

September 1, 2020, 7:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy

Web Site: [www.ci.tracy.ca.us](http://www.ci.tracy.ca.us)

Due to the COVID-19 emergency, the regular meeting was conducted pursuant to the provisions of the Governor's Executive Order N-29-20, which suspends certain requirements of the Ralph M. Brown Act. Residents participated remotely via email, phone and WebEx during the meeting.

Mayor Rickman called the meeting to order at 7:05 p.m.

Mayor Rickman led the Pledge of Allegiance.

Pastor Scott McFarland, Journey Christian Church offered the invocation.

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

1. CONSENT CALENDAR – Following the removal of items 1.H and 1.G by Council Member Vargas and item 1.E by Council Member Ransom motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
  - 1.A APPROVAL OF AUGUST 18 2020 SPECIAL MEETING AND REGULAR MEETING MINUTES AND AUGUST 26, 2020 SPECIAL MEETING MINUTES – Minutes were adopted.
  - 1.B AUTHORIZE THE PURCHASE OF EIGHT GENFARE FAST FARE MODEL FARE BOXES FOR TRACER VEHICLES (CIP 77560) IN THE AMOUNT OF \$145,464.22 AND MAKE A BEST INTEREST FINDING TO FOREGO FORMAL BIDDING PROCEDURES – Resolution 2020-155 authorized the purchase of the eight Genfare Fast Fare Model Fare Boxes for Tracer vehicles.
  - 1.C AUTHORIZE THE ACCEPTANCE OF \$11,654 FROM THE 2020 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR FUNDING HEALTH AND WELLNESS RELATED TRAINING, SERVICES, EQUIPMENT, AND TECHNOLOGY FOR LAW ENFORCEMENT OFFICERS AND APPROVE THE APPROPRIATION TO THE POLICE DEPARTMENT BUDGET FOR FISCAL YEAR 20/21 – Resolution 2020-156 authorized the acceptance of \$11,654 from the 2020 Edward Byrne Memorial Justice Grant (JAG) Program.
  - 1.D AUTHORIZE AMENDMENT OF THE CITY'S POSITION CONTROL ROSTER BY APPROVING THE ADDITION OF A FULL-TIME LIEUTENANT AND DELETING A PART-TIME PROFESSIONAL STANDARDS OFFICER POSITION WITHIN THE POLICE DEPARTMENT AND APPROVING THE ADDITION OF A FULL-TIME BUILDING MAINTENANCE WORKER AND THE DELETION OF A FULL-TIME BUILDING MAINTENANCE ASSISTANT WITHIN THE PUBLIC WORKS DEPARTMENT – Resolution 2020-157 authorized the amendments to the City's position control roster.

1.F APPROVE A GENERAL SERVICES AGREEMENT WITH DENALI WATER SOLUTIONS LLC, FOR THE PURPOSES OF LOADING, HAULING AND DISPOSING OF WASTEWATER TREATMENT BIOSOLIDS FOR FISCAL YEAR 2020-21 – **Resolution 2020-158** approved the General Services Agreement with Denali Water Solutions, LLC.

1.E AUTHORIZE TRACY POLICE DEPARTMENT TO ACCESS STATE AND FEDERAL LEVEL SUMMARY CRIMINAL HISTORY INFORMATION FOR COMMERCIAL CANNABIS BUSINESS OWNERS, EMPLOYEES, VOLUNTEERS, AND CONTRACTORS PERMITTING AND CERTIFICATION PURPOSES

Council Member Ransom pulled the item to talk about the City not having the authority to dictate who people hire as part of their business.

Bianca Rodriguez, Assistant City Attorney provided the staff report.

There was no public comment.

City Council questions and comments followed.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Vargas to adopt **Resolution 2020-159** a resolution of the City Council of the City of Tracy authorizing the Tracy Police Department to access state and federal level summary criminal history information for employment, volunteers, and contractors, licensing or certification purposes. Roll call found all in favor; passed and so ordered.

1.G APPROVE MASTER PROFESSIONAL SERVICES AGREEMENTS WITH VVH CONSULTING ENGINEERS AND KJELDSEN, SINNOCK, NEUDECK CIVIL ENGINEERS AND LAND SURVEYORS, INC. TO PROVIDE LAND SURVEYING SERVICES AND OTHER ENGINEERING SUPPORT SERVICES FOR CAPITAL IMPROVEMENT PROJECTS AND AUTHORIZE THE DEVELOPMENT SERVICES DIRECTOR TO EXECUTE FUTURE TASK ORDERS RELATED TO THE AGREEMENTS, FOR A NOT-TO-EXCEED AMOUNT OF \$200,000 FOR EACH CONSULTANT PER FISCAL YEAR

Council Member Vargas pulled the item to clarify that the intent is to provide better customer service to our clients and CIP project, and include CIP projects as part of the etracking.

There was no public comment.

Council questions followed.

**ACTION:** Motion was made by Mayor Pro Tem Young and seconded by Council Member Arriola to adopt **Resolution 2020-160** approving Master Professional Services Agreements with VVH Consulting Engineers and Kjeldsen, Sinnock, Neudeck Civil Engineers and Land Surveyors, Inc. to provide land surveying services and other engineering support services for Capital Improvement Projects, and

authorizing the Development Services Director to execute future task orders related to the agreements, for a not-to-exceed amount of \$200,000 for each consultant per fiscal year. Roll call found all in favor; passed and so ordered.

1.H APPROVE MASTER PROFESSIONAL SERVICES AGREEMENTS WITH WEST YOST & ASSOCIATES, BLACK WATER CONSULTING ENGINEERS, INC., AND BENNETT ENGINEERING SERVICES, INC. TO PROVIDE WATER PRESSURE AND CAPACITY ANALYSES AND ENGINEERING SERVICES FOR LAND DEVELOPMENT PROJECTS, AND AUTHORIZE THE DEVELOPMENT SERVICES DIRECTOR TO ISSUE FUTURE NOTICES TO PROCEED RELATED TO THE AGREEMENTS, FOR A NOT-TO-EXCEED AMOUNT OF \$200,000 FOR EACH CONSULTANT PER CALENDAR YEAR

Council Member Vargas pulled the item to clarify that it is in the spirit of servicing our community and clients, and have an expedient process and to ask staff to update the CIP projects on etracker.

There was no public comment.

**ACTION:** Motion was made by Council Member Vargas and seconded by Council Member Arriola to adopt **Resolution 2020-161** approving Master Professional Services Agreements with West Yost & Associates, Black Water Consulting Engineers, Inc. and Bennett Engineering Services, Inc. to provide water pressure and capacity analyses and engineering services for land development projects, and authorizing the Development Services Director to issue future notices to proceed related to the agreements, for a not-to-exceed amount of \$200,000 for each consultant per calendar year. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Veronica Vargas reminded Council to be mindful of the timelines when they speak. Ms. Vargas requested Council to look at the Code of Conduct, Ethics and enforce those policies, and requested that Council look into making a policy on timelines for Council, so all Council and the public can participate.

Mr. Evans, Patriot Coalition of Americans shared his concerns and opposition regarding Council Members Arriola and Ransom's Equity Empowerment Initiative, stating it will divide the community.

Council Member Ransom responded to Mr. Evans' comment.

Robin Cole spoke in support of Council Member Arriola and Ransom's Equity Empowerment Initiative, and spoke about systemic racism. Ms. Cole encouraged Council to continue with the Equity and Empowerment Initiative.

Tony Vars shared his concerns regarding El Pescadero Park being turned into a homeless encampment, and added our parks are there for the community to enjoy and camping is not permitted in parks.

Robert Tanner shared his concerns regarding Council not spending \$9 million to complete the paved parking lot and bathrooms at Legacy Fields, and added Council needs to complete one amenity for the City and that is Legacy Fields.

Council Members Ransom and Arriola objected to some of the comments stated by Mr. Tanner.

Mary Mitracos spoke about the City of Tracy structural deficit, reserves and percentage of general fund, provided a history regarding Legacy Fields, stated the City has a structural deficit again now, and encouraged Council to finish Legacy Fields.

Mayor Pro Tem Young responded to comments made by Ms. Mitracos.

Alex Monceaux shared his concerns regarding no distribution or manufacturing applications being allowed after the September 30 cannabis application processing closure date. Mr. Monceaux asked if the City has a plan on how to vet who is a local and who is going to run the business versus someone who has just been put on the license to score points.

### 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 questions and comments followed.

City Council accepted the update.

#### 3.B PUBLIC HEARING TO CONSIDER A VESTING TENTATIVE SUBDIVISION MAP (LARKSPUR ESTATES UNIT 4) TO DIVIDE ONE PARCEL INTO 13 PARCELS ON 1.89 ACRES LOCATED ON THE SOUTH SIDE OF DE BORD DRIVE AND CAIRO COURT, ASSESSOR'S PARCEL NUMBER 246-330-50, AND A DEVELOPMENT REVIEW APPLICATION FOR THE ARCHITECTURE OF 14 SINGLE FAMILY HOMES TO BE PLACED ON THE NEW SUBDIVISION LOTS AS WELL A LOT FORMERLY USED FOR EMERGENCY VEHICLE ACCESS, ASSESSOR'S PARCEL NUMBER 246-310-08

Victoria Lombardo, Senior Planner provided the staff report.

Mayor Rickman opened the public hearing.

There was no public comment.

Mayor Rickman closed the public hearing.

Dave Butz, Bright Development stated he was happy with the Conditions of Approval. Mr. Butz responded to Council Member Vargas's questions.

City Council questions and comments followed.

**ACTION:** Motion was made by Mayor Pro Tem Young and seconded by Council Member Vargas to adopt **Resolution 2020-162** approving a Vesting Tentative Subdivision Map (Larkspur Estates Unit 4) to divide one parcel into 13 parcels on 1.89 acres located on the south side of DeBord Drive and Cairo Court, Assessor's Parcel

Number 246-330-50, and a development review application for the architecture of 14 single family homes to be placed on the new subdivision lots as well a lot formerly used for emergency vehicle access, Assessor's Parcel Number 246-310-08. Roll call found all in favor; passed and so ordered.

**3.C RECEIVE UPDATE FROM THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY ON THE EMPLOYEE TRANSITION PLAN AND PROVIDE DIRECTION TO STAFF**

Randall Bradley, Fire Chief, provided the staff report.

A member of the public asked how the JPA works and who the Fire Chief reports to, why there are only four members on the Fire Authority, and requested public workshops on this matter to discuss governance and employment structure for public awareness.

Cliff Hudson asked why there are only four members on the Fire Authority, and requested public workshops on this matter to discuss governance and employment structure for public awareness.

John Muniz explained that the JPA had only four members to allow other agencies to have a seat at the table if the JPA grew. Mr. Muniz stated he would like to get the JPA completed by the end of the year.

Mary Mitracos asked about the fiscal impacts, and stated the decision will impact the City for decades. Ms. Mitracos supported the JPA, but the City should take the time and bring everyone along, and educate the public.

Ryan Gall, on behalf of Tracy Firefighters Association provided a brief history about the governance models, and stated he is confident the Fire Chief is moving the Fire Department in the right direction.

Council questions and comments followed.

Council Member Arriola and Council Member Vargas requested to see the employee transition plan.

Jenny Haruyama, City Manager summarized Council's consensus: Have an independent third party to look at fiscal piece of the transition plan, make sure the JPA is involved and it's a collaborative effort, and bring back at a regular scheduled meeting. Ms. Haruyama added that the item may not come back before November, but will keep Council apprised.

**3.D RECEIVE UPDATE CONCERNING THE CITY OF TRACY COMPREHENSIVE EMERGENCY MANAGEMENT PLAN AND PROVIDE DIRECTION TO STAFF**

Jenny Haruyama, City Manager provided brief input regarding the item.

Randall Bradley, Fire Chief, provided the staff report.

There was no public comment.

Council questions and comments followed.

**ACTION:** Motion was made by Council Member Vargas and seconded by Council Member Arriola to receive update regarding the City of Tracy Comprehensive Emergency Management Plan and directed staff to reengage conversation with Sutter Hospital regarding their future plans on their property at Gateway.

City Council questions and comments continued.

Mayor Pro Tem Young made a friendly amendment to include Council communication plan and training in the EMP. Council Member Vargas accepted the friendly amendment.

Roll call vote found all in favor; passed and so ordered.

3.E DESIGNATE 500 W ARBOR ROAD AS A TEMPORARY EMERGENCY HOUSING SITE FOR UNSHELTERED INDIVIDUALS IN TRACY; APPROPRIATE FUNDS FOR CONSTRUCTION AND PROVISION OF SERVICES IN THE AMOUNT OF \$690,000 FROM HOUSING ASSET FUNDS, \$100,000 FROM CDBG, \$109,000 CARES ACT; AUTHORIZE STAFF TO SUBMIT GRANT APPLICATIONS; AUTHORIZE STAFF TO ISSUE A REQUEST FOR PROPOSAL FOR A SERVICE PROVIDER TO OPERATE THE FACILITY; AND PROVIDE DIRECTION TO STAFF

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

Teresa Brown shared concerns regarding the homeless situation in Tracy and encouraged stepping up to care about those who need help when left without a place to live.

Tim Silva stated the item should be taken off the agenda, and shared his concerns regarding using the animal shelter as temporary emergency housing for displaced residents of Tracy and suggested Council and staff should speak with the displaced residents.

Jim Osborne, Tracy Community Connections Center expressed support of the proposition stating this is a step in the right direction to get people off the streets.

Jennifer Rowell advocated that the City move on the temporary emergency housing as this is step one of the strategic plan. Ms. Rowell added that we need to make sure shelters are low no barrier shelters that incorporate people, pets and possessions.

Council questions and comments followed.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Ransom to adopt **Resolution 2020-163** designating 500 W Arbor Road as a temporary emergency housing site for unsheltered individuals in Tracy, appropriate funds for construction and provision of services in the amount of \$690,000 from Housing Asset Funds, \$100,000 from CDBG, \$109,000 CARES

Act, authorize staff to submit related grant applications and issue a request for proposals for a service provider to operate the facility. Roll call vote found all in favor; passed and so ordered.

Mayor Rickman called for a recess at 11:17 p.m.

Mayor Rickman reconvened the meeting at 11:26 p.m.

3.F DESIGNATE VOTING DELEGATE AND UP TO TWO ALTERNATE VOTING DELEGATES FOR THE LEAGUE OF CALIFORNIA CITIES 2020 ANNUAL CONFERENCE BUSINESS MEETING AND DETERMINE CITY COUNCIL'S POSITION ON THE RESOLUTION TO BE CONSIDERED AT THE ANNUAL CONFERENCE BUSINESS MEETING

Adrienne Richardson, City Clerk, provided the staff report.

There were no comments from the public.

Mayor Pro Tem Young nominated Jenny Haruyama, City Manager as the voting delegate on behalf of the City. Mayor Rickman seconded the nomination.

Council Member Vargas volunteered to be an alternate voting delegate.

Council questions and comments followed.

**ACTION:** Motion was made by Mayor Pro Tem Young and seconded by Council Member Arriola to adopt **Resolution 2020-163** to designate Jenny Haruyama, City Manager as the voting delegate and Council Member Vargas as the alternate voting delegate for the League of California Cities 2020 Annual Conference Business Meeting and determined City Council's position as being in favor of the resolution to be considered at the Annual Conference Business Meeting. Roll call found all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – There was no public comment.
5. STAFF ITEMS – None
6. COUNCIL ITEMS – Council Member Arriola thanked firefighters for their efforts during the wildfire crisis and wished everyone a happy Labor Day.

Council Member Vargas thanked the firefighters for their efforts and thanked all the volunteers who protected structures. Council Member Vargas wished everyone a happy Labor Day.

Mayor Pro Tem Young wished everyone a safe Labor Day. Mayor Pro Tem Young provided staff clarification regarding her request at the last Council meeting to bring back 1) Discussion on Legacy Fields and 2) Discussion on the gymnasium before November. Mayor Pro Tem Young stated it is important to know where we have been, where we are and what we collectively want to do as this Council going forward with Legacy Fields as well what we are going to do about the gymnasium and aquatics so things are solidified before this Council expires. Council Member Ransom seconded the request.

Mayor Rickman added to include Legacy Fields as a whole, what is included in the funding the \$9 million. Council Member Vargas seconded the request.

Council Member Arriola asked to include phasing.

Jenny Haruyama, City Manager asked Mayor Rickman if he was asking for background on the cost of the \$9 million, what it would get. Phasing is a completely different discussion because staff has to wait on the developer's proposal for phasing.

Mayor Pro Tem Young wanted to make sure that we are looking at what needs to be done, and not making decisions on what is to be done – informational to understand how we got to where we are and what the plan is for the future.

Leticia Ramirez, City Attorney clarified informational means no action or only provide direction to staff so staff can make sure to have the appropriate desired action.

Mayor Pro Tem Young requested informational, the need that is being requested should be filtered into a Measure V conversation, and added she is not looking to spend \$9 million right now.

Ms. Ramirez clarified for purposes of agenda title and Brown Act compliance Mayor Pro Tem Young is seeking an item that discusses these projects with no action and direction to staff.

Mayor Pro Tem Young responded on Legacy Fields we have already completed what we said we would to do with Measure V. The gymnasium needs to be an action and much more information is needed.

Ms. Haruyama clarified the request is to bring back as informational for Legacy Fields and action oriented for the gymnasium and asked if Mayor Pro Tem Young is requesting both to come back before November because the gymnasium will be a heavy lift.

Mayor Pro Tem Young stated Council has made many different commitments pre this Council, last Council and the current Council and this Council will be changing and things need to be solidified.

Ms. Haruyama reminded Council that they have a lot going on and this will impact her scheduling ability to deliver things to Council.

Mayor Rickman stated the City Manager makes up the agendized items, Council cannot have everything and the City Manager is going to have to prioritize. Not everything can be brought back as a priority.

Mayor Pro Tem Young stated this is so crucial it should not go on to a third Council to make decisions.

Council Member Vargas responded absolutely, everything else should wait and we should go on this first. Council Member Vargas added the second she provided for Mayor Rickman's request on Legacy Fields and the \$9 million remaining; she did not want as an informational item, and was hoping to have the opportunity to make a decision. Mayor Rickman seconded the request.

Ms. Haruyama stated there are two conflicting Council requests. Ms. Ramirez suggested the City Attorney and the City Manager confer and get back to Council.

Mayor Pro Tem Young added if there is another update on Measure V then bring back the Legacy Fields part of that to look at finances. The gymnasium has already been decided as far as the framework so that is a separate conversation.

Ms. Haruyama responded she did not receive direction at the Measure V discussion but if the Council wants that item brought back to let her know now, and she will do her best to prioritize.

Mayor Pro Tem Young stated it is important in the context of the finances.

Ms. Haruyama responded staff provides Measure V updates in context of the quarterly fiscal updates so there will be some discussion but if you want to talk about actionable decisions with respect on how you spend, direction from Council is needed.

Council Member Arriola stated he would second that only in the context of the discussion on phasing of all Measure V.

Ms. Haruyama to figure it out and get back to Council.

Council Member Ransom wished everyone a happy Labor Day and thanked the firefighters especially our team for their efforts to help the statewide community. Council Member Ransom shared her concerns regarding fair, ethical and local government and value statement and things that are not in the spirit of the City's Code of Conduct and requested to revisit the Code of Conduct to look at how Council can address the gap. Mayor Pro Tem Young supported the request.

Council Member Vargas asked to bring back the speaking time limits for Council. Mayor Rickman supported the request.

Mayor Rickman responded to comments made by Council Member Ransom. Mayor Rickman announced the following: Wished everyone a happy Labor Day, South San Joaquin County Fire Authority did an exceptional job with limited resources, wished all new students good luck with the new school year, and reminded everyone to shop local and support local businesses.

7. ADJOURNMENT – Time: 12:04 a.m. Date: Wednesday, September 2, 2020.

**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 August 27, 2020. The above are action minutes. A recording is available at the office of the City Clerk.

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Mayor

ATTEST:

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City Clerk