

June 7, 2022, 7:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy

Web Site: [www.cityoftracy.org](http://www.cityoftracy.org)

Mayor Young called the meeting to order at 7:08 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.

Imaam Sheikh Basem, Tracy Islamic Center offered the invocation.

Council Member Arriola proclaimed June as LGBTQ Pride Month.

Mayor Young presented a Proclamation for Juneteenth Day to Gwendolyn White, and Olinga Alexander, Tracy African American Association.

Mayor Young presented a Proclamation for Elder and Dependent Adult Abuse Awareness Month to Wayne Templeton and Fran Block.

#### REGULAR MEETING

1. CONSENT CALENDAR – Mayor Young announced for Consent Item 1.F the following Council Members will abstain from voting on the following zones: Council Member Bedolla – Zone 7, Council Member Davis – Zone 15, Mayor Pro Tem Vargas – Zone 25.

Following the removal of consent item 1.J by Michael Rogers, City Manager, 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 ADOPT MAY 17, 2022 REGULAR MEETING MINUTES – **Minutes were adopted.**
- 1.B APPROVE SIDE LETTER AGREEMENTS BETWEEN THE CITY OF TRACY AND THE TRACY POLICE OFFICERS ASSOCIATION, TRACY POLICE MANAGEMENT ASSOCIATION, TRACY MID-MANAGERS BARGAINING UNIT, TRACY TECHNICAL AND SUPPORT SERVICES EMPLOYEE ASSOCIATION, GENