

October 20, 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.

Pastor Tim Heinrich, Crossroads Baptist Church offered the invocation.

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

Jenny Haruyama, City Manager pulled agenda item 3.D from the agenda.

#### REGULAR MEETING – 7:00 P.M.

1. CONSENT CALENDAR – Following the removal of Consent Item 1.E by Mayor Pro Tem Young and 1.G by Robert Tanner, motion was made by Council Member Arriola and seconded by Council Member Ransom to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
  - 1.A APPROVAL OF OCTOBER 6, 2020 CLOSED SESSION AND REGULAR MEETING MINUTES - Minutes were adopted.
  - 1.B ADOPT RESOLUTION ASSIGNING THE PARKS & RECREATION DIRECTOR, OR DESIGNEE, AS THE AUTHORIZED AGENT TO EXECUTE AND FILE ALL DOCUMENTS AND FUNDING AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR ALLOCATIONS OF THE CALIFORNIA STATE OF GOOD REPAIR PROGRAM AND EXECUTION OF THE CERTIFICATIONS AND ASSURANCES – Resolution 2020-174 assigned the Parks & Recreation Director or designee as the authorized agent to execute documents for the California Department of Transportation for allocations of the California State of Good Repair Program and execution of the certifications and assurances.
  - 1.C APPROVE THE FINAL SUBDIVISION MAP FOR TRACT NO. 4013, KT PROPERTY I, AND AUTHORIZE THE RECORDATION OF THE FINAL SUBDIVISION MAP IN THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER – Resolution 2020-175 approved the Final Subdivision Map for Tract No. 4013, KT Property I.
  - 1.D APPROVE A ONE YEAR GENERAL SERVICES AGREEMENT WITH NUTRIEN AG SOLUTIONS, FOR CHEMICALS USED IN THE CITY OF TRACY'S INTEGRATED PEST MANAGEMENT (IPM) PROGRAM FOR A NOT TO

EXCEED AMOUNT OF \$195,000 ANNUALLY AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT AND ANY EXTENSIONS OR MINOR AMENDMENTS TO THE AGREEMENT – Resolution 2020-176  
approved the General Services Agreement with Nutrien AG Solutions.

- 1.F APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH INDIGO | HAMMOND + PLAYLE ARCHITECTS, LLP, OF DAVIS, CALIFORNIA FOR AN UPDATE TO THE PUBLIC SAFETY MASTER PLAN (CIP 71108) FOR A NOT-TO-EXCEED AMOUNT OF \$176,500 – Resolution 2020-177 approved a Professional Services Agreement with Indigo | Hammond & Playle Architects, LLP.
- 1.H WAIVE SECOND READING AND ADOPT ORDINANCE 1297, AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTIONS 3.04.010 AND 3.04.030 OF CHAPTER 3.04 OF THE TRACY MUNICIPAL CODE, “FIREWORKS”, REGARDING ADMINISTRATIVE CITATIONS FOR DANGEROUS FIREWORKS ENFORCEMENT - Ordinance 1297 was adopted.
- 1.E APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF TRACY AND TRACY, POST NO. 1537, VETERANS OF FOREIGN WARS OF THE UNITED STATES, DEPARTMENT OF CALIFORNIA

Christine Mabry, Management Analyst provided the staff report.

Mayor Pro Tem Young pulled the item to acknowledge a \$5,000 contribution by the VFW towards a project to provide year round display of military banners and armed forces flags at the Tracy War Memorial and ongoing replacement of the banners and the flag.

There was no public comment.

City Council comments followed.

**ACTION:** Motion was made by Mayor Pro Tem Young and seconded by Council Member Arriola to adopt **Resolution 2020-178** approving the Memorandum of Understanding between the City of Tracy and Tracy, Post No. 1537, Veterans of Foreign Wars of the United States, Department of California. Roll call vote found Council Members Arriola, Ransom, Mayor Pro Tem Young and Mayor Rickman in favor; passed and so ordered. Council Member Vargas absent.

- 1.G ADOPT A RESOLUTION AMENDING THE CITY’S OPERATING AND CAPITAL IMPROVEMENT PROJECTS (CIP) BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2021, AS PROPOSED

Robert Tanner pulled the item and stated the City should list Legacy Fields Phase 1E for an additional parking lot and regular toilets to complete the project, and not start the Aquatic Park until one amenity is finished.

Alice English spoke about Legacy Fields Phase 1D and 1E, traffic study update, and requested information regarding CIP 72104 intersection improvements on Corral Hollow and Linne Road.

Marsha McCray stated the Aquatic Center is not just for a specific group of swimmers, it is for the public to meet all recreational needs in the water and spoke about the Aquatic Center amenities.

Chris Allenberger spoke about allocating funds to complete Legacy Fields, no restrooms, snack shack, not enough concrete completed, and lack of care of the fields.

Luigi Gonzalez stated he would like to have the Aquatic Park.

City Council comments and questions followed.

**ACTION:** Motion was made by Mayor Pro Tem Young and seconded by Council Member Ransom to adopt **Resolution 2020-179** amending the City Operating and Capital Budget for Fiscal Year 2020-21. Roll call vote found Council Members Arriola, Ransom, Mayor Pro Tem Young and Mayor Rickman in favor; passed and so ordered. Council Member Vargas absent.

2. ITEMS FROM THE AUDIENCE – Alex Monceaux stated he had not heard from staff regarding his previous cannabis application questions. Mr. Monceaux spoke about the Bird scooters in the City blocking sidewalks, sanitization between uses, and asked about regulations in Tracy.

Yubo Cody, Patriot Coalition of American Citizens spoke about Council Member Ransom breaking Code of Conduct Section 3.3.1, and her campaign contributions and activities.

Council Member Ransom responded to Mr. Cody's comments.

Dan Evans, Patriot Coalition of American Citizens responded to Council Member Ransom's comments, spoke about ongoing FPPC investigations related to Mayor Pro Tem Young, and questioned her eligibility to run for Mayor while under investigation.

Council Member Ransom asked Mr. Evans to clarify his comment regarding Sow A Seed only has 5% going to the purpose.

Mr. Evans responded to Council Member Ransom's request for clarification.

Council Member Ransom responded to Mr. Evan's comments.

Mayor Pro Tem Young asked Mr. Evans about the Patriot Coalition's mission in Tracy.

Mr. Evans provided the Patriot Coalition's mission.

Mayor Pro Tem Young responded to Mr. Evans.

Adrienne Richardson, City Clerk acknowledged an email received from LPC Veterans Service regarding the Las Positas College Veterans First Program and Pleasanton Military Families 3rd Annual 2.2 For 22 Walk for Vets Virtual Challenge held October 21st to November 11th.

Wayne Templeton, Tracy Community Connections Center acknowledged working with the City to achieve goals related to the homelessness strategic plan, emergency shelter and temporary shelter for the homeless population.

Cyn Ramirez shared concerns about the appointment of the interim Executive Director as Permanent Executive Director to South County Fire Authority, and the position not being advertised.

Jacy Krogh shared his disappointment regarding the shared mobility devices (SMDs) Scooters in Tracy, violation of their terms of service and vehicle code, and the City not getting ahead of this.

Mayor Rickman responded to Cyn Ramirez's comment.

### 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.

There was no public comment.

City Council questions and comments followed.

Mayor Rickman asked about keeping City Hall open on the closed Friday (October 23, 2020) for mail-in ballot drop off. Council Member Arriola supported the request.

**ACTION:** Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Young to accept the report. Roll call vote found Council Members Arriola, Ransom, Mayor Pro Tem Young and Mayor Rickman in favor; passed and so ordered. Council Member Vargas absent.

#### 3.B PUBLIC HEARING TO CONSIDER APPROVING THE TRACY HILLS VILLAGE 7C PROJECT, WHICH INVOLVES APPROVING A GENERAL PLAN AMENDMENT, INTRODUCING AN ORDINANCE APPROVING A TRACY HILLS SPECIFIC PLAN AMENDMENT, APPROVING A VESTING TENTATIVE SUBDIVISION MAP TO INCREASE THE NUMBER OF LOTS IN VILLAGE 7C FROM 66 TO 132, AND APPROVING A DEVELOPMENT REVIEW PERMIT FOR THE ARCHITECTURE, WHICH IS PROPOSED AS ATTACHED SINGLE-FAMILY HOMES IN A DUETS DESIGN, LOCATED ON APPROXIMATELY 28 ACRES IN TRACY HILLS PHASE 1A IN THE VICINITY OF TRACY HILLS DRIVE. THE APPLICANT IS JOHN PALMER. APPLICATION NUMBERS GPA20-0002, SPA20-0003, TSM20-0001, AND D20-0023

Scott Claar, Senior Planner, provided the staff report.

Mayor Rickman opened the public hearing.

Robert Tanner asked if the duets have a common wall between two single-family homes like a duplex.

Laura Madrano, Tracy Hills resident asked about maintaining the current neighborhood stability, would the community stance change if the home values decrease with the new approach.

John Palmer, Project Manager for Tracy Hills explained the change to the project.

Mayor Rickman closed the public hearing.

City Council questions and comments followed.

**ACTION:** Motion was made by Mayor Pro Tem Young and seconded by Council Member Arriola to adopt **Resolution 2020-180** to approve a General Plan Amendment for the Tracy Hills Village 7C Project, Application Number GPA20-0002. Roll call vote found Council Members Arriola, Ransom, Mayor Pro Tem Young and Mayor Rickman in favor; passed and so ordered. Council Member Vargas absent.

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

**ACTION:** Motion was made by Mayor Pro Tem Young and seconded by Council Member Ransom to waive the reading of the full text and introduce **Ordinance 1298**, an ordinance of the City of Tracy approving an amendment to the Tracy Hills Village 7C Project Application Number SPA20-0003. Roll call vote found Council Members Arriola, Ransom, Mayor Pro Tem Young and Mayor Rickman in favor; passed and so ordered. Council Member Vargas absent.

**ACTION:** Motion was made by Mayor Pro Tem Young and seconded by Council Member Arriola to adopt **Resolution 2020-181** to approve a vesting tentative subdivision map for the Tracy Hills Village 7C Project to create 132 single-family residential lots located within the Tracy Hills Phase 1A in the vicinity of Tracy Hills Drive, Application Number TSM20-0001. Roll call vote found Council Members Arriola, Ransom, Mayor Pro Tem Young and Mayor Rickman in favor; passed and so ordered. Council Member Vargas absent.

**ACTION:** Motion was made by Mayor Pro Tem Young and seconded by Council Member Ransom to adopt **Resolution 2020-182** approving a Development Review Permit for the architectural design of the Tracy Hills Village 7C Project, which consists of a 132-lot residential subdivision with attached single-family dwellings, designed as duets, on approximately 19 acres located within the Tracy Hills Phase 1A in the vicinity of Tracy Hills Drive, Application Number D20-0023. Roll call vote found Council Members Arriola, Ransom, Mayor Pro Tem Young and Mayor Rickman in favor; passed and so ordered. Council Member Vargas absent.

3.C ADOPT RESOLUTION SUPPLEMENTING RESOLUTION NO. 2016-161 (AS PREVIOUSLY SUPPLEMENTED) TO AUTHORIZE THE ISSUANCE AND SALE OF SPECIAL TAX BONDS FOR THE PURPOSE OF FINANCING AUTHORIZED FACILITIES, AND APPROVING AND AUTHORIZING RELATED DOCUMENTS AND ACTIONS - IMPROVEMENT AREA NO. 1 OF THE CITY OF TRACY COMMUNITY FACILITIES DISTRICT NO. 2016-1 (TRACY HILLS)

Karin Schnaider, Finance Director provided the staff report.

Yubo Cody, Patriot Coalition of America shared his concerns regarding the traffic issues being created with all the additional housing at Tracy Hills.

Bubba Paris thanked Council for making a comfortable place to live here, and spoke about Tracy Hills agreeing to partner with Tracy Community Connection Center to help the homeless.

Mike Souza stated there is a lot of work behind the bond issue and thanked staff and consultants for their efforts to get us here tonight.

There were no comments from Council.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Ransom to adopt **Resolution 2020-183** supplementing Resolution No. 2016-161 (as previously supplemented) to authorize the issuance and sale of Special Tax Bonds for the purpose of financing authorized facilities and approving and authorizing related documents and actions – Improvement Area No. 1 of The City of Tracy Community Facilities District No. 2016-1 (Tracy Hills). Roll call vote found Council Members Arriola, Ransom, Mayor Pro Tem Young and Mayor Rickman in favor; passed and so ordered. Council Member Vargas absent.

3.D DISPENSE WITH PUBLIC BIDDING REQUIREMENTS AND AUTHORIZE THE CITY MANAGER TO TAKE IMMEDIATE AND EMERGENCY ACTIONS PURSUANT TO THE COUNCIL'S SHELTER CRISIS DECLARATION TO EXPEDITE THE CONSTRUCTION OF TEMPORARY EMERGENCY HOUSING FOR TRACY'S UNSHELTERED ON CITY-OWNED PROPERTY AT 500 W. ARBOR ROAD INCLUDING THE PROCUREMENT AND AWARD OF CONTRACTS AND EQUIPMENT AND SUPPLIES – **Item was pulled from the agenda.**

3.E UPDATE REGARDING THE STATUS OF THE DESIGN AND CONSTRUCTION OF THE AQUATIC CENTER

Jenny Haruyama, City Manager, and Brian MacDonald, Parks and Recreation Director provided the update on the design and construction of the Aquatic Center.

Leticia Ramirez, City Attorney provided information regarding the Design, Funding and Construction Agreement.

Robert Tanner spoke about a dry season delaying the Aquatics Park again, park originally pushed by aquatic swim teams, purple pipe against the law and asked how much is the city willing to delay if the state says no pools and has water restrictions.

Marsha McCray spoke about the status of the design and construction of the Aquatic Center and stated there is no reason the phasing plan of the project cannot come before the Council on another date.

Todd Lieberg supported an Aquatic Center but shared his concerns regarding the delay of the project, recommended the City assume control of the project from the developer, collect the missing \$8 million in cash, take possession of 16 acres, build this project, and work within the City's budget and design.

Karen Moore supported an Aquatic Park, and going back to the bidding process. Ms. Moore asked Council to help move it forward and not postpone the project.

Yubo Cody shared his concern about the closeness of the Aquatics Park to the airport and planes flying over the Aquatic Park. Mr. Cody agreed with Mr. Lieberg to get rid of developers, use the City's money, and create jobs and infrastructure.

Sandi Taylor requested Council bring back phasing plan options to move the Aquatic Center forward.

Brandi Marotta asked Council to bring back the Aquatic Center phasing plan and approve a fully built Aquatic Center.

Council comments followed.

City Council accepted the update regarding the status of the design and construction of the Aquatic Center.

3.F APPOINT ONE APPLICANT TO SERVE ON THE MEASURE V RESIDENTS' OVERSIGHT COMMITTEE

Mayor Pro Tem Young provided the staff report.

Karen Moore shared her concerns regarding the Measure V Resident's Oversight Committee meetings being cancelled and committee members attending those meetings, or be replaced.

Council questions and comments followed.

**ACTION:** Motion was made by Mayor Pro Tem Young and seconded by Mayor Rickman to appoint Joyce Fenton to the Measure V Residents' Oversight Committee for a term commencing on October 21, 2020, and ending on February 28, 2023, and place Tai'Rance Kelly on the 12-month eligibility list. Roll call vote found Council Member Ransom, Mayor Pro Tem Young and Mayor Rickman in favor; passed and so ordered. Council Member Vargas absent and Council Member Arriola abstained.

4. ITEMS FROM THE AUDIENCE – Alice English shared concerns about the drought, the City improving more development and water rates going up, Council going around Measure A, making it more affordable for bay area people to buy homes, proposed Measure should say Tracy residents first, adding homes, no infrastructure and spoke about Aquatic Center delays by Surland and not the City.

Mayor Pro Tem Young responded to Ms. English's comments regarding mischaracterizations about what Council does.

Dan Evans, Patriot Coalition of America stated he met with candidates for City Council and shared his recommendation to fill the upcoming Council seats and Board of Supervisor seat.

5. STAFF ITEMS – Jenny Haruyama, City Manager provided an update on the following actions taken by the City Manager during the COVID emergency:
  - Approved First Amendment to Retainer Agreement for Legal Services with Burke, Williams & Sorensen, LLP.
  - Approved Amendment No. 1 to Professional Services Agreement with CSG Advisors, Inc., for municipal financial advisory services.
  - Approved a Professional Services Agreement with FCGA Architecture for Transit Center Renovation.
  - Approved an Office of Traffic Safety Selective Traffic Enforcement.
6. COUNCIL ITEMS – Council Member Arriola wished everyone a happy Halloween, thanked our Veterans and encouraged everyone to vote.

Council Member Ransom stated there is a new legal smoke store near Tracy High and requested an agenda item about signage as it is blazing and in close proximity to school. Council Member Arriola seconded the request. Council Member Ransom asked for a special meeting for the building trades PLA. Council Member Arriola seconded the request.

Jenny Haruyama, City Manager clarified with Council Member Ransom that the request for the special meeting was not before November 3, and she already has a meeting planned and the Clerk will be polling Council.

Council Member Ransom wished everyone a happy Halloween and encouraged everyone to vote.

Mayor Pro Tem Young encouraged everyone to vote and announced the following: happy Veteran's Day, shout out to father and stepfather, be safe for Halloween, wished a happy birthday to two sons – Nathaniel - 20, and Michael - 25 in November. Mayor Pro Tem Young requested to include the eligibility list for commissions in the staff report. Council Member Ransom seconded the request.

Mayor Rickman encouraged everyone to vote, and announced the following: Veterans Day on November 11 and thanked all the veterans, Month of October is Breast Cancer Awareness Month, encouraged everyone to shop local and support small businesses, Farmers Market still going strong on Central Ave, wished everyone a happy Halloween, Trick or Treating is allowed, and wished his daughter Grace a happy birthday on Friday.

7. ADJOURNMENT – Time: 10:00 p.m.

**ACTION:** Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Young 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 15, 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