

July 6, 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 WebEx during the meeting.

Mayor Young called the meeting to order at 7:00 p.m.

Mayor Young led the Pledge of Allegiance.

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

Pastor Tim Heinrich, Crossroads Baptist Church offered the invocation.

Midori Lichtwardt, Assistant City Manager presented the Employee of the Month award for July to Brian Foisy, Cultural Arts.

Mayor Young presented a Proclamation for Parks and Recreation Month to Jacy Krogh, Vice Chair of the Parks and Community Services Commission.

1. CONSENT CALENDAR – Following the removal of consent Items 1.C by Council Member Davis and 1.F by Kul Sharma, Utilities Director 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 ADOPTION OF JUNE 15, 2021 CLOSED SESSION AND REGULAR MEETING MINUTES AND JUNE 29, 2021 CLOSED SESSION MINUTES – **Minutes were adopted.**
 - 1.B WAIVE SECOND READING AND ADOPT ORDINANCE 1311, AN ORDINANCE OF THE CITY OF TRACY APPROVING AN AMENDMENT TO THE CORDES RANCH SPECIFIC PLAN REGARDING MOBILE FOOD VENDORS, PARK USES, MAXIMUM FLOOR AREA RATIO FOR HOTELS, AND SIGNS, APPLICATION NUMBER SPA20-0004 – **Ordinance 1311 was adopted.**
 - 1.D APPROVE A MASTER PROFESSIONAL SERVICES AGREEMENT FOR A THREE YEAR CONTRACT WITH FCGA ARCHITECTS, LLC TO RETAIN THE CONSULTANT TO PROVIDE ON-CALL PROFESSIONAL ENGINEERING SERVICES FOR CAPITAL IMPROVEMENT PROJECTS FOR A NOT-TO-EXCEED AMOUNT OF \$600,000 PER FISCAL YEAR, AUTHORIZE THE DEVELOPMENT SERVICES DIRECTOR TO EXECUTE NOTICES TO PROCEED RELATED TO THE AGREEMENT, AND AUTHORIZE THE CITY MANAGER TO APPROVE AN ADDITIONAL TWO YEAR AGREEMENT EXTENSION AT THE END OF THE TERM IF THERE IS A WRITTEN DETERMINATION THAT THE CONSULTANT HAS SUCCESSFULLY

COMPLETED ALL REQUIREMENTS OF THE AGREEMENT – **Resolution 2021-085** approved the Master Professional Services Agreement with FCGA Architects, LLC.

- 1.E APPROVE ADDING BUDGET PRINCIPLES SECTION TO CITY COUNCIL STAFF REPORT TEMPLATE - **Resolution 2021-086** approved adding the Budget Principles section to City Council staff report template.
- 1.C WAIVE SECOND READING AND ADOPT ORDINANCE 1312, AN ORDINANCE OF THE CITY OF TRACY APPROVING A TRACY HILLS SPECIFIC PLAN AMENDMENT AND PRE-ZONING THE TRACY HILLS 35-ACRE ANNEXATION AREA AS TRACY HILLS SPECIFIC PLAN ZONE FOR APPROXIMATELY 35 ACRES LOCATED SOUTH OF I-580 IN THE VICINITY OF CORRAL HOLLOW ROAD, ASSESSOR'S PARCEL NUMBERS 253-030-13 AND 253-040-10, APPLICATION NUMBERS SPA20-0001 AND AP20-0002

Scott Claar, Senior Planner provided the staff report and responded to questions.

Council Member Davis pulled the item to ask if the development is under an HOA, would the amenities be open to the public.

There was no public comment.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to waive the reading of the full text and adopt **Ordinance 1312**, an ordinance of the City of Tracy approving a Tracy Hills Specific Plan Amendment and Pre-Zoning the Tracy Hills 35-acre annexation area as Tracy Hills Specific Plan Zone for approximately 35 acres located south of I-580 in the vicinity of Corral Hollow Road, Assessor's Parcel Numbers 253-030-13 and 253-040-10, Application Numbers SPA20-0001 and AP20-0002. 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.F AWARD CONSTRUCTION CONTRACT TO GSE CONSTRUCTION COMPANY, INC. OF LIVERMORE, CALIFORNIA, IN THE AMOUNT OF \$19,282,800 FOR THE WASTEWATER TREATMENT PLANT EXPANSION PHASE 2B CIP 74107, WITH A NOT TO EXCEED BUDGET OF \$25,349,000, AUTHORIZE THE CITY MANAGER TO APPROVE CHANGE ORDERS UP TO THE CONTINGENCY AMOUNT OF \$2,000,000; AND APPROVE PROFESSIONAL SERVICES AGREEMENT WITH CH2M HILL INC., WITH A NOT TO EXCEED AMOUNT OF \$1,672,000 TO PROVIDE DESIGN SUPPORT AND START UP SERVICES DURING CONSTRUCTION FOR THE PROJECT

Kul Sharma, Utilities Director pulled the item to announce a clerical error in the staff report and resolution. The budget amount was originally listed as \$25,349,000 and should have been \$25,349,800. Similarly the bid award amount originally listed at \$19,282,000 should be read as \$19,282,800.

There was no public comment.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adopt **Resolution 2021-087** awarding a Construction Contract to GSE Construction Company, Inc. of Livermore, California, in the amount of \$19,282,800 for the Wastewater Treatment Plant Expansion Phase 2B CIP 74107, with a not to exceed budget of \$25,349,800, and authorize the City Manager to approve change orders up to the contingency amount of \$2,000,000; approve Professional Services Agreement with CH2M Hill Inc., with a not to exceed amount of \$1,672,000 to provide design support and start up services during construction for the project. Roll call found all in favor; passed and so ordered.

DEVIATION

5. Staff Items – Sekou Millington, Police Chief provided an update on the events that occurred over the July 4th weekend and offered responses to the complaints. Chief Millington stated staff will be returning with a full debrief on August 17, 2021.

City Council comments followed.

Council Member Arriola requested the debrief include the following: Abandoned calls – estimates on times, busy tone systemic failure – what could have been done differently, and is there a different resource allocation to support that not happening in the future, report on amount of firework prosecutions including citations via drone – current versus past.

2. ITEMS FROM THE AUDIENCE – Pete Moyer, Lammersville Preservational Alliance shared his concerns regarding traffic issues on Hansen Road due to commercial development, and stated someone from the City needs to get involved with this issue.

Bob Carpenter stated the VFW is asking the City to get them a building. The VFW is able to do the inside of a building but need a building. Tim Keogh also spoke about the VFW not having the means to construct their own site and the need to partner with the City. There are several vacant spaces, one being the Westside Market, and requested a future agenda item.

Sue Raimondi shared her concerns regarding fireworks, the homeless issue at El Pescadero Park, and suggested bringing the homeless to the park by City Hall.

Alex Monceaux thanked Police for their efforts over the July 4th weekend, and stated citizens needed to be part of the homeless solution. Mr. Monceaux stated the City needs to review the scoring system for the cannabis business license issuance, and look at noncompetitive licenses and bring those businesses to Tracy.

Robert Tanner stated the Tracy Press had a misprint for the non-emergency phone number, and all fireworks should be illegal and shared his concerns regarding the fireworks on July 4th.

Dan Evans shared his disappointment regarding the Mayor's Ball date being changed to September 11, 2021. A person has ran a memorial event every year on September 11 since the tragedy, and requested moving the Mayor's Ball to a different date. Mr. Evans also spoke about comments removed and being blocked on social media.

Mayor Young responded to Mr. Evans comments stating someone manages the site and will check to unblock those who are blocked. Mayor Young provided an explanation for the date change for the ball, stated Ms. Sangha's event has been since 2016, and has a cordial relationship with Ms. Sangha.

3. REGULAR AGENDA

3.A PUBLIC HEARING TO CONSIDER (1) APPROVING THE ENGINEER'S ANNUAL LEVY REPORT; AND (2) ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT FOR FISCAL YEAR 2021/2022

Don Scholl, Public Works Director introduced the item.

Robin Kloepfer, Management Analyst provided the presentation and staff report.

Mayor Young opened the public hearing.

There was no public comment.

Mayor Young closed the public hearing.

City Council comments and questions followed.

Karin Schnaider, Finance Director responded to Council questions.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adopt **Resolution 2021-088** approving the Engineer's Report regarding the proposed levy and collection of assessments for the Tracy Consolidated Landscape Maintenance District, pursuant to the provisions of the Landscaping and Lighting Act of 1972 for Fiscal Year 2021/2022 and direct the Finance Director to make appropriate budget adjustments to reflect 2021/2022 Engineer's Report. Roll call found all in favor; passed and so ordered. Council Member Bedolla abstained from voting on Zone 7. Council Member Davis abstained from voting on Zone 15, and Mayor Pro Tem Vargas abstained from voting on Zone 25.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adopt **Resolution 2021-089** ordering the levy and collection of assessments within the Tracy Consolidated Landscape Maintenance District for Fiscal Year 2021/2022. Roll call found all in favor; passed and so ordered. Council Member Bedolla abstained from voting on Zone 7. Council Member Davis abstained from voting on Zone 15, and Mayor Pro Tem Vargas abstained from voting on Zone 25.

3.B INTRODUCTION OF AN ORDINANCE AMENDING SECTION 3.08.580 REGARDING SPECIAL SPEED ZONES OF THE TRACY MUNICIPAL CODE TO UPDATE SPEED LIMITS AS REQUIRED BY THE CALIFORNIA VEHICLE CODE

Robert Armijo introduced Anju Pillai, Senior Civil Engineer who provided the staff report.

Dan Evans spoke about an increase in speeding and reckless driving, more can be done with traffic safety, Police presence has become more lax because of funding, and having a Police Officer at every school during drop off and pick up is critical. Mr. Evans suggested having a special session with Chief Millington regarding traffic enforcement and fireworks issues.

City Council questions and comments followed.

Adrienne Richardson, City Clerk read the title of the proposed ordinance.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to waive the reading of the full text and introduce **Ordinance 1313** an ordinance amending Section 3.08.580 (Special Speed Zones) of Chapter 3.08 (Traffic Regulations) of Title 3 (Public Safety) of the Tracy Municipal Code. Roll call found all in favor; passed and so ordered.

3.C CONDUCT A PUBLIC HEARING TO DECLARE A DROUGHT EMERGENCY AND AUTHORIZE THE IMPLEMENTATION OF STAGE 3 WATER RESTRICTIONS CONTAINED IN SECTION 11.28.190 OF THE TRACY MUNICIPAL CODE AND THE WATER SHORTAGE CONTINGENCY PLAN

Kul Sharma, Utilities Director and Stephanie Reyna-Hiestand, Water Resources & Compliance Manager provided the staff report and responded to questions.

Mayor Pro Tem Vargas requested an amendment to the Water Shortage Contingency Plan to be mindful of the investment the City has done on trees in the community and continue to protect and water the trees. There was City Council consensus to support the amendment.

Don Scholl, Public Works Director offered reassurance that staff is committed to keeping trees.

Mayor Young opened the public hearing.

Robert Tanner asked about Stage 6 and stated if we are going to Stage 3, the City should put a ban on new swimming pools and recreation parks.

Mayor Young closed the public hearing.

City Council questions and comments followed.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to adopt **Resolution 2021-090** declaring a Drought Emergency and authorizing the implementation of Stage 3 water restrictions contained in Section 11.28.190 of the Tracy Municipal Code and the Water Shortage Contingency Plan and directed staff to review the approved 2020 Water Shortage Contingency Plan to ensure the continued irrigation of trees during the drought period. Roll call found all in favor; passed and so ordered.

3.D INTRODUCTION OF AN ORDINANCE TO CREATE SECTION 6.26 “SHARED MOBILITY DEVICE PILOT PROGRAM” OF THE TRACY MUNICIPAL CODE, TO ESTABLISH A PILOT PERMIT PROGRAM FOR SHARED MOBILITY DEVICES

Ed Lovell, Transit Manager provided the staff report.

There was no public comment.

City Council questions and comments followed.

Sekou Millington, Police Chief responded to Council questions.

Mayor Young requested a follow up item regarding what the City can do to allow connectivity. Mayor Pro Tem Vargas supported the request.

Adrienne Richardson, City Clerk read the title of the proposed ordinance.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Davis to waive the reading of the full text and introduce **Ordinance 1314** an ordinance of the City of Tracy adding Chapter 6.26 “Shared Mobility Device Pilot Program” to Title 6 “Businesses, Professions and Trades” of the Tracy Municipal Code to establish a pilot permit program for shared mobility devices. Roll call found all in favor; passed and so ordered.

3.E DISCUSS THE CREATION OF A COUNCIL POLICY REQUIRING CITY COUNCIL MEMBERS SERVING ON EXTERNAL BOARDS, COMMISSIONS, SUBCOMMITTEES OR JOINT POWER AUTHORITIES TO HAVE COUNCIL APPROVAL PRIOR TO COMMITTING CITY FUNDS AND PROVIDE DIRECTION TO STAFF

Midori Lichtwardt, Assistant City Manager provided the staff report.

City Council questions and discussion followed.

Alice English shared concerns regarding the agenda item being personal and why Council is having the discussion stating it should be tabled until Council gets a better foundation as there is nothing to base it on.

Mayor Pro Tem Vargas disagreed with comments made by Ms. English and responded it is to protect the public and make good policy that is sound.

Mayor Young responded this is part of the JPA going forward and it is prudent this should be in place. It's about good policy.

City Council questions and discussion continued.

Karin Schnaider, Finance Director responded to Council questions.

Randall Bradley, Fire Chief responded to Council questions.

City Council questions and discussion continued.

Ms. Lichtwardt clarified Council's consensus: Develop a policy requiring Council board representatives to receive policy direction from City Council on fiscal matters in excess of previously allocated budgets, prior to obligating the City via board action.

4. ITEMS FROM THE AUDIENCE – Alice English shared her concerns regarding the Tracy Blvd exit not being able to handle the truck traffic. Ms. English also shared her concerns regarding Mayor Pro Tem Vargas on the previous item stating it is not up to one person to decide if Council wants to hear from a staff member.

Mayor Pro Tem Vargas disagreed with comments made by Ms. English. There was a financial question being asked and the Finance Director would be the person to respond.

5. COUNCIL ITEMS – Council Member Davis wished her intern Harley Dillon a happy 17th birthday and thanked her for all she does on her behalf.

Council Member Arriola apologized to the community for missing the last meeting due to a family emergency and reiterated his commitment to the community.

Mayor Pro Tem Vargas requested an item be agendaized before December 2021 to discuss an opportunity to partner with war veterans to find a location where veterans can conduct their business and propose a budget that indemnifies the financial partnership with the group. Council Member Davis supported the request.

Mayor Pro Tem Vargas requested support to have discussion to create a new skate park, bring back to Council a budget for construction of new skate park and suggested looking into Dr. Powers Park to carve some of the open areas for construction of a skate park. Council Member Bedolla supported the request.

Mayor Pro Tem Vargas stated she has a sense of urgency due to potential loss of revenues and multiple requests, to bring back an agenda item to start the process for additional cannabis business licenses, and for the additional license to have the process we had in place with the only change to be instead of social equity to be merit based. Mayor Pro Tem Vargas requested item to be brought back at the next meeting. Council Member Davis seconded the request.

Mayor Young provided updates on events and meetings she has attended and announced the following: She was speaking at the Shattering Glass Speaker Series on July 8, organized by the San Joaquin Office of Education. Wished a happy 30th birthday to her nephew and also to her mother on Saturday.

Mayor Young requested an agenda item regarding the process for Council items, and being able to define what the two Council Members are requesting. Mayor Pro Tem Vargas seconded the request.

Ms. Lichtwardt clarified the request for staff to bring back an item that if two Council Members ask to agendaize an item to allow staff to speak with those Council Members outside of a Council meeting to better prepare an agenda item that has more substance to it for discussion.

Mayor Young announced Senator Susan Eggman was able to get \$5 million to go towards the City's recreation/gymnasium.

6. ADJOURNMENT – Time: 11:26 p.m.

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 July 1, 2021. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk