

May 17, 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 7:00 p.m.

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

Mayor Young led the Pledge of Allegiance.

Deanna Garcia offered the invocation.

Mayor Young presented a Certificate of Recognition to outgoing Transportation Advisory Commissioner Alvin Vaughn.

Mayor Young presented a Certificate of Recognition to Prabhjot Singh, outgoing City of Tracy representative on the San Joaquin County Mosquito Abatement Board.

REGULAR MEETING

1. CONSENT CALENDAR – Following the removal of consent item 1.F by Michael Rogers, City Manager and 1.C by Council Member Bedolla motion was made by Mayor Pro Tem Vargas and seconded by Council Member Bedolla to adopt the consent calendar. Roll call found all in favor, passed and so ordered.
 - 1.A ADOPTION OF MAY 3, 2022 REGULAR MEETING MINUTES – **Minutes were adopted.**
 - 1.B RATIFY THE SAN JOAQUIN COUNCIL OF GOVERNMENTS ANNUAL FINANCIAL PLAN FOR FISCAL YEAR 2022-2023 - Resolution 2022-058 ratified the SJCOG Annual Financial Plan.
 - 1.D AWARD A CONSTRUCTION CONTRACT TO VALENTINE CORPORATION FOR THE CONSTRUCTION OF THE TRACY HILLS ZONE 5 PUMP STATION CIP 75163 IN THE AMOUNT OF \$3,323,369, AT THE JOHN JONES WATER TREATMENT PLANT (JJWTP), WITH A NOT TO EXCEED BUDGET OF \$4,154,211 AND APPROVE A PROFESSIONAL SERVICES AGREEMENT (PSA) WITH WEST YOST AND ASSOCIATES (WYA) TO PROVIDE ENGINEERING SUPPORT SERVICES DURING CONSTRUCTION WITH A NOT TO EXCEED AMOUNT OF \$115,000 – **Resolution 2022-059** awarded a Construction Contract to Valentine Corporation. **Resolution 2022-060** awarded a Professional Services Agreement to West Yost and Associates.
 - 1.E APPROVE A RESOLUTION DECLARING INTENTION TO REIMBURSE EXPENDITURES FOR THE MULTI-GENERATIONAL RECREATION CENTER FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE CITY

AND DIRECTING CERTAIN ACTIONS – Resolution 2022-061 approved declaring the intention to reimburse expenditures for multi-general recreation center from the proceeds of tax-exempt obligations.

1.F APPROVE AMENDMENT NO.1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH MARK THOMAS AND COMPANY, INC. TO (1) AUGMENT THE SCOPE FOR PROJECT APPROVAL (PA), ENVIRONMENTAL DOCUMENT (ED), AND PLANS, SPECIFICATIONS AND ESTIMATES (PS&E) FOR MODIFICATION OF I-205 AND I-580 / MOUNTAIN HOUSE EXISTING INTERCHANGES CIP NOs. 73146 & 73147, AND (2) INCREASE THE CONTRACT AMOUNT BY AN ADDITIONAL \$351,288, FOR A NEW NOT-TO-EXCEED TOTAL CONTRACT AMOUNT OF \$4,649,324 – Item pulled from the agenda.

1.C APPROVAL OF PURCHASE OF BUS SHELTERS AND BUS SHELTER REPAIR PARTS IN THE AMOUNT OF \$342,979 FROM TOLAR MANUFACTURING PURSUANT TO TRACY MUNICIPAL CODE SECTION 2.20.270(b) SOLE SOURCE BID EXCEPTION AND AS PART OF THE TRACER BUS STOP IMPROVEMENTS CIP 77585

Brian MacDonald, Parks and Recreation Director provided the staff report.

Council Member Bedolla pulled the item to ask about the possibility of benches at every bus stop, and what that could look like at a future time. Council Member Bedolla supported the item but there have been plenty of shelters that need upgrades.

There was no public comment.

ACTION: Motion was made by Council Member Bedolla and seconded by Mayor Pro Tem Vargas to adopt **Resolution 2022-062** approving purchase of bus shelters and bus shelter repair parts in the amount of \$342,979 from Tolar Manufacturing pursuant to Tracy Municipal Code Section 2.20.270(B) sole source bid exception and as part of the Tracer Bus Stop Improvements CIP 77585. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Robert Tanner shared concerns regarding the following: temporary potholes repairs that last 50 days, size and cost of garbage bins for those who do not require the larger bins and asked about the status of the Aquatics Park.

Gary Michalak spoke about trees that were removed near Beechnut and Gallery by Chevron and the City's plan to use the block for overflow storage for vehicles requiring maintenance. Mr. Michalak asked if the City knew the trees were going to be removed, when will the City's purchase of the land be finalized, how long will the project take to complete, when will the sound wall be built, and why were the residents not notified.

Jason Fell provided a history of the trees and shared concerns about the tree removal, now looking at a 35-year-old fence, want something better and requested a sound wall which would mitigate sound, dust, eyesore and critters.

Karen Moore shared concerns regarding opportunities lost for obtaining grants to help with the cost for the new organic waste law SB 1383 and stated after receiving

information under the Freedom of Information Act from Calrecycle and the City of Tracy it indicated there have been grants available since 2016 that the City did not obtain.

Mayor Pro Tem Vargas asked for a memo from staff with copies of applications that were submitted for grants. Mayor Young clarified the request is for a memo that details when they were applied for, if we are still waiting for answers, and what other grants are coming up and what we qualify for.

Michael Rogers, City Manager responded staff will put together a memo with all information that is being requested.

Council comments and questions followed.

Don Scholl, Public Works Director responded to Council questions and the concerns from the members of the public.

Ana Contreras, Community Preservation Manager responded to questions.

3. REGULAR AGENDA

3.A RECEIVE AN INFORMATIONAL REPORT REGARDING THE CURRENT STATUS OF CANNABIS PERMIT PROCESSING, INCLUDING FINGERPRINT-BASED BACKGROUND CHECKS FOR THE OPERATION OF CANNABIS BUSINESSES, AND INFORMATION ON ANTICIPATED FUTURE AMENDMENTS TO THE TRACY MUNICIPAL CODE RELATED TO CANNABIS PERMITS

Victoria Lombardo, Senior Planner provided the staff report.

City Council questions and comments followed.

Sekou Millington, Police Chief, William Dean, Interim Development Services Director and Bijal Patel, City Attorney responded to questions.

Karen Moore stated she was surprised at how much we are getting involved with regulations, this industry needs to be treated like other industries, and the City needs to look at this again.

Zoe Schreiber shared concerns on DOJ regulations, recommended Council reassess the process in order to trust the regulations that have been put forth on a state level and spoke about barriers of local jurisdictions performing background checks that are burdensome and unnecessary for employees to go through this process.

Dotty Nygard emphasized local ownership provides a needed part of industry that has been vacant in Tracy and spoke about uses being more than recreation, seniors utilize a lot of cannabis. Ms. Nygard shared her partners want to help provide education to the community and hope to invest in community ownership, community benefits, diversity and equity.

Deanna Garcia, Cannabis Collective suggested partnering with another entity who already has the DOJ approval, spoke about the CUP, not having to go through another application for the business license, shared the cost concerns regarding waiting for it to go through and as long as the core applicant is there, they should not be penalized for bringing on another investor.

Dino Margaros shared his concerns regarding density of cannabis retail in the downtown, making a mistake by not having limitations on density, asked why there is no limitation on cannabis density and asked Council to consider option to not locate them within a distance of each other.

Byron Alvarez reiterated Mr. Margaros's comments adding he is not in favor of cannabis downtown, spoke about the proximity of potential cannabis stores to children and students and requested to not sabotage the success of the downtown.

Robert Tanner clarified two of the sites Mr. Margaros mentioned are outside the downtown district but downtown has no rules. Need CUP still available as well as the DOJ background check. Liquor stores and bars do have regulations. Keep regulations in here for now.

Alice English echoed Mr. Alvarez and Mr. Margaros's comments. Need to start looking for future generations for our kids and safety. The smoking shop across from Tracy High School should not have been authorized. Needs to come to Council not to Planning Commission and suggested keeping the State and Federal background checks, be consistent with all business owners.

Alex Monceaux stated it is an FBI background check performed by the State of California. Most operators are going to be in financial strain on operations, too many for downtown and may not all survive, hope Council can remove the DOJ if the FBI one suffices.

City Council questions and comments followed.

Transfer of Ownership: It was Council consensus to support local ownership.

Duration of Cannabis Business Permits: It was Council consensus to support extension for cannabis business permits for two years.

Community Benefits Agreement/contributions: Council received note that the City may have limited ability to follow through. City Attorney will report back.

Land Use-Based Regulation of Cannabis (CUP as a tool rather than regulatory Cannabis Business Permits) - It was Council's consensus to support using CUP Process.

DOJ Background Checks: There was no Council consensus.

Mayor Young requested a memo of the dates and times Council agreed on background check regulations and allowable locations/zoning.

Ms. Lombardo confirmed staff will come back on June 7, 2022, with an ordinance regulation to allow for that tolling and extension of the life of the current permits now so they will not expire within that one year. That is all staff will have for action ready for June 7, 2022.

Mayor Young called for a recess at 10:45 p.m.

Mayor Young reconvened the meeting at 10:54 p.m.

Due to the late hour and to be respectful of people's time, Council Member Arriola motioned to fix the time to adjourn the meeting at midnight. Mayor Pro Tem Vargas seconded the motion. No one was opposed.

3.B AN UPDATE REGARDING THE CITY OF TRACY'S EFFORTS ADDRESSING HOMELESSNESS AND A SUMMARY OF A FUTURE PLAN TO ALLEVIATE THE IMPACT OF HOMELESS ENCAMPMENTS AT EL PESCADERO PARK ON THE SURROUNDING COMMUNITY

Ana Contreras, Community Preservation Manager and Miguel Contreras, Police Lieutenant provided the staff report.

Sekou Millington, Police Chief provided information and responded to questions.

Vanessa Carrera, Assistant to the City Manager responded to Council questions.

Council Member Davis supported extending the time to continue the meeting past midnight. Council Member Arriola agreed to extend the time.

Alice English referred to the Brown Act regarding public comment stating the public is allowed five minutes maximum.

Margaret Moore shared concerns and health and safety issues her family experiences due to her house backing up to El Pescadero Park and asked Council what they do for the homeowners.

Rick Pereira stated Council does nothing for the residents and suggested continuing the wall to Kavanaugh or take trees out. Mr. Pereira shared his experiences with the unsheltered residents in El Pescadero Park, and asked Council to do something about it.

Jennifer Owens shared her experiences and concerns with El Pescadero Park and stated residents need to be protected and 24-hour security would be better, and asked why the numbers in park have not decreased.

Robert Tanner asked when the Temporary Homeless Shelter is phased out how many people will the shelter accommodate, how long can they stay and what will be done for those who cannot get in.

Gail Alterpen stated Council owes people an apology and shared her frustrations regarding time it has taken to get the shelter and the location and asked what is the City's plan.

Dan Evans shared concerns about opening dates for the shelter, spoke about a kid assaulted at the skate park, 9th Circuit Court of Appeals ruled on a case that allows Caltrans to clear homeless encampments, and need to be proactive about roads, public safety, parks and community in general.

Arch Bakerink referred to the Boise case and stated we have to make other options, spoke about why the homeless population is increasing, parking lot by the shelter, and stated simply opening a shelter is not going to solve the problem.

Jason Fell suggested getting with other cities and go to DVI and use those facilities. The City shouldn't have to take full burden of it. That prison should not be sitting there empty.

Jacy Krogh stated he uses the dog park at El Pescadero, shared compassion for those who live by El Pescadero. The park is not safe and supported having experienced security at the park but would much rather see law enforcement handle it.

Dino Margaros stated the downtown does not have the same problems as El Pescadero but has the same process to find a solution. Law Enforcement has been handcuffed. It is a free for all out there. Mr. Margaros shared his experience with a homeless person downtown and stated the City needs to get an ordinance update in place as soon as possible.

Bubba Paris stated Council has voted on what needed to be voted on and is proactive. The City is heading in the right direction. One thing we could do is team up to address the problem. The program has flaws in it. To address this problem we need safe parking and safe camping. Want to give them a place that gives them dignity. Consider a secure parking and a safe campground.

Council questions and comments followed.

Council supported the future plan to alleviate the impact of homeless encampments at El Pescadero Park on the surrounding community as outlined in the staff report.

Staff confirmed the ordinance would be returning in August.

4. ITEMS FROM THE AUDIENCE – None
5. STAFF ITEMS – Michael Rogers announced the Utilities services will be resuming normal business operations in June, and assessments of late fees and service disconnections can happen for nonpayment starting in June. The City has had lots of empathy with our community during the pandemic where \$1.8 million worth of credit has been applied to customer accounts to clear their past due balances from March 2020 to June 2021. Mr. Rogers encouraged those that have past due balances to contact City of Tracy Finance Department to ask about assistance to get back on track to set up payment plan or ask about eligibility for any type of financial assistance.

6. COUNCIL ITEMS – Council Member Bedolla reported on his attendance at the One Voice trip to Washington D.C. to see what opportunities are out there for the City and County.

Mayor Pro Tem Vargas reported on her attendance at the League of California Cities Summit and also provided a Valley Link Update. Mayor Pro Tem Vargas did park visits with residents and stated some residents are upset at the loss of trees at Legacy Fields.

Council Member Arriola reported on his attendance at the One Voice trip to Washington D.C. and also reported on the California Cities Executive Board Conference in Sacramento. Council Member Arriola announced working to have Tracy's inaugural Tracy Pride in October. Looking to have it the second weekend in October to coordinate with National Coming Out Day. Council Member Arriola requested the Pride Flag be raised during the weekend of Tracy Pride. Mayor Pro Tem Vargas seconded the request. Council Member Arriola stated he was invited through a program called Wider Bridge to develop a coalition of LGBTQ elected officials from around the country and has been invited to Israel to meet with the federal LGBTQ and their version of congress and will be gone in June. Council Member Arriola requested a diplomatic package from the City of Tracy to the Israeli government. Mayor Pro Tem Vargas seconded the request.

Council Member Davis reported on the One Voice trip to Washington D.C. Saturday attended American Soldier Play at the Grand Theatre. Attended Dream Flights event at the airport where veterans went up in World War II plane, and honored veterans for their service to the country and celebrated with the Victory Bombshells who cheered them on and West High JROTC that did a ceremony in honor of fallen soldiers.

Mayor Young stated she will provide a written report from Washington D.C. It was her 9th trip and she was appointed as main speaker. Reported on her attendance at the California Cities Executive Board Conference in Sacramento. Mayor Young announced the Memorial Day at Cemetery and War Memorial on May 30, 2022.

7. ADJOURNMENT – Time: 1:06 a.m., Wednesday, May 18, 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 above agenda was posted at the Tracy City Hall on May 12, 2022. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk