

September 7, 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 in-person and remotely via WebEx during the meeting.

Mayor Young called the meeting to order at 8:21 p.m.

Mayor Young led the Pledge of Allegiance.

Pastor White, Mt. Carmel Community Church 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 Mayor Pro Tem Vargas and seconded by Council Member Davis to adopt the consent calendar. Roll call found all in favor; passed and so ordered.
 - 1.A ADOPTION OF AUGUST 17, 2021 REGULAR MEETING MINUTES – **Minutes were adopted.**
 - 1.B. APPROVE A COOPERATIVE AGREEMENT BETWEEN THE SAN JOAQUIN COUNCIL OF GOVERNMENTS AND THE CITY OF TRACY TO RECEIVE FUNDS THROUGH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION'S PUBLIC TRANSPORTATION MODERNIZATION, IMPROVEMENT, AND SERVICE ENHANCEMENT ACCOUNT PROGRAM AND AUTHORIZE SUBMISSION OF CLAIMS FOR REIMBURSEMENT – **Resolution 2021-124** approved a Cooperative Agreement with the San Joaquin Council of Government.
 - 1.C APPROVE THE DEFERRED IMPROVEMENT AGREEMENT (DIA) FOR TRACY VILLAGE TRACT 3917, AND AUTHORIZE THE CITY CLERK TO FILE THE DEFERRED IMPROVEMENT AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER - **Resolution 2021-125** approved the Deferred Improvement Agreement for Tracy Village Tract 3917.
 - 1.D APPROVE AMENDMENT NO. 1 TO THE GENERAL SERVICES AGREEMENT BETWEEN THE CITY OF TRACY AND INTELLISITE FOR SERVICES INVOLVING PROVIDING REMOTE SURVEILLANCE UNITS, VIDEO SURVEILLANCE AND MONITORING IN CITY PARKS, INCREASING THE NOT TO EXCEED ANNUAL AMOUNT BY \$150,307 FOR A TOTAL NOT TO EXCEED ANNUAL AMOUNT OF \$250,000 AND EXTENDING THE TERM TO FIVE (5) YEARS - **Resolution 2021-126** approved Amendment No. 1 to the General Services agreement with Intellisite.

- 1.E ADOPT A RESOLUTION AUTHORIZING EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED MASTER ACQUISITION AGREEMENT RELATED TO CITY OF TRACY COMMUNITY FACILITIES DISTRICT NO. 2016-2 (ECFD)
– **Resolution 2021-127** adopted a Resolution authorizing the execution and delivery of an Amended and Restated Master Acquisition Agreement.

2. ITEMS FROM THE AUDIENCE – Richard Borell, Latania Ealy, Rosevelt Ealy, and Pastor White members of the Mt. Carmel Community Church shared information regarding their church, giving back to the community, toy giveaway, downtown revitalization, challenges with space and leasing a facility, benefits for the City of Tracy, and shared a proposal of acquisition of the Westside Market (729/741 N. Central Ave) and the conversion to Mt. Carmel's Worship Center.

Gwendolyn White shared concerns regarding construction crew near Rite Aid on South MacArthur starting work at 3:00 a.m. Ms. White also stated their well water was cut off two weeks ago for 18 hours, and asked why the water was cut off without any notice, and why the City needs access to her well.

Robert Tanner clarified his suggestion at the previous meeting of four dispensaries, one for every 25,000, and shared his concerns regarding four Council Members not listening to citizens who in a 2018 survey talked about library, education spaces, outdoor recreational and a gymnasium, the Mayor pushing the gymnasium and library down at #3. Mr. Tanner suggested looking at a library and outdoor recreational facilities.

Council Member Arriola objected to the summarization.

Mayor Young responded to Mr. Tanner's comments stating incorrect characterization and pushing for the gym is not true also.

Alice English shared her concerns regarding Mayor Young's conduct at the August 31 special meeting, and suggested Council may need another workshop on Rosenberg's Rules and wanted misconduct with this Council on the record.

Mayor Pro Tem Vargas disagreed with Ms. English's summarization.

Mayor Young responded to Ms. English's comments and spoke about the code of public conduct, rules of decorum and the Mayor's role as the leader of this meeting.

Dan Evans stated trains moving during school pickup on MacArthur to 11th Street at 6th Street adds 6 minutes of cars piling up, asked why the City is behind with infrastructure, need to get ahead of Valley Link, City's 2012 Transportation Master Plan is irrelevant since increase of population, and asked who on City Council will take leadership and bring us up to 2021.

Tim Silva stated Council has the right and authority to move things around on the agenda, and reminded Council that the meeting is for the public and Council serve the citizens of the community.

Mayor Young responded it is the City's business that Council is elected to handle.

Bernell Scholl asked where water for new homes is coming from, and added the City needs to put a moratorium on building. Ms. Scholl expressed concerns regarding Mayor Pro Tem Vargas sharing problems with her personal life at the meetings, and asked about grants for water.

Mayor Pro Tem Vargas responded she has never talked about personal items, and has clarified comments made on social media.

Mayor Young responded messages that come up from the audience, should be addressed to the entire Council.

Alex Monceaux shared he had been ready to submit two cannabis applications but after speaking with Mr. Dean, decided to combine the applications, but did not make it through phase 2, and was told there is no appeal process, to check FAQ. FAQ said can only appeal the Police Chief's decision in the final phase, but now the FAQ has been updated and expanded.

3. REGULAR AGENDA

3.A DISCUSS CITY'S RESPONSE TO COVID-19 (VERBAL REPORT)

Midori Lichtwardt, Assistant City Manager provided an update and presentation on the City's response to COVID-19.

City Council comments and questions followed.

There was no public comment.

City Council accepted the report.

3.B ADOPT A RESOLUTION OF INTENTION TO ESTABLISH COMMUNITY FACILITIES DISTRICT (CFD) NO. 2021-1 (HILLVIEW); ADOPT A RESOLUTION OF INTENTION TO INCUR BONDED INDEBTEDNESS AND OTHER DEBT; SET THE PUBLIC HEARING DATE FOR NOVEMBER 2, 2021 TO CONSIDER QUESTIONS OF ESTABLISHING THE CFD, LEVYING THE SPECIAL TAX AND INCURRING BONDED INDEBTEDNESS AND OTHER DEBT; AND DIRECT STAFF TO PREPARE A CFD REPORT

Karin Schnaider, Finance Director provided the staff report and answered questions.

Mike Souza, Project Manager for Tracy Hills thanked staff and consultants for their work. The CFD not only issues bonds and helps pay for infrastructure but tax will continue to provide for infrastructure, combined with services CFD provides maintenance and infrastructure on ongoing basis.

Tim Silva stated a bond is a loan so there is interest and spread out over 40 years, did not think it is fair to residents, and the developer should bare cost of putting in infrastructure. Mr. Silva stated he was adamantly against bonds especially on homeowners.

City Council questions and comments followed.

Bob Adams, Interim City Manager responded to Council questions.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt **Resolution 2021-128** a Resolution of intention to establish Community Facilities District (CFD) No. 2021-1(Hillview). Roll call found all in favor, passed and so ordered.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt **Resolution 2021-129** a Resolution of intention to incur bonded indebtedness and other debt – City of Tracy Community Facilities District No. 2021-1 (Hillview). Roll call found all in favor, passed and so ordered.

3.C ADOPT A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF SPECIAL TAX BONDS FOR THE PURPOSE OF FINANCING AUTHORIZED FACILITIES FOR COMMUNITY FACILITIES DISTRICT NO. 2016-2, AND APPROVING AND AUTHORIZING RELATED DOCUMENTS AND ACTIONS

Karin Schnaider, Finance Director provided the staff report.

Chris Long, Surland Companies stated it is a complex process and staff is good at it. This is just the 2nd time we are doing this and we appreciate the patience and thanked staff for hard work.

City Council comments followed.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt **Resolution 2021-130** authorizing the issuance and sale of Special Tax Bonds for the purpose of financing authorized facilities, and approving and authorizing related documents and actions - Improvement Area No. 2 of the City of Tracy Community Facilities District No. 2016-2 (ECFD). Roll call found all in favor, passed and so ordered.

3.D INTRODUCE AN ORDINANCE AMENDING ARTICLE 1 “CARD ROOMS” OF CHAPTER 4.04 OF THE TRACY MUNICIPAL CODE TO INCREASE THE NUMBER OF CARD ROOM TABLES ALLOWED AND PLAYER CAPACITY PER TABLE AND CHANGE OTHER OPERATIONAL REQUIREMENTS

Michael Nimon, Economic Development Manager provided the staff report.

City Council questions and comments followed.

Emmanuel Macalino, Applicant thanked Council for the opportunity to speak and responded to signage questions stating whatever restriction the City has, they will

conform with those restrictions. Applicant described the signage for the building, and stated they want to put signs on the building.

There was no public comment.

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 1315** an ordinance of the City of Tracy amending Article 1 “Card Rooms” of Chapter 4.04 of the Tracy Municipal Code to increase the number of card room tables allowed and player capacity per table and change other operational requirements. Roll call found all in favor, passed and so ordered.

3.E RECEIVE REPORT REGARDING THE INSTALLATION OF CELL TOWERS IN PUBLIC PARKS AND PROVIDE STAFF DIRECTION ON THE ESTABLISHMENT OF POLICIES REGARDING CELL TOWERS IN CITY PARKS AND THE DISTRIBUTION OF LEASE REVENUES

Don Scholl, Public Works Director provided the staff report and responded to Council questions.

Mary Mitracos asked to not allow any more cell towers in parks and hoped the cell towers we have will go away as technology improves.

Dan Evans stated aesthetics is big importance to residents. Population is growing, carriers are struggling to keep up with demand, from City’s stand point want revenue, reliable 911 system, and strong data coverage. Lot of our parks are built under transmission lines, Council may want to consider writing into by-laws because they can be used as cell towers.

Tim Silva suggested funds that come from the leases go into the Parks and Recreation Department instead of the General Fund.

City Council discussion followed.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to direct staff to proceed with Option #1 related to the placement of cell towers on City owned parks with high quality aesthetics requirements and a funding mechanism which tunnels funds to an LMD specific zone for that park. Roll call found all in favor; passed and so ordered.

3.F INTRODUCE AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE 1 OF THE TRACY MUNICIPAL CODE REGARDING CODE ENFORCEMENT, ADMINISTRATIVE CITATIONS AND PENALTIES, AND PUBLIC NUISANCE ABATEMENT

Leticia Ramirez, City Attorney provided the staff report and responded to Council questions.

There was no public comment.

City Council comments followed.

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 1316** an ordinance of the City of Tracy amending various sections of Title 1 of the Tracy Municipal Code regarding Code Enforcement, Administrative Citations and penalties, and Public Nuisance Abatement. Roll call found all in favor, passed and so ordered.

3.G AMEND THE COUNCIL POLICY REGARDING SELECTION PROCESS FOR COUNCIL APPOINTEE BODIES SUCH AS BOARDS AND COMMISSIONS

Adrienne Richardson, City Clerk provided the staff report.

Mary Mitracos requested Council do away with the requirement that two more applications in excess of the vacancies should be received. The application process has been extended two or three times because of not much interest.

Tim Silva stated it is a good idea to have eligibility list for boards/commissions. Commissions are representatives of the community, but has huge problem with the chair or commissioner being involved with that process.

City Council questions and comments followed.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt **Resolution 2021-131** adopting a Council Policy establishing a selection process for appointments to City Advisory bodies and repealing Resolution No. 2020-009.

Mayor Young requested a friendly amendment to remove Section 2.E. Mayor Pro Tem Vargas and Council Member Arriola supported the amendment.

City Council comments continued.

Council Member Arriola asked that any person who is selected by the selection committee or placed on the eligibility list goes through the general background check process that every employee has to go through.

Bob Adams, Interim City Manager stated it would be important to Live Scan those selected which means scanning fingerprints through the normal data base that is used for our employees.

Leticia Ramirez, City Attorney stated we can do an informal survey with some of our peers and confirm with our Human Resources Director about some of the costs, timing and privacy concerns associated with the process.

Council Member Arriola stated he would support the City paying for the Live Scan to decrease barriers of participation but asked that as if there is something that is flagged, that it return to the subcommittee so that the subcommittee could remove on that basis of any concerns that are discovered so that privacy concern can be eliminated.

Mayor Young asked at what point would that be done.

Council Member Arriola responded when selected and placed on the eligibility list. Could ask when they come to interview in person to have their fingerprints scanned.

Mayor Young asked to bring the background check process back to Council as another type of amendment.

Ms. Ramirez clarified Council's request for staff to return to Council with more details about other jurisdictions, also Live Scan, appointees, impact on processing and how the process would go and including privacy concerns of who would handle this information. Human Resources is the recipient of all that information right now. Staff can do the research and bring back to Council. Council Member Arriola and Mayor Young supported staff returning to Council with the information.

Roll call found Council Members Arriola, Davis, Mayor Pro Tem Vargas, and Mayor Young in favor; passed and so ordered. Council Member Bedolla abstained.

4. ITEMS FROM THE AUDIENCE – None
5. STAFF ITEMS – Bob Adams, Interim City Manager reported on the City Manager approvals.
 - Award a Construction Contract to American Asphalt Repair & Resurfacing Co., Inc. of Hayward, CA. for the Slurry Seal Project FY 20-21, CIP 73182 in the Amount of \$438,652 with a Contingency Amount of \$65,798 if Needed
 - Accept Offsite Improvements for Harvest in Tracy Multifamily Development Constructed by LTMY Tracy LLC and Assume Responsibility for Their Future Maintenance and Repair, Authorize the City Clerk to File Notice of Completion, and Authorize the City Engineer to Release the Bonds in Accordance with the Terms of the Offsite Improvement Agreement – DS
 - Approve a PSA with Boutin Jones, Inc. A California Corporation for Special Counsel Legal Services
 - Award a Construction Contract to Best Contracting Services, Inc., of Gardena, California, for the Grand Theatre Center for Performing Arts, Exterior Repairs, Phase 1 Roof Repairs, CIP 7111
6. COUNCIL ITEMS – Council Member Arriola announced there will be a faith based round table on homelessness tomorrow at the Community Center at 6:00 p.m., invited everyone to the Downtown Wine Stroll on September 19, 2021. Council Member Arriola

requested a memorandum regarding the issue with the 911 outage this past week. Mayor Pro Tem Vargas seconded the request.

Council Member Davis requested a conversation regarding solutions about dust on Valpico at the Tracy Village development, and asked if more water can be used to help facilitate the dust so that residents can get more relief. There have been a tremendous amount of complaints about it. Council Member Arriola seconded the memo.

Council Member Davis shared concerns regarding graffiti off the freeway, residential areas, and down Grant Line Road on sides of buildings, becoming concerned about how quickly the City is responding to graffiti, and if there is a possibility of having a conversation about increasing graffiti abatement so the community looks clean. Mayor Pro Tem Vargas supported a discussion even if it is in a memo. Council Member Davis also wanted to know what are the penalties for defacing public property and do we have an ordinance.

Bob Adams, Interim City Manager suggested staff will get a memo to Council, and after Council reads it and decides they would like to discuss it more, staff will schedule it to come back to Council.

Council Member Davis requested support to have a conversation about extending the cinder block wall at El Pescadero Park. There was a fire this last summer and spoke with a gentleman that owned that house and is concerned about more fires. Originally there was supposed to be cinder block wall extended to Kavanagh. In the interest of being good neighbors, we are getting the shelter built, it is small thing to consider extending the cinder block wall as a matter of safety. Mayor Pro Tem Vargas supported discussion to extend the wood portion and to see if there is an opportunity to give the residential folks more height.

Council Member Bedolla stated that last Wednesday he met with three third grade classes from Southwest Park Elementary School and shared what Council's job is as elected officials and received good ideas of what they can see in the City. Refreshing to share the work that may not always be seen with the young people in the community.

Mayor Pro Tem Vargas announced per the misunderstanding during public comment she read out the same statement from the August 17, 2021 Council meeting in regards to addressing the public shaming, social bullying and political tactics.

Mayor Young announced happy birthday to her step daughter Charmaine on September 15, 2021 and husband James on September 18, 2021. Mayor Young stated there is an issue of peacocks in the City and it crosses boundaries between public on the side of George Kelly area and private which is on the Redbridge area. Would like to authorize staff to handle rounding up and helping rid the neighborhood of the nuisance. They are not domestic birds and are multiplying at rapid rates. Vehicles are being scratched and they are moving into backyards. Does cost for third party to come in. Mayor Pro Tem Vargas seconded the discussion.

Mr. Adams stated he will review with Animal Control and if it is something we can take care of we will, and if not will bring back for discussion at the next meeting.

Mayor Young asked to bring back discussion to consider a citizens committee because water is a sensitive issue with things that need to be taken care of, and it will also provide an opportunity for us to draw on talented people in our community and educate the public. Council Member Davis seconded the request.

Mayor Young provided an update on the meetings and events she has attended. Mayor Young announced the following: Tracy Chamber of Commerce Tracy Connects event on Saturday, September 11, 2021 at 10:00 am at Lincoln Park, which will include a special tribute (911) by Tracy Fire Department. Also Team Tracy will have a booth. This is a non-profit arm of Tracy Chamber of Commerce so all the proceeds will go to helping eradicate homelessness and go to Tracy Community Connections Center. Also on September 11 is the Tracy Mayor's Benefit at 6:00 p.m. at Tracy Community Center. Theme is to reflect and unite. Lot of sponsors – targeting homelessness. Tracy African American Association (TAAA) will be one of the recipients and also looking at mental health so beneficiary is Boys and Girls Club of Tracy.

7. ADJOURNMENT – Time: 11:47 p.m.

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

The above agenda was posted at the Tracy City Hall on September 2, 2021. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk