

February 16, 2021, 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 Young called the meeting to order at 7:00 p.m.

Mayor Young led the Pledge of Allegiance.

Imaam Basem, Tracy Islamic Center offered the invocation.

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

1. CONSENT CALENDAR – Motion was made by Council Member Arriola and seconded by Council Member Davis to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
 - 1.A APPROVAL OF FEBRUARY 2, 2021, CLOSED SESSION, SPECIAL MEETING, AND REGULAR MEETING MINUTES – **Minutes were adopted**
 - 1.B AUTHORIZE STAFF TO SUBMIT TWO APPLICATIONS FOR THE PROP 68: STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM (SPP) GRANT FOR THE LINCOLN PARK REVITALIZATION PROJECT AND THE TRACY NATURE PARK PROJECT AND AUTHORIZE THE CITY MANAGER, OR DESIGNEE, TO ACCEPT THE SPP GRANT, IF AWARDED – **Resolution 2021-015** approved the application for the SPP Grant for Lincoln Park revitalization. **Resolution 2021-016** approved the application for the SPP Grant for the Tracy Nature Park Project.
 - 1.C WAIVE SECOND READING AND ADOPT ORDINANCE 1304 AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTIONS 9.06.040, 9.06.050, 9.06.060, AND 9.06.070 OF CHAPTER 9.06 "FIRE PROTECTION AND PREVENTION" OF THE TRACY MUNICIPAL CODE REGARDING ASSIGNING THE AUTHORITY HAVING JURISDICTION AND SETTING GEOGRAPHIC LIMITS FOR CERTAIN HAZARDOUS MATERIALS STORAGE WITHIN THE CALIFORNIA FIRE CODE – **Ordinance 1304 was adopted.**
2. ITEMS FROM THE AUDIENCE – Robert Tanner requested Council finish Legacy Fields first and suggested the City fix the sections of raised sidewalk caused by City trees near the taqueria restaurant across the street from the Old River Veterinary.

Alice English shared her concerns regarding Mayor Pro Tem Vargas being a distraction at the February 2, 2021 meeting by speaking to Council Members while others had the

floor, inserting her personal agendas at the special GMO meeting by talking about Valley Link, TOD being voted no by the public, and would like to see the cost to the residents to put on the ballot.

Mayor Pro Tem Vargas responded to Ms. English's comments stating the measure was a Council measure passed by a 4:1 vote, and the comments are misleading and incorrect narrative is being presented that is false and untrue.

Dan Evans requested Council fly the Gold Star flag one day per year in support of Gold Star mothers and family day, and asked why has City Council adopted flying the LGBT flag and Pan African flag for a month, but not the Gold Star flag to fly one day a year.

A resident asked Council to pursue obtaining a train horn quiet zone within the City, or at least at the Corral Hollow crossing.

Jim Bozeman commented about the rejection of Measure Y by the voters, the City spending \$500,000 to develop a plan and change zoning from jobs to residential development in the Gateway commercial project and added the City needs to stop all work on the Gateway project, stop backroom meetings, and investigate Mayor Pro Tem Vargas's conflict of interest related to Gateway and Measure Y.

Mayor Pro Tem Vargas responded Measure Y was a city initiative with 4:1 vote, \$500,000 was a unanimous vote, and false narrative and accusations are politically driven.

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.

Robert Tanner asked for the phone number for the vaccinations.

There were no comments from Council.

City Council accepted the report.

3.B ACCEPT THE TRACY SUB-BASIN GROUNDWATER SUSTAINABILITY PLAN UPDATE

Kul Sharma, Utilities Director, provided the staff report.

Mary Mitracos voiced her appreciation for staff's efforts regarding the sub-basin stating the City does a wonderful job of providing basic services, and approved the groundwater sustainability action plan.

City Council questions and comments followed.

City Council accepted the report.

3.C CONSIDER FORMING A CITY COUNCIL STANDING HOMELESSNESS COMMITTEE AND PROVIDE DIRECTION TO STAFF

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

Cynthia Reis expressed support of the standing Homelessness Committee.

Bubba Paris stated it is an honor to have Council serve the homeless community, and suggested that Council do the committee in a way that will have the highest level of transparency to the public.

Robert Tanner suggested Council should continue with an ad hoc committee. Council will spend approximately \$800,000 for a homeless shelter and have a third party run it, and an ad hoc committee would be helpful in that respect.

Sharon Gardner-Losch supported a standing committee for homelessness as it would show the City is understanding the need for long-term support in this area and public transparency.

William Muetzenberg supported the formation of a standing committee, adding it is important to figure out a master plan and continue the work that has already been done, and a standing committee can tackle housing affordability, and keep people off the street.

City Council questions and comments followed.

Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to form a standing Homelessness Committee.

Council Member Arriola announced that Adrienne Richardson, City Clerk provided City Council with a copy of the Homelessness Strategic Plan – Summary which will be included in the record.

Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to form a standing Homelessness Committee. Roll call vote found all in favor; passed and so ordered.

Council Member Bedolla made a substitute motion to propose a formation of a standing Homelessness Committee with the purpose and scope to be defined further and the name to be decided later by the committee, to consist of no less than three Council Members and meet no less than three times annually.

Mayor Young clarified the first discussion was regarding whether to form an ad hoc or standing committee.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to form a standing Homelessness Committee. Roll call vote found all in favor; passed and so ordered.

Motion was made by Council Member Arriola for the creation of a committee titled the Tracy Homelessness Committee with the purpose of implementing the Tracy Homelessness Strategic Plan including the possible amendment of such plan, and the purpose to continue to address homelessness in the City of Tracy, with a two person standing committee. Mayor Pro Tem Vargas seconded the motion.

City Council questions and comments continued.

Council Member Bedolla motioned for a formal amendment to change the number of Council Members on the standing committee to at least three. Council Member Davis supported the formal amendment.

City Council questions and comments continued.

Council Member Arriola motioned to make a friendly amendment to rename the committee to the Tracy Homelessness Advisory Committee. Council Member Davis supported the friendly amendment.

City Council questions and comments continued.

ACTION: Motion was made by Council Member Bedolla and seconded by Council Member Davis to create a committee titled the Tracy Homelessness Advisory Committee with the purpose of implementing the Tracy Homelessness Strategic Plan including the possible amendment of such plan, and the purpose to continue to address homelessness in the City of Tracy, with a three person standing committee. Roll call found Council Members Bedolla and Davis in favor. Council Member Arriola, Mayor Pro Tem Vargas and Mayor Young opposed. Motion failed.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas for the creation of a committee titled the Tracy Homelessness Advisory Committee with the purpose of implementing the Tracy Homelessness Strategic Plan including the possible amendment of such plan, and the purpose to continue to address homelessness in the City of Tracy, with a two person standing committee. Roll call found all in favor; passed and so ordered.

City Council comments followed.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to hold quarterly meetings with the option to schedule special meetings as necessary for an approximate duration of an hour, with updates to Council at the meeting following the standing committee meeting. Roll call vote found all in favor; passed and so ordered.

3.D DISCUSS ADOPTING A RESOLUTION CALLING FOR TEMPORARY \$5 AN HOUR HAZARD PAY FOR CERTAIN GROCERY WORKERS DURING COVID-19 WIDESPREAD (PURPLE) TIER STATUS AND PROVIDE DIRECTION TO STAFF

Leticia Ramirez, City Attorney, provided the staff report.

Cynthia Reis expressed support for a \$5 hazard pay increase for the essential grocery workers at publicly traded organizations.

Robert Tanner stated while he does support the \$5 hazard pay increase in the grocery stores, it only covers when in the purple tier, and is a mute point if we go back to red tier, and believed the California Chamber is against this added cost to the businesses that can't afford it.

William Muetzenberg supported the increase as grocery stores have displayed remarkable bravery during the pandemic. Mr. Muetzenberg asked if the resolution is adopted does it then go into effect or is it non-binding.

Sharon Gardner-Losch expressed strong support for the hazard pay increase.

Dan Evans shared his concerns regarding the City getting involved and pandering to a specific group adding the conversation should be between workers and employers or unions and employers.

Council Member Arriola motioned for staff to return with a resolution to adopt temporary hazard pay for grocery workers in the amount of \$5 an hour for employees of grocery stores that are publicly traded companies or have at least 300 employees nationwide while the City of Tracy remains in the purple widespread tier under the States COVID-19 restrictions. Council Member Bedolla supported the motion.

City Council comments followed.

Council Member Arriola made a friendly amendment to expand the definition to include those stores that have 10% of their space dedicated to grocery sales. Council Member Bedolla accepted the friendly amendment.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Bedolla for staff to return with a resolution to adopt temporary hazard pay for grocery workers in the amount of \$5 an hour for employees of grocery stores that are publicly traded companies or have at least 300 employees nationwide or who have 10% of their storefront dedicated to grocery sales, while the City of Tracy remains in the purple widespread tier under the States COVID-19 widespread restrictions. Roll call found Council Members Arriola and Bedolla in favor. Council Member Davis, Mayor Pro Tem Vargas and Mayor Young opposed. Motion failed.

3.E CONSIDER AMENDING THE COUNCIL CODE OF CONDUCT TO ADDRESS COMPLIANCE WITH THE CODE OF FAIR CAMPAIGN ACTIVITIES AND CITY RESTRICTIONS ON TEMPORARY SIGNS RELATING TO THE ELECTION

Leticia Ramirez, City Attorney, provided the staff report.

Robert Tanner stated the last campaign signs were up before 45 days in County limits, and two weeks after the election signs were still up. Mr. Tanner stated campaigns need to be fined for signage after the 5-day deadline.

Dan Evans stated he sees Council disregarding their own Code of Conduct and reminded Council that concerned citizens are paying attention, and Council needs to work on ensuring compliance of the Code of Conduct as is written, to restore faith in the Tracy community.

Motion was made by Council Member Arriola to adopt a Resolution amending the Council Code of Conduct to address compliance with Code of Fair Campaign Activities and city restrictions on temporary signs related to the election. Mayor Pro Tem Vargas seconded the motion.

Council Member Arriola made a friendly amendment to the motion that the proposed language of Section 3.3.8.1 to include all candidates. Mayor Pro Tem Vargas seconded the friendly amendment.

City Council questions and comments followed.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to adopt **Resolution 2021-017** to amend the Council Code of Conduct to address compliance with Code of Fair Campaign Activities and city restrictions on temporary signs related to the election with amendment to 3.3.8.1 to include the language plus all candidates. Roll call found Council Members Arriola, Bedolla and Mayor Pro Tem Vargas in favor. Council Member Davis and Mayor Young opposed. Motion carried.

4. ITEMS FROM THE AUDIENCE – There was no public comment.
5. STAFF ITEMS – Jenny Haruyama, City Manager provided an update on the following actions taken by the City Manager during the COVID emergency:
 - Approval of OIA for Prologis/North-East Industrial (NEI) Phase 3 Mass Grading and Storm Drain Installation.
 - Approval of Amendment No. 1 to Professional Services Agreement with Management Partners to provide support and facilitation to the City of Tracy Fiscal Sustainability Ad Hoc Committee.
6. COUNCIL ITEMS – Mayor Pro Tem Vargas requested to agendaize consideration of creating a Council policy for discussion and action that Council Members serving on a board, commission, committee, JPA board or any assigned subcommittees or boards will not take action that will obligate the City in any financial way without coming back to Council for approval. Council Member Arriola supported the request.

Mayor Pro Tem Vargas asked about bringing back the Nature Park Committee, and to make sure the ad hoc committee is not a standing committee for the purpose of establishing an opening in Tracy Nature Park Ad Hoc Committee.

Jenny Haruyama, City Manager responded she is working with Director MacDonald to help develop proposed language that would help position and leverage the ad hoc and maybe a working group to better obtain grants. The item will be coming in approximately the next couple of meetings, have heavy items coming up but can endeavor to get that on the agenda.

Mayor Pro Tem Vargas stated she will be doing a Valley Link update on the 18th at Mountain House and requested to schedule a short Powerpoint presentation to update Council.

Ms. Haruyama responded that it can be done under Council items and would be similar to Council Members reporting out on a subcommittee or board they are appointed to, and Mayor Pro Tem Vargas is choosing to do it in a visual presentation, but it needs to be brief.

Council Member Davis spoke about her visit with staff to El Pescadero Park, thanked staff, Police Department, and Code Enforcement for giving the tour. Council Member Davis requested support to start looking now for a service provider for the future temporary homeless shelter, and shared her concerns with the budget shortfall, breaking ground and having to scramble to find someone to service it. The City is already having challenges with utilizing City resources to look after the homeless problem in the parks. Council Member Bedolla supported the request.

Council Member Davis stated the public can see the City is doing everything it can to help our unsheltered community with the warming center, but since that is coming to an end at the end of March, she wanted to see if the City can do more to help address those temporary housing needs of our unsheltered population. Council Member Davis requested support to have a conversation about adopting policies to address equitable use of parks including but not limited to making a temporary concession of establishing a temporary camp ground at current designated temporary homeless shelter area, so there is not a gap in services between when the shelter closes and when we break ground. Mayor Young supported the request.

Mayor Pro Tem Vargas asked if that would be part of the standing committee conversation and planning to bring back to Council.

Ms. Haruyama responded it could be but it depends on timing when it comes back to Council. In terms of Council Member Davis's request, we can have conversation however given some implications that are legal in nature that could come back to Council in a Closed Session and from there can figure out the path forward.

Mayor Young asked for clarification regarding equitable use of parks as far as the community.

Ms. Haruyama responded with respect to Council Member Davis's first item on moving forward with identifying the service provider, there will be a shelter update coming to Council on March 2, 2021, which will have information related to that suggestion and make sure that is the consensus and the correct approach Council would like to take.

Council Member Davis mentioned the Closed Session regarding the ruling concerning the Surland Development Agreement and requested to bring back a discussion about renegotiating the terms of that agreement. Mayor Pro Tem Vargas supported the request.

Mayor Pro Tem Vargas stated everyone has an interest in doing something for the unsheltered population and asked about conversation regarding assigning of resources, not just funding but also personnel needs to be part of the discussion. Nothing is going to happen unless we really make a commitment of resources. Mayor Pro Tem Vargas asked where to have the most appropriate discussion on resource allocations.

Ms. Haruyama responded Council will have multiple touches on that opportunity. The first will be on the shelter item because we need to talk about the funding gap for the capital project. Council will also have the opportunity to discuss that in the Measure V conversation on March 23, 2021, and then there is the budget development process. The movement to have a standing committee on homelessness does communicate a more permanent need that Council is moving to a new core service. That is something Council should be thinking about as we enter into the budget development discussion. Council cannot not have resources attached to a new core services.

Mayor Pro Tem Vargas asked if that was the plan to bring back on each opportunity for discussion.

Ms. Haruyama responded she has two ideas in mind. One, Council will have the option of considering appropriation as a part of a shelter discussion. Second is that as part of the budget process, assuming the Council approves a resolution to establish a standing committee, she will have some policy decisions for Council as a part of the budget adoption process which will include some resources that Council will need to consider approving and supporting with some suggested language on funding sources. That could be a very small division creation to support homeless and housing.

Council Member Davis supported Mayor Pro Tem Vargas's request regarding discussions for resource allocations for the unsheltered population.

Council Member Bedolla reported on his attendance at the Special City Selection Committee meeting for the San Joaquin Valley Air Pollution Control District. Council Member Bedolla wished everyone a blessed Lent and translated his wish in Spanish.

Council Member Arriola stated people have started to get their EBCE contact information in the mail and to be aware there will be at least three more contacts through EBCE and a lot more social media information coming soon.

Mayor Young reported on her attendance at the Economic Development workshop through the League of California Cities, Stein Safety Committee meeting, ACE Rail Board meeting, South San Joaquin County Fire Authority, and has spoken with many residents about different issues.

7. ADJOURNMENT – Time: 10:34 p.m.

ACTION: Motion was made by Council Member Davis and seconded by Mayor Pro Tem 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 February 11, 2021. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk