

January 19, 2021, 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 Young called the meeting to order at 7:00 p.m.

Mayor Young led the Pledge of Allegiance.

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

Roll call found Council Members Arriola, Bedolla, Davis, Mayor Pro Tem Vargas, and Mayor Young present.

1. CONSENT CALENDAR – Following the removal of agenda item 1.H by Robert Tanner, motion was made by Mayor Pro Tem Vargas 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 DECEMBER 15, 2020 REGULAR MEETING MINUTES, JANUARY 12, 2021, CLOSED SESSION MINUTES – **Minutes were adopted**
  - 1.B APPROVE THE PLACEMENT OF A MEMORIAL BENCH AND PLAQUE FOR THE LATE LON AND MARILYN MOBLEY AT VETERANS PARK PER CITY STANDARD AND POLICY – **Resolution 2021-001** approved the placement of the memorial bench and plaque.
  - 1.C AUTHORIZE THE APPROPRIATION OF \$417,070 FROM THE CITIZENS' OPTION FOR PUBLIC SAFETY (COPS) FUND BALANCE TO UPGRADE THE POLICE RADIO SYSTEM AS MANDATED BY CALIFORNIA DEPARTMENT OF JUSTICE AND THE FEDERAL BUREAU OF INVESTIGATION AND TO PURCHASE ADDITIONAL ESSENTIAL RADIO EQUIPMENT– **Resolution 2021-002** authorized the appropriation.
  - 1.D APPROVE A GENERAL SERVICES AGREEMENT, NOT TO EXCEED \$455,995 ANNUALLY, WITH CLEAN STREET SWEEPING, INC., OF GARDENA, CA, TO PROVIDE SERVICES REQUIRED FOR STREET, ALLEY, AND PARKING LOT SWEEPING AND AUTHORIZE THE CITY MANAGER TO AMEND THE AGREEMENT TO EXECUTE EXTENSIONS AND TO MAKE ANY MINOR AMENDMENTS TO THE AGREEMENT – **Resolution 2021-003** approved a General Services Agreement with Clean Street Sweeping, Inc.
  - 1.E APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH THE PUN GROUP, LLP FOR PROFESSIONAL AUDITING SERVICES AND AUTHORIZE THE CITY MANAGER TO AMEND THE AGREEMENT TO EXECUTE ANY EXTENSIONS AND TO INCREASE COMPENSATION UP TO THE CONTINGENCY AMOUNT AND ANY MINOR AMENDMENTS TO THE

AGREEMENT – Resolution 2021-004 approved a Professional Services Agreement with Pun Group, LLP.

- 1.F ADOPT A RESOLUTION ACCEPTING THE CITY OF TRACY'S COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDING JUNE 30, 2020 – Resolution 2021-005 adopted the CAFR.
- 1.G THAT THE CITY COUNCIL OF THE CITY OF TRACY, ACTING AS THE GOVERNING BOARD OF THE SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF TRACY, APPROVE THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS) 21-22 – Resolution 2021-006 approved the Recognized Obligation Payment Schedule (ROPS) 21-22.
- 1.H 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 to state Legacy Fields needs to be completed as it is missing paved parking lot and toilets, and the City should finish one project at a time.

Karin Schnaider, Finance Director provided the staff report.

Sherri MacKay, Tracy Youth Soccer League stated it is imperative to finish parking lots, safety of cross walks and whatever needs to be done at Legacy Fields.

Jeremy Harrison, Tracy Express Softball League spoke in favor of any kind of fund raising to get Legacy Fields completed, adding Tournaments would bring revenue to the City.

**ACTION:** Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to adopt **Resolution 2021-007** amending the City Operating and Capital Budget for Fiscal Year 2020-21. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Alice English requested all Council meetings be published on the website via video, and online. Ms. English also stated Planning Commission should also be included for public comment via video, and spoke about workshops not being available to view.

Robert Tanner stated previous Council approved approximately \$2 million to be given to the mall to entice Macys to take over Gottchalks store with the understanding the City will be reimbursed and it would be done based on sales tax, and asked how much the City would lose on the \$2 million if the Tracy Macys closes.

Karen Moore stated we can address the matrix we are using so as to not overload our health care system in place, makes sense to adjust what we do determined by what the hospitals can handle, and keep the community safe and work on our fiscal responsibility.

Harris McGee spoke about going into a worse summer in the State of California and looking at drought and the pandemic and hoped Council is planning for those scenarios.

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 asked clarifying questions.

Claudia F. shared concerns about Governor Newsom's lockdowns, small businesses wanting to operate without harassment, relief packages are a small bandage, recall of Governor Newsom is growing, no longer in state of emergency and spoke about harmful impacts of wearing masks.

City Council comments and questions followed.

City Council accepted the report.

**ACTION:** Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to accept the City's response to COVID-19 report. Roll call found all in favor; passed and so ordered.

3.B DISCUSS AND PROVIDE DIRECTION REGARDING BANNING THE SALE AND DISCHARGE OF SAFE AND SANE FIREWORKS IN THE CITY OF TRACY

**ACTION:** Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to limit the time of Council Member debate to five minutes each. Roll call found all in favor; passed and so ordered.

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

City Council asked clarifying questions.

Robert Tanner stated he is against safe and sane and illegal fireworks, and suggested Tracy be the beginning of the end of all fireworks in the cities in the San Joaquin County.

Mary Mitracos spoke about the July 5, 2020 fire being one of the top three largest fires in the city with nine families displaced, diminishment of quality of life around new years and July 4, and requested that all fireworks be banned.

Tim Silva did not encourage prohibition of safe and sane fireworks, stating it is the only source of income for some non-profits and suggested educating, regulating and letting the public know about proper use of safe and sane fireworks.

Conrad Levoit listed non-profit organizations who are doing a great job and people want to support these organizations, and safe and sane fireworks is a good way to do that. Mr. Levoit spoke about stopping illegal fireworks, and non-profits continuing to be funded.

Linda Hawkins, U Need 2 stated they were able to give away 300 computers during the pandemic year to students of Tracy due to the fundraiser, and added banning would bring in more illegal fireworks.

Erika Johnson spoke about the opportunity for non-profits to fundraise in a pandemic era adding if the only fundraising possibility for 2021 is eliminated, how can they give back to the community.

Brian Fields, Surtec Adopt a Family stated lots of charities rely on selling safe and sane firework fundraisers. Mr. Fields asked Council to reconsider banning legal fireworks as it will only increase the problem with illegal fireworks, and decrease revenue and help for the community.

Sherri, Tracy Soccer League stated with fireworks fundraiser in 2016 they raised close to \$20,000 and were able to purchase extra uniforms. The TNT fireworks booth was a huge boost, and safe and sane fireworks are not the problem.

Jeremy Harrison stated Tracy Express Girls Softball organization depends on the fireworks booth and fundraising to give scholarships, and suggested bringing education on how to use them safely.

Dennis Revell on behalf of TNT Fireworks applauded Council for wanting to do something regarding illegal fireworks in the community and shared his concerns regarding illegal fireworks. Mr. Revell encouraged Council to join Senator Bob Archuleta to free up funds to embolden the states enforcement efforts to keep illegal fireworks making it into California.

Cindy Sasser spoke about keeping Tracy money in Tracy or families will travel to other cities to get fireworks, and if safe and sane fireworks are banned there will be more illegal fireworks.

Erin from West High Athletic Booster Club shared the importance of fundraisers for their organization, banning safe and sane fireworks would be a real hit and need to focus on prosecuting the illegal fireworks.

Michelle Mavis stated banning safe and sane fireworks will make the problem worse, and people will go outside of Tracy to get fireworks, Ms. Mavis added 2020 should not be used as a guide for how to judge the sale of fireworks.

Dan Evans stated it is a bad idea to ban safe and sane fireworks, there is a historic problem with illegal fireworks, if people can't purchase safe and sane fireworks they will purchase illegal fireworks, people need outlets, safe and sane fireworks benefit non-profits, and spoke about fires caused by illegal fireworks.

Adrienne Richardson, City Clerk announced 71 members of the public submitted the same email stating illegal fireworks are the problem, banning the sale of safe and sane fireworks will not lead to less illegal fireworks, and supported the workgroups recommendations to increase proactive illegal fireworks enforcement operations, use technology to identify and cite violators, educational campaigns about the dangers and risks of illegal fireworks, and adoption of a fireworks social host ordinance.

Amanda Maxwell, Mission City Church stated safe and sane fireworks are not the problem, illegal fireworks are the problem, and banning the sale of safe and sane fireworks will lead to more illegal fireworks.

Barbara Lawson shared her concerns regarding banning safe and sane fireworks and taking away fundraising for local non-profits.

Jim Wright asked Council to not eliminate legal safe and sane fireworks as they have nothing to do with the illegal situation, and to remember the contributions the non-profits give back to the community.

Nancy Wright shared the mission of West High Science Boosters and stated the safe and sane fireworks program has been the most lucrative for their non-profit, and has enabled them to purchase supplies for students and teachers.

Reverend Ron Greasman disagreed with making safe and sane fireworks illegal in Tracy, and added the funds New Heart Church raised in 2019 with their fireworks booth helped fund weekly free dinners for those in need.

Rhonda Rallios, San Joaquin Chapter – Order of the Eastern Star stated sellers of safe and sane fireworks should not be punished for the illegal activity of others, and asked Council to consider the effect on non-profits if the safe and sane fireworks are banned.

Rachel Peckham stated banning fireworks in Tracy would not only harm local non-profit organizations, but also undermine the spirit of community during this COVID time.

Mayor Young entertained a motion to continue to allow the sale and discharge of safe and sane fireworks within the city limits. Motion made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to continue to allow the sale and discharge of safe and sane fireworks within the city limits.

City Council comments and questions followed.

**ACTION:** Mayor Pro Tem Vargas called the question to end the debate. Council Member Davis seconded calling the question. Roll call found all in favor; passed and so ordered.

City Council comments continued.

**ACTION:** Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to continue to allow the sale and discharge of safe and sane fireworks within the city limits. Roll call vote found all in favor; passed and so ordered.

Mayor Young called a recess at 9:19 p.m.

Mayor Young reconvened the meeting at 9:24 p.m.

3.C REVIEW AND DETERMINE APPOINTMENTS TO COUNCIL COMMITTEES AND OTHER COMMITTEES, BOARDS AND COMMISSIONS

Adrienne Richardson, City Clerk, provided the staff report.

Mayor Pro Tem Vargas provided Council with handouts to be included in the record, which consisted of two letters from the FPPC dated December 22, 2014 and March 15, 2019 containing their legal opinion about her participation in some of the committees and boards.

Neil Prescott shared his concerns regarding Mayor Pro Tem Vargas serving on the South San Joaquin County Fire Authority, and whether it was a conflict of interest.

Alice English shared her concerns regarding transparency and the Code of Conduct. Ms. English spoke in support of Council Members Davis, Bedolla and Arriola, and did not recommend Mayor Pro Tem Vargas being on the fire JPA.

Dan Evans stated he was not comfortable with Mayor Pro Tem Vargas being appointed to South San Joaquin County Fire Authority as it is a conflict of interest, why appoint someone who has to recuse themselves. City Council should honor Code of Conduct and referred to Section 3.4.1.

Mary Mitracos shared her support for Mayor Pro Tem Vargas to be reappointed to the Valley Link board.

Dino Margaros on behalf of Tracy City Center Associate Board of Directors, share unanimous support for Mayor Pro Tem Vargas to be renewed as Council's representative to the Tri-Valley/San Joaquin Valley Regional Rail Authority (Valley Link Light Rail).

Bob Gutierrez, on behalf of the San Joaquin Partnership requested reappointment of Mayor Pro Tem Vargas to the Valley Link (Tri-Valley-San Joaquin Valley Regional Rail Authority) project.

Bernice Tingle requested that Mayor Pro Tem Vargas remain appointed to the Valley Link Rail Joint Powers Authority (Tri-Valley-San Joaquin Valley Regional Rail Authority) project.

Leo Zuber shared support for Mayor Pro Tem Vargas to continue membership on the Tri Valley-San Joaquin Valley Region Rail Authority board.

Juan Soto shared support for the new Council Members, and concerns regarding Mayor Pro Tem Vargas serving on the fire board committee and regional transportation.

Tracy Firefighters Association shared their reservations regarding Mayor Pro Tem Vargas serving on the South San Joaquin County Fire Authority Board.

**ACTION:** Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to adopt Mayor Young's proposed slate for 2021 Council committees and other committees, boards and commissions.

Council Member Bedolla made a friendly amendment to remove the Special City Selection Committee as it does not have anyone assigned to it.

**ACTION:** Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to move to amend to appoint Council Member Bedolla to the Special City Selection Committee, SJVAPCD, and Council Member Davis as alternate. Roll call found all in favor, passed and so ordered.

City Council reviewed Mayor Young's slate of 2021 proposed list of City Council representatives on various committees/boards/commissions/agencies.

Mayor Young made a friendly amendment to not appoint to the Community Development Block Grant Policy while staff is looking at how to remove from the list. Council Member Arriola and Mayor Pro Tem Vargas accepted the friendly amendment.

Mayor Young made a friendly amendment to appoint Council Member Davis as voting member and Council Member Bedolla as alternate to the League of California Cities, Central Valley Division Executive Committee. Council Member Arriola and Mayor Pro Tem Vargas accepted the friendly amendment.

Mayor Young made a friendly amendment to consider Mayor Young, Council Members Arriola, Davis and Mayor Pro Tem Vargas to attend the virtual One Voice trip in April, and should the October one open up Council can discuss that at a later time in light of considering our own one voice as Tracy. Council Member Arriola accepted and Mayor Pro Tem Vargas accepted the friendly amendment.

City Council representatives on various committees/boards/commissions/agencies for 2021 are as follows:

Committee/Commission	Meetings Held	Council Members
*City/Chamber Liaison	Quarterly	Council Member Arriola Council Member Davis (Alternate)
*City/Schools Liaison	Every other month	Council Member Arriola Council Member Bedolla
*Investment Review Committee	Quarterly	Mayor Pro Tem Vargas Council Member Bedolla
*South San Joaquin County Fire Authority (SSJCFA)	Monthly	Mayor Young Council Member Davis Mayor Pro Tem Vargas (Alternate)
***City Selection Committee	Annually, additional meetings as needed	Mayor Young
***Community Development Block Grant Policy Advisory Committee	As needed, in conjunction with the distribution of the CDBG grants.	No one appointed at this time while looking how to take off the list

***Council of Governments	Monthly, in Stockton at 4:00 p.m. on the fourth Thursday of the month.	Mayor Young Council Member Arriola (Alternate)
***San Joaquin County Water Advisory Commission	Monthly	Kul Sharma Stephanie Reyna-Hiestand
***San Joaquin Partnership	Monthly, on the fourth Thursday of each month	Mayor Young Mayor Pro Tem Vargas (Alternate)
***San Joaquin Regional Rail Commission	Monthly	Mayor Young
***Solid Waste Management Plan Advisory Task Force	As needed	Mayor Pro Tem Vargas Don Scholl
***Special City Selection Committee, SJVAPCD	As needed	Council Member Bedolla Council Member Davis (Alternate)
***League of California Cities, Central Valley Division Executive Committee	Quarterly	Council Member Davis Council Member Bedolla (Alternate)
San Joaquin Council of Government's One Voice – Washington	Annual Delegation:	Mayor Young Council Member Arriola Council Member Davis Mayor Pro Tem Vargas <i>(Attend virtual in April and if October opens up discuss at later date)</i>
***Altamont Regional Traffic Authority (ARTA) JPA	As needed	Mayor Young
***Tri-Valley- San Joaquin Valley Region Rail Authority (Valley Link)	Monthly	Mayor Pro Tem Vargas Council Member Bedolla (Alternate)
***LAFCo		No appointment at this time
Tracy Chamber Governmental Affairs Committee	Monthly	Jenny Haruyama, City Manager (or Designee)
**Homelessness Strategic Plan Ad Hoc Committee		Expired
***East Bay Community Energy (EBCE)	Monthly	Council Member Arriola Council Member Davis (Alternate)
Ad Hoc Fiscal Sustainability Subcommittee		Expired – Term to be extended



**ACTION:** Motion was restated by Council Member Arriola and seconded by Mayor Pro Tem Vargas to adopt Mayor Young's proposed slate for 2021 appointments to Council committees and other regional committees, boards and commissions with the amendments made via motion.

Council Member Davis stated she wanted to go on record that she wanted to respect the feelings of the constituents regarding the fire item and that is the only one she will not be voting for.

Mayor Young made a friendly amendment to pull the South San Joaquin County Fire Authority to be voted on separately. Council Member Arriola accepted the amendment. Mayor Pro Tem Vargas did not accept the friendly amendment.

**ACTION:** Motion was made by Council Member Davis and seconded by Mayor Young to amend the original motion so Council can vote on South San Joaquin County Fire Authority separately. Roll call found all in favor; passed and so ordered.

**ACTION:** Motion was clarified by Council Member Arriola and seconded by Mayor Pro Tem Vargas to adopt Mayor Young's proposed slate for 2021 appointments to Council committees and other regional committees, boards and commissions with the amendments made via motion including the separate vote of the removal of the vote of the South San Joaquin County Fire Authority. Roll call found all in favor; passed and so ordered.

**ACTION:** Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to adopt Mayor Young's proposed slate for the South San Joaquin County Fire Authority for 2021 (*Representatives: 1. Mayor Young, 2. Council Member Davis and Alternate - Mayor Pro Tem Young*). Roll call found Council Members Arriola, Bedolla, Mayor Pro Tem Vargas and Mayor Young in favor. Council Member Davis opposed.

3.D CONSIDER DISPLAYING THE PAN-AFRICAN FLAG TO COMMEMORATE BLACK HISTORY MONTH

Leticia Ramirez, City Attorney, provided the staff report.

Dan Evans stated City Hall exists to stand for all Tracy residents not just specific groups our elected officials get to choose. Mr. Evans proposed Council bring back the flag policy for review, consider separate commemorative location, but not in front of City Hall. Flags flying in front of City Hall should be representative of our state and the City of Tracy.

City Council questions and comments followed.

**ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt **Resolution 2021-008** authorizing the display of the Pan-African flag to commemorate Black History Month in February. Roll call found Council Members Arriola, Bedolla, Mayor Pro Tem Vargas and Mayor Young in favor. Council Member Davis opposed.

Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to limit the time of Council Member debate on item 3.E to five minutes each. Roll call found all in favor; passed and so ordered.

3.E DISCUSS LOCAL CONTROL OF COVID-19 BUSINESS RESTRICTIONS AND PROVIDE DIRECTION TO STAFF

Jenny Haruyama, City Manager, Leticia Ramirez, City Attorney and Andrew Malik, Assistant City Manager, provided the staff report and presentation.

Robert Tanner spoke about Council needing to do more to support small businesses. Stay at home orders are not working.

Neil Prescott asked how certain regulations are more stringent than current law, need to re-evaluate when shutting down business, and removing revenue, need more data and analysis – more evidence if we are in state of emergency.

Gabriella Machuca stated she did not want Council to jeopardize funding help, appreciated the formation of the Small Business COVID-19 Strategy Committee, hoped that the strategy committee is open to explore a virtual market place, applauded message City of Tracy published today.

Claudia F. stated we need to open up Tracy and all of America and shared her concerns regarding closing due to COVID, and people losing their livelihood.

William Muetzenberg referred to the tenth amendment – public health orders, supported the City using tools and resources to assist local businesses, urged residents to support local businesses, and wants to see action to get some financial resources from those who are benefiting from this crisis.

Conrad Levoit encouraged the public to get involved at City Council meetings, and stated shopping at big box businesses is an incubator, not as clean as it could be.

Mitra Behnam spoke about small businesses demanding to disregard all safety regulations, then the same right should be granted to the overwhelmed healthcare community. Ms. Behnam requested Council stop listening to those saying COVID-19 is not so bad, and listen to the frontline workers.

Nancy Rusch stated she understood people are frustrated, but suggested working together especially now when hospitals are full and rates are high.

Jim Nelson requested that the financial impact be reviewed and published before Council makes a decision to implement a sanctuary city. Tracy leaders should not be influenced by a small group who do not represent the vast majority of citizens.

P. Howell wanted the City to obey the public health rules established by State health officials and not lose federal or state money. Continue to offer businesses help.

A resident commented that the Council needs to stop wasting time considering becoming a sanctuary city, as the City risks losing more than \$2 million in federal and state COVID aid. The residents and frontline workers deserve better. Healthcare workers are exhausted.

Mayor Young asked clarifying questions.

**ACTION:** Council Member Arriola motioned for a 15% restriction on delivery apps to support small businesses as a private right of action. Mayor Pro Tem Vargas seconded the motion.

Leticia Ramirez, City Attorney requested the motion wait until Council items.

Council Member Arriola withdrew his motion.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Davis to continue City efforts to support local businesses in COVID-19 response per pages 4 and 5 on the agenda item.

Jenny Haruyama, City Manager proposed the following: Immediate things we could do is set up meetings with our State representatives and gain their perspective about what is happening at the State capital. Work with our local lobbyist as different type of legislation starts to come out particularly at the federal level as there is a lot of opportunity for additional funding for locals that wasn't there before.

City Council questions and comments followed.

Roll call found all in favor of Council Member Arriola's motion and seconded by Council Member Davis to continue City efforts to support local businesses in COVID-19 response per pages 4 and 5 on the agenda item. Passed and so ordered.

4. ITEMS FROM THE AUDIENCE – Alice English spoke about the Brown Act and changing public speaking time limit to 2 minutes for people calling for items on the agenda, when agenda shows maximum three minutes. Ms. English spoke about Council considers televising anything with Council and Planning Commission meetings, and referred to Council Member Arriola bringing up election for the Mayor.

Neil Prescott stated that Council swears by oath to the constitution and when people hear that your hands are tied, it is very discerning. Mr. Prescott spoke about the Council listening to what the people of Tracy have to say and finding solutions within the City, and shared his frustrations about accepting mandates that are not laws.

Conrad Levoit encouraged community involvement at Council meetings. Mr. Levoit stated he would like to see the flag policy back on the agenda so it can be a more fair process and meet the needs of the community.

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

- Approve the Inspection Improvement Agreement for Tract 3954, Tracy Hills Village 7C
- Approve the Improvement Inspection Agreement for Tracy Hills Phase 1A, Criseldo Mina Avenue Extension Improvements
- Approve OIA for Duke Realty Home Depot Parking Lot for Infrastructure Improvements and Frontage Improvements
- Accept the Construction of the Traffic Signal Modification at Schulte Road/Lauriana Lane and Tracy Boulevard Project CIP 72111 and 72115, Completed by St. Francis Electric

6. COUNCIL ITEMS – Council Member Bedolla requested an agenda item to discuss an urgency ordinance to limit third party delivery service fees charged to local restaurants to 15%. This item should include a provision for third-party delivery services to make a reasonable attempt to maintain independent contractor compensation to a level immediately prior to this ordinance or increase compensation, a grace period, a process for restaurants to request/obtain a refund of excess fees charged, and an option to set expiration of the time limit to the end of the local emergency declaration. Council Member Arriola seconded the request.

Mayor Pro Tem Vargas requested the following: Agendize discussion to not allow cell towers to be installed in our public parks. Council Member Davis seconded the request. Bring for 2021 and ongoing to put back in rotation the celebration of the birthday of the armed forces for USA and fly flags. Council Member Bedolla seconded the request. Discussion and appointment to the ad hoc committees that expired in December - finance, homeless, and a prior advisory nature park committee and would like to add as ad hoc committee to look at deed restrictions, openness, accessibility of the park and grants that could be applied to the park. Mayor Pro Tem Vargas hoped to continue working with Council Member Arriola on the financial committee due to being in the middle of the process.

Mayor Young requested a friendly amendment to add to bring back those things to staff for the CDBG and Tracy Chamber Governmental Affairs Committee.

Jenny Haruyama, City Manager responded staff can bring those back under a separate item, and asked Mayor Pro Tem Vargas if she would like those to return as ad hoc committees or standing committees. Mayor Pro Tem Vargas clarified the financial and homelessness committees were ad hoc., and proposed to have all three as standing committees. Council Member Arriola seconded request.

Ms. Haruyama responded homeless and finance have expired so Council can either bring back and renew them via resolution, and asked about the intent for the nature park. Mayor Pro Tem Vargas responded the nature park is looking to be a standing committee as it will be open forever, an ongoing project. For the financial it is just to balance the budget and bring a proposal to Council so should have an end.

Ms. Haruyama stated homelessness is probably going to be an ongoing operational issue that will be with Council for a while if Council intends to move forward with opening a shelter and providing services. The fiscal sustainability plan can be completed, it is a fluid document and creating a standing committee could be something that you could handle policy issues on an ongoing basis as a fiscal and budget committee.

Mayor Pro Tem Vargas proposed to have all three to be ongoing standing committees. Council Member Arriola seconded the request.

Leticia Ramirez, City Attorney clarified that the resolution that approved the display of the military flags did state that it was supposed to be annually, so there is no need to bring the item back.

Mayor Pro Tem Vargas stated she was approached by citizens regarding Measure V dollars and some believe Council should consider if we are not spending the money to have a recall on Measure V. They believe the monies that were assigned for Measure V are tied up in a project that is not going to come to fruition and there are concerns that there are other projects that are low hanging fruit that we should look into putting those dollars back into the community and amenitize the community within the means that we have. Mayor Pro Tem Vargas did not think the measure should be recalled but Council should discuss reconsideration of Measure V dollars on projects and would like to move this agenda item as quickly as possible. Council Member Davis supported the request.

Mayor Young asked Mayor Pro Tem Vargas for clarification regarding her request. Mayor Pro Tem Vargas clarified she was not suggesting to recall Measure V, concerned citizens believed the dollars will not be spent on what it was assigned for and they are looking at possibly recalling Measure V.

Ms. Haruyama responded it sounds a little broader than some of the priority amenities that have been previously discussed by the Council. There may be a way to potentially combine conversations. Mayor Pro Tem Vargas responded she was ok with that as long as it is agendized the right way. The sentiment is we want to see if we can amenitize the community.

Council Member Arriola stated he had seconded Council Member Bedolla's 15% restriction on delivery apps to support small business, but would like to include discussion on using private right of action to make sure Tracy's businesses are empowering themselves. Council Member Arriola requested a resolution that would call for a temporary \$5 increase of hazard pay for essential grocery workers of publically traded companies or companies of at least 300 employees nationwide while the City of Tracy remains in the purple widespread tier. Mayor Pro Tem Vargas seconded request.

Council Member Davis requested the following: Data regarding contact tracing data for Tracy specific businesses and industries, a workshop to better understand the flag policy and how the former Council came to it and as a new Council put our finger print on it, update on where we are with the homeless shelter and finances as well as receiving an update from FIX'D on how the warming shelter is doing, and if there is any conversation with Continuum of Care from the County and State or anybody about helping us get money for the homeless shelter. Mayor Pro Tem Vargas seconded the homeless shelter request including the warming center update.

Council Member Davis requested to look at easing enforcement on parents that have basketball courts in front of their house considering that children are not playing sports right now for the most part. Mayor Pro Tem Vargas stated she would second ordinance relief during the pandemic time.

Council Member Davis requested looking at exploring Gabriella Machuca's suggestion regarding the City sponsoring an online market for small businesses during the

pandemic and highlighting the different businesses on the City website. Mayor Pro Tem Vargas supported the discussion.

Council Member Davis requested discussion about how to keep El Pescadero Park clean. Mayor Pro Tem Vargas supported the request.

Ms. Haruyama asked for clarification from Council Member Davis regarding contact tracing. Council Member Davis responded she would like to know comparisons of restaurants, gyms, spa's, what their numbers are versus big box stores and interested in numbers coming out of warehouses that are open. Ms. Haruyama confirmed with Council Member Davis that the information could be provided by e-memo to the full Council and if there is something more specific that comes out of that we could have Council discussion and bring it up under Council items.

Mayor Young requested to add data that has to do with churches also.

Ms. Haruyama asked about the request for a workshop for history of the flag policy, and Mayor Pro Tem Vargas asked if that can be done in a memo or one on one. Mayor Young stated the one on one would suffice to enable Council Member Davis to understand how that came about. Council Member Davis agreed to a one on one.

Ms. Haruyama responded as for the update on the homeless shelter, warming center and opportunities through the COC or state, staff can combine that, already have an item that will be coming before Council as well as an e-memo to provide an up to date of where we are with funding because there is some financial implications that will be dealt with as part of the budget.

Ms. Haruyama stated as far as Council Member Davis's request regarding the easement of basketball court request, a memo will be sent to Council with a context of what we can enforce, can't enforce CC&R's but will give overview of what we can and can't do.

Ms. Haruyama stated staff can explore an on-line market for small businesses and provide update in an e-memo and if something requires Council action we can agendize.

Mayor Young asked if Council Member Davis's request regarding how to keep El Pescadero Park clean can be part of the homelessness discussion. Ms. Haruyama responded maybe a separate item to discuss, staff does go to El Pescadero Park and clean quite frequently and is required by law to do 72 hours' notice. Tracy Community Connections Center is trying to actively work with the homeless community out there to keep clean. Ms. Haruyama added she could start with letting Council know the frequency in which we are cleaning and could explore what it would take to do that more continuously, and suggested e-memo to Council and look at what can be done within her budget to increase our presence. If there is additional funding needed then that can be taken to Council as part of our mid-year for consideration to make that allocation. Council Member Davis agreed to do that.

Mayor Young requested bringing back the flag policy for clarification regarding auto renewal outside of what has already been said, and also need to ensure to address for example if a former Council Member passes. Council Member Bedolla seconded the request.

Mayor Young requested to revise and clarify Code of Conduct – 5.11.1 – regarding Council items being placed on all meetings. It does not mention closed session and needs to be cleaned up. Also Section 5.11 – want to make sure we are considering more of a majority to be able to approve whether or not we as a group want to bring back items that are going to come in the middle of priorities we have already set, it's a call to accountability.

Leticia Ramirez, City Attorney clarified that it is Council Protocols and not the Code of Conduct. Mayor Pro Tem Vargas supported 5.11.1 but not on 5.11. Mayor Young said there is room for clarification.

Mayor Young asked if Council needed to discuss the opportunity to televise Planning Commission meetings.

Ms. Haruyama responded it is currently done via Webex, and not recorded so what is being asked is to have that done similarly to Council meetings. Ms. Haruyama reminded Council to keep in mind that when we get out of this COVID environment there are budget implications with moving that forward. Workshops were also mentioned by a member of the public and just for point of clarification on the past three workshops, the first workshop was recorded because it was being tested because of the offsite location. The subsequent two workshops were not recorded. However if Council would like to blend in Planning Commission and workshops as a policy discussion going forward, we could agendaize that for your discussion.

Mayor Young responded her main concern is making sure that people have the opportunity to participate because they cannot come in person. Ms. Haruyama confirmed they do but they cannot watch it the next morning.

Mayor Pro Tem Vargas clarified that people can see and participate during the meeting. What is being asked is to be able to rewatch the session which to televise it is a budget constriction. Mayor Pro Tem Vargas cautioned Council – great idea and maybe we can revisit when we are in a balanced budget and not in the red.

Mayor Young stated she was fine with that but meant to get clarification.

ADJOURNMENT – Time: 12:55 a.m. Date: January 20, 2021

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

The above agenda was posted at the Tracy City Hall on January 14, 2021. The above are action minutes. A recording is available at the office of the City Clerk.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk