

**November 24, 2020, 6:00 p.m.**

Tracy 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.

1. Mayor Rickman called the meeting to order at 6:01 p.m.
2. Roll call found Council Members Arriola, Vargas, and Mayor Rickman present. Council Member Ransom arrived at 6:02 p.m., and Mayor Pro Tem Young arrived at 6:03 p.m. after roll call.
3. ITEMS FROM THE AUDIENCE – Robert Tanner spoke about fireworks and campaign notices, and requested that City Council ban all fireworks, with exception to City sponsored fireworks.

Ramsey Abboushi shared his concerns regarding the effects fireworks have on his dog, campaign notices being political graffiti, and calling Police services twice in a grocery store parking lot and was told a report cannot be taken because it is private property.

4. DISCUSS COVID-19 STATE RESTRICTIONS ON BUSINESSES, PLACES OF WORSHIP, AND GATHERINGS, ALTERNATIVES TO COMPLIANCE INCLUDING DECLARING TRACY A SANCTUARY CITY FOR BUSINESSES AND CITY EFFORTS TO SUPPORT LOCAL BUSINESSES; AND PROVIDE DIRECTION TO STAFF

Leticia Ramirez, City Attorney, Andrew Malik, Assistant City Manager and Karin Schnaider, Finance Director provided the staff report.

Ubbo Coty, Patriot Coalition of American Citizens, shared his support for a sanctuary city and stated if small businesses are forced to close, the same should apply to big businesses.

Dotty Nygard, a nurse stated she is concerned about all our small businesses, but we must work together to come up with solutions. Ms. Nygard spoke about a shortage of nurses, keep current to what is most appropriate response, cannot ignore orders, and let our guard down until it is scientifically safe.

Sylvia Kruse, small business owner stated another shut down is not feasible for a small business to survive who have exhausted their options, simply unfair to allow big businesses to operate when small businesses are dying.

Mawata Kamara, registered ER and ICU nurse shared her concerns about the general public not being informed, political leaders making decisions based on the misinformation on how deadly this virus is, could potentially infect her family, and urged

Council to not make Tracy a sanctuary city, and go on lockdown and then re-open when it is safe.

Rachelle Cole spoke against unconstitutional orders put in place by Dr. Maggie Park, the Department of Health, and Governor, requested termination of the local health emergency, no legal grounds for the shutdown, issues with the current testing, and wearing of a mask is not a law and that it is unconstitutional.

Katherine Pacheco, registered Nurse, spoke about dealing with COVID patients, hospital bed shortages, risk of potentially infecting her children, health crisis, support for businesses, but becoming a sanctuary city will reduce their funding and potential help.

Nick Gohanson shared his concerns about destroying our economy, Council has no place to make people give up their constitutional right, and needs to do right for the City and the nation.

Alice English shared her support for the merchants and businesses stating people have the right to restaurants, and businesses have a right to stay open. Ms. English added Ripon and Atwater are on their own and asked Council to keep it open and to do the right thing for Tracy.

Mary Condon stated the City might lose funding, but in the long run is it going to pay off, when mental illness is at an all-time high. The people's voice is not being heard and suggested coming up with a solution that will help everyone.

David Kaiser thanked staff and Council for treating this with all the seriousness it deserves. We have to give our small business owners a chance to survive.

Dava Serbantes commented about elected officials not imposing in making decisions for individuals, let businesses open to allow for the economy of Tracy to continue, need churches open, community is informed and willing to take the risk, infringement on American rights and requested Council not go with the Governors methods.

Heather Smiddy stated the increasing numbers are not related to three industries involved in the purple tier status, gyms, restaurants and churches. Would like to see numbers for Tracy, funding from the state goes to the city not businesses and that it does not help the community as a whole. Ms. Smiddy added she is not asking for a handout by just asking to run their businesses.

Jennifer Strauss, new business owner in Tracy stated that people have the responsibility to take their own risk and have an understanding of their own health. Ms. Strauss indicated that gyms and places of worship help people feel better and supported a sanctuary city.

Robert Tanner shared concerns about losing State funding, asked if the City has that in its general fund to make up that deficit, does the state require the funds to be repaid, asked about Atwater and the other sanctuary city status and the number of cases, recoveries and deaths.

