

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

March 29, 2022, 7:00 p.m.

Tracy City Hall, 333 Civic Center Plaza, Tracy

Mayor Young called the meeting to order at 7:00 p.m.

Mayor Young led the Pledge of Allegiance.

Pastor Tim Heinrich, Crossroads Baptist Church offered the invocation.

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

Police Chief Sekou Millington swore in Police Officers Joseph Bourassa and Abel Perez-Miranda.

Mayor Young presented Certificates of Appointment to new Measure V Residents' Oversight Committee members Wes Huffman and Jayden Sangha.

Mayor Young presented a Certificate of Reappointment to Board of Appeals member Jerry Yerian.

1. CONSENT CALENDAR – Mayor Pro Tem Vargas acknowledged staff's efforts regarding consent items 1.D, 1.E and 1.F. Mayor Pro Tem Vargas did not require staff reports for the items. Motion was made by Council Member Arriola and seconded by Council Member Davis to adopt the consent calendar. Roll call found all in favor; passed and so ordered.
 - 1.A ADOPTION OF FEBRUARY 22, 2022 SPECIAL MEETING MINUTES, FEBRUARY 26, 2022 AND FEBRUARY 27, 2022 CLOSED SESSION MINUTES AND MARCH 1, 2022 REGULAR SESSION MINUTES – **Minutes were adopted.**
 - 1.B RECEIVE AND AUTHORIZE STAFF TO SUBMIT THE ANNUAL PROGRESS REPORT FOR 2021 AND ANNUAL ELEMENT PROGRESS REPORT FOR 2021 TO THE OFFICE OF PLANNING AND RESEARCH AND STATE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT REGARDING THE IMPLEMENTATION OF THE GENERAL PLAN AND THE HOUSING ELEMENT – **Resolution 2022-030** approved the submittal of the Annual Progress Report for 2021 and Annual Element Progress Report for 2021.
 - 1.C APPROVE PROPOSALS AND RATES FROM MULTIPLE VENDORS FOR THE SUPPLY OF CERTAIN CHEMICALS FOR THE TREATMENT OF WATER AND WASTEWATER FOR PERIODS OF SIX MONTHS AND ONE YEAR RESPECTIVELY; AND AUTHORIZE THE CITY MANAGER OR HIS/HER DESIGNEE TO NEGOTIATE ONE ADDITIONAL SIX-MONTH TERM EXTENSION FOR THE SUPPLY OF CHEMICALS PRIOR TO EXPIRATION OF THE CONTRACTS WITH SIX-MONTH TERMS– **Resolution 2022-031** approved proposals and rates for multiple vendors for the supply of Chemicals for the treatment of water and wastewater.

- 1.D AWARD A CONSTRUCTION CONTRACT TO SUAREZ & MUNOZ CONSTRUCTION, INC., OF HAYWARD, CALIFORNIA, IN THE AMOUNT OF \$15,257,200 FOR BASE BID AND BID ALTERNATES 1 & 2 FOR THE LEGACY FIELDS SPORTS COMPLEX, PHASE 1E PROJECT CIP 78185, WITH A NOT-TO-EXCEED BUDGET OF \$19,071,500, AND AUTHORIZE THE CITY MANAGER TO APPROVE CHANGE ORDERS UP TO THE CONTINGENCY AMOUNT OF \$2,288,580, IF NEEDED – **Resolution 2022-032** awarded a Construction Contract to Suarez & Munoz Construction Inc.
- 1.E APPROVE A FUNDING AGREEMENT WITH LENNAR HOMES OF CALIFORNIA, LLC TO FUND CONSTRUCTION OF TRACY HILLS ZONE 5 PUMP STATION AND ASSOCIATED IMPROVEMENTS (CIP 75163) AT THE JOHN JONES WATER TREATMENT PLANT (JJWTP)– **Resolution 2022-033** approved a Funding Agreement with Lennar Homes.
- 1.F APPROVE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN SAN JOAQUIN COUNTY AND THE CITY OF TRACY FOR A \$3.66 MILLION FUNDING ALLOCATION, APPROVE AN APPROPRIATION TO THE TEMPORARY EMERGENCY HOUSING FACILITY (CIP 71112) TO SUPPORT THE CONSTRUCTION AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT – **Resolution 2022-034** approved a Memorandum of Understanding between the San Joaquin County and City of Tracy.

2. ITEMS FROM THE AUDIENCE – None

Mayor Young presented Dan Evans with a Certificate of Appointment to the Measure V Residents' Oversight Committee.

3. PUBLIC HEARINGS AND REPORTS

- 3.A PUBLIC HEARING TO CONSIDER APPROVING A VESTING TENTATIVE SUBDIVISION MAP FOR THE AVENUES NEIGHBORHOOD CONSISTING OF 480 RESIDENTIAL LOTS, A PARK, AND ASSOCIATED ROADS ON APPROXIMATELY 95.83 ACRES, LOCATED SOUTH OF VALPICO ROAD AND APPROXIMATELY 1,500 FEET WEST OF CORRAL HOLLOW ROAD, ASSESSOR'S PARCEL NUMBERS 240-140-49, 240-140-05, 240-700-13, & 240-700-14. THE APPLICANT IS THE SURLAND COMPANIES AND THE PROPERTY OWNER IS GREYSTONE LAND INVESTMENT PARTNERS, LLC. APPLICATION NUMBER TSM21-0001

Council Member Davis announced out of an abundance of caution due to the proximity of her real property she recused herself from the item.

Kimberly Matlock, Assistant Planner provided the staff report and responded to questions.

Robert Armijo, City Engineer continued with the staff report and responded to questions.

Frederik Venter, Kimley-Horn provided a presentation on the traffic study.

Chris Long, Surland Companies stated they were excited to be here to continue implementation of the Ellis Specific Plan. Mr. Long provided information regarding the Avenues Vesting Tentative Subdivision Map and agreed with staff's recommendations.

Les Serpa, Surland Companies provided a handout to Council and spoke about the Avenues Neighborhood Tentative Map, and information regarding infrastructure, storm drain, sanitary sewer, traffic, offsites, and infrastructure contributions.

Steve Herum, Surland Companies Land Use Attorney spoke about the history of the adopted detachment policy and consequences or lack of consequences regarding the Avenues application.

Bryan Wenter, Surland Companies Land Use Attorney spoke about Housing Accountability Act (HAA) and how it applies to the Avenues project.

Council questions followed.

Fire Chief Randall Bradley and Police Chief Sekou Millington responded to questions regarding impacts on public safety.

Karin Schnaider, Finance Director responded to Council questions.

Mayor Young opened the public hearing.

Robert Tanner stated he was surprised the item is being approved without knowing if there is going to be an HOA or CFD. In the outline of development, they have Central Park which is outside of normal park naming rules and would like the City to take that back and go through proper process of naming parks.

Mary Mitracos shared concerns regarding developers naming parks in Tracy and did not understand how staff can be negotiating something that is the prerogative of the residents, something historical and traditional and asked Council to give the naming of parks back to residents where it belongs.

Gurtej Atwal stated the decision should be based on the recommendations of the citizens which is based on contributions and requested Council follow the same guidelines that were used for the Tracy Hills park recently.

Rajdeep Singh stated it is important to give the opportunity to the Tracy residents to nominate the name for the park and understands at the time this parks name was established the current process was not in place but since it is now maybe it can be reconsidered and see what can be done.

Diljwod Singh stated the current name for Central Park was established through an older process and requested a new process which allows residents to suggest park names and be remembered for their contributions and allow for the memories to live on longer.

Alice English shared concerns regarding the traffic study, long overdue traffic lights at Valpico and Corral Hollow, traffic impacts from Parkside to Linne Road, and south Tracy and need the road widened. Ms. English did not agree with the

traffic studies and added traffic light signals are needed on Linne Road and Corral Hollow.

Mayor Young closed the public hearing.

Council questions and comments followed.

Brian MacDonald, Parks and Recreation Director responded to questions.

Greg Rubens, Interim City Attorney responded to questions.

Bill Dean, Interim Development Services Director responded to questions.

Mayor Young announced there were two emails received related to the item from Bryan Wenter, who spoke earlier under the item and Jim Bridges, Superintendent from Jefferson School District regarding approval of the map for the preparation of a school site.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Young to adopt **Resolution 2022-035** approving a Vesting Tentative Subdivision Map for the Avenues neighborhood consisting of 480 residential lots, a park, and associated roads on approximately 95.83 acres, located south of Valpico Road and approximately 1,500 feet west of Corral Hollow Road, Assessor's Parcel numbers 240-140-49, 240-140-05, 240-700-13, & 240-700-14. The applicant is the Surland Companies and the property owner is Greystone Land Investment Partners, LLC. Application Number TSM21-0001.

Mayor Pro Tem Vargas proposed a separate motion as stated by Council Member Arriola with addition of funding, the income that is being lost in order to make sure the funding is available for the construction of the fire station as stated by the Fire Chief is about \$350,000 annual loss and we know that the construction of the Fire Station will be surpassing the estimate. Could be broken down to \$729.00 per unit annually that they can contribute to make sure that this subdivision covers their own impact. Asked about adding funding to Conditions of Approval, CFD or direct funding to have the facility need met. Then requested another Condition of Approval to allow the City and citizens to continue participating with the naming of parks adopted in 2017.

Council questions followed.

Mr. Rubens clarified the Park Policy was not agendized, is not a Condition of Approval needed for the project, and the City is limited because of the Housing Accountability Act as to what findings can be made. Once the park is dedicated to the City the process to the renaming in the future can be applied. It is identified as Central Park in the Specific Plan which is a legislative action Council previously took. Mr. Rubens did not know what the actual loss is to the City, if any, from the detachment policy. The record presented by the applicant Tracy Rural is about \$800 a year based on existing condition of property. Mr. Rubens clarified in order to impose that condition we do not have the information before Council to know what the loss, if any.

Dan Doporto, Special Counsel clarified the CEQA document focuses on the physical effects of the environment and not intended to address the fiscal effects

of providing services to a community but often times those documents do contain an analysis.

Karin Schnaider, Finance Director provided more information and clarification.

After Ms. Schnaider's comments Mayor Pro Tem Vargas asked for clarification that Council needs to direct staff to do a new study for the future and right now don't have tools to apply to this map and withdrew her motion.

Council comments continued.

Council Member Arriola stated because the Fire Chief and Police Chief were confident there are ways in mitigating these impacts he would proceed in supporting his own motion. Mayor Pro Tem Vargas supported the motion.

Council Member Bedolla went on record that he is concerned that the planned infrastructure improvements don't go far enough to mitigate both for traffic and public safety needs.

Roll call found Council Member Arriola, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Member Bedolla opposed. Council Member Davis absent.

Council Member Davis returned to the dais at 9:23 p.m.

Mayor Young called for a recess at 9:23 p.m.

Mayor Young reconvened the meeting at 9:30 p.m.

3.B PUBLIC HEARING TO CONSIDER CITY'S RECOMMENDATION FOR AWARD OF LOCAL PRIORITY FUNDING ALLOCATIONS FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS FOR FISCAL YEAR 2022-2023, APPROPRIATE FUNDS, AND AUTHORIZE THE DEVELOPMENT SERVICES DIRECTOR TO EXECUTE THE FUNDING AGREEMENTS FOR THE PROGRAM

Michael Nimon, Economic Development Manager provided the staff report and responded to questions.

Connie and Doug Diestler, Coalition of Tracy Citizens to Assist the Homeless (CTCAH) provide not only housing case management for homeless and stated there is an immediate need to try and purchase Emerson House in Tracy and be a long-standing thing in the community to rescue people off the streets.

Mayor opened the public hearing.

Mayor closed the public hearing.

There was no public comment.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adopt **Resolution 2022-036** awarding, appropriating, and allocating of

local priority funding for Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) Funds for fiscal year 2022-2023. Roll call found all in favor; passed and so ordered.

3.C RECEIVE AN UPDATE ON THE REQUEST FOR PROPOSAL AND DISPOSITION EFFORT FOR THE WESTSIDE MARKET, SELECT THE TOP CANDIDATE, AND AUTHORIZE STAFF TO ENGAGE INTO AN EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT WITH THE TOP CANDIDATE

Michael Nimon, Economic Development Manager provided the staff report.

Richard Berkson, Consultant responded to questions regarding the proposals.

Council questions and comments followed.

Pastor Dwayne White, Mount Carmel Community Church of Tracy shared his concerns about the Request for Proposal process and stated they should have the same opportunity as everyone else as far as religious community. Pastor White added they would restore on their own dime, do not need City subsidy and asked the City to rethink what they are saying.

Brian Pham from proposal #4 stated based on requirement their proposal has the most fit. The point is downtown development, economic growth, job development, creating revenue from apartment units, and creating parking. Mr. Pham explained the five stories in the proposal adding that is flexible.

Dino Margaros stated the proposals were unnamed when presented to the Tracy City Center Association (TCCA) board so they had no idea who the applicants were, and it was clear unanimously with the board what would work downtown. Mr. Margaros stated he was pleased when they found out it was Gill Hospitality and Souza Realty and Development, and shared concerns regarding RGA's for residential.

Robert Tanner confirmed presentations made to TCCA were given without knowing who they were, it was decided two story would work with the Grand Theatre and did not support underground parking. There are a lot of infill projects going on right now begging for RGA's. Will bring in revenue and jobs downtown.

Alice English stated five story building anywhere downtown is a public safety issue. Can't keep kicking the can down the road, it is important for downtown as it needs to thrive and move forward on this. Staff did their homework and this is a good one we are talking about now that will impact Tracy.

Mike Souza, Souza Realty and proponent provided a brief history about the proponent and achievements and experience. One to two story building is on the right scale, have to work out parking. They have the experience, dedication to the community, but they need to have a commitment of an ENRA to make that commitment.

Jivtesh Gill shared his history in Tracy and stated if the vision is for economic development for Council and residents, we have to look through that lens. The

Grand Theatre is an iconic building that should be cherished. Putting a five-story building on a 10,000 square foot lot may not be the best use. They know how to do quality work, get projects finished and will compliment what is happening in the area.

Dan Evans supported proposal #3. Lot of economic uncertainty right now in the market, and workforce hiring issues. If we have folks in the community that are stepping up and willing to put capital interest in the downtown, then it is a good thing.

Don supported proposal #4 adding he lives in Modesto and drives back and forth from the Bay Area and have seen Tracy growing. See number of developments going down to Livermore, Pleasanton, Mountain House and Brentwood. We live in the environment live, work and play so thinking with five story structure it would help. Showed the concept and added they can reduce from five to four stories or lower.

Council comments and questions followed.

Council Members Arriola, Davis and Mayor Pro Tem Vargas favored proposal #3, Council Member Bedolla favored proposal #4 scaled down and Mayor Young favored proposal #1.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adopt **Resolution 2022-037** receiving an update on the request for proposal and disposition effort for the Westside Market, selecting the top candidate, and authorizing staff to engage into an Exclusive Negotiating Rights Agreement with Gill Hospitality and Souza Realty & Development with an addition to look into a residential component into the proposal. Roll call found Council Members Arriola, Bedolla, Davis and Mayor Pro Tem Vargas in favor; passed and so ordered. Mayor Young opposed.

3.D RECEIVE THE CITY OF TRACY POLICE DEPARTMENT'S ANNUAL REPORT FOR 2021

Sekou Millington, Police Chief provided the staff report.

Council questions and comments followed.

Robert Tanner hoped Council will speed up the process for a substation in south Tracy and shared concerns regarding getting from north Tracy out to Tracy Hills. The City needs the substation now, hoped for another vehicle and supported the Police Department.

Alice English stated a substation is needed for south Tracy as it has grown so much. Need more vehicles, law enforcement, and motorcycles. Shared concerns regarding speeding throughout Tracy in particular South Tracy. Seven officers in two years is not enough with all the growth. Appreciated reports but is worried about kids on bikes.

William Muetzenberg stated the Democratic Club takes public safety very seriously as a club and are in the process of organizing an informational town hall during the week of April 25, 2022 to learn about how public safety is being

addressed, and invited the Police Chief to attend. Statistics about DUI's and speeding – comes down to walkability to enjoy recreation, how can we expand on uber service, on demand Tracer. Look at engineering streets for public safety. Also on April 1, 2022 the Democratic Club is organizing a vigil to recognize the loss of Justin Peoples and highlight importance of being vigilant and public safety and addressing potential types of motivations in crime.

Council comments continued.

Council received the report.

3.E APPROVE A COMMUNITY BENEFITS AGREEMENT TEMPLATE FOR COMMERCIAL CANNABIS BUSINESSES

Dotty Nygard reminded Council that there has been no untouched industry during COVID and will take a couple of years to recover. Ms. Nygard shared her concerns regarding taxation of cannabis. We are looking for equity and fairness to be good partners. It has been 18 months since their application was submitted and also submitted their CUP in December. Hope the City can come to conclusion soon as they have been paying rent since August on an empty building.

It was Council consensus to move item 3.E to the April 19, 2022 meeting.

4. ITEMS FROM THE AUDIENCE – Alice English announced April 2, 2022 is the United Sikh monthly clean-up and they are joining up with the D.A.R.E. program at Schulte between south Lammers and Corral Hollow.

William Muetzenberg announced a vigil on Friday, April 1, 2022 in front of City Hall at 7:00 p.m. in honor of Justin Peoples and call for an end to race based crimes against people. Also spoke about the need for bike racks.

5. STAFF ITEMS – Michael Rogers, City Manager provided an update on the following actions taken by the City Manager.
- Approved General Services Agreement with Inland Potable Services, Inc. to Provide Inspection and Cleaning Services for Six Potable Water Storage Reservoirs within the City
 - Awarded a Construction Contract to DV Electric Co., of San Jose, California for the Improvements at Grant Line Road and MacArthur Drive Intersection Project, CIP 72121
 - Awarded a Construction Contact to CVE Contracting Group, Inc. dba Central Valley Environmental of Fresno, California for the 2399 E. Grant Line Road Demolition Project
 - Approved a Professional Services Agreement with Harris & Associates, Inc. of Concord, California for a Not-to-Exceed Amount of \$83,120 to Provide Professional Engineering Design Services for the Pavement Management System Update, CIP 73179
 - Accepted Construction for the Alden Park and Ken Yasui Park Playground Renovation Project, CIP 78173 Construction Completed by Goodland Landscape Construction, Inc. of Tracy, California

- Accepted Offsite Improvements for the Tracy Hills Phase 1A Sewer Lift Station, Constructed by Tracy Phase 1, LLC., Assuming Responsibility for the Future Maintenance and Repair
- Awarded a Construction Contract to United Pavement Maintenance, Inc., of Hughson, California for Sidewalk, Curb, and Gutter Repair FY 21-22 Project, CIP 73180

Mr. Rogers also announced the public comment period is open for the Transportation Master Plan. There is a virtual public meeting on March 30, 2022 at 3:00 p.m. Information regarding the public comment period is on the City's website.

6. COUNCIL ITEMS – Council Member Bedolla shared he will be attending a water education conference on April 1 and April 2, 2022 in the Fresno area.

Mayor Pro Tem Vargas requested support to see about purchasing a property that is up for sale next to the American Legion Hall next to Ritter Park. It is an opportunity for improving the park and could facilitate additional parking needs or community meetings. Council Member Davis supported the request.

Mayor Pro Tem Vargas asked for support for bike racks especially when we are promoting bikes and trails. Council Member Arriola supported the request.

Mayor Pro Tem Vargas asked for hard copy of Transportation Infrastructure Master Plan to make comments and submit to staff. Michael Rogers, City Manager responded he would get copies to all Council.

Mayor Pro Tem Vargas thanked staff for the extra work on the update. Will be attending Central Valley Water Conservation and Recycling Water training on Saturday in Selma.

Mayor Pro Tem Vargas provided an update on Valley Link.

Mayor Pro Tem Vargas requested support to do a study about the implications of detachments. Greg Rubens, Interim City Attorney clarified getting information about the cost or directing us to create a study about the implications of the detachments and how that affects our future developments. Mayor Pro Tem Vargas clarified to evaluate revenues lost in order to figure out how to put in place a mechanism if it is necessary to recover the potential loss of those revenues.

Michael Rogers, City Manager suggested the best approach may be to provide a written report back. What he heard the Finance Director say was it is historically a two-year process and if so will be costly. Would like to get more detail and carve out resources.

Mayor Young stated the Finance Director had said it had been a while since the last one was done and may want to consider doing an update. If it is a two-year process, it probably will be costly.

Mr. Rogers responded it sounds like something we need to do but as we are working on the budget right now it would be prudent to inform you about the cost. We were informed about the amount of time because obviously we would need to carve out the resources to be able to do that. Let us report back information on that and then you can give us direction once we have the details on that item.

Council Member Arriola congratulated Tracy Police and Fire for the Law and Order Awards particularly Police Officer of the Year Scott Criswell and Firefighter of the Year Ryan Gall.

Council Member Arriola provided an update on the National League of Cities trip to Washington and shared that lobbying efforts had to be rescheduled at the last second because the day they were there it was the day Ukraine President Zelensky was being zoomed in to Congress so their meetings with Congress had to be pushed back. It was being live streamed to us as it was being discussed with Congress and the plight of the Ukrainian people is horrific and asked that thoughts and prayers are with those affected by the invasion of the Ukraine and if we have the ability to reach out to the federal legislators to do what they can to resolve these issues.

Council Member Davis thanked Animal Services team and community members who supported for an outstanding fundraiser event they had with Jordan's Way for the cause of supporting the animals and they raised \$15,000 and were able to be there and support.

Council Member Davis relayed a commendation received from a community member whose home backs up to El Pescadero Park to Officer Ford and Officer Cockey for listening to him and being compassionate about his frustrations and concerns. One of the officers had told him he could call as many times as he needed to address the issues and noted he called 75 times this year from landline and didn't give a record of how many times he called from his cell phone. Due to increase of Police presence at the park instead of calling 4 to 5 times a day now he is only having to call once a day and he was really grateful that some of the nuisances have been addressed and is encouraged by that. Has lived in that neighborhood for 50 years. Council Member Davis thanked the Police for helping the community members who reside there and deal with that situation daily.

Council Member Davis congratulated the eight Police Officers and Firefighters who were nominated at the Law and Order Awards including some from Tracy Police and South San Joaquin County Fire Authority. A special recognition for CHP Officer Chris Duncan for being selected as Officer of the Year and Defense Logistics Agency Firefighter/Engineer Joseph Guerrero for being selected as Firefighter of the Year.

Council Member Davis asked for support for looking into what other cities are doing regarding vacant commercial buildings specifically what kind of ordinances and policies they have put in place. Have had conversations before with former City Manager and economic team about long term leases that are in place with Savemart and Osh and how we can address that as she is becoming concerned about meeting our economic development goals in retail plazas. Concerned about the RiteAid building and that to be looked into also. Council Member Arriola seconded the request.

Mayor Young congratulated the Law and Order winners and announced the following: Celebration of Life today for Pastor Rev. Zacchaeus Dunham – Agape Baptist Church. On Saturday is a Celebration of Life for former Police Captain and Mayor Michael Maciel at Saint Paul's Lutheran Church. There was a flyer sent earlier today for Saturday, April 2, 2022 from 10:00 a.m. to 4:00 p.m. for a special annual sports day that will be held at the Sikh Temple Tracy on Grant Line Road and is open to the community for trying to get diverse communities together and play different sports together at 16101 West Grant Line Road, Tracy.

7. ADJOURNMENT – Time: 1:08 a.m. Wednesday, March 30, 2022

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 agenda was posted at City Hall on March 24, 2022. The above are action minutes.

ATTEST:

Mayor

City Clerk