

December 21, 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 7:00 p.m.

Mayor Young led the Pledge of Allegiance.

Priest Atul Batra, Sant Nirankari Mission offered the invocation.

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

Mayor Young presented National Slavery and Human Trafficking Prevention Month proclamation to Brian Pekari, and students from the San Joaquin County Trafficking Task Force.

1. CONSENT CALENDAR – Following the removal of consent item 1.G by Council Member Davis and 1.N by Alice English, motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt the consent calendar. Roll call found all in favor, passed and so ordered.
 - 1.A ADOPTION OF DECEMBER 7, 2021 CLOSED SESSION AND REGULAR MEETING MINUTES – **Minutes were adopted.**
 - 1.B APPROVE THE ANNUAL REPORT ON DEVELOPMENT IMPACT FEE REVENUES, EXPENDITURES AND FINDINGS REGARDING UNEXPENDED FUNDS FOR FISCAL YEAR 2020-2021 IN ACCORDANCE WITH THE MITIGATION FEE ACT (AB 1600)– **Resolution 2021-190** approved the Annual Report.
 - 1.C 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 DECEMBER 22, 2021 THROUGH JANUARY 20, 2022 PURSUANT TO THE BROWN ACT – **Resolution 2021-191** adopted findings and authorized remote teleconference.
 - 1.D AUTHORIZE THE PURCHASE OF CRADLEPOINT WIRELESS ROUTER EQUIPMENT, INSTALLATION AND ON-GOING MONTHLY DATA FEE TO PROVIDE WIRELESS DATA SUPPORT FOR TRACY POLICE DEPARTMENT'S FLEET OF MOBILE DATA COMPUTERS (MDCs) AND APPROPRIATE \$285,550 FROM THE EQUIPMENT FUND FOR THIS PURCHASE– **Resolution 2021-192** authorized the purchase of Cradlepoint Wireless Router equipment, installation and monthly data fee.
 - 1.E WAIVE SECOND READING AND ADOPT ORDINANCE 1323, AN ORDINANCE OF THE CITY OF TRACY LEVYING SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 2021-2 (MAINTENANCE AND PUBLIC SERVICES) – **Ordinance 1323 was adopted.**

- 1.F WAIVE SECOND READING AND ADOPT 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 – **Ordinance 1324 was adopted.**
- 1.H AUTHORIZE THE APPOINTMENT OF SIX YOUTH COMMISSIONERS TO THE YOUTH ADVISORY COMMISSION – **Resolution 2021-193** authorized the appointment of six Youth Advisory Commissioners.
- 1.I APPROVE A RESOLUTION EXPRESSING SUPPORT FOR LEGISLATION TO FURTHER STRENGTHEN LOCAL AUTHORITY AND CONTROL RELATED TO LOCAL ZONING AND HOUSING POLICY – **Resolution 2021-194** approved support for legislation to strengthen local authority and control related to local zoning and housing policy.
- 1.J APPROVING SIDE LETTERS BETWEEN THE CITY OF TRACY AND THE TRACY MID-MANAGERS BARGAINING UNIT AND GENERAL TEAMSTERS LOCAL NO. 439, I.B.T.; REVISING COMPENSATION AND BENEFIT PLANS FOR THE CONFIDENTIAL EMPLOYEE UNIT, LIMITED SERVICE EMPLOYEES AND DEPARTMENT HEADS; AUTHORIZING THE CITY MANAGER TO APPROVE SIDE LETTER AGREEMENTS; AND AUTHORIZING AN AMENDMENT TO THE POSITION CONTROL ROSTER AND THE CITY MASTER SALARY SCHEDULES TO REFLECT THE ELIMINATION OF SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY POSITIONS AND COMPLY WITH STATE OF CALIFORNIA MINIMUM WAGE ORDER– **Resolution 2021-195** approved side letters and revised Compensation and Benefit Plans.
- 1.K AUTHORIZE THE USE OF THE UNITED STATES GENERAL SERVICES ADMINISTRATION COOPERATIVE PURCHASE AGREEMENT WITH SPRUNG INSTANT STRUCTURES, INC. (CONTRACT NO. 47QSWA19D005G) FOR THE PURCHASE OF A SIXTY (60) FOOT WIDE BY ONE HUNDRED FIVE (105) FOOT LONG HIGH TENSION MEMBRANE STRUCTURE, DELIVERY, AND ASSOCIATED TECHNICAL CONSULTANT FEE, FOR A NOT-TO-EXCEED AMOUNT OF \$455,000, TO BE INSTALLED AS PART OF THE SITE IMPROVEMENTS AT THE TEMPORARY EMERGENCY HOUSING PROJECT, CIP 71112, AT 370 ARBOR AVENUE – **Resolution 2021-196** authorized the use of the United States General Services Administration Cooperative Purchase Agreement with Sprung Instant Structures, Inc.
- 1.L AUTHORIZE THE PURCHASE OF PRE-MANUFACTURED COMMERCIAL KITCHEN STRUCTURE, FROM KITCHENS TO GO, BY MOBILE MODULAR, FOR AN AMOUNT NOT-TO-EXCEED \$673,000, TO BE INSTALLED AS PART OF THE SITE IMPROVEMENTS AT THE TEMPORARY EMERGENCY HOUSING PROJECT, CIP 71112, AT 370 ARBOR AVENUE– **Resolution 2021-197** authorized the purchase of pre-manufactured commercial kitchen structure from Kitchens to Go by Mobile Modular.
- 1.M AUTHORIZE THE PURCHASE OF PRE-MANUFACTURED RESTROOM, SHOWER, LAUNDRY, STORAGE AND MECHANICAL BUILDING STRUCTURES IN THE AMOUNT OF \$530,500 FROM LINKED EQUIPMENT, INC. TO BE INSTALLED AS

PART OF THE SITE IMPROVEMENTS AT THE TEMPORARY EMERGENCY HOUSING PROJECT, CIP 71112, AT 370 ARBOR AVENUE – Resolution 2021-198 authorized the purchase of pre-manufactured restroom, shower, laundry, storage and mechanical building structures from Linked Equipment, Inc.

- 1.G WAIVE SECOND READING AND ADOPT 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 SECTION 2.04.030 “COUNCIL MEMBER AND ELECTED MAYOR COMPENSATION”

Council Member Davis pulled the item to be consistent with her previous vote on December 7, 2021.

Adrienne Richardson, City Clerk provided the staff report.

There was no public comment.

There were no comments from Council.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to adopt **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 Section 2.04.030 “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.

- 1.N APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH TRACY COMMUNITY CONNECTIONS CENTER (TCCC) TO OPERATE A TEMPORARY SEASONAL WARMING CENTER IN THE AMOUNT NOT TO EXCEED \$187,000 AND AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT, AND AUTHORIZE THE DONATION OF A CITY SURPLUS VEHICLE VALUED AT \$4,000 TO TCCC TO ASSIST WITH TRANSPORTATION SERVICES TO AND FROM THE WARMING CENTER

Alice English pulled the item to ask how they came up with the amount of \$187,000, and thanked Bubba Paris for helping the homeless.

Vanessa Carrera, Assistant to the City Manager responded to Ms. English’s and Council’s questions.

City Council comments followed.

Bubba Paris shared his intent with the warming center and budget and stated they will make sure they do it right and shared his promise to engage every group he can to make sure it is run in the best possible way.

Daniel Helm applauded what is being done and asked why the City did not get in front of this, and asked instead of this becoming a crisis can we start talking about this in September so there is no last minute scramble.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt **Resolution 2021-199** approving a Professional Services Agreement with Tracy Community Connections Center for the operation of a temporary seasonal warming center. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Daniel Helm spoke about an epidemic of people who do not know how to use head lights and shared concerns regarding dirt bikes in large packs speeding, and stated the Police Department needs to be more proactive.

Charlene Astarga spoke about difficulties on the corner of Wagtail and MacArthur for vehicles getting onto MacArthur due to a City of Tracy vehicle parked on the corner, and crews cutting down trees also.

Damien Gray spoke about El Pescadero Park being taken away due to the homeless and shared her concerns regarding safety being taken away from children and paying taxes for a park that she cannot take her grandchildren to.

Robert Tanner referred to the Boise lawsuit stating as long as this town does not have a homeless shelter people cannot be kicked out of public places such as the parks. The shelter will not be built until June/July and that is only phase 1. In last week or two people have made comments that Team Tracy is like a basketball team in bottom rank.

Alice English shared her concerns regarding misinformation related to I-205/TOD at the November 16, 2021 meeting, Council talking about the public, and responded to comments made by Mayor Pro Tem Vargas on November 16, 2021, and shared concerns regarding personal attacks.

Mayor Pro Tem Vargas disagreed with the comments made by Ms. English and stated it is unfortunate she continues to be destructive in our meetings.

3. REGULAR AGENDA

DEVIATION

- 3.E RECEIVE REPORT ON IHUB SAN JOAQUIN INNOVATION AND TECHNOLOGY ECONOMIC DEVELOPMENT ACTIVITIES AND PROVIDE A STATUS UPDATE FOR THE INCLUSIVE INNOVATION IHUB PROGRAM (IHUB2) GRANT APPLICATION

Michael Nimon, Economic Development Manager provided the staff report.

Brenna Butler Garcia, Vice President of Community Relations for A.G. Spanos Companies representing founding board member of iHUB and Bob Gutierrez,

representing founding member of iHUB - San Joaquin Partnership provided a presentation and information regarding iHUB.

Kathleen Mariano Junqueiro asked about the cost for the City's partnership for the organization, and stated she was happy to hear it helps more of the business community.

Council questions and comments followed.

Council accepted the report on iHUB San Joaquin innovation and technology economic development activities and status update for the inclusive innovation iHUB program (iHUB2) grant application.

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

Carissa Lucas, Public Information Officer provided an update and presentation on the City's response to COVID-19.

Council questions and comments followed.

Council accepted the report.

3.B PUBLIC HEARING TO CONSIDER A PROPOSED INCREASE TO SOLID WASTE RATES AND ADOPT THE PROPOSED SOLID WASTE RATES AT THE CONCLUSION OF THE PUBLIC HEARING

Mayor Young opened the public hearing.

Connie Vieira, Management Analyst provided the staff report.

Marva Sheehan, HF&H Consultants provided information on rates on other cities and responded to questions.

City Council questions followed.

Karin Schnaider, Finance Director responded to Council questions.

Scott Stortroen, Tracy Delta Disposal responded to Council questions.

Charlene Astarga, Kathleen Mariano Junqueiro, Nick Holburg, Tracy resident, Robert Tanner, Steve Wampler, Dotty Nygard, Terry Brown, Chejan Ju, new resident, Curtis Bryant, Karen Moore, Ram, and Michel Bazinet shared their opposition to the proposed solid waste rate increase and spoke about the following various concerns: High increase amount, time of year the mailing went out, bin size, garbage company contract and best practices, pick up frequency for recycle bins, potential of seeking grants, lack of education and communication, fly issues, and going out to bid.

Mayor Young asked if there were any other written protests to be submitted.

Council questions and comments followed.

Mayor Young closed the public hearing.

Council questions and comments continued.

Adrienne Richardson, City Clerk announced there were 915 written protests submitted. There are 25,106 parcels receiving service. Assuming that all protests submitted are valid, a majority protest of 50% plus one has not been achieved.

Council questions and comments continued.

ACTION: Motion was made by Council Member Bedolla to accept the rate study for residential and commercial rates and implementing the year to year increases at 25% of the numbers shown. There was no second to the motion.

Tracy Disposal responded to the proposed motion regarding the recovery to Tracy Disposal.

Greg Rubens, Interim City Attorney clarified a motion, and Mayor Young agreed with the motion.

ACTION: Motion was made by Mayor Young and seconded by Mayor Pro Tem Vargas to adopt the recommended rates for the first two years (23% first year and 12.9% second year) and no increases after that and adopt the commercial side of the rates and to come back at year three or sooner after looking at level of service assessment (bin size and service frequency). Roll call found Mayor Pro Tem Vargas and Mayor Young in favor. Council Members Arriola, Bedolla and Davis opposed. Motion failed.

Council discussion continued.

ACTION: Council Member Bedolla motioned to adopt the rate study at 30% of the figure shown and have a future conversation to find out how to make up that shortfall.

Council discussion continued.

Council Member Bedolla restated his motion as implement the rate study, there will be future conversation but for the first two years at 30% of the rate shown for residential and as we get information if adjustments are needed.

There was no second to the motion.

ACTION: Mayor Pro Tem Vargas proposed continuing the item. Council Member Davis seconded the proposal.

Mr. Rubens clarified if the public hearing is continued, staff will have to re-notice this public hearing also. A special Counsel assisted us on this and staff will have

to check with them. If it can be done, staff will do so, if not staff will have to push it out and approve the notice at a future meeting and then 45 days later, we can come back to this hearing.

Council Member Davis withdrew her support on the motion.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to continue item 3.B to the next possible meeting with staff bringing additional information requested during this conversation. Roll call found all in favor; passed and so ordered.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Mayor Young to continue items 3.C, 3.D to January 18, 2022, and 3.F to a date appropriate. Roll call found all in favor; passed and so ordered.

Mayor Young called a recess at 12:59 a.m.

Mayor Young reconvened the meeting at 1:07 a.m.

3.C PUBLIC HEARING TO CONSIDER AMENDING THE ZONE DISTRICT OF TWO SITES: (1) APPROXIMATELY 35 ACRES LOCATED ON THE NORTH SIDE OF VALPICO ROAD, APPROXIMATELY ONE-QUARTER MILE EAST OF TRACY BOULEVARD; AND (2) APPROXIMATELY 4.6 ACRES NORTHWEST OF THE INTERSECTION OF THIRD STREET AND EVANS STREET – APPLICANTS ARE JUAN BAUTISTA AND THE CITY OF TRACY – APPLICATION NUMBERS R21-0005 AND R21-0002 – **Item moved to January 18, 2022.**

3.D PUBLIC HEARING TO CONSIDER ADOPTION OF THE CORE FEES DEVELOPMENT IMPACT FEE STUDY AND DEVELOPMENT IMPACT FEES FOR NEW DEVELOPMENT PROJECTS WITHIN THE CORE FEES AREA AND AUTHORIZE THE DEVELOPMENT SERVICES DIRECTOR TO ANNUALLY ADJUST THE CORE FEES ON JULY 1ST OF EACH YEAR USING THE ENGINEERING NEWS RECORD CONSTRUCTION COST INDEX – **Item moved to January 18, 2022.**

3.F PROVIDE DIRECTION ON DIGITAL BILLBOARD FOR ECONOMIC DEVELOPMENT PURPOSES – **Item moved to date appropriate.**

3.G APPOINT THREE APPLICANTS TO SERVE ON THE CITY OF TRACY ARTS COMMISSION AND ONE APPLICANT TO THE PARKS AND COMMUNITY SERVICES COMMISSION

Adrienne Richardson, City Clerk provided the staff report.

Council Member Davis announced the Council subcommittee's recommendation for the Tracy Arts Commission.

ACTION: Motion was made by Council Member Davis and seconded by Mayor Pro Tem Vargas to approve the subcommittee's recommendations and appoint Trevor

Skinner and reappoint Nila Dhugga and Taranjit Sandhu to the Tracy Arts Commission to serve a 4-year term beginning on January 1, 2022 and ending on December 31, 2025. Roll call found all in favor; passed and so ordered.

Mayor Pro Tem Vargas announced the Council subcommittee's recommendation for the Parks and Community Services Commission.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Mayor Young to reappoint Todd Lieberg to the Tracy Parks and Community Services Commission to serve a 4-year term beginning January 3, 2022 and ending on December 31, 2025 and place the following candidates on a 12-month eligibility list for the Parks and Community Services Commission: Jacquelyn Nott, Craig Schwab, Rajpal Dhillon. Roll call found all in favor; passed and so ordered.

3.H APPOINTMENT OF AN ALTERNATE COUNCIL SUBCOMMITTEE MEMBER TO INTERVIEW APPLICANTS TO FILL ONE VACANCY AND TWO TERM EXPIRATIONS ON THE MEASURE V RESIDENTS' OVERSIGHT COMMITTEE AND DISCUSS AMENDING THE COUNCIL POLICY REGARDING SELECTION PROCESS FOR COUNCIL APPOINTEE BODIES SUCH AS BOARDS AND COMMISSIONS

Adrienne Richardson, City Clerk provided the staff report.

Council Member Davis volunteered to serve as an alternate on the Council subcommittee to interview the Measure V Residents' Oversight Committee applicants.

Council questions and comments followed.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to appoint Council Member Bedolla and Council Member Davis as alternate to interview the applicants for the Measure V Residents' Committee. Roll call found all in favor; passed and so ordered.

ACTION: Motion was made by Council Member Bedolla and seconded by Mayor Pro Tem Vargas to adopt **Resolution 2021-200** approving a Council policy establishing a selection process for appointments to City Advisory Bodies and repealing Resolution No. 2021-131. Roll call found all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – None

5. STAFF ITEMS – None

6. COUNCIL ITEMS – Mayor Pro Tem Vargas wished everyone a happy Christmas and holidays.

Council Member Arriola wished everyone merry Christmas and a happy new year and welcomed everyone to the warming center that will be opening up tonight at Good Shepherd Community Church on the corner of Parker and Eaton.

Council Member Davis wished everyone a safe, blessed and merry Christmas and a happy and prosperous new year.

Mayor Young wished everyone merry Christmas, a safe holiday as we travel and happy new year.

7. ADJOURNMENT – Time: 1.21 a.m., Wednesday, December 22, 2021.

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

The above agenda was posted at the Tracy City Hall on December 16, 2021. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk