

JOINT MEETING OF TRACY CITY COUNCIL
AND THE SUCCESSOR AGENCY TO THE
COMMUNITY DEVELOPMENT AGENCY

REGULAR MEETING MINUTES

January 18, 2022, 7:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy

Web Site: www.cityoftracy.org

Mayor Young called the meeting to order at 7:22 p.m.

Mayor Young led the Pledge of Allegiance.

Pastor Scott McFarland, Journey Christian Church offered the invocation.

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

Mayor Young presented a Certificate of Reappointment to Parks and Community Services Commissioner Todd Lieberg.

Mayor Young presented a Certificate of Reappointment to Tracy Arts Commissioner Taranjit Sandhu.

Michael Rogers, City Manager presented the 2021 Employee of the Year Award to Keith Pemberton.

Mayor Young announced due to consent items 1.E and 1.F the meeting is a joint meeting of the City Council and the Successor Agency to the Community Development Agency.

1. CONSENT CALENDAR – 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. Council Member Davis announced she would be voting no on consent items 1.B and 1.C to remain consistent with her previous vote.
 - 1.A ADOPTION OF DECEMBER 21, 2021 CLOSED SESSION AND REGULAR MEETING MINUTES – Minutes were adopted.
 - 1.B APPROVE THE FINAL SUBDIVISION MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT 4086 - TRACY HILLS VILLAGE 11A AND AUTHORIZE THE CITY CLERK TO FILE THE SUBDIVISION IMPROVEMENT AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER - Resolution 2022-001 approved the Final Subdivision Map and Subdivision Improvement Agreement for Tract 4086 – Tracy Hills 11A. Council Member Davis opposed.
 - 1.C APPROVE THE FINAL SUBDIVISION MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT 4085 - TRACY HILLS VILLAGE 10C, AND AUTHORIZE THE CITY CLERK TO FILE THE SUBDIVISION IMPROVEMENT AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER– Resolution 2022-002.

Approved the Final Subdivision Map and Subdivision Improvement Agreement for Tract 4085 – Tracy Hills 10C. Council Member Davis opposed.

- 1.D APPROVE A MASTER SERVICES AGREEMENT WITH AXON ENTERPRISE, INCORPORATED FROM FEBRUARY 1, 2022 TO JANUARY 31, 2026, NOT TO EXCEED \$510,000, FOR THE PURCHASE, ON-GOING MAINTENANCE, AND CLOUD BASED EVIDENCE SYSTEM, EVIDENCE.COM, FOR THE TRACY POLICE DEPARTMENT'S FLEET IN CAR CAMERA SYSTEM AND FIND IT IS IN THE BEST INTEREST OF THE CITY TO FORGO THE FORMAL BID PROCESS – **Resolution 2022-003** approved a Master Services Agreement with Axon Enterprise, Inc.
- 1.E THAT THE CITY COUNCIL OF THE CITY OF TRACY, ACTING AS THE GOVERNING BOARD OF THE SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF TRACY, APPROVE THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS) 22-23 – **Resolution 2022-004** approved the Recognized Obligation Payment Schedule (ROPS) 22-23.
- 1.F THAT THE CITY COUNCIL OF THE CITY OF TRACY, ACTING AS THE GOVERNING BOARD OF THE SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF TRACY, APPROVE THE LAST AND FINAL RECOGNIZED OBLIGATION PAYMENT SCHEDULE – **Resolution 2022-005** approved the last and final Recognized Obligation Payment Schedule.
- 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 JANUARY 21, 2022 THROUGH FEBRUARY 19, 2022 PURSUANT TO THE BROWN ACT – **Resolution 2022-006** adopted the findings and authorized the remote teleconference meetings.
- 1.H. REJECT BIDS FROM FBD VANGUARD CONSTRUCTION, INC., GRADETECH, INC., UNITED PAVEMENT MAINTENANCE, INC., AND J.J.R. CONSTRUCTION, INC. FOR THE ADA ACCESSIBILITY IMPROVEMENTS PROJECT, CIP 73177, AND AUTHORIZE STAFF TO RE-ADVERTISE THE PROJECT– **Resolution 2022-007** rejected the bids and authorized staff to re-advertise the project.
2. ITEMS FROM THE AUDIENCE – Mayor Young noted a comment was received via email from Claudia Fab regarding mask mandates.

Steve Abercrombie proposed recognizing the three following individuals for their service and commitment to Tracy. 1) Ray Morales – proposed naming the roundabout on the corner of Sixth and Central the Ray Morales Roundabout. 2) Brent Ives – proposed the Tracy Sports Complex be named the Brent Ives Sports Complex. 3) Gene Birk – proposed naming the park in Tracy Hills in his honor.

Robert Tanner agreed with the previous speaker, and also shared his concerns regarding fireworks and gunfire going off on New Year's Eve, adding fireworks should be banned. Mr. Tanner spoke about this Council increasing cannabis stores from four to ten, cannabis groups looking downtown, there are no rules for downtown, and suggested Council come up with rules.

Alice English shared concerns about the length of the December 21, 2021 Council meeting and the proposed solid rate increase item, congratulated residents that spoke up and the 900 that submitted protests. Ms. English also thanked Council Members Arriola, Bedolla and Davis for listening to the residents, and shared concerns regarding the Mayor delaying the meeting, abuse of power, and Council listening to and serving the public.

Mayor Young disagreed with representation and responded to Ms. English's comments.

3. REGULAR AGENDA

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.

There was no public comment.

Council accepted the report.

3.B 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

Robert Armijo, Senior Engineer provided the staff report.

Alison Bouley, Harris & Associates provided a presentation regarding the Core Fee Study.

Council questions and comments followed.

Mayor Young opened the public hearing.

Dave Best, Shea Homes believed the intent of adopting a new Core Fee program is to reimburse the \$1.7 million owed in reimbursements for 15 years. Mr. Best supported the consolidation but was concerned the fund balance would get lost in the Core Fee and would take longer to get reimbursed and requested Council's motion include the City fully reimburse those developers that were owed money under the previous fee programs.

Don Hofer, Shea Homes stated he was involved with ISP South and would appreciate if there could be as part of the motion authorization to reimburse Shea Homes. If the existing balances within the ISP get wrapped into the Core Fee, they worry the funds will get lost or diverted to other areas of the City when they are intended for the ISP.

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 Davis to adopt **Resolution 2022-008** approving the Core Fees Impact Fee Study and Development Impact Fees for new development projects within the Core Fee area and authorized the Development Services Director to annually adjust the Core Fees on July 1st each year using the Engineering News Record Construction Cost Index. Roll call found Council Member Arriola, Davis, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Member Bedolla absent.

3.C REVIEW CITY REGULATIONS REGARDING BOATS, PARKING, AND STORAGE IN RESIDENTIAL NEIGHBORHOOD FRONT YARDS AND PROVIDE DIRECTION, IF APPROPRIATE

Alan Bell, Senior Planner provided the staff report.

Burnell Shull stated there was an ordinance that boats, motorhomes and cars that do not run were not allowed in the front yard and had to be behind the gate or in storage. Ms. Shull shared some examples of violations in her neighborhood adding the City needs to inform people they cannot have junk in their yards. Ms. Shull also added trees need to be trimmed on her street.

Council questions and comments followed.

Ana Contreras, Community Preservation Manager responded to Council questions regarding enforcement.

Council accepted the report of City regulations regarding boats, parking, and storage in residential front yards.

3.D PROVIDE DIRECTION ON DIGITAL BILLBOARD FOR ECONOMIC DEVELOPMENT PURPOSES

Michael Nimon, Economic Development Manager provided the staff report.

Council questions and comments followed.

Burnell Shull shared her concerns regarding having billboards like Las Vegas and did not see any reason for the City to have lit billboards.

Dan Evans stated the billboards are a creative revenue source but are a tremendous source of distraction and requested statistics on accidents.

Council questions and discussion continued.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Bedolla to approve the digital billboard for economic purposes and direct staff to move forward with an RFP and selected preferred negotiation objective 2.A

(Maximum advertising time to promote economic development activities) as the choice of the Council. Roll call found all in favor; passed and so ordered.

3.E DISCUSS EXTENSION OF THE CONCRETE BLOCK WALL AND ADDITIONAL SECURITY MEASURES AT EL PESCADERO PARK AND PROVIDE DIRECTION

Don Scholl, Public Works Director provided the staff report.

There was no public comment.

Council questions and comments followed.

Michael Rogers, City Manager reassured Council the item is an action item and priority for him and that he understands the City needs to move forward very quickly.

Mayor Young referred to an email received from Sean Johnson regarding getting the park back and information regarding EPA violations.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to direct staff to bring back to Council on the CIP discussion regarding the extension of the concrete wall with an option of additional electrical work related to security measures at El Pescadero Park to be decided at a later date during the CIP discussion. Roll call found all in favor; passed and so ordered.

Mayor Young called for a recess at 10:23 p.m.

Mayor Young reconvened the meeting at 10:30 p.m.

3.F REVIEW AND DETERMINE APPOINTMENTS TO COUNCIL COMMITTEES AND OTHER COMMITTEES, BOARDS AND COMMISSIONS

Adrienne Richardson, City Clerk provided the staff report.

Ryan Gall, Tracy Firefighters Association stated as Council considers who will represent the City for the next term, the Tracy Firefighters Association strongly urged Council not to appoint Mayor Pro Tem Vargas as a member or alternate on the South San Joaquin County Fire Authority as it could put the newly formed JPA or its employees in a serious position of conflict and potential hostility.

Mayor Pro Tem Vargas disagreed with comments made by Mr. Gall.

Alice English echoed Mr. Gall's comments and stated Mayor Pro Tem Vargas should not be appointed to the South San Joaquin County Fire Authority as expertise is needed not conflict. Ms. English also shared her concerns regarding Mayor Pro Tem Vargas being reappointed to Valley Link.

Mayor Pro Tem Vargas responded to Ms. English's comments stating it is disappointing she continues to be vindictive and misinform people. Meetings are recorded and on Valley Link website.

Mayor Young clarified comments made by Ms. English regarding I-205 and calling breaks during meetings and having discussions with Council Members.

Dan Evans stated all eyes are on Council and shared his concerns regarding Council considering appointment of Mayor Pro Tem Vargas to the South San Joaquin County Fire Authority (SSJCFA) stating it is a conflict of interest and recommended Council Member Bedolla, Council Member Davis, or Mayor Young to the SSJCFA.

Council reviewed the annual appointments to Council Committees and other Committees, Boards and Commissions.

Committee/Commission	Council Members
*City/Chamber Liaison	Council Member Arriola Mayor Pro Tem Vargas (Alternate)
*City/Schools Liaison	Council Member Arriola Mayor Young
*Investment Review Committee	Mayor Young Council Member Bedolla
*South San Joaquin County Fire Authority (SSJCFA)	Mayor Young Council Member Davis Council Member Bedolla (Alternate)
***City Selection Committee	Mayor Young
***San Joaquin Council of Governments	Mayor Young Council Member Arriola (Alternate)
***San Joaquin County Water Advisory Commission	Kul Sharma Stephanie Reyna-Heinstand
***San Joaquin Partnership	Mayor Young Mayor Pro Tem Vargas (Alternate)
***San Joaquin Regional Rail Commission	Mayor Young
***Solid Waste Management Plan Advisory Task Force	Don Scholl
***Special City Selection Committee, SJVAPCD	Council Member Bedolla Council Member Davis (Alternate)
***League of California Cities, Central Valley Division Executive Committee	Council Member Davis Mayor Young (Alternate)

San Joaquin Council of Government's One Voice – Washington	Mayor Young Council Member Arriola Council Member Bedolla Council Member Davis Mayor Pro Tem Vargas
***Altamont Regional Traffic Authority (ARTA) JPA	Mayor Young
***Tri-Valley- San Joaquin Valley Region Rail Authority (Valley Link)	Mayor Pro Tem Vargas Council Member Bedolla (Alternate)
***LAFCo	No appointment at this time
Tracy Chamber Governmental Affairs Committee	Council Member Davis Mayor Pro Tem Vargas (Alternate) Michael Rogers, City Manager (or Designee)
*Tracy Homelessness Advisory Committee	Council Member Arriola Council Member Davis
***East Bay Community Energy (EBCE)	Council Member Arriola Mayor Pro Tem Vargas (Alternate)
**Ad Hoc Fiscal Sustainability Subcommittee	Mayor Pro Tem Vargas Council Member Arriola

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to determine the annual appointments as recorded by the City Clerk for the committees and other boards and commissions of the City Council. Roll call found all in favor; passed and so ordered.

3.G APPOINT ONE APPLICANT TO SERVE ON THE MEASURE V RESIDENTS' OVERSIGHT COMMITTEE

Adrienne Richardson, City Clerk provided the staff report.

Council Member Bedolla announced the Council subcommittee members recommendation for the Measure V Residents' Oversight Committee.

There was no public comment.

Council questions and comments followed.

ACTION: Motion was made by Council Member Bedolla and seconded by Council Member Davis to approve the subcommittee's recommendation and appoint Thomas Huffman to the Measure V Residents' Oversight Committee to serve a 3-year

term beginning on March 1, 2022 and ending on February 28, 2025. Roll call found all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – Alice English thanked Council for doing the right thing for Fire and public safety.
5. STAFF ITEMS – Michael Rogers, City Manager provided an update on the following actions taken by the City Manager during the COVID emergency:

- Approved the Offsite Improvement Agreement (OIA) to allow Prologis, LP to proceed with the waterline and sewer connections on Old Schulte Road.

Mr. Rogers provided an update on the steps being taken due to COVID. Staff has been hit hard in our field operations area, those who are essential workers, operational adjustments are being made to try to slow that spread. Also seeing an increase at City Hall so are trying to be in a virtual environment as much as possible and will continue to monitor. If things get worse will we look at further adjustment to reduce exposures.

Mr. Rogers announced on January 20, 2022 from 9:00 am -1:00 pm at the Tracy Sports Complex City staff will be distributing test kits. It will also be a drive through situation.

6. COUNCIL ITEMS – Council Member Arriola reported on the Fiscal Sustainability Adhoc Committee and spoke about two special meeting dates to go over work the committee has done.

Mayor Pro Tem Vargas announced after seven years Michael Tree was stepping down from Valley Link, shared some of his accomplishments on Valley Link, stated Kevin Sheridan is new Executive Director, also the addition of a gentleman from LA Metro that is coming to work for Valley Link. Valley Link will bring to Council their projected work plan for next 12 years.

Mayor Pro Tem Vargas stated because of Valley Link we are learning a lot about hydrogen energies, and different technology because of the transportation and mobility and accessibility. Was made aware that there are some conferences that the City is not part of like the National League of Cities and wanted to know how to move forward to recommend that the City become a member of the National League of Cities. It will help us educate ourselves further and provide lobbying, legislative, conference opportunities and support of different legislation and policies.

Mayor Young asked that staff check into what our past membership/relationship have been. Mayor Young added she has attended one National League of Cities in D.C. and it was very educational and inspirational.

Mayor Pro Tem Vargas stated that is exactly the same conference. It will be encouraging for most of our Council Members to attend to further our education. Council Member Arriola seconded the request. Mayor Young also supported the request.

Michael Rogers, City Manager responded it is matter of funding so we will have to see what the cost of membership is but as long as we have the appropriate funding we

should be good. Mr. Rogers said he would do the research, get information and will bring back to Council.

Mayor Pro Tem Vargas stated in previous years the Mayor has an annual workplan for this Council published in the newspaper. Mayor Pro Tem Vargas added some people would like to see the Mayor delivering a workplan for the next 12 months.

Mayor Pro Tem Vargas stated regarding impact fees she would like to see if we could talk about the deferred programs for disasters or hardships. Believed Stanislaus County Planning Department has a program that we could tweak. Council Member Arriola seconded the request.

Mayor Pro Tem Vargas spoke about a personnel matter where about one employee who has shared he has been instructed not to talk to us and is concerned about his first amendment rights. Not sure if there are personnel issues with him and supervisors. If there are areas we need to reeducate staff she is hoping that it is not a message there that they cannot reach out to us. Anyone can feel free to talk to Council.

Michael Rogers responded they can reach out to Council and is not advocated by him and would educate staff.

Mayor Pro Tem Vargas announced the Latino caucus is having their winter retreat this weekend.

Mayor Young mentioned she has been in discussions with Assistant to the City Manager and our Public Information Officer regarding updates. They will reach out to Council for updates on things that are going on. Want it to be Team Tracy giving updates. Need to have communication out there. Also been in discussions with the City Manager for a retreat, looking to do that very quickly. Aim is February but will poll Council. Reassess our priorities for this year and calibrate the main things we want to get.

Mayor Young spoke about \$2,057,272 delinquent water bills and asked if there is a plan to come back and discuss those because we had taken money from Measure V and money for COVID relief to be able to supplement. Need to address the \$2 million and growing.

Karin Schnaider, Finance Director provided an update regarding the programs being used to cover the delinquent utility bills and added updates will come back to Council on February 1, 2022.

Mayor Young asked to consider Steve Abercrombie's requests he spoke about under Items from the Audience for the three people to be honored in different ways. Council Member Davis and Mayor Pro Tem Vargas supported the request.

Mayor Young asked if there is a plan for an update on homelessness and reclaiming El Pescadero Park and what that looks like and threshold for shelter beds.

Council Member Arriola responded the last Homelessness Advisory Committee requested staff to provide updates on stage 2 and 3 of the project so anticipate there will be some policy decisions to be made. Council Member Arriola stated he can bring an update after the next Homelessness Advisory Committee meeting. What you just asked

is a policy discussion for the Council to consider, but do not know if that is on the agenda. Council Member Arriola seconded Mayor Young's request.

Mayor Young reported on meetings and events she attended.

7. ADJOURNMENT – Time: 11:45 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 January 13, 2022. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk