to make it easier to find the page.

Recommendation 3.2 By December 30, 2020, the Cities of Tracy, Manteca, Lathrop, Ripon, and Escalon adopt the San Joaquin Continuum of Care as the primary organization through which the County and cities work together to develop solutions to homelessness.

It was Council's consensus to agree with the response – staff will return to Council with a resolution adopting the San Joaquin Continuum of Care as the primary organization through which the City of Tracy will work with the County and other cities to develop solutions to homelessness.

Recommendation 3.3 By December 30, 2020, the Cities of Tracy, Manteca, Lathrop, Ripon, and Escalon in open session officially acknowledge and support the Program Administrator for Homeless Initiatives position as the homeless coordinator for San Joaquin County.

It was Council's consensus to require further analysis and seek clarification from the Grand Jury to better understand its definition of "support" and what action(s) would demonstrate "support" of the San Joaquin County Homeless Coordinator position. Staff will endeavor to obtain the information and return to Council with a recommendation by December 30, 2020.

Finding 3.1 - Although many residents are interested in how homelessness is being managed, only the City of Lodi has published accomplishments in plain language on its website. This lack of readily available information makes it difficult for residents to understand what is being done to address homelessness.

It was Council consensus to partially disagree on Finding 3.1.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Vargas to adopt **Resolution 2020-173** approving response letter to the San Joaquin County Grand Jury Final Report 2019-2020 (Case No. 0119) and authorizing the Mayor to execute the letter. Roll call vote found all in favor; passed and so ordered.

3.F INTRODUCE AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 3.04 "FIREWORKS" OF THE TRACY MUNICIPAL CODE REGARDING ADMINISTRATIVE CITATIONS FOR DANGEROUS FIREWORKS ENFORCEMENT

Alex Neicu, Police Captain provided the staff report.

Robert Tanner stated the City should make all fireworks illegal and just have fireworks from the City show only.

Mary Mitracos stated it was time for the City to stop selling safe and sane fireworks, spoke about nine families losing their homes due to fireworks, and shared her concerns regarding selling safe and sane fireworks.

Mr. Cody spoke about Tracy Police Department needing to step up and do a better job enforcing the law, BLM using fireworks to push their cause, fireworks becoming year round, and there is a better way to do non-profit fundraising.

Council questions and comments followed.

Mayor Rickman requested the City Clerk read the title of the proposed ordinance.

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

ACTION: Motion was made by Council Member Vargas and seconded by Council Member Arriola to waive the reading of the full text and introduce **Ordinance 1297**, an ordinance of the City of Tracy approving an amendment of various sections of Chapter 3.04 "Fireworks" of the City of Tracy Municipal Code regarding administrative citations for dangerous fireworks enforcement. Roll call vote found all in favor, passed and so ordered.

4. ITEMS FROM THE AUDIENCE – Robert Tanner stated the COVID-19 response presentation is hard to read on television and suggested adding it to the reports or on the website.

Alice English shared her concerns about Measure Y, and suggested getting amenities first. Ms. English asked why there was a rush to get the measure on the ballot.

Yubo Cody spoke about Council Members Ransom and Arriola holding an informative session about Measure Y, stated it was one sided and asked if it was a conflict of interest to have two Council Members on a zoom meeting.

Leticia Ramirez, City Attorney responded to Mr. Cody's question.

Council Member Ransom responded to Mr. Cody's comments regarding who participated in the informative session.

5. STAFF ITEMS – Jenny Haruyama, City Manager provided an update on the following actions taken by the City Manager during the COVID emergency:
 - Approved a Grant of Easement and Exclusive Access Agreement Between the City and FedEx Ground Package System, Inc.
 - Approved Professional Services Agreement with FCGA Architecture for Transit Center Renovation (CIP 77584)
 - Accepted the Construction of William Larsen Park Renovation Project, CIP 78157
 - Approved a request purchase and appropriation from the COPS/Supplemental Law Enforcement Services Fund (SLESF) for the purchase of protective ballistic helmets for the Tracy Police Department SWAT team
 - Approved grant funding for the City of Tracy Animal Services to enhance technology at the Animal Shelter

6. COUNCIL ITEMS – Council Member Vargas requested to agendize an item for a future agenda to discuss banning the sale of fireworks. Council Member Arriola seconded the request. Council Member Vargas requested staff to check in with the Transportation Commissioners regarding TOD, the station, the disconnect and misunderstanding about how independent projects work with each other in synergy to help them understand how it works – multiple agencies sometimes work together even though one does not have jurisdiction over the other. Mayor Pro Tem Young supported the request.

Mayor Pro Tem Young asked if it would fall under her previous request, which she asked for a long time ago to look at each one of the commissions, their functions, relevance, annual reports. Council Member Vargas supported the request.

Council Member Vargas stated she would not be at the October 20, 2020 Council meeting as she will be out of town, but will be joining by phone.

Council Member Arriola requested the Public Labor Agreement for public projects in the City of Tracy be agendized. Council Member Ransom seconded the request.

Council Member Arriola requested bringing back an item regarding phasing options for Legacy Fields specifically the completion of phase 1 in its entirety be reviewed and phase options so we can consider that in the consideration of our entire budget particularly Measure V funds. Council Member Vargas seconded the request.

Council Member Ransom asked to also include the prior budgeting because there is perception that Legacy Fields was unprioritized, so bring everything that we have already allocated towards that. Council Member Arriola accepted the friendly amendment and Council Member Vargas seconded the friendly amendment.

Mayor Pro Tem Young asked for clarification between what she had previously requested, as this request seems like a layer of the same thing and we are not duplicating things.

Leticia Ramirez, City Attorney stated it sounds like the same thing, but if Council thinks they are different, then it should be clarified.

Mayor Pro Tem Young stated they are very similar but want to make sure we are not duplicating efforts.

Council Member Arriola clarified his requests: 1. Related to planning of completion of phase 1 and its entirety of Legacy Fields, and 2. Related to how the remainder of phase 1 can be phased for purposes of budgetary allocations.

Mayor Pro Tem Young suggested phasing her request in that because the first part is what she had asked and the second part is what Council Member Vargas asked.

Mayor Pro Tem Young asked when the third community discussion on the racial inequities will be, and what is the topic of the discussion.

Jenny Haruyama, City Manager responded Council should be getting information within the next week.

Police Chief Millington responded the tentative date for the community discussion is Thursday, October 22, 2020, at 6:00 p.m., and the topic is – Equity, Policing and Youth.

Mayor Pro Tem Young spoke about communication received regarding the cannabis application extension the day after the deadline closed, and spoke about the opportunity for those who have already submitted their application to pull it back and make adjustments by the new deadline.

Mayor Pro Tem Young requested to bring back the Aquatic Center item as soon as possible stating it is imperative that the current Council continues to make the final decisions so that it can move forward as the new Council comes on. Mayor Pro Tem Young requested a special hearing for October 20 to be held as early as staff deems appropriate to focus on that item to approve the Aquatic Center plan, whether phasing and review and approve a revised Design and Funding Agreement, which has already been approved by the Council as an exhibit to the Ellis Specific Plan Development Agreement Amendment but needs updating to remove some of the construction things that our counselor has issues with at our latest council actions.

Council Member Ransom stated she does not know all the specifics but did express she would like to do that and asked if it was possible to do that.

Ms. Haruyama responded what will be brought back to Council is what is recommended for direction by the Council. There are still discussions between the parties on the agreements and when an agreement is ready to be brought forward a meeting will be scheduled accordingly. Ms. Haruyama believed there are some discussions we had around some gaps and are endeavoring to have that conversation shortly.

Council Member Ransom asked if the City Manager was saying that October 20 is not a date that we can set in stone.

Ms. Haruyama responded no, and she is still working on the agenda. If two Council Members want to direct the City Manager to bring an agreement back, then that can be done if the agreement is done and both parties have narrowed the discussion on the deal points and we are not in that position right now.

Mayor Pro Tem Young stated the item was expected back in mid-September, and had asked for a month extension for that. Mayor Pro Tem Young hoped both parties would be willing to move this along expeditiously and hoped for support that to be brought back which could hasten the conversation to do what needs to be done.

Ms. Ramirez clarified the request: Council approved a final conceptual plan on August 18 and directed the developer to come back with a phasing plan. The City is yet to receive the phasing plan. We are still working through the agreement. The developer did provide staff with a draft agreement that amended the previous version that includes a number of policy issues that need Council direction in order to finalize. Staff is working as fast as they can, but it is not just necessarily up to staff, as we are working with a developer, partner. Ms. Ramirez stated she will endeavor to work as hard as she can on the agreement part to bring it forward on October 20 if that is the desire of two Council members to bring it back on that date.

Mayor Pro Tem Young responded that is why she asked for a 4:00 p.m. pre-meeting, and take actions on the regular agenda so the decisions made in the special meeting are agreed to adding final decisions need to be made during this Council.

Ms. Ramirez responded two members of the Council can request a matter to be agendaized, and it takes a majority of the Council to call a special meeting if that is the desire of Council.

Council Member Ransom stated she supported bringing the item back but was concerned that it probably is not going to happen just because of the delays regardless of how they are happening. Council Member Ransom did not want to look like Council is blaming staff, it does not matter whose fault it is, need to put a fire under themselves and present whatever it is to the community in order to move forward.

Mayor Rickman asked if the City Manager can alert the Council if it is going to be possible.

Ms. Haruyama responded she is not part of agreement negotiations and is working cooperatively with the attorney and can give Council progress check-ins. Ms. Haruyama stated her concern is that she cannot bring forward something that is not ready to be heard by the public if there are still outstanding legal issues that need to be refined and get clarity on for both parties.

Ms. Ramirez stated she is happy to send forward all her comments about the pending agreement to Council in a memo.

Mayor Pro Tem Young believed that we have the possibility and staff is asking if Council is giving staff direction to do this, to have these conversations now. If by some chance it

is not finalized between both sides it is a different story, staff can do all due diligence to make it happen.

Council Member Vargas responded that is what our City Attorney and City Manager are telling Council right now. It is not ready and they are doing everything possible. Council Member Vargas felt staff is being pushed because Council wants it but there are legal issues pending, and felt it will be unwise to bring something that is not finished or vetted with staff and the developer. Council Member Vargas added staff gets the gesture that Council wants this before the end of the year, and suggested giving staff a little more time, maybe do something by November.

Mayor Rickman stated that if it is possible bring it back.

Council Member Arriola asked if it is not ready to discuss publically because of legal issues, can a closed session meeting be held to discuss the legal issues.

Ms. Ramirez responded she would schedule a closed session if there is a basis to schedule a closed session. Under the Brown Act there is limited reasons for us to be able to meet.

Mayor Pro Tem Young stated she agreed.

Council Member Ransom asked if the public are concerned about how the Joint Powers Authority was put together with Council and Rural and our role on hiring practice, do we need to hold a joint closed session and how is that handled. There was a public comment tonight and there are comments forwarded to the Chief, there is something brewing that we should get ahead of it and discuss about how to handle that.

Ms. Ramirez suggested discussing at the Joint Powers Authority board meeting and if there is an interest to have a joint meeting with City Council, that is something staff can facilitate.

Mayor Rickman reminded everyone that the month of October is Breast Cancer Month, and thanked everyone who supports awareness and survivors for their strength and let everyone know to keep up the fight and we will find a cure one day.

Council Member Vargas wished her son Luciano a Happy 10th Birthday and her daughter who is turning 24.

7. ADJOURNMENT – Time: 11:06 p.m.

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

The above agenda was posted at the Tracy City Hall on October 1, 2020. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk