

February 15, 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 7:27 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.

Mayor Young asked for a moment of silence to recognize Chief Gene LeBlanc former Fire Chief of the Tracy Rural Fire District.

Germaine Clark, Tracy Grand Foundation Board Member announced the donation of the Tree of Life Heart sculpture to the City's Art Collection for display at City Hall.

1. CONSENT CALENDAR – Following the removal of consent item 1.A by Adrienne Richardson, City Clerk, 1.B by Alice English, 1.G and 1.H by Mayor Young and 1.K by Michael Langley motion was made by Council Member Arriola and seconded by Council Member Davis to adopt the consent calendar. Roll call found Council Members Arriola, Bedolla, Davis and Mayor Young all in favor, passed and so ordered. Mayor Pro Tem Vargas absent.
 - 1.C ADOPT A RESOLUTION ACCEPTING THE CITY OF TRACY'S ANNUAL COMPREHENSIVE FINANCIAL REPORT (ACFR) FOR THE FISCAL YEAR ENDING JUNE 30, 2021– **Resolution 2022-012** adopted the City of Tracy's Annual Comprehensive Financial Report for fiscal year ending June 30, 2021.
 - 1.D ACCEPT THE DEDICATION OF THE IMPROVED FIRE STATION 95 SITE AND ALL EQUIPMENT, FURNISHINGS AND SITE IMPROVEMENTS FROM THE TRACY HILLS DEVELOPERS; AUTHORIZE CONVEYANCE OF THE IMPROVED STATION 95 SITE, EQUIPMENT, FURNISHINGS, SITE IMPROVEMENTS, AND AN ASSOCIATED FIRE ENGINE APPARATUS TO THE TRACY RURAL FIRE PROTECTION DISTRICT; AND AUTHORIZE EXECUTION OF A JOINT COMMUNITY FACILITIES AGREEMENT – **Resolution 2022-013** accepted the dedication of the improved Fire Station 95 site, equipment, furnishings and site improvements from Tracy Hills Developers.
 - 1.E APPROVE A GENERAL SERVICES AGREEMENT WITH PATRIOT ENVIRONMENTAL SERVICES, OF CALIFORNIA FOR ON-CALL SERVICES FOR REMOVAL OF FATS, OIL AND GREASE AT VARIOUS FACILITIES FOR A NOT TO EXCEED AMOUNT OF \$200,000 PER YEAR FOR A PERIOD OF THREE YEARS, AND AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT – **Resolution 2022-014** approved a General Services Agreement with Patriot Environmental Services.

- 1.F APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH TERRACARE ASSOCIATES, TO AMEND THE ANNUAL 'NOT TO EXCEED' AMOUNT TO \$1,230,000, FOR LANDSCAPE, PARK AND CHANNELWAY MAINTENANCE SERVICES FOR THE TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT AND COMMUNITY FACILITY DISTRICTS – **Resolution 2022-015** approved Amendment No. 1 to the Professional Services Agreement with Terracare Associates.
- 1.I 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 FEBRUARY 20, 2022 THROUGH MARCH 21, 2022 PURSUANT TO THE BROWN ACT – **Resolution 2022-016** adopted making findings and authorizing remote teleconference meetings.
- 1.J APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TRACY AND WRT, LLC FOR ADDITIONAL SERVICES RELATED TO THE UPDATE OF THE CITYWIDE PARKS, RECREATION, AND TRAILS MASTER PLAN – **Resolution 2022-017** approved Amendment No. 1 to the Professional Services Agreement with WRT, LLC.
- 1.L AUTHORIZE THE ACCEPTANCE OF DONATION OF TREE OF LIFE HEART SCULPTURE FROM THE GRAND FOUNDATION, AND DISPLAY IN CITY HALL – **Resolution 2022-018** authorized the acceptance of donation of Tree of Life Heart Sculpture.
- 1.A ADOPTION OF FEBRUARY 1, 2022 CLOSED SESSION AND REGULAR MEETING MINUTES

Adrienne Richardson, City Clerk pulled the item to announce two corrections to the published February 1, 2022 regular meeting minutes.

- Under Consent Item 1.D regarding the Homeless Services Manager position Council Member Davis had requested the record reflect her support of the Homeless Services Manager position but feels the pay is too much for right now.
- Under Council Items the date for the Point-In-Time count was amended to reflect the correct date of January 27, 2022.

There was no public comment.

There were no comments from Council.

ACTION Motion was made by Council Member Arriola and seconded by Council Member Davis to adopt the corrected February 1, 2022, regular Council meeting minutes. Roll call found Council Members Arriola, Bedolla, Davis and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Vargas absent.

- 1.B APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH A NOT TO EXCEED AMOUNT OF \$3,343,519 WITH LPA, INC., A CALIFORNIA CORPORATION, FOR THE CITY OF TRACY MULTI-GENERATIONAL RECREATION CENTER AND AUTHORIZE THE CITY MANAGER TO APPROVE CHANGE ORDERS UP TO THAT AMOUNT

Richard Joaquin, Parks Planning and Development Manager provided the staff report.

Alice English pulled the item for the public to understand the agenda item and be aware of the money and revenues going toward amenities.

There were no comments from Council.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Davis to adopt **Resolution 2022-019** approving a Professional Services Agreement with a not to exceed amount of \$3,343,519 with LPA, Inc., a California Corporation, for the City of Tracy Multi-Generational Recreation Center and authorize the City Manager to approve change orders up to that amount. Roll call found Council Members Arriola, Bedolla, Davis and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Vargas absent.

- 1.G ADOPT THE NOTICE OF INTENT TO COMPLY WITH SB 1383 FOR CALRECYCLE APPROVAL PURSUANT TO THE STATUTE AND REGULATIONS TO SECURE ADMINISTRATIVE CIVIL PENALTY RELIEF FROM ANY CONTINUING VIOLATIONS FOR THE 2022 CALENDAR YEAR

Connie Vieira, Management Analyst provided the staff report for both consent items 1.G and 1.H. together.

Mayor Young stated she pulled consent items 1.G and 1.H for transparency as relating to future discussions and to know that staff is actively doing what needs to be done to hold off fees, and also item 1.H is authorizing the City to apply for grant funding that can offset some of those costs going forward. There will be more discussion and education, so the community is aware of what is going on and the needs.

There was no public comment.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Davis to adopt **Resolution 2022-020** approving the Notice of Intent to comply with SB 1383 to Calrecycle for approval pursuant to the statute and regulations to secure administrative civil penalty relief from any continuing violations for the 2022 calendar year. Roll call found Council Members Arriola, Bedolla, Davis and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Vargas absent.

- 1.H AUTHORIZE SUBMITTAL OF APPLICATION(S) FOR ALL CALRECYCLE GRANT AND PAYMENT PROGRAMS AND RELATED AUTHORIZATIONS FOR WHICH THE CITY OF TRACY IS ELIGIBLE AND AUTHORIZE THE CITY

MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS AND AMENDMENTS

Mayor Young pulled the item and commented about consent item 1.H under consent item 1.G.

Connie Vieira, Management Analyst provided the staff reports for both consent items 1.G and 1.H together.

There was no public comment.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Davis to adopt **Resolution 2022-021** authorizing submittal of Application(s) for all Calrecycle grants and related authorizations for which the City of Tracy is eligible and authorize the City Manager to execute all necessary documents and amendments. Roll call found Council Members Arriola, Bedolla, Davis and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Vargas absent.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Davis to adopt **Resolution 2022-022** authorizing submittal of application(s) for all Calrecycle Payment Programs and related authorizations for which the City of Tracy is eligible and authorizing the City Manager, or designee, to execute all necessary documents and amendments. Roll call vote found Council Members Arriola, Bedolla, Davis and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Vargas absent.

1.K APPROVE AN APPROPRIATION OF \$2,085,000 FROM GENERAL FUND (F101) TO GENERAL PROJECTS FUND (F301) FOR CIP 71111 THE GRAND THEATRE CENTER FOR THE ARTS EXTERIOR REPAIRS PROJECT, AND APPROVE CONTINGENCY AMOUNT FOR THE PROJECT

Robert Armijo, City Engineer provided the staff report.

Midori Lichtwardt, Assistant City Manager provided a history regarding the need for Grand Theatre Center for the Arts exterior repairs.

Mike Langley, Grand Foundation pulled the item to thank Council for appropriating the funds and spoke about the needs for the repair of the Grand Theatre, adding this Council is the first Council in 15 years to dedicate that amount to Grand Theatre. Mr. Langley shared information regarding the history of the Grand and the enjoyment of the arts.

There was no Council comment.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Davis to adopt **Resolution 2022-023** approving an appropriation of \$2,085,000 from General Funds to the Grand Theatre Center for the Arts exterior repairs project, CIP 7111. Roll call vote found Council Members Arriola, Bedolla, Davis and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Vargas absent.

2. ITEMS FROM THE AUDIENCE – Wes Huffman spoke about the following: 60 American Legion flag poles missing from a City storage facility and requested the City's help to replace poles, referred to an email he had sent to Council about election rule change, and stated he was happy with the \$20,000 sent to Tracy Tree Foundation but the lawyers won't let them work at the park due to liability issues, and requested someone look into that.

Mary Mitracos stated during the previous joint meeting nothing was said during the staff report about updating the General Plan and recommended that Council take that project on. Ms. Mitracos spoke about the rewriting of the General Plan by two previous Tracy Tomorrow programs and the report came back with 200 suggestions and 175-180 rolled into the General Plan which has lasted for 22 years, and requested Council consider doing another Tracy Tomorrow program.

Robert Tanner shared his concerns regarding only having one Police Station and taking 15 plus minutes to get from one side of town to another. During budget time he hoped Council would increase the Police Department head count with 10 officers and another car with equipment. The City needs to reduce that response time.

Dotty Nygard, Chair of Tracy Earth Project spoke about their attempts to bring to the City's attention an Environmental Task Force and the interconnection there is to be tying our sustainability action plan to all of the updated plans that are being reviewed. Ms. Nygard added Tracy is Caltrans District 10 and need to bring awareness that they have funding and are looking for cities in need of improving pedestrian and bikeways. Suggested the City put the Caltrans survey out to the public to speak up in support of receiving funding. The survey is listed on the webpage for Caltrans District 10 bicycle pedestrian pathway update.

Mayor Young asked staff if the Caltrans survey could be put on our website and social media.

Alice English echoed Mr. Tanner's comments and also Ms. Nygard's comments stating the City keeps approving homes but never designed connectivity, it is not safe to ride bikes. New development took off all the walkability, need connectivity. Ms. English congratulated Council Member Davis who was appointed to Chair on the Fire JPA, and added the City needs to do something with Police.

Pamela Epstein, GOE Tracy stated they have been working on the CUP application which is ready to be submitted but they are waiting for the cannabis business permit. Ms. Epstein requested the City issue the cannabis business permits conditioned on the background check approval so they can move forward at their own risk. The State's window for provisional licensing terminates as of March 31, 2022. Part of the completed application process is local approval. Ms. Epstein requested Council direct staff to provide conditional cannabis business permits so they can proceed.

Greg Rubens, Interim City Attorney responded staff will look into the issue to see if there is a way to issue a provisional permit under our code and report back to Council. If it is not in the code that authorizes the permit process, the City will not be able to do it.

Mayor Young stated if it is in the code fine, if not let Council know so we can look at what options would be available.

Juan Bautista spoke about his purchase of a lot in Tracy and trying to build a house, has submitted plans and is waiting for zoning.

Karen Moore stated she appreciated Council working to keep the meetings shorter and allowed being active in meetings remotely. Ms. Moore sent an email regarding a Caltrans District 10 survey for allocating funding and requested the PIO send it out and residents mark Interstates 580, 205 and 5 as areas that don't have designated bike and walking paths, it would be helpful to make sure Tracy isn't lacking in getting those funds.

Dan Evans spoke about the emergency homeless shelter project and shared concerns about transparency, project delays, and spoke about community reports monthly regarding the project. Mr. Evans requested transparency and to get the public some reporting on this and where we are at.

Council Member Arriola confirmed there is a Homelessness Advisory Committee meeting on Thursday, February 17, 2022 at City Hall.

Midori Lichtwardt, Assistant City Manager clarified the updates are on our website under our homelessness page. The project is still in design phase. The special meeting has a 24-hour notice requirement and will be noticed tomorrow.

3. REGULAR AGENDA

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

Carissa Lucas, Public Information Officer provided the staff report.

There was no public comment.

There were no Council comments.

Council accepted the report.

3.B PUBLIC HEARING TO CONSIDER AMENDING THE ZONE DISTRICT OF APPROXIMATELY 4.6 ACRES NORTHWEST OF THE INTERSECTION OF THIRD STREET AND EVANS STREET – APPLICANT IS JUAN BAUTISTA – APPLICATION NUMBER R21-0002

Alan Bell, Senior Planner provided the staff report and answered questions.

William Muetzenberg supported the rezoning and as the City proceeds with the division of the parcels to consider how this land could connect Third Street to the future TOD since adjacent to the Bowtie. Mr. Muetzenberg advocates for future property developers to build medium density residential, consider building apartments or duplexes to open opportunities to be able to afford to own or rent in that area. Look at affordability measures as well so people can benefit from being close to downtown.

Juan Bautista, applicant thanked Council and stated he was excited about the project of building a house on the property and hoped it gets approved.

Mayor Young closed the public hearing.

Council questions and 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 Bedolla to waive the reading of the full text and introduce **Ordinance 1326** an ordinance of the City of Tracy amending the zoning of property located northwest of the intersection of Third Street and Evans Street, from Light Industrial to Medium Density cluster and Medium Density Residential. Roll call found all in favor; passed and so ordered. Mayor Pro Tem Vargas absent.

3.C RECEIVE THE ANNUAL REPORT OF THE TRACY ARTS COMMISSION

William Wilson, Cultural Arts Supervisor provided the staff report.

Cynthia Reis, Tracy Arts Commissioner provided a presentation.

There was no public comment.

Council comments followed.

Council accepted the Annual Report of the Tracy Arts Commission.

Mayor Pro Tem Vargas joined the meeting at 9:51 p.m.

3.D RECEIVE AND DISCUSS RESULTS OF 2021 NATIONAL COMMUNITY SURVEY™

Vanessa Carrera, Assistant to the City Manager, provided the staff report.

Jade Arocha, NRC Director of Survey Research provided the presentation on the survey methodology and findings.

There was no public comment.

Council questions and comments followed.

Council accepted the results of 2021 National Community Survey™.

3.E DISCUSS AND APPROVE UPCOMING OUT-OF-STATE TRAVEL FOR CITY COUNCIL MEMBERS, INCLUDING TRAVEL TO WASHINGTON, D.C. FOR NATIONAL LEAGUE OF CITIES CONFERENCE AND TRAVEL TO DALLAS,

TEXAS FOR PUBLIC-PRIVATE PARTNERSHIP (P3) CONFERENCE AND EXPO; AND CONSIDER ALTERNATIVES TO MARCH 15, 2022 CITY COUNCIL MEETING

Karin Schnaider, Finance Director provided the staff report.

Council questions and comments followed.

Mary Mitracos supported education travel and lobbying efforts as they can pay off handsomely and provided some examples in Tracy. Ms. Mitracos encouraged Council to do as much education and lobbying for dollars as possible.

Dustin Smith-Salinas stated as a member of the LGBTQ+ community and Tracy taxpayer, he hoped Council will respect the rights of the LGBTQ+ community and not spend tax dollars in Texas and spend in states that better support civil rights and the LGBTQ+ community.

Council questions and comments followed.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to allow interstate travel for Council Members Arriola, Bedolla and Mayor Pro Tem Vargas to attend the National League of Cities Congressional Cities Conference held in Washington D.C. and Council Member Davis and Mayor Young to attend the Public Private Partnership Conference and Expo held in Dallas, Texas. Council also moved the March 15, 2022 meeting to March 29, 2022.

Mayor Pro Tem Vargas made a friendly amendment to add, if needed, an item for Legacy Fields to be added to the March 22, 2022, special meeting. Council Member Arriola accepted the friendly amendment.

Roll call found all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – Dotty Nygard announced the following: Earth Day event on April 23, 2022, located adjacent from the Farmers Market from 9:00 am to 1:00 pm, will be partnering with the City and showcasing programs that support sustainability and environmental practices, show short-term and long-term goals to educate families. Also showcasing a screening of documentary Kiss the Ground at Tracy Community Center at 3:00 p.m. There will be a ribbon cutting for Tracy Bike Life Youth Program on February 26, 2022 at noon at 305 West Street, and shared information regarding a Youth Bike Repair Program and partnering with Tracy Police Department who will provide donated bikes.
5. STAFF ITEMS – Michael Rogers, City Manager provided an update on the following actions taken by the City Manager during the COVID emergency:
 - Approve Off Site Improvement Agreement to allow Valpico Tracy Apartments, LLC, to proceed with Developer's construction of public improvements associated with the Vela Apartments.

- Award a Construction Contract for the West Street Sidewalk Gap Closure Project, CIP 73171.
- Accept the Construction of Tracy Municipal RDA Improvements, CIP 77582.
- Accept the Construction contract for the Slurry Seal Project FY 20-21, CIP 73182.

Mr. Rogers announced that the public comment period is still open for Infrastructure Master Plans until 5:00 p.m. on February 21, 2022. Mr. Rogers reported on the City Manager's conference in Monterey, spoke about alternative project delivery and a future meeting to move projects forward.

6. COUNCIL ITEMS – Council Member Arriola announced there will be a Homeless Advisory Subcommittee meeting on Thursday at 7:00 p.m. at City Hall. Also, last week there was a Fiscal Sustainability Subcommittee meeting and will be bringing new information on February 22, 2022 for the Measure V meeting, and March 22, 2022 for the CIP and 10 year budgeting meeting.

Mayor Young confirmed with Midori Lichtwardt, Assistant City Manager that the meeting will be on Thursday, February 17, 2022 in Room 203 at 7:00 p.m.

Council Member Bedolla stated there is an open Council item that mentions options for two or three committees - sustainability, some kind of climate and/or water committee. Heard from the community that there is enough of a nexus that it should be an option when it comes back to Council to be one committee. Council Member Arriola said he thought he had seconded him in the past and seconded him again.

Council Member Bedolla clarified his request – there is a Council item for a separate water committee and a separate sustainability or climate committee and as the audience has stated a couple of times there is enough of a nexus with those two potential committees that there should be an option when it comes back to Council that it should be one committee.

Mayor Young asked when the committees are coming back for consideration which includes environmental and sustainability and water, and supported Council Member Bedolla's options also. Staff to get back to Council about when that item will come back.

Council Member Davis reported on the following: Mayor and Council Round Table for League of California Cities (LOCC) meeting and discussed multiple challenges during their terms. Also attended the LOCC Housing, Community, and Economic Development committee which she serves on and there are exciting things happening with housing and affordability shortages and there is a lot of money that the state is trying to get people on board with how we address affordability within our communities. Also, policies to address local control.

Council Member Davis thanked the Grand Foundation for all they do to ensure art in our community. The Tree of Life heart donation was beautiful and thanked the artist and the person who purchased and donated it to the City of Tracy. Thanked the Grand Foundation board members and all the volunteers. Council Member Davis thanked the board members which includes Mayor Young who elected her as chair for SSJCFA. Congratulated all Chamber award recipients who will be honored on Friday, February 25th at the 60th Annual Community Awards. Especially want to congratulate her friend Jeff Brown who is receiving Agriculturalist of the Year. Council Member Davis offered

her condolences regarding the life lost a few days ago in a pedestrian traffic collision and requested support for a conversation about traffic enforcement as it is becoming increasingly dangerous. Would like information on how we are addressing traffic issues, speeding, and red light runners. Council Member Arriola seconded the request.

Mayor Young responded she hoped it would be included in Police Department Annual Report.

Mayor Young stated next Tuesday, February 22, 2022 we will be back here at 6:00 p.m. for the Measure V discussion.

Mayor Pro Tem Vargas stated she is the Chair of the California Cities Transportation Communications and Public Works and reported on the meeting. They continue to advocate with 400 other cities in moving projects forward. One item changed that was on the statement is rail connections and rail connectivity for transportations specifically to communities that are underserved. Will be bringing to Council some of the bills that they will be supporting later. Another meeting that she Chairs is Valley Link and spoke about their new Deputy Director. Mayor Pro Tem Vargas announced they will be cohosting a meeting with Assemblymember Villapudua on 23rd at City Hall and touring the operations and amenities in the City. Will report back on that meeting.

7. ADJOURNMENT – Time: 10:40 p.m.

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

The above agenda was posted at the Tracy City Hall on February 10, 2022. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk