

November 16, 2021, 7:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy

Web Site: [www.cityoftracy.org](http://www.cityoftracy.org)

Mayor Young called the meeting to order at 7:38 p.m.

Mayor Young led the Pledge of Allegiance.

Pastor Kal Waetzig, Saint Paul's Lutheran Church offered the invocation.

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

Vanessa Carrera, Assistant to the City Manager provided a video presentation on the new City of Tracy Website.

Mayor Young announced item 3.F from the regular agenda will be heard following regular agenda item 3.A.

1. CONSENT CALENDAR – Following the removal of consent item 1.A by Adrienne Richardson, City Clerk, motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to adopt the consent calendar. Roll call found all in favor, passed and so ordered.
  - 1.B CONSIDER STAFF'S RECOMMENDATION FOR AWARD OF MAYOR'S COMMUNITY YOUTH SUPPORT NETWORK (MCYSN) RECONNECTING OUR YOUTH (ROY) GRANT PROGRAM FUNDS FOR FISCAL YEAR 2021-2022 AND APPROVE THE FUNDING AGREEMENTS FOR THE PROGRAM AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE FUNDING AGREEMENTS – Resolution 2021-166 awarded the Mayor's Community Youth Support Network Reconnecting Our Youth Grant Program Funds for Fiscal Year 2021-2022.
  - 1.C ACCEPT THE RECOMMENDATION OF THE PARKS AND COMMUNITY SERVICES COMMISSION AND APPROVE A ONE-YEAR EXTENSION OF THE 2016-2021 CDBG AND HOME PROGRAM LOCAL FUNDING PRIORITIES – Resolution 2021-167 approved a one-year extension of the 2016-2021 CDBG and Home Program Local Funding Priorities.
  - 1.D WAIVE SECOND READING AND ADOPT ORDINANCE 1320, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRACY LEVYING SPECIAL TAXES WITHIN CITY OF TRACY COMMUNITY FACILITIES DISTRICT NO. 2021-1 (HILLVIEW) – Ordinance 1320 was adopted.
  - 1.E WAIVE SECOND READING AND ADOPT ORDINANCE 1321, AN ORDINANCE OF THE CITY OF TRACY AMENDING ARTICLE 35 (SIGNS) OF CHAPTER 10.08, ZONING REGULATIONS, OF THE TRACY MUNICIPAL CODE – Ordinance 1321 was adopted.

- 1.F WAIVE SECOND READING AND ADOPT ORDINANCE 1322. AN ORDINANCE OF THE CITY OF TRACY AMENDING THE I-205 CORRIDOR SPECIFIC PLAN SIGN REGULATIONS – Ordinance 1322 was adopted.
- 1.G ADOPT A RESOLUTION MAKING FINDINGS AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE CITY COUNCIL AND ALL LEGISLATIVE BODIES OF THE CITY OF TRACY FOR THE PERIOD FROM NOVEMBER 20, 2021 THROUGH DECEMBER 20, 2021 PURSUANT TO THE BROWN ACT – Resolution 2021-168 adopted making findings and authorized remote teleconference meetings of the City Council and all legislative bodies of the City of Tracy for the period of November 20, 2021 to December 20, 2021.
- 1.H APPROVE A DRAFT CONTRACT BETWEEN THE UNITED STATES DEPARTMENT OF INTERIOR BUREAU OF RECLAMATION AND THE CITY FOR PROVIDING FOR CENTRAL VALLEY PROJECT WATER SERVICE, EFFECTIVE DECEMBER 1, 2021, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE FINAL CONTRACT – Resolution 2021-169 approved a draft contract between the United States Department of Interior Bureau of Reclamation and the City for providing for Central Valley Project water service effective December 1, 2021.
- 1.A ADOPTION OF NOVEMBER 2, 2021, CLOSED SESSION, SPECIAL MEETING AND REGULAR MEETING MINUTES

Adrienne Richardson, City Clerk pulled the item to indicate there was a clerical error in the November 2, 2021 regular meeting minutes. Council adopted two resolutions for agenda item 3.F and the second resolution number was omitted in error. Resolution 2021-165 adopted amending the application procedures and guidelines to provide for the top competitive applicants with the opportunity to proceed with options 1, 2, 3 as stated in the agenda through either a community benefit agreement or development agreement.

There was no public comment.

There were no comments from City Council.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Davis to adopt consent item 1.A as amended to include the Resolution 2021-165 in the second action on agenda item 3.F of the regular meeting minutes of November 2, 2021. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Todd Lieberg spoke about the Aquatics Park not being open yet, and shared concerns regarding the Surland Development Agreement and amendments Surland is proposing and asked Council to direct staff to add to a future agenda about what can happen to the Aquatic Center.

Wes Huffman reminded Council about the Tracy Tree Foundation and potential financial input that will add \$100,000 value to City as far as planting trees. Mr. Huffman requested an agenda item revising the rules for candidates running for office for the City of Tracy and stated he would send Council a list of things that could be done to participate in the elections. Mr. Huffman clarified his previous request for \$20,000 from Measure V for trees.

Robert Tanner asked if Council is afraid of a lawsuit and shared his concerns regarding Council increasing cannabis business licenses from four to ten.

Dotty Nygard stated she received the request for a survey on the proposed increase on waste management and suggested an agenda item to discuss looking at funding through the State. Ms. Nygard added there is a perpetual problem when we see projects or programs that we want to institute in this town and the burden is put on residents, and requested discussion regarding bringing in a full-time grant writer. Ms. Nygard also spoke about improving bike infrastructure.

Karen Moore spoke about the solid waste increase and stated outlying cities are not paying as much as the City is proposing. Tracy is not getting grant money, has not taken enough time to educate the population, and asked to not make changes and go out for competitive bid or ask our waste management to be competitive with waste management.

Adrienne Richardson, City Clerk announced emails were received from Christine C. and David Moore regarding the Great Plate, Karen Moore regarding the proposed solid waste increase, and Claudia Fab regarding vaccination mandates. Council received the comments via email and were provided copies on the dais.

### 3. REGULAR AGENDA

#### 3.A APPOINT GREGORY RUBENS TO SERVE AS INTERIM CITY ATTORNEY AND APPROVE A LEGAL SERVICES AGREEMENT WITH BURKE, WILLIAMS, & SORENSEN LLP FOR INTERIM CITY ATTORNEY SERVICES

Midori Lichtwardt, Assistant City Manager announced Gregory Rubens recused himself from the item, and introduced Nancy Ashjian, Assistant City Attorney. Ms. Lichtwardt provided the staff report.

Bernal Shull asked when looking for attorneys are they required to live in Tracy.

Bob Adams, Interim City Manager stated there is nothing we can legally do to make people live in the city limits.

There were no comments from Council.

**ACTION:** Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to adopt **Resolution 2021-170** appointing Gregory Rubens to serve as Interim City Attorney and approving Legal Services Agreement with Burke, Williams, & Sorensen LLP for Interim City Attorney Services. Roll call found all in favor; passed and so ordered.

#### DEVIATION

#### 3.F RECEIVE REPORT ON NUISANCE PEAFOWL IN THE REDBRIDGE AND SURROUNDING COMMUNITY AND PROVIDE DIRECTION TO STAFF

Mayor Pro Tem Vargas recused herself from participating on the item as she is a resident of the neighborhood affected by the peacocks.

Brittany Pasquale, Animal Services Supervisor provided the staff report.

Bob Adams, Interim City Manager clarified the problem is between a private area and the City and the problem needs to be resolved on both sides at the same time. The idea was to share the cost with the Redbridge Homeowners Association. Mr. Adams responded to questions.

Mayor Young clarified the complaint that got us to this point came from a resident that is not on the Redbridge side. It is the City that has asked the private to do their portion of it.

Council questions followed.

Kelly Wilson shared concerns and experiences regarding the peacock issue in her neighborhood, and requested option 2 in the staff report as it would improve the quality of life.

Michele Hinton shared her concerns and experiences with the peacock issue in her neighborhood, and asked Council to consider joining with Redbridge and get rid of the issue.

Carlata Tillman shared concerns about the peacocks in her neighborhood stating they should be removed.

Robert Tanner asked what is the guarantee they won't come back.

Kris and Lorraine Toll agreed with the previous speakers regarding the nuisance peacocks in their neighborhood, shared their experiences with the issue and stated they would appreciate the City's cooperation to remove the peacocks.

Dave Lieberman, Board Member on Redbridge HOA responded to the survey results, and shared his concerns regarding the peacocks. The Board has approved \$15,000 and is ready to assist the City with getting the issue handled and asked to find funds on the City side.

Karen Moore shared her concerns and provided a brief history regarding the peacock issue in the neighborhood.

City Council asked Rick Tolbert, Bay Area Wildlife Service questions. Mr. Tolbert provided information regarding how the peacocks will be trapped, release locations, and the cost of the service.

Council questions and comments followed.

David Lieberman made further comments regarding the peacocks returning.

Council questions and comments continued.

Mr. Adams stated Council needs to direct staff to come back in December with a funding source, a contract, and we need to do more research and bring back at the next meeting or following meeting.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Davis to direct staff to pursue option 2 and share with the Redbridge Homeowner's Association to fund hiring a wildlife trapper to humanely remove the peafowl from the area. Roll call found Council Members Arriola, Bedolla, Davis, and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Vargas abstained.

Adrienne Richardson, City Clerk stated emails were received from the Morgan Family and Jane Shiu regarding the peacock issues. Council received the comments via email and were provided copies on the dais.

3.B PUBLIC HEARING TO ADOPT THE GROUNDWATER SUSTAINABILITY PLAN (GSP) FOR THE TRACY SUBBASIN, APPROVE AMENDMENT NO. 1 TO THE TRACY SUBBASIN MEMORANDUM OF AGREEMENT FOR MANAGEMENT OF THE GSP FOR TRACY GROUNDWATER SUSTAINABILITY AGENCY'S JURISDICTIONAL AREA AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT

Kul Sharma, Utilities Director presented the staff report.

Council questions followed.

Mayor Young opened the public hearing.

Bernal Shull asked if the City is using groundwater now and shared concerns regarding brown smelly water, no one coming to her home to test the water, and does not understand why we are on restrictions.

Mayor Young closed the public hearing.

Council questions and comments followed.

**ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt **Resolution 2021-171** to adopt the Groundwater Sustainability Plan (GSP) for the Tracy Subbasin. 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 2021-172** approving Amendment No.1 to the Memorandum of Agreement for development of the Tracy Subbasin Groundwater Sustainability Plan. Roll call found all in favor; passed and so ordered.

3.C UPDATE ON THE VALLEY LINK PROJECT IN RELATION TO THE I-205 MANAGED LANES PROJECT AND CITY'S DOWNTOWN TRANSIT-ORIENTED DEVELOPMENT (TOD) PLANNING EFFORTS, AND PROVIDE DIRECTION TO STAFF

Scott Claar, Senior Planner, provided the update.

Mayor Pro Tem Vargas introduced Kevin Sheridan, Deputy Executive Director from Tri-Valley – San Joaquin Valley Regional Rail Authority, who provided a presentation and Valley Link status update.

Council questions followed.

Due to the late hour and the expected time needed for item 3.C Council decided to table items 3.D and 3.E.

**ACTION:** Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to table regular items 3.D to the December 7, 2021 Council meeting and 3.E to a future meeting. It was City Council's consensus to table both items.

Mayor Young called for a recess at 10:52 p.m.

Mayor Young reconvened the meeting at 11:06 p.m.

Robert Tanner stated a track is going to have to be laid on I-205, did not support option 4, and suggested continuing to look at the downtown.

Mary Mitracos encouraged Council continue with the downtown specific plan and if there is any reason why the station would be precluded from being downtown, don't think you could meet those same conditions anywhere on I-205.

Dan Evans stated he wanted to see the downtown develop to its full potential but keep in mind community voted against Measure Y. Due to being unclear if rail is going downtown is a red flag that we should pump the breaks and stated the developer should shoulder burden of soil mitigation cost in the bowtie. Stick with option 1 or alter option 3 to ensure it meets the demands of the residents.

Pete Mitracos stated the project is being hijacked to fund extra lanes on I-205. Don't turn back on downtown or the station which will bring better quality for the community.

Dino Margaros stated there is no reason to stop anything right now and we need to have a plan for the downtown specific plan. Go forward with plan we have right now and if something changes, we address it then. There is nothing wrong with Tracy having multiple TODs.

Don Cose stated he felt like he has been duped. This Council has three times stated the preferred location is downtown Tracy. Need to go ahead with the specific plan we have going now.

Tim Silva praised what has been done to the downtown. At this point it is not up to us where the train is going to stop. Option 4 is the most viable option. Valley Link is going to build on I-205 because it makes more common sense. A downtown economic plan should be different from a TOD.

Alice English stated there is good chance the train will be going along I-205, and added we need to wait and see what Valley Link is going to do, studies need to be done. People in Tracy were misled. Go forward with the specific plan without the TOD.

Mr. Cose stated now is the time to support downtown and provided a brief history about the downtown. Special interest downtown are stakeholders.

Jim Freeman stated it is a travesty being voted on by Council to push towards a dramatic change. Measure Y was pushed in front of us, the community was told build high density downtown or bypass Tracy, and clearly Measure Y was voted down. Downtown TOD is wrong way to go. Downtown Specific Plan should not include housing.

Mayor Young responded to the callers comments stating it was misinformation.

Shawn Cannon stated Vargas-Young team supported Measure Y. Apparent rail station may have never been intended for the downtown. Hold off on any transit development.

Mayor Young responded to Ms. Cannon's comments and stated she will continue to support all Council Members.

Mayor Pro Tem Vargas responded to the comments stating it is a misrepresentation of her character.

Council questions and comments continued.

Bill Dean, Interim Development Services Director responded to questions.

Bob Adams, Interim City Manager clarified we are in response mode as found out additional information which contradicted some of the efforts staff was making. Wanted to let Council and the community know what was going on and also have the opportunity to have Valley Link tell Council what they are looking at.

Council discussion continued.

**ACTION:** Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to continue work on a Downtown Specific Plan evaluating options for both a TOD Downtown and no TOD Downtown. Roll call found all in favor; passed and so ordered.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Bedolla to direct staff to develop options for City Council related to a possible Valley Link Station along I-205. Roll call found all in favor; passed and so ordered.

3.D RECEIVE A QUARTERLY UPDATE FROM THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY (SSJCFA) ON THE IMPLEMENTATION OF THE

EMPLOYEE TRANSITION PLAN AND THE REVIEW AND DEVELOPMENT OF FINANCIAL POLICIES AND PRACTICES – Item tabled to December 7, 2021

- 3.E REVIEW CITY REGULATIONS REGARDING BOATS, PARKING, AND STORAGE IN RESIDENTIAL NEIGHBORHOOD FRONT YARDS AND PROVIDE DIRECTION, IF APPROPRIATE – Item tabled to a later date
- 3.G APPOINTMENT OF CITY COUNCIL SUBCOMMITTEES TO INTERVIEW APPLICANTS TO FILL ONE VACANCY AND TWO TERM EXPIRATIONS ON THE MEASURE V RESIDENTS' OVERSIGHT COMMITTEE, ONE TERM EXPIRATION ON THE PARKS AND COMMUNITY SERVICES COMMISSION, AND THREE UPCOMING TERM EXPIRATIONS ON THE TRACY ARTS COMMISSION

Adrienne Richardson, City Clerk provided the staff report.

Mary Mitracos congratulated Council for their collaboration on the previous item.

Council determined their appointments.

**ACTION:** Motion was made by Council Member Bedolla and seconded by Mayor Pro Tem Vargas to appoint Council Member Bedolla and Council Member Arriola to interview applicants to fill one vacancy and two term expirations on the Measure V Residents' Oversight Committee, Mayor Pro Tem Vargas and Mayor Young to interview applicants to fill one term expiration on the Parks and Community Services Commission, and Council Member Davis and Mayor Pro Tem Vargas to interview applicants to fill three upcoming term expirations on the Tracy Arts Commission. Roll call found all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – Alex Monceaux stated he did not realize when Council adjusted the community benefits it affected the non-retail cannabis licenses as well. Mr. Monceaux stated he received a letter indicating instead of being able to do a creative community benefit we have options which is either 1.5% flat to the City or something equal to 1.5% flat equivalent in option 3 but can present something. With the community benefit already being at 1.5% and not sure where the tax rate is and will probably be double community benefit so assume 3% for distribution will be close to 4.5% and still losing 50% of working capital. Spoke about subtract cost of goods. We cannot make adjustment by December 13, 2021.

Mayor Young stated she did not recall discussing the community benefit when it came to non-retail. Definitely spoke about the options for community benefit and they could have gone with what they originally chose, but we did not have opportunity to look at how it will affect the businesses.

Bob Adams, Interim City Manager stated staff can do a memo to Council to provide an answer.

5. STAFF ITEMS – None
6. COUNCIL ITEMS – Council Member Davis stated she was approached about a potential major project and discussed with Council Member Arriola and requested support for staff



to look at feasibility to bring Big Shot Golf facility to Tracy and fast track it. They would like to get approval in a timely manner. Council Member Arriola seconded the request and stated they could go elsewhere.

Council Member Davis asked in relationship to major businesses approaching Council or our community, can we explore a policy when the City is approached regarding major community desired businesses that Council be notified of those potential partnerships. Council Member Davis stated she would rather know ahead of time what partnerships we could be getting into and if there is something Council can do to turn into our favor, so businesses are choosing us instead of neighboring communities.

Bob Adams, Interim City Manager responded many businesses that are looking around like to remain confidential.

Council Member Davis asked if we are in conversations with businesses at a staff level is that something that can be discussed in a closed session just so Council is aware.

Gregory Rubens, Interim City Attorney stated there are very limited closed session items. If it involved real estate the City owned it may be in closed session, that is the only exception. It would have to be our real estate, something we are acquiring or leasing.

Council Member Davis requested support for a memo regarding the process for the recycling program switching over, did that really start back in 2014 that we could have been looking for grants. If true, did we apply for any grants or is it too late. Could we have approached this differently. Council Member Arriola seconded the request.

Council Member Davis requested a discussion about contracting with a dedicated grant writer. Mayor Pro Tem Vargas seconded the request.

Mayor Pro Tem Vargas wished everyone a Happy Thanksgiving and thanked friends and Council Members for flowers and notes received due to medical condition. Mayor Pro Tem Vargas gave a shout out to Tracy Buccaneers who competed through Stanislaus County and San Joaquin County and the Stars Division, which her son was quarterback brought home the Superbowl ring and trophy to Tracy. Mayor Pro Tem Vargas acknowledged the efforts of the team, coaches, and parents.

Council Member Bedolla requested support for a policy that would make it illegal to possess a catalytic converter that is not attached to a vehicle unless there is paperwork proving ownership, such as a bill of sale or an invoice from a repair shop. There was no support for the request. Council Member Arriola stated those cases are being prosecuted because it is a crime.

Council Member Bedolla asked the Interim City Attorney if it is within Council's purview.

Gregory Rubens, Interim City Attorney responded it may be and will have to look to see if there was a way to craft an ordinance that would be within our local police powers to regulate. Catalytic converters come from state and federal laws. Need to make sure there is not a preemption issue.

Council Member Arriola wished everyone a Happy Thanksgiving and stated he will be heading to Washington D.C. after Thanksgiving for a week to attend LGBT Victory International Conference and was looking forward to networking to get funding that we need.

Mayor Young acknowledged birthdays, wished everyone a Happy Thanksgiving, and reported on meetings and events she has attended.

7. ADJOURNMENT – Time: 1.23 a.m. Wednesday, November 17, 2021

**ACTION:** Motion was made by Council Member Arriola 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 November 11, 2021. 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