Melissa Whetsell spoke about Governor Newsom's tiered model for reopening being based on cases rather than deaths, referred to a resolution that was passed in Placer

County declaring an end to their local health emergency, Atwater declared sanctuary city, and encouraged Council to unite with San Bernardino County Board of Supervisors in a lawsuit against Governor Newsom.

Suzanna Diaz supported making Tracy a sanctuary city for businesses.

Scott Rasp urged Council to adopt a resolution to make Tracy a sanctuary city, and more local control.

Kris Cardosi spoke in favor of being a sanctuary city for all businesses, be the glue that allows mom and pop to stay open, keep mega corporations from taking the money out of the city, and be the beacon of hope to other cities and save the state from draconian measures.

Richard Ropiak supported a sanctuary city, encouraged Council to step away from the fear that the state is trying to put upon people, and trust and embrace the idea of liberty over fear.

Scott Jacobson stated decisions cannot be made for the local community based on state and national numbers only, look at local numbers and suggested Council reject the restrictions and take care of the Tracy residents.

Lea Austin expressed her concerns regarding Council considering defying public health orders and stated Council should not allow Tracy to defy science. Ms. Austin spoke about hospitals reaching a point where they do not have the capacity to respond to incoming COVID cases, other emergencies or other health needs, and requested Council not allow a sanctuary city.

Karen Moore stated she does not want small businesses to bear the brunt, but we are all bearing the brunt, and did not wish Tracy to be a sanctuary city.

Ramsey Abboushi was disturbed by defying state and mandates from experts, adding that if something was not right or unconstitutional, we have ability to go to court and seek an injunction against enforcement of order. Need to consider ways to slow down the spread, be neutral and not politicize this issue.

Sharon Losch shared her concerns about becoming a sanctuary city stating actions will have consequences to the rest of the public. Ms. Losch spoke about risk to employees, losing \$1.2 million CARES funding and requested not to become sanctuary city and focus attention on asking city, state, and county to do more for small businesses.

Dan Evans responded to previous comments, spoke about negative impacts of COVID not being the only thing that can hurt us, personal responsibility needs to be implemented, stop mandating others from having their own choice, majority of CARES funds do not go directly to businesses, and urged Council to vote for a sanctuary city.

Heather Stonehouse stated that we live in America, we live inside the triangle, so we should make our own decisions, did not agree with previous comments from nurses, added it will be a bleak Christmas if we are not a sanctuary city.

Robin Cole responded to previous comments, and stated she was not in support of becoming a sanctuary city, defying government rules and regulations is next door to anarchy, science should be followed, appreciates small business but that people do not have the freedom of taking risks that jeopardize other people. Encouraged Council to follow science and Dr. Parks recommendation.

Nick Mahedy referred to a petition with approximately 1,500 people signatures stating that is not the majority of the 90,000 population of Tracy, orders in place to protect us from ourselves, not harm us, and urged the Council to not vote for sanctuary city.

Kayla Swift compared it to drunk driving, you might not kill yourself but you might kill someone else, and shared the following: contracted COVID while bartending at a small business, financial struggles due to medical bills, should not have the freedom to endanger someone else, eating at restaurants may put others in danger, and there is no reason to declare sanctuary city and go against science.

William Muetzenburg voiced his opposition to the City becoming a sanctuary city stating it is about the community at large and limiting the spread and exposure as much as we can, need to look at making people comply with rules, and alternatives, get resources and prevent similar disasters in the future.

Adrienne Richardson, City Clerk announced that there was a petition that was submitted by Heather Smiddy to declare the City of Tracy a sanctuary city for business and contained approximately 1,905 signatures that was provided to Council. Ms. Richardson also read the following emails:

Melissa Whetsell urged Council to declare Tracy a sanctuary city for business and set a guiding example to cities that are considering that option.

Jason and Joan Fell stated Tracy businesses have met all requests from the State to adhere to regulations and will not survive without direct help from the City that benefits from the tax base these businesses provide. Asked why CARES money was not used to help businesses, supported becoming a sanctuary city if needed to stand up to unreasonable and illogical demands by the Governor.

Tiffany Heben asked Council to consider the implications of Tracy becoming a sanctuary city adding City officials have already avoided citing or prosecuting businesses that do not meet state and local COVID-19 requirements and have gone for the educational approach. Ms. Heben encouraged Council to continue exploring ways to help business address the struggles created by the pandemic.

Mike and Claudia Trotter requested Council consider whatever it takes to keep businesses open in Tracy. Have spent thousands reinventing their business to keep up with current tiers to follow state and County regulations. Believe it is up to the people to decide not Council or the Governor. Asked Council to fight for all families and business owners in Tracy.

Mayor Pro Tem Young called for a two-minute recess at 7:52 p.m.

Mayor Rickman reconvened the meeting at 7:55 p.m.

City Council questions and comments followed.

Council Member Arriola proposed a COVID support strategy committee so that the minute problems that individual business are facing and organizations and work with them specifically to see how we can come out of this, and have some of the businesses work with the city committee to find specific solutions to those problems and then if we have more opportunities we should then advocate to the Governor. Sanctuary city is too broad and ineffective and does not take consideration of the real public health crisis that we have. Council Member Vargas supported the proposal.

**ACTION:** Motion made by Council Member Arriola and seconded by Council Member Vargas for the formation of a COVID strategies committee.

Council discussion continued.

Sekou Millington, Police Chief responded to Council questions.

Council discussion continued.

**ACTION:** Motion made by Council Member Arriola and seconded by Council Member Vargas for the formation of a COVID strategies committee, to be a committee of staff and business stakeholders that would adopt a procedure for businesses to submit their specific challenges and to brainstorm with the committee for possible solutions. If it was within the City Manager's finance and administrative authority, she could do it, if it was over her authority it would return to Council during the COVID update.

City Council discussion continued.

**ACTION:** Motion made by Mayor Rickman and seconded by Mayor Pro Tem Young to declare that all small businesses are essential and the right to worship without government interference is essential, and staff to bring something back based on that.

Council Member Arriola called for the question on the Mayor's motion which was seconded by Council Member Ransom.

Roll call vote found Mayor Pro Tem Young and Mayor Rickman in favor of Mayor Rickman's motion. Council Members Arriola, Ransom and Vargas opposed. Motion failed.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Vargas to minimize the use of criminal enforcement as it relates to COVID-19 restrictions and the stay at home order and instead refer or facilitate direct contact from other agency's programs and resources.

Council Member Ransom asked to amend the motion to still work with the businesses so the City can try to still assist them. Council Member Arriola stated that is addressed in his previous motion.

Council comments continued.

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

Council Member Arriola restated his previous motion.

**ACTION:** Motion made by Council Member Arriola and seconded by Council Member Vargas for the COVID strategies committee of staff and business stakeholders that would adopt a procedure for businesses to submit their specific challenges and to brainstorm with the committee for possible solutions. If it was within the City Manager's finance and administrative authority, she could do it, if it was over her authority it would return to Council during the COVID update. Roll call found Council Members Arriola, Ransom, Vargas and Mayor Pro Tem Young in favor; passed and so ordered. Mayor Rickman opposed.

**ACTION:** Motion was made by Mayor Rickman and seconded by Mayor Pro Tem Young to direct staff to gather information on possible litigation on an Amicus Brief as mentioned earlier.

Ms. Ramirez clarified whether Mayor Rickman was requesting that the City do this independently in terms of litigation or joining other public agencies. Mayor Rickman responded if someone has already started it that would be easier.

Ms. Ramirez confirmed that the Mayor was referring to the current case pending with the Supreme Court - Diocese of Brooklyn against the Governor of New York.

Roll call vote found Mayor Rickman and Mayor Pro Tem Young in favor of Mayor Rickman's motion. Council Members Arriola, Ransom and Vargas opposed. Motion failed.

5. COUNCIL ITEMS – Council Member Arriola wished everyone a happy Thanksgiving and thanked all those that participated.

Council Member Vargas appreciated everyone who participated in the meeting and wished everyone a happy and safe Thanksgiving.

Mayor Pro Tem Young wished everyone a happy Thanksgiving.

Council Member Ransom thanked the public for bringing their concerns to Council and hoped they understand that Council does its best to serve the entire community, and wished everyone a safe and happy Thanksgiving.

Mayor Rickman wished everyone a happy Thanksgiving.

6. ADJOURNMENT – Time: 9:26 p.m.

**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 November 23, 2020. The above are action minutes. A recording is available at the office of the City Clerk.

ATTEST:

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Mayor

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City Clerk