

December 7, 2021, 7:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy

Web Site: www.cityoftracy.org

Mayor Young called the meeting to order at 7:39 p.m.

Mayor Young led the Pledge of Allegiance.

Pastor Doug Diestler, Mission City Church offered the invocation.

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

Bob Adams, Interim City Manager presented the Employee of the Month Award for December 2021 to Don Higgins, Finance Department.

Sekou Millington, Police Chief swore in new Police Officers Joel Chavez, Julian Alejo, Andrew Glover, Matthew Hohn and Guillermo Zuniga.

1. CONSENT CALENDAR – Following the removal of consent item 1.G by Bob Adams, Interim City Manager, motion was made by Council Member Davis and seconded by Council Member Bedolla to adopt the consent calendar. Roll call found all in favor, passed and so ordered. Mayor Pro Tem Vargas abstained from voting on consent items 1.J, 1.K, 1.L and 1.M due to the possibility of being a conflict of interest.
 - 1.A ADOPTION OF NOVEMBER 10, 2021 CLOSED SESSION MINUTES, AND NOVEMBER 16, 2021, CLOSED SESSION AND REGULAR MEETING MINUTES – **Minutes were adopted.**
 - 1.B APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF TRACY AND THE SOUTH SIDE COMMUNITY ORGANIZATION OF TRACY, CALIFORNIA, AND AUTHORIZE THE MAYOR TO EXECUTE THE MEMORANDUM OF UNDERSTANDING – **Resolution 2021-173** approved the Memorandum of Understanding with South Side Community Organization.
 - 1.C ESTABLISH A 2022 CALENDAR OF REGULAR CITY COUNCIL MEETINGS – **Resolution 2021-174** adopted the 2022 calendar of regular City Council meetings.
 - 1.D APPROVE GRANTING A RIGHT-OF-WAY DEDICATION AND PUBLIC UTILITY EASEMENT TO CITY OF TRACY ON HOLLY DRIVE AND ARBOR ROAD – **Resolution 2021-175** approved granting a Right-of-Way Dedication and Public Utility Easement.

- 1.E AUTHORIZE THE ACCEPTANCE OF A \$706,680 GRANT FROM STATE WATER RESOURCES CONTROL BOARD FOR THE CALIFORNIA WATER ARREARAGE PAYMENT PROGRAM FOR RESIDENTIAL AND COMMERCIAL DRINKING WATER ARREARAGES – **Resolution 2021-176** authorized the acceptance of a grant from the State Water Resources Control Board.
- 1.F APPROVE SIDE LETTER AGREEMENTS BETWEEN THE CITY OF TRACY AND THE TRACY POLICE OFFICERS ASSOCIATION (TPOA) FOR A LATERAL OFFICER REFERRAL PROGRAM AND SPECIAL ASSIGNMENTS; APPROVE SIDE LETTER AGREEMENT BETWEEN CITY OF TRACY AND THE TRACY POLICE MANAGEMENT ASSOCIATION (TPMA) FOR A LATERAL OFFICER REFERRAL PROGRAM; AND AUTHORIZE THE INTERIM CITY MANAGER TO APPROVE SIDE LETTER AGREEMENTS – **Resolution 2021-177** approved Side Letter Agreements between with TPOA, and TPMA.
- 1.G APPROVE SIDE LETTERS BETWEEN THE CITY OF TRACY AND THE TRACY MID-MANAGERS BARGAINING UNIT AND GENERAL TEAMSTERS LOCAL NO. 439, I.B.T.; REVISED COMPENSATION AND BENEFIT PLANS FOR THE CONFIDENTIAL EMPLOYEE UNIT, LIMITED SERVICES EMPLOYEES AND DEPARTMENT HEADS; AND AUTHORIZE AN AMENDMENT TO THE POSITION CONTROL ROSTER AND THE CITY MASTER SALARY SCHEDULE TO REFLECT THE ELIMINATION OF SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY POSITIONS – **Item was pulled.**
- 1.H AUTHORIZE APPLICATION(S) FOR THE LOCAL ASSISTANCE SPECIFIED GRANT FROM THE STATE OF CALIFORNIA IN THE AMOUNT OF \$5,000,000 AND AUTHORIZE THE CITY MANAGER, OR DESIGNEE, TO EXECUTE CONTRACTS TO ACCEPT THE GRANT FUNDS – **Resolution 2021-178** authorized applications for the Local Assistance Specified Grant from the State of California.
- 1.I AUTHORIZE THE DIRECTOR OF UTILITIES TO SUBMIT APPLICATIONS FOR URBAN AND MULTIBENEFIT DROUGHT RELIEF GRANT FUNDING WITH THE DEPARTMENT OF WATER RESOURCES FOR THREE PROJECTS AND EXECUTE THE GRANT RELATED FUNDING AGREEMENTS AND OTHER DOCUMENTS – **Resolution 2021-179** authorized the Director of Utilities to submit applications for Urban and Multibenefit Drought Relief Funding with the Department of Water Resources.
- 1.J ADOPT A RESOLUTION AMENDING THE CITY'S OPERATING AND CAPITAL IMPROVEMENT PROJECTS (CIP) BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2022, AS PROPOSED, AND AUTHORIZE THE BUDGET OFFICER TO AMEND THE CITY'S POSITION CONTROL ROSTER FOR FY2021-22 – **Resolution 2021-180** amended the City's CIP Budget for Fiscal Year ending June 30, 2022, as proposed. Mayor Pro Tem Vargas abstained.
- 1.K APPROVE LEASE AGREEMENT BETWEEN THE CITY OF TRACY AND THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY FOR USE OF FIRE STATIONS, ADMINISTRATION FACILITY, SUPPORT SERVICES FACILITY, APPARATUS AND EQUIPMENT – **Resolution 2021-181** approved Lease Agreement with South San Joaquin County Fire Authority. Mayor Pro Tem Vargas abstained.

- 1.L APPROVE PROFESSIONAL SERVICE AGREEMENTS TO PROVIDE PAYROLL AND HUMAN RESOURCES SERVICES TO THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY – **Resolution 2021-182** approved a Professional Services Agreement to provide payroll and Human Resources Services to South San Joaquin County Fire Authority. Mayor Pro Tem Vargas abstained.
- 1.M AUTHORIZE THE PURCHASE OF ONE NEW FIRE ENGINE FOR STATION 96 FROM PIERCE MANUFACTURING, INC. PURSUANT TO SECTION 2.20.220 OF THE TRACY MUNICIPAL CODE; APPROPRIATE \$801,774 FROM VEHICLE REPLACEMENT FUND 606 AND \$140,300 FROM THE EQUIPMENT REPLACEMENT FUND 605 FOR THE PURCHASES FROM FUND BALANCE FOR THE PURCHASE; AMEND RESOLUTION 2020-006 TO REFLECT THE PURCHASE OF APPARATUS FOR FIRE STATION 95 AND APPROPRIATE FUNDS FROM TRACY FIRE DEVELOPMENT IMPACT FEES – **Resolution 2021-183** authorized the purchase of one new fire engine for Station 96 from Pierce Manufacturing. Mayor Pro Tem Vargas abstained.
- 1.N ADOPTION OF A VALPICO ROAD PRECISE PLAN LINE FROM LAMMERS ROAD TO CAGNEY WAY (ALIGNMENT) – **Resolution 2021-184** adopted a Valpico Road Precise Plan for Lammers Road to Cagney Way.
2. ITEMS FROM THE AUDIENCE – Dan Evans requested Council adopt a policy of transparency to go towards public trust and provided suggestions for the transparency policy. Mr. Evans stated he has requested status on homelessness twice, also warming shelter project, the community should know the status, and would like to see regular updates.

Alice English spoke about misconduct and abuse of power by Mayor Young and Mayor Pro Tem Vargas and shared her views and provided examples, adding Council was voted to be voice of the community.

Mayor Pro Tem Vargas responded to Ms. English's comments stating there is misinformation out there and divisiveness is unwelcome.

Mayor Young objected to the mischaracterization that Ms. English put forward.

Conrad Levoit, President of Southside Community Organization thanked staff and Council for their support in assisting with the MOU. Mr. Levoit announced the current and new members of the organization.

Wes Huffman reminded Council again about consideration of Tracy trees. Mr. Huffman spoke about the American Legion and stated he was shocked that the City does not give free business licenses for non-profits, stating there is a \$3 service charge to process.

Robert Tanner spoke about the upcoming garbage rate increase discussion, and requested staff provide the loss of recyclable dollar amount that Delta says they are losing and will have to charge for the blue can and added heavy trucks will beat up the streets. Mr. Tanner shared his concerns regarding Council increasing cannabis business licenses from four to ten.

Mayor Young responded to Mr. Tanner's comment regarding cannabis stating it does not represent any of Council individually or collectively.

Burnell Shull thanked the water department for the work they did to correct her water issues. Ms. Shull asked what Tracy wants to be known for and shared her concerns about being on front page of the San Francisco Chronicle for the peacock issue, and spending 2.5 hours discussing peacocks.

Adrienne Richardson, City Clerk announced there was an email submitted by Andy Flores regarding fluoride in the water which was emailed to City Council and a copy provided on the dais.

3. REGULAR AGENDA

3.A APPROVAL OF ACTIONS NECESSARY TO FORM COMMUNITY FACILITIES DISTRICT NO. 2021-2 (MAINTENANCE AND PUBLIC SERVICES) (CFD) AND A RELATED FUTURE ANNEXATION AREA: (1) CONDUCT A PUBLIC HEARING TO CONSIDER THE QUESTION OF ESTABLISHING THE CFD AND THE FUTURE ANNEXATION AREA; (2) ACCEPT THE COMMUNITY FACILITIES DISTRICT REPORT; (3) CONDUCT PROPERTY OWNER ELECTION; AND (4) INTRODUCE ORDINANCE ORDERING THE LEVY OF SPECIAL TAXES

Mayor Young opened the public hearing.

Karin Schnaider, Finance Director presented the staff report.

There was no public comment.

A letter was submitted by Surland Companies stating in light of the understanding of the resolution they would not comment on this item as it has no effect on their property.

Mayor Young closed the public hearing.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Davis to adopt **Resolution 2021-185** a Resolution of Formation of Community Facilities District – City of Tracy Community Facilities District No. 2021-2 (Maintenance and Public Services). Roll call found all in favor; passed and so ordered.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Davis to adopt **Resolution 2021-186** calling for a special landowner election for City of Tracy Community Facilities District No. 2021-2 (Maintenance and Public Services). Roll call found all in favor; passed and so ordered.

Adrienne Richardson, City Clerk opened the ballot and announced she was in receipt of one ballot from the only property owner in the District. The ballot shows that 27 votes were cast, and all 27 are in favor of the ballot measure.

Mayor Young announced the record shows that at least 2/3rds of the property owner votes are in favor of the levy of the special taxes.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to adopt **Resolution 2021-187** declaring results of special landowner election and directing recording of Notice of Special Tax Lien – City of Tracy Community Facilities District No. 2021-2 (Maintenance and Public Services). Roll call found all in favor; passed and so ordered.

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 1323**, an ordinance of the City Council of the City of Tracy levying special taxes within City of Tracy Community Facilities District No. 2021-2 (Maintenance and Public Services). Roll call all in favor; passed and so ordered.

3.B INTRODUCE AN ORDINANCE AMENDING CHAPTER 5.20 “INTEGRATED SOLID WASTE REGULATIONS” OF THE TRACY MUNICIPAL CODE REGARDING THE HANDLING AND DISPOSAL OF REFUSE, RECYCLABLE MATERIALS, AND ORGANIC MATERIALS

Connie Vieira, Management Analyst provided the staff report. Ms. Vieira stated there is a small change to section 5.20.260 (c)(3). The following language was removed from the first part of the sentence - *With the exception of generator contamination of container contents.*

Council questions and comments followed.

Robert Tanner asked what the cost would be for a violation, and when trash automatically goes into a container, would it be a violation if put into trash bag.

Mary Mitracos asked if shredded paper is still supposed to be in bags also.

Council comments followed. Council strongly encouraged aggressive messaging and education for the public.

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 Davis to waive the reading of the full text and introduce **Ordinance 1324** an ordinance of the City of Tracy amending Chapter 5.20 “Integrated Solid Waste Regulations” of the Tracy Municipal Code regarding the handling and disposal of refuse, recyclable materials, and organic materials. Roll call found all in favor; passed and so ordered.

3.C 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

Mayor Pro Tem Vargas recused herself from the item due to a potential conflict of interest.

Randall Bradley, Fire Chief presented the staff report.

Council questions and comments followed.

ACTION: Motion was made by Council Member Davis and seconded by Council Member Arriola. It was Council's consensus to receive the quarterly update from the South San Joaquin County Fire Authority.

3.D APPROVE AN EMPLOYMENT AGREEMENT BETWEEN MICHAEL ROGERS AND THE CITY OF TRACY TO SERVE AS CITY MANAGER

Kimberly Murdaugh, Human Resources Director provided the staff report.

There was no public comment.

Council welcomed the new City Manager Michael Rogers and acknowledged Bob Adams, Interim City Manager for his service.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adopt **Resolution 2021-188** approving an employment agreement between Michael Rogers and the City of Tracy to serve as City Manager. Roll call found all in favor; passed and so ordered.

Michael Rogers made comments about his upcoming tenure with the City of Tracy as City Manager.

Bob Adams made comments regarding his time with the City of Tracy as Interim City Manager.

3.E EXTEND COUNCIL AD-HOC FISCAL SUSTAINABILITY COMMITTEE; CONSIDER FISCAL SUSTAINABILITY STRATEGIES PROPOSED BY THE AD-HOC COMMITTEE; AND PROVIDE DIRECTION TO STAFF

Karin Schnaider, Finance Director provided the staff report.

Council Member Arriola, and Mayor Pro Tem Vargas, Ad Hoc Fiscal Sustainability Committee members provided comments regarding the budget increases and fiscal strategy recommendations and responded to Council questions.

There was no public comment.

Council questions and comments followed.

Council supported the proposed fiscal sustainability strategies with an emphasis to look at sidewalk and street deferred maintenance projects.

Bob Adams, Interim City Manager suggested a Pavement Management Program workshop prior to a Council meeting.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Bedolla to adopt **Resolution 2021-189** extending the Council Ad Hoc Fiscal Sustainability Subcommittee for a one-year term. Roll call found all in favor; passed and so ordered.

3.F DISCUSS IMPLEMENTING A CRIMINAL BACKGROUND CHECK PROCESS FOR COUNCIL APPOINTEES TO CITY BOARDS AND COMMISSIONS AND PROVIDE DIRECTION TO STAFF

Kimberly Murdaugh, Human Resources Director provided the staff report.

Council Member Arriola clarified his request to bring the item before Council was not to ask to increase any law or barriers but to do what is necessary to comply with the current law.

Robert Tanner stated it would be a waste of time, and if the City is going to require it for commissioners, may as well do it for City Council.

Council questions and comments followed.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to take no action on the item. Roll call found all in favor; passed and so ordered.

3.G CONSIDER AN ORDINANCE AMENDING THE COMPENSATION FOR THE COUNCIL AND MAYOR IN ACCORDANCE WITH STATE LAW

Midori Lichtwardt, Assistant City Manager provided the staff report.

Mayor Young clarified her request to have this item come back routinely.

Robert Tanner stated Council is being paid \$336.00 more than what the code says and suggested their salary should remain the same for another two years.

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 Bedolla to waive the reading of the full text and introduce **Ordinance 1325** an ordinance of the City of Tracy amending Chapter 2.04 (City Council Organization and Procedure) of Title 2 (Administration) of the Tracy Municipal Code to amend 2.04.060 "Council Member and Elected Mayor Compensation". Roll call found Council Members Arriola, Bedolla, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Member Davis opposed.

4. ITEMS FROM THE AUDIENCE – Bobby Garrity referred to Item 3A Table 1 on Exhibit B – all residents are being charged same taxes and per unit fees. AB 602 will require development and impact fees on a per square foot as opposed to a per unit basis and asked where it is not required by the state would the City be willing to go with per foot fees instead of per unit fees to incentivize more affordable homes.

Alice English shared concerns regarding Council conduct at meetings, interruptions, changing order of business on the agenda, late start of regular meetings, disregard of the public and requested Council be mindful of the audience.

Mayor Young responded to Ms. English's comments made during both Items from the Audience.

Mayor Pro Tem Vargas stated Ms. English has received a letter from Valley Link in response to her letter to them.

5. STAFF ITEMS – None
6. COUNCIL ITEMS – Mayor Pro Tem Vargas stated she has had support from previous Council Members and requested support for discussion of upgrades to lights and the fields at Ritter Park. Mayor Young supported the request. Council Member Bedolla supported it being a special agenda item at a future Council meeting.

Mayor Pro Tem Vargas shared a brief history about her time on Council and spoke about members of the public that have their personal agenda.

Council Member Arriola reported on his trip to Washington D.C. to attend the International LGBTQ Leaders Conference.

Council Member Bedolla stated the Christmas light parade turnout was great and asked if there is anything the City can do to encourage participation of food and beverage vendors for future parades.

Bob Adams, Interim City Manager responded it is a TCCA event, and can recommend to TCCA to help with that. Staff will look into permits that may be needed.

Council Member Bedolla spoke about a culture amongst a group of people in this City that is not productive to getting things done.

Council Member Bedolla spoke about a funding opportunity called California Violence Intervention and Prevention Fund. Tracy is one of 53 cities in the State that met one of three requirements to be able to access this funding and was looking for support to apply by the January deadline. Council Member Davis supported the request.

Bob Adams, Interim City Manager responded the Police Chief is watching that closely and has people monitoring that event and we plan on making an application.

Council Member Davis thanked the Police Chief and staff for continuing to grow the Police force, welcomed new officers and stated Council is committed to public safety. Council Member Davis asked about the status of the faded signs (Live, Work and Play),

and what is being done to replace the signs and be cognizant of the US flags and what people are seeing when they come here. Council Member Arriola seconded the request. Council Member Davis stated a memo would be sufficient for the update.

Council Member Davis stated due to some of the unfunded CIP's she asked about the status of her recent request for a grant writer. Mayor Pro Tem Vargas supported the request. Council Member Davis added someone wrote that other cities took advantage of grants for the recycle refuse requirements and would love to see if this is something we can do.

Council Member Davis stated the Rad Card is back and the first time the County matched funds up to \$100 but this time they are matching up to \$200 and encouraged everyone to go for it while funds last.

Council Member Davis congratulated Rabbi Meijers and the Jewish Chabad of Tracy for their first public gathering at City Hall for the lighting of the Menorah.

Council Member Davis stated Council recently had meetings with Economic Development to get an understanding of the progress the City is making with opportunities for businesses that are desired by the City to come here. Council Member Davis requested support to be more transparent about what we are doing with Economic Development, our strengths and challenges and address the public why somethings went the way they did with some of the recent concerns. Hoping for a community workshop or social media to be more transparent about what is happening as the public deserves to know. Council Member Bedolla supported the request.

Bob Adams, Interim City Manager responded we are not planning on a workshop but will be coming back during the budget process to review what we are doing in Economic Development and what the needs are. We can review at that time or schedule something special.

Council Member Davis suggested more of a town hall so the community can be engaged, and Economic Development can respond to questions.

Council Member Davis requested an update on what the Police Department and Code Enforcement are doing at El Pescadero Park to appease the needs of our house community and what they are doing to address the concerns the public is repeatedly stating about the unsheltered community. Council Member Davis also requested an update online from our PIO about what the City is doing with homelessness. Council Member Arriola seconded that request.

Council Member Davis clarified to bring back what the City is doing at El Pescadero Park, and has previously brought up about looking into the cinder block wall and have not heard about that and various other things she brought up and would love for the Police Department to talk about all the efforts they are making that the public does not see.

Mayor Young asked whether Council Member Davis was asking about just El Pescadero Park around the City because we are getting calls and emails about all around Tracy. Council Member Davis responded all around Tracy and was flexible and open to having a whole conversation but that specific community she felt they needed to know what we

are doing. Mayor Young and Mayor Pro Tem Vargas stated she has the support. Mayor Pro Tem Vargas suggested a separate meeting, a workshop or special meeting. Council Member Davis agreed with that.

Council Member Davis stated the Christmas parade was amazing and thanked TCCA and all the volunteers.

Mayor Young reported on meetings and events she has attended and announced upcoming events.

7. ADJOURNMENT – Time: 11.35 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 December 2, 2021. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk