

March 2, 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 7:16 p.m.

Mayor Young led the Pledge of Allegiance.

Imaam Sheikh Lateef ur Rahman, Islamic Society of Tracy 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 items 1.D and 1.E by Mayor Young and Alice English, 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 16, 2021, REGULAR MEETING MINUTES – **Minutes were adopted**
 - 1.B APPROVE A GENERAL SERVICES AGREEMENT, NOT TO EXCEED \$150,000 ANNUALLY, WITH HORIZON DISTRIBUTORS, INC., FOR NON-AGRICULTURE IRRIGATION SUPPLIES, AND AUTHORIZE THE CITY MANAGER TO AMEND THE AGREEMENT TO EXECUTE ANY EXTENSIONS AND TO MAKE MINOR AMENDMENTS TO THE AGREEMENT – **Resolution 2021-018** approved the General Services Agreement with Horizon Distributors, Inc.
 - 1.C APPROVE A MITIGATION AGREEMENT BETWEEN THE CITY OF TRACY AND HARVEST IN TRACY, LLC (FKA LTMT TRACY, LLC), A DELAWARE LIMITED LIABILITY COMPANY, TO ENSURE EASEMENT ACCESS TO PUBLIC UTILITIES LOCATED AT APN 23863001 THROUGH HARVEST IN TRACY PURCHASING AND CONVEY A PIPEHUNTER SIDE-KICK EASEMENT MACHINE WITH TRANSPORT TRAILER TO THE CITY OF TRACY – **Resolution 2021-019** approved the Mitigation Agreement with Harvest in Tracy, LLC.
 - 1.F APPROVE THE CITY OF TRACY 2021 REGIONAL TRANSPORTATION AND LOCAL PROJECT SUBMITTAL FOR CONGRESSIONAL APPROPRIATION REQUESTS DURING SAN JOAQUIN COUNCIL OF GOVERNMENTS' ONE VOICE TRIP TO WASHINGTON D.C. – **Resolution 2021-020** approved the

2021 Regional Transportation and Local Project submittal for congressional appropriation during SJCOG One Voice Trip to Washington D.C.

1.D APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH DENOVO PLANNING GROUP FOR PREPARATION OF THE DOWNTOWN TRANSIT-ORIENTED DEVELOPMENT SPECIFIC PLAN AND ENVIRONMENTAL IMPACT REPORT FOR A NOT-TO-EXCEED AMOUNT OF \$499,942

Andrew Malik, Assistant City Manager provided the staff report and responded to Council questions.

Robert Tanner stated an amendment was voted on and it lost, residents did not want to have unlimited housing, land is contaminated, and encouraged Council not to spend \$500,000 until a later date.

Ubbo Coty stated the citizens voted no on Measure Y and we still have a Council that does not wish to represent the will of the people and insists on its own special interest.

Mayor Pro Tem Vargas disagreed with the comments made by the previous caller.

Chris Overheul stated he was disappointed that Council continues to pursue the TOD after Measure Y was defeated. It was clear people did not want it.

Neil Prescott stated he was surprised Council is continuing to pursue the TOD after the citizens gave a negative vote on Measure Y. Mayor Pro Tem Vargas cannot stay away from the issue and people need to know why.

Mayor Pro Tem Vargas responded Measure Y was a City Council measure voted 4:1 in favor of the measure, being singled out, but it was a measure by the City of Tracy.

Alice English spoke about the following: The item being on the consent calendar, Mayor Pro Tem Vargas spearheading the item and trying to go around Measure A to get the TOD here, residents should have input, concerns regarding Valley Link being committed to the downtown, residents voted no on Measure Y, Mayor Pro Tem Vargas and Council Arriola pushed it, and encouraged Council to vote no on consent items 1.D and 1.E.

Council Member Arriola objected to the characterization that he colluded to bring Valley Link to Tracy.

Mayor Pro Tem Vargas disagreed with the comments from Ms. English. Ms. English is creating a narrative that is not true.

Shawn Cannon shared her concerns regarding Council continuing to pursue the TOD after citizens of Tracy voted strongly against Measure Y, and did not want traffic and high-density housing in our historic downtown.

Sharon Gardner-Losch spoke in support of the TOD stating without TOD Valley Link will not stop here and we will not get the benefits, do not see historic downtown but do see potential, open to opportunities for growth, jobs, and affordable housing, and recommended Council approve the item.

Dan Evans spoke about the historic downtown being worth preserving, Measure Y losing on the ballot, high density downtown housing not the will of Tracy citizens, Mayor Pro Tem Vargas continuing to discuss the TOD at Council meetings, contaminated soil not being addressed in Measure Y, and members of Council putting special interests ahead of what the citizens of Tracy want.

Mayor Pro Tem Vargas responded the item was brought up by the entire Council, and instructed the City Manager to put on the agenda, and disagreed with the characterization on being represented by a special group that has a special interest.

Alex stated citizens voted down Measure Y and it is disheartening to see Council keep wanting to push the expansion of the TOD.

Chrystena Rockett suggested tabling consent items 1.D and 1.E for further discussion and clarification. Item 1.D goes against the will of the voters, and item 1.E looks for changing the General Plan Guidelines and amending the GMO and neither of the items seem to be routine.

Richard English urged Council to not make any decisions on consent items 1.D and 1.E and shared concerns regarding Valley Link, using GMO to go around Measure A, and Measure Y voted down.

J.T. Rodgers commented about Mayor Pro Tem Vargas pushing the City to take the lead on the TOD plan, asked about the Sandhu brothers involvement with the TOD and Measure Y, and stated the public deserves full transparency on the matter and additional hearings need to be scheduled.

Geri Featherston shared concerns regarding Council trying to circumvent the people of Tracy's no vote on Measure Y and going around Measure A in item 1.E, stating it is unethical and irresponsible.

William Muetzenberg supported the Council's consideration to build up the TOD to prepare for the arrival of Valley Link and ensure that affordable housing, thriving commerce, and easy connectivity are the key cornerstone of our historic downtown.

Jim Bozeman asked if Mayor Pro Tem Vargas was currently employed by Mike Sandhu, or any other of Mr. Sandhu's businesses or affiliations, or any of his relatives.

Ramona Confer shared concerns regarding the historic downtown and the Southside Community being forgotten and developers and city officials trying to get rid of the core of the city, lack of transparency and communication for the agenda item.

Ally Arroyo requested item 1.D be moved to the regular agenda and commented about Measure Y failing, Tracy voters rejected the proposal of circumventing Measure A, and spending money during budget shortfalls on something that is not guaranteed.

Jim Freeman commented with the November vote on Measure Y, the people of Tracy have stated their unambiguous opposition to trains running through the center of town, and transit oriented development downtown, and shared his concerns regarding Valley Link.

Robert Smith commented there are too many questions and too little transparency surrounding this service agreement extension with DeNovo, and the item needs to be rescheduled as a regular agenda item at a later date with more information.

Adrienne Richardson, City Clerk announced a letter, which exceeded the word limit was received from Downtown Tracy City Center Association in support of the TOD, and was provided to City Council.

City Council questions and comments followed.

Bill Dean, Assistant Development Services Director responded to Council questions.

Council Member Bedolla wanted it in the record that he supported moving forward with the Specific Plan process without UR1 at this time.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to adopt **Resolution 2021-021** approving Amendment No. 1 to the Professional Services Agreement with Denovo Planning Group for preparation of the downtown transit oriented development specific plan and environmental impact report for a not-to-exceed amount of \$499,942. Roll call found Council Members Arriola, Bedolla, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Member Davis opposed.

1.E APPROVE SCOPE OF WORK FOR PLACEWORKS, INC. REGARDING WORKFORCE AND AFFORDABLE HOUSING POLICY AND ZONING ORDINANCE AMENDMENTS, AND GROWTH MANAGEMENT ORDINANCE INITIATIVE, USING STATE GRANT FUNDS FROM SB 2 AND LEAP GRANT PROGRAMS

Andrew Malik, Assistant City Manager provided the staff report.

Robert Tanner stated the item should have been on a regular agenda and responded to Council Member Arriola's comment regarding 65,000 who didn't vote, and suggested holding off.

Alice English spoke about the following: Mayor Pro Tem Vargas misleading candidates to endorse for Measure Y, item should be tabled for public input and involvement, disagreed with #12 on page 2 of the staff report to go on a ballot, people voted against it and how much more money are you spending.

Sharon Gardner-Losch asked about redirecting the grants. It is misleading, we cannot use money for putting food on the table, waste to leave money and not use for housing crisis. Would be happy to hear City has a comprehensive plan to address the housing needs and make it more affordable. Would support this.

Dan Evans spoke about some Council Members doing whatever special interests they want, Council not hearing the will of the people and implied Council Member Arriola said a majority vote doesn't matter.

Council Member Arriola objected to some of the characterizations made by Mr. Evans.

William Muetzenberg supported any effort by the Council to improve how housing permits are allocated so that we can build housing that is affordable for all. We need to build Tracy up if we hope to move it forward.

Jessica Weaving stated the voters have already spoken, repeatedly, demanding slow growth, but Council continues to spend taxpayer monies in an attempt to circumvent what the voters want. Focus on slow growth and build a quality community, with focus on good paying jobs that can support the housing prices and infrastructure that is severely lacking.

Grace Gualco shared concerns regarding Council not listening to the constituents and trying to go around Measure A.

Mayor Pro Tem Vargas disagreed with comments from Ms. Gualco.

Denece Vincent commented the majority of Tracy voters have repeatedly confirmed that they prefer slow growth, and what they want is for infrastructure to catch up with the needs of current residents.

Catherine Espitia stated Tracyites want Slow Growth and requested Council not tamper with Measure A, which was implemented for a reason - slow growth.

Debbie Shenk requested slowing down the building. No new growth.

Jim Freeman stated the voters have spoken, repeatedly, demanding slow growth, but Council spends taxpayer money frivolously attempting to circumvent the will of the voters. Maintain slow growth and build a quality community, and focus on jobs and infrastructure.

Peg Abell requested Council stop the growth, no more housing, and bring in more business.

Shannon Vargas asked why Council is considering another proposal for low income housing, and stated she is not ok with tax dollars being spent on this.

Wendy Tocchini stated several years ago a group got together and fought off developers wanting to bypass Measure A, and Measure M was shot down by the voters. We don't want an increase of homes to be built.

Adrienne Richardson, City Clerk announced emails were received from Michael Gonzalez and Melissa Simpson, which exceeded the word limit and were provided to Council by email and on the dais.

Council Member Arriola motioned to approve a scope of work prepared by PlaceWorks, Inc. regarding workforce and affordable housing policy and zoning, ordinance amendments, and Growth Management Ordinance initiative, using Senate Bill 2 and local early action planning grants funds. Mayor Pro Tem Vargas seconded the motion.

City Council questions and comments followed.

Council Member Bedolla motioned to amend the motion on the floor to remove item #12 of PlaceWork's scope of work. There was no second to the motion.

City Council comments continued.

Council Member Bedolla requested to go on record in opposition of item #12 in list of recommendations and once again asked for support for motion to amend the motion on the floor to remove #12. Motion was not seconded.

City Council comments continued.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to adopt **Resolution 2021-022** approving a scope of work prepared by PlaceWorks, Inc. regarding workforce and affordable housing policy and zoning, ordinance amendments, and Growth Management Ordinance initiative, using Senate Bill 2 and local early action planning grants funds. Roll call found Council Members Arriola, Bedolla, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Member Davis opposed.

2. ITEMS FROM THE AUDIENCE – Anonymous caller requested the City of Tracy look into Tracy Police Departments investigation policies and procedures and spoke about her experience in 2019 relating to an alleged assault by Police Officers.

Robert Tanner stated four Council Members did not listen to people regarding the previous items. Council Member Davis stuck to her guns and voted no on both issues. Hoped when we come to CIP issues and amenities that Council votes to complete Legacy Fields first. Mr. Tanner asked about an update on the Aquatic Park.

Michaela Toscas spoke about a letter received from the City stating she did not meet the eligibility criteria for phase 1 and 2 and was ineligible to move on further in the application process for a cannabis storefront and delivery retail in Tracy. Ms. Toscas added that was not correct, shared her qualifications and experience, and requested the City take a second look at applications.

Tim Silva spoke about Council pulling the wool over citizen's eyes, shared concerns regarding affordable housing, Ellis Development and Les Serpa getting RGA's, and

asked about Legacy Fields. Mr. Silva suggested Council not argue or debate with the public, and listen to their constituents.

Ubbo Coty stated he was shocked and disturbed regarding what Council Member Arriola is saying, social programs not going to work, suggested putting in new dog parks, and would like to see something positive happen from all of this. Listen to constituents.

Council Member Arriola responded he objected to that characterization.

Dan Evans agreed with Bob Tanner that there is one principal person on dais, the rest appeared to be beholding to some other interest, and spoke about a comment he interpreted during Item 1.D from Council Member Arriola regarding not listening to the will of the people and their votes did not count.

Council Member Arriola responded he objected to commentary made by previous caller.

Raza Lawrence represented multiple applicants for cannabis business permits, which had local Tracy ownership and was disappointed clients were not accepted. Mr. Lawrence shared his concerns regarding cutoff percentage and the application process, and requested releasing all scoring info to the applicants so there can be transparency and see if there is any need to revise the system.

Leticia Ramirez, City Attorney stated her office will craft a response to the applicants.

Arabella McCreary shared her frustrations with cannabis scoring process, and suggested reconsidering deadlines, scoring process and give opportunity to appeal much sooner than three months.

Alex stated without sharing scores how do we know what we are appealing. Most licenses people were denied were non-competitive licenses, and was told we did not meet the 80% threshold for non-competitive licenses doesn't benefit us, City or increase tax revenues for the City.

Adrienne Richardson, City Clerk announced an email was received from Spencer Sitnik that exceeded the word limit regarding concerns with the cannabis application process, and was provided to Council by email and on the dais.

3. REGULAR AGENDA

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Davis to table agenda items 3.D and 3.E. Roll call found all in favor; passed and so ordered.

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.

Alice English stated since schools and other businesses are opening, she felt the Council chambers needs to open to the public.

Ubbo Coty agreed with Ms. English stating that if we are in the red tier he did not see why the public cannot be back in Council chambers for meetings.

Robert Tanner spoke about COVID testing locations, and requested a slide in the report or in the newsletter information about the testing locations. Mr. Tanner supported having the public back in Chambers.

Karen Moore asked for clarification on when and how often should the community be utilizing the testing.

City Council comments and questions followed.

City Council accepted the report.

3.B ACCEPT CITY OF TRACY FISCAL IMPACT ANALYSIS REPORT OF SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY (SSJCFA) PERSONNEL TRANSITION AND PROVIDE DIRECTION TO STAFF

Mayor Pro Tem Vargas stated the FPCC has not yet finalized a letter of advice determining if she can participate on fire contract items, and in an abundance of caution recused herself from the item. Mayor Pro Tem Vargas left the dais.

Jenny Haruyama, City Manager, David Bramell, Fire Division Chief, and Leticia Ramirez, City Attorney provided historical background information and presentation of the South San Joaquin County Fire Authority Phase 2 Personnel Transition Fiscal Impact Analysis.

Mike Oliver, President of Municipal Resource Group (MRG) introduced Dana Shigley and Brian Kelly, MRG Consultants and provided a brief overview of the Fiscal Impact Analysis Report presentation.

Dana Shigley, and Brian Kelly, MRG Consultants provided a presentation regarding potential fiscal impacts for the City resulting from the transition of the City fire employees to the Authority, and responded to questions.

Stan Parker thanked Fire Chief Bradley for his leadership and moving the consolidation of the City's Fire District and the Rural County Fire District forward. Mr. Parker encouraged Council to approve the Fiscal Impact Analysis Report.

Ubbo Coty encouraged Council to table the item and explore it and make a better educated decision. Calpers is something you want to learn more about as you go forward. Mr. Coty added he was happy that Mayor Pro Tem Vargas recused herself from the item.

Mary Mitracos stated this is the most comprehensive report she has seen in public for the JPA, and shared her concerns regarding projection for revenue stating the City has a right to know about the Rural Fire Districts revenue, income

and fiscal sustainability over the long term if we are going to be entering into this kind of partnership.

Alice English urged Council to accept this concept and go forward. This has to do with safety and quality of life. If we do not go with the JPA we will be in jeopardy, looking at \$20 million if we partner with a rural authority board versus \$103,000 every year for the next 50 years.

Jeff Ramsey spoke on behalf of Tracy Rural Fire District (TRFD) and provided information regarding TRFD and the JPA. Mr. Ramsey reaffirmed TRFD commitment to move into phase 2 of the agreement that the City of Tracy and TRFD entered into in 2018. The consultant's report highlights some areas that may be of some concern for the Council. The JPA to address these concerns and come to agreeable solution for all parties. Rural request reasonable time line on completing the transition to the JPA.

John Paxton encouraged Council to accept the fiscal report for the South San Joaquin County Fire Authority stating the issue has been vetted, and need to stop spending additional taxpayer money on something that is working.

Juan supported the partnership with the Rural Board and the Tracy Fire Department and requested Council accept the status to the fire employee transition plan to stand alone with the South San Joaquin County Fire Authority.

Tracy First suggested having staff analyze the many unknown costs and contracting back for services to avoid duplication of staff salaries. Consider a cost effective solution.

Richard English stated the plan to stand alone is a good concept for Tracy's safety and future. If Council chooses not to allow this it will be detrimental financially and affect the safety, quality of life to the residents and our city for years to come.

Fire Chief Randall Bradley responded to Council questions.

Council Member Arriola moved to accept the Fiscal Impact Analysis Report of the South San Joaquin County Fire Authority and direct staff for additional analysis in the areas of 1) Calpers unfunded liability, 2) Health insurance benefits for employees, and 3) Administrative and support services. Council Member Davis seconded the motion.

Ms. Haruyama suggested one additional thing the consultant had stated a refinement of the future apparatus and equipment funding.

Council Member Arriola stated he would accept the friendly amendment to the apparatus and equipment funding. Council Member Davis accepted the friendly amendment.

Council Member Davis requested the City and Rural bring back information to Council for review regarding what those numbers would be. Council Member Arriola accepted the amendment.

Ms. Haruyama clarified Council Member Davis's request: Interested in understanding the revenue projections, and if there could be a split what the order of magnitude would be for both agencies involved and what that could look like. Cautioned Council that while we can give ranges and estimates, at the end of the day if a trigger is pulled there will be negotiations and that could look very different, but we probably have enough information to give you an order of magnitude and identify what some of those issues might be.

City Council questions and comments continued.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Davis to accept City of Tracy Fiscal Impact Analysis Report of South San Joaquin County Fire Authority (SSJCFA) and provide direction to staff to conduct additional analysis on 1) Calpers unfunded liability, 2) Health insurance benefits for employees, 3) Administrative and support services, 4) Operations and apparatus equipment funding, 5) Revenue projections and scope of order of magnitude between the City and Fire Authority, and 6) Policy ramifications related to governance. Roll call found Council Members Arriola, Bedolla, Davis, and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Vargas recused herself from the item.

3.C RECEIVE UPDATE ON HOMELESSNESS AND PROVIDE DIRECTION ON TEMPORARY EMERGENCY HOUSING FACILITY PROJECT, INCLUDING FUNDING STRATEGIES – **Agenda item tabled to March 16, 2021.**

ACTION: Council Member Arriola motioned to table Item 3.C until March 16, 2021. Council Member Davis seconded the motion

3.D APPROVE 2021-2023 MULTI-YEAR AND SHORT-TERM STRATEGIC PRIORITIES AND WORKPLAN, AND PROVIDE DIRECTION TO STAFF, AND ACCEPT CITY COUNCIL WORKSHOP REPORT AS JANUARY 5, 12, AND 14, 2021 SPECIAL MEETING MINUTES – **Agenda item tabled.**

3.E DISCUSS ROLE, MAKEUP, AND NECESSITY OF CITY BOARDS AND COMMISSIONS AND PROVIDE DIRECTION TO STAFF – **Agenda item tabled.**

4. ITEMS FROM THE AUDIENCE – None

Leticia Ramirez, City Attorney confirmed that the full Council agreed to table agenda Item 3.C.

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

- Award Construction Contract to Tracy Grading and Paving for 6th Street Reconstruction (West of Tracy Blvd) – CIP 73168

Ms. Haruyama presented Mayor Young with a Congressional Record from Congressman Josh Harder recognizing Mayor Young as the first elected at large female African American Mayor. Congressman Harder provided a video congratulating Mayor Young.

6. COUNCIL ITEMS – Council Member Arriola wished everyone a happy Women’s History Month.

Council Member Bedolla requested when Measure V discussion comes to Council include options for project reprioritization and information or discussion on the pros and cons of the formal allocation model. In order to utilize any funding from Measure V for any other projects we are going to have a discussion on project reprioritization. Mayor Pro Tem Vargas seconded the request.

Council Member Davis wished everyone a happy Women’s History Month and thanked Council Member Arriola.

7. ADJOURNMENT – Time: 1:11 a.m. Date: Wednesday, March 3, 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 February 25, 2021. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk