

June 24, 2022, 5:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy

Web Site: www.cityoftracy.org

Mayor Young called the meeting to order at 5:01 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.

Deacon Jack Ryan, Saint Bernard's Catholic Church offered the invocation.

1. CONSENT CALENDAR – Following the removal of consent item 1.F by Robert Tanner, motion was made 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 JUNE 7, 2022 CLOSED SESSION AND REGULAR MEETING MINUTES – Minutes were approved.
 - 1.B 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 JUNE 24, 2022 THROUGH JULY 23, 2022 PURSUANT TO THE BROWN ACT – Resolution 2022-074 approved the findings and authorized remote teleconference meetings from June 24, 2022 through July 23, 2022.
 - 1.C ADOPT A RESOLUTION TO 1) AUTHORIZE STAFF TO INITIATE THE PROCESS OF PARTICIPATING IN THE PROPOSED B.F. SISK DAM RAISE & RESERVOIR EXPANSION PROJECT FOR WATER STORAGE, 2) APPROPRIATE \$35,000 FROM THE WATER FUND RESERVES TO PAY FAIR-SHARE START UP COSTS AND, 3) AUTHORIZE THE CITY MANAGER TO EXECUTE THE PROJECT ACTIVITY AGREEMENT– Resolution 2022-075 approved initiating participating in the proposed B.F. Sisk Dam Raise & Reservoir Expansion Project for water storage and an appropriation of \$35,000.
 - 1.D AUTHORIZE AMENDMENTS TO THE CITY'S CLASSIFICATION AND COMPENSATION PLANS, MASTER SALARY SCHEDULE RELATING TO THE REAL PROPERTY AGENT, DIRECTOR OF OPERATIONS AND UTILITIES, ASSISTANT DIRECTOR OF UTILITIES, ASSISTANT DIRECTOR OF OPERATIONS, POLICE HOMELESS OUTREACH COORDINATOR, MAINTENANCE WORKER I/II AND ENVIRONMENTAL COMPLIANCE TECHNICIAN– Resolution 2022-076 authorized amendments to the City's Classification and Compensation Plans and Master Salary Schedule.

- 1.E ADOPT A RESOLUTION APPROVING A GENERAL SERVICES AGREEMENT WITH DELTA WIRELESS, INC. FOR POLICE COMMUNICATIONS MAINTENANCE FOR A TOTAL NOT TO EXCEED AMOUNT OF \$400,000 FOR A TERM OF THREE YEARS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT– **Resolution 2022-077** approved a General Services Agreement with Delta Wireless, Inc.
- 1.G ADOPT A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$15,180 FROM THE CALIFORNIA ANIMAL WELFARE FUNDERS COLLABORATIVE TO FUND EARLY SPAYING/NEUTERING OF DOGS AND CATS AT THE CITY OF TRACY ANIMAL SHELTER– **Resolution 2022-078** authorized the acceptance of a grant from the California Animal Welfare Funders Collaborative.
- 1.H ADOPT A RESOLUTION APPROVING A GENERAL SERVICES AGREEMENT WITH KOEFRAN INDUSTRIES, INC. FOR REFRIGERATION, MAINTENANCE, AND DISPOSAL OF ANIMAL CARCASSES WITH A NOT TO EXCEED AMOUNT OF \$85,000 ANNUALLY FOR A TERM OF FIVE YEARS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT– **Resolution 2022-079** approved a General Services Agreement with Koefran Industries, Inc.
- 1.I ADOPT A RESOLUTION APPROVING THE SUBMISSION OF A CLAIM TO THE SAN JOAQUIN COUNCIL OF GOVERNMENTS FOR TRANSPORTATION DEVELOPMENT ACT FUNDS IN THE AMOUNT OF \$5,555,484 FOR FISCAL YEAR 2021-2022 AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE THE CLAIM– **Resolution 2022-080** approved the submission of a claim to San Joaquin Council of Governments for Transportation Development Act Funds.
- 1.J ADOPT A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH MTM TRANSIT, LLC TO INCREASE BASE WAGES: (1) \$18.50/HOUR TO \$21.00/HOUR FOR DRIVERS, (2) \$19.00/HOUR TO \$21.50 FOR DISPATCHERS, AND (3) \$16.00/HOUR TO \$18.00/HOUR FOR RESERVATIONISTS, AND INCREASING THE TOTAL CONTRACT PRICE FROM \$10,917,793.01 TO \$11,475,863.34– **Resolution 2022-081** approved Amendment No. 1 to the Professional Services Agreement with MTM Transit, LLC.
- 1.K ADOPT A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH TRACY CITY CENTER ASSOCIATION TO COORDINATE AND HOST THE ANNUAL 4TH OF JULY PARADE WITH A NOT TO EXCEED AMOUNT OF \$10,000– **Resolution 2022-082** approved a Professional Services Agreement with Tracy City Center Association.
- 1.L ADOPT A RESOLUTION: 1) CALLING AND GIVING NOTICE TO HOLD A GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 8, 2022, FOR THE ELECTION OF CERTAIN OFFICERS PURSUANT TO THE CALIFORNIA ELECTIONS CODE; 2) REQUESTING THE BOARD OF SUPERVISORS OF SAN JOAQUIN COUNTY TO CONSOLIDATE THE CITY OF TRACY'S GENERAL MUNICIPAL ELECTION WITH THE STATEWIDE GENERAL

ELECTION TO BE HELD ON NOVEMBER 8, 2022; 3) REQUESTING THE SERVICES OF THE SAN JOAQUIN COUNTY REGISTRAR OF VOTERS (REGISTRAR); AND 4) AUTHORIZING THE PAYMENT OF COSTS FOR SUCH SERVICES, FOR THE AMOUNT OF ACTUAL COSTS INCURRED – Resolution 2022-083 called and gave notice to hold a General Municipal Election on November 8, 2022, and requested the Board of Supervisors of San Joaquin County to consolidate the City's General Municipal Election with the Statewide Election, requested services of the San Joaquin County Registrar of Voters, and authorized payment of cost for services.

- 1.F ADOPT A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH ALL CITY MANAGEMENT SERVICES, INC. FOR SCHOOL PEDESTRIAN CROSSING GUARD SERVICES IN A TOTAL AMOUNT NOT TO EXCEED \$1,731,744 FOR A TERM OF THREE YEARS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

Beth Lyons-McCarthy, Police Support Operations Manager provided the staff report.

Robert Tanner pulled the item to state the City has no control over the school budget and asked why the City is chipping in for crossing guards. Mr. Tanner was glad staff clarified it is shared with the schools, and the City pays 50 percent.

Council questions followed.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adopt **Resolution 2022-084** approving a Professional Services Agreement with All City Management Services, Inc. for school pedestrian crossing guard services in a total amount not to exceed \$1,731,744 for a term of three years and authorizing the City Manager to execute the agreement. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Robert Tanner shared his concerns regarding fireworks and stated all fireworks should be eliminated from the City.

Mayor Young asked for an update on fireworks from Police Chief Sekou Millington during staff items.

Dan Evans stated he submitted a blue line flag request for Council's consideration to fly at City Hall and asked a Council Member to agendaize for review. Law Enforcement Day is January 29th so there is time.

Dotty Nygard spoke about the following: The need for more than one public pool during the heatwave and suggested dialogue with Tracy Unified to see if they could share pools, shared concerns regarding the downtown eatery parklets not being ADA accessible, thanked the Police Department for helping with crime at El Pescadero Park and for making our community safe, and stated there has been a lot more crime in Tracy and would like to have forum to talk about crime.

Mayor Pro Tem Vargas asked for a brief update on the status of the parklets under staff items.

3. REGULAR AGENDA

3.A CONDUCT A PUBLIC HEARING, AND UPON CONCLUSION, ADOPT THE FOLLOWING RESOLUTIONS:

- 1) ADOPT THE CITY OF TRACY FISCAL YEARS (FY) 2022/23 ANNUAL OPERATING AND CAPITAL BUDGET AND AUTHORIZE THE BUDGET OFFICER TO AMEND THE CITY'S POSITION CONTROL ROSTER FOR FY 2022/23;
- 2) ADOPT A FISCAL SUSTAINABILITY FUNDING POLICY FOR THE CITY OF TRACY AND APPLY SUCH POLICY RETROACTIVELY TO THE AMENDED FISCAL YEAR 2021-22 ANNUAL BUDGET;
- 3) AUTHORIZE THE COMMITMENT OF MEASURE V FUNDS FOR SPECIFIED PURPOSES, FOR THE AMENDED FISCAL YEAR 2021/22 ANNUAL BUDGET AND THE PROPOSED FISCAL YEAR 2022/23 ANNUAL BUDGET;
- 4) ADOPT COMMITTED FUND BALANCES (GASB 54) FOR FISCAL YEAR ENDING JUNE 30, 2022 IN COMPLIANCE WITH STATEMENT 54 OF THE GOVERNMENTAL ACCOUNTING STANDARDS BOARD; AND
- 5) ESTABLISH FISCAL YEAR 2022/23 APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION.

Michael Rogers, City Manager introduced the item.

Felicia Galindo, Budget Officer provided the staff report.

Robert Tanner spoke about the following: The Police Department needing more officers, car and substation, unacceptable response times, asked how the homeless shelter will be staffed, if the shelter takes in 68 people, how long can they stay, what happens to remaining homeless, and asked about the difference between the City's homeless count versus the School Districts count. Does Boise rule go back into effect, will the homeless go back to Pescadero or move on to other parks.

William Muetzenberg shared support for the creation of a Housing and Mobility Department and asked the following: Will the Homeless Director be working with the mobility housing unit, is the Mobility and Housing Department going to be looking at ways to acquire land to provide more of the sustainable and long-term housing for homeless residents, will the Homeless Outreach Coordinators be wearing plain clothed attire to make sure the homeless feel they are not being accosted, and asked for clarification regarding hiring folks using Measure V Funds. How much is set aside for staffing.

Midori Lichtwardt, Assistant City Manager, Sekou Millington, Police Chief, Karin Schnaider, Finance Director and Michael Rogers, City Manager responded to questions from members of the public.

City Council questions and comments followed.

Council Member Bedolla asked had the City gone against State Health Orders during the pandemic would the CARES Act or ARPA fund monies been taken away or at risk, if a majority had voted for a sanctuary city. Mayor Young offered that staff could do research and do a memo about the likelihood as it was something Council did not do and copy all Council on it.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Bedolla to adopt **Resolution 2022-085** approving the City of Tracy Fiscal Year (FY) 2022/23 Annual Operating and Capital Budget and authorizing the Budget Officer to amend the City's Position Control Roster for FY 2022/23. Roll call found all in favor; passed and so ordered.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Bedolla to adopt **Resolution 2022-086** approving a Fiscal Sustainability Funding Policy for the City of Tracy and apply such policy retroactively to amended Fiscal Year 2021-22 Annual Budget. Roll call found all in favor; passed and so ordered.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Bedolla to adopt **Resolution 2022-087** authorizing the commitment of Measure V Funds for specified purposes, for the amended FY 2021/22 Annual Budget and the Proposed FY 2022/23 Annual Budget. Roll call found all in favor; passed and so ordered.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Bedolla to adopt **Resolution 2022-088** approving the Committed Fund Balances for Fiscal Year ending June 30, 2022 in compliance with Statement 54 of the Governmental Accounting Standards Board. Roll call found all in favor; passed and so ordered.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Bedolla to adopt **Resolution 2022-089** establishing Fiscal Year 2022/23 Appropriation Limit (GANN) pursuant to Article XIIB of the California State Constitution. Roll call found all in favor; passed and so ordered.

3.B ADOPT A RESOLUTION APPROVING THE DISPLAY OF THE LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND QUEER (LGBTQ) PRIDE FLAG ON THE FLAGPOLE OUTSIDE OF THE TRACY CITY HALL OCTOBER 6th THROUGH OCTOBER 9th, 2022, TO COMMEMORATE LGBTQ HISTORY MONTH AND OCTOBER 11, 2022, TO COMMEMORATE NATIONAL COMING OUT DAY

Adrienne Richardson, City Clerk provided the staff report.

Council Member Arriola clarified his original request was not to commemorate LGBTQ History Month but was specifically to commemorate the first ever Tracy Pride celebration and asked why that language was excluded from the staff report. Ms. Richardson responded she had misunderstood the request. Council Member Arriola confirmed this year there is a Tracy Pride committee, and they will be having their first ever

Tracy Pride celebration and the ask previously made was to commemorate the inaugural Tracy Pride celebration.

William Muetzenberg supported the raising of the Pride flag in honor of National Coming Out Day and Tracy's first Pride celebration. Mr. Muetzenberg spoke about the Supreme Court's decision on Roe versus Wade and highlighted tidbits found in the decision by Justice Clarence Thomas, and stated the decision invites the court to reconsider the rulings that are connected from the right of privacy from the government. Mr. Muetzenberg urged Council to raise the flag in October to tell LGBTQ residents that they are seen and heard.

Council questions and comments followed.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Bedolla to adopt **Resolution 2022-090** as amended approving the LGBTQ Pride flag on the flagpole outside of the Tracy City Hall: (1) from October 6th through 9th, 2022, consistent with the City's Flag Policy, to commemorate ~~LGBTQ History Month~~ the inaugural Tracy Pride Celebration; and (2) on October 11, 2022, to commemorate National Coming Out Day. Roll call found Council Members Arriola, Bedolla, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Member Davis opposed.

4. ITEMS FROM THE AUDIENCE – Robert Tanner referred to an article in the Record stating the financing of Valley Link was to be approximately \$40 million per City station and asked if the City is not reserving for it now, when will we start thinking about it. The Antennae Farm was given to Valley Link for a maintenance station which is not worth \$40 million.

Dotty Nygard suggested balancing our industry that shouldn't just focus on the logistics opportunity. Council opened up the cannabis industry that has potential of bringing in millions of dollars of tax monies. Ms. Nygard also suggested putting utilities underground when doing big projects and suggested irrigating Legacy Fields in the evening instead of the afternoon as we are in a critical drought and encouraged Council to bring back every opportunity to mention the drought and where we are in our stages.

William Muetzenberg referred to transit budget notice and steady decrease and asked what the City is doing with investment into City transit, and make sure we are not cutting services or not disinvesting in public transit. Spoke about the potential benefits of hiring a full-time grant writer.

Michael Rogers, City Manager shared his thoughts on having a full-time grant writer.

Karen Moore stated she was excited to hear about the investment the Council is making in the City. Spoke about the Parks Coordinator who will be responsible for grant writing. Measure V funds can be stretched wider if we are using grants and can get water park, multi-gen, and nature park.

5. STAFF ITEMS – Michael Rogers, City Manager responded to a comment from a member of the public regarding ADA compliance at the downtown parklets. Continuously looking at processes. All of the eateries need to be in compliance with the ADA standards.

Mr. Rogers announced the sales of safe and sane fireworks will begin on Tuesday, June 28, 2022 at noon and will continue through July 4. Discharge of safe and sane fireworks are permissible in the City of Tracy only during the hours of 12:00 p.m. and 10:00 p.m. June 28 through July 3 and midnight on July 4. Any discharged outside of those hours are illegal and those that are not safe and sane should be reported to the Tracy Police Department.

Sekou Millington, Police Chief provided more details on the fireworks, enforcement and impacts. Started education campaign through social media and on their website. Only use the number 209-831-6550 to report fireworks (non-emergency dispatch).

Mayor Young spoke about the Central Valley Explorer Competition hosted by the City of Tracy Police Department at Kimball High.

Mr. Rogers announced the following:

- City offices will be closed on Monday, July 4, 2022, in observance of Independence Day and hoped everyone can join in the community activities that will be taking place in partnership with Tracy City Center Association and Tracy Chamber.
- Free COVID Antigen rapid self-test kit distribution event will be taking place. County Public Health office reported the County is experiencing an uptick of COVID-19 which is comparable to the alpha and delta surges in the past. Case rate is 30.5 new cases per day per 100,000 people. Test positivity rate is 13.6% which does not include at home test results. Creating demand for test kits. The City is in partnership with the County Public Health Services will be distributing 5,200 free COVID Antigen rapid self-test kits at the Tracy Sports Complex on Tuesday beginning at 9:00 a.m. until the supplies run out.
- The Tracy Chamber of Commerce will be doing a job fair on Tuesday, June 28, 2022, from 10:00 am to 2:00 pm at the Holiday Inn Suites.
- The first Movies on the Plaza begins tonight.

Mayor Young confirmed with the City Manager that on the evening of July 4 fireworks will be going on at Kimball High.

6. COUNCIL ITEMS – Council Member Davis thanked the Police Chief for reassigning his special enforcement team to El Pescadero Park in an effort to alleviate some of the concerns and mitigate some of the crime and nuisance behavior at the park. The neighbors expressed appreciation and are looking forward to what that looks like next week. Council Member Davis stated she had great time looking at art displays and meeting local artists at the Tracy Art Walk last Saturday, and wished everyone a happy 4th of July.

Council Member Arriola acknowledged the Supreme Court ruling today stating he was frustrated and disappointed with it and shared he was appreciative it does not affect women in our City because we live in California and have access to reproductive freedoms here. Any time the courts decide approximately 50% of populations

constitutional rights be overturned, that is something he disagrees with, believe it is unjust and will continue to fight for women's rights and believe now is the time to get involved. We are the next era of the civil rights movement and now is the time to act. Council Member Arriola wished everyone a happy 4th of July.

Mayor Pro Tem Vargas thanked the City Manager and staff for the repainting of the crosswalks near schools and 11th street. Also saw bike racks downtown were now painted bright green and more visible. Mayor Pro Tem Vargas requested from the Valley Link board to open it up again to meet in person and use the Chambers on our first meeting – 2nd Wednesday of every month, start the first hybrid meeting in July and coordinate that with Kevin Sheridan and provided an update on Valley Link. Mayor Pro Tem Vargas reminded people in general to be tolerant, courteous and be kind and respectful to one another, wished everyone a happy 4th of July.

Council Member Bedolla heard comments from the audience regarding Valley Link station funding and requested a memo. Comments from Mr. Tanner and Mr. Muetzenberg regarding the shelter, if they could make it to the Homeless Committee for consideration. Requested staff to look into expanding hours for public pool access for both free swim and lap swim and have a discussion with the City Schools Committee about public use of School District pools. Council Member Arriola seconded the request.

Council Member Bedolla requested staff look into making the Go Request App more accessible via website/text/email not just the mobile app and also transparent on the City's website with a search feature. Council Member Arriola seconded the request.

Council Member Bedolla referred to Ms. Nygard's comment about taking a look at the irrigation schedule. They might be able to be done operationally. Make sure we waste the least amount of water as possible.

Council Member Bedolla requested support for discussion about creating a buffer zone around the Planned Parenthood on Tracy Blvd to have a policy regarding anti-abortion protests that could happen. For public safety and health care access. Mayor Pro Tem Vargas seconded the request.

Council Member Bedolla referred to Council Items #466 on November 2021 to assess options on daytime camping, use and curfews at parks and Council Item #510 in May of 2022. Will it be included in the homeless ordinance coming up. Also, Council Item #504 regarding assessing options on vacant commercial buildings. These are pending Council items that we want to move forward on.

Mayor Young wished everyone a happy July 4. Many nonprofits will be supported during this season and many people within the community will benefit. Tonight there is Movies in the Park. Yesterday at SJCOG meeting a 14-page report was given to them by the County and read out information regarding Interstate I-5, 99 and 205 maintenance safety enhancements coming up in various locations. Also, more safety enhancements in various locations to replace existing crosswalk pavement markings with ladder style crosswalks. There was a number of encampments they have worked on that is on the Caltrans right of way and one in Tracy adjacent to the I-205 and Byron Rd at Clyde Bland Park that they did remove that is in their right of way.

7. ADJOURNMENT – Time: 7:59 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 June 22, 2022. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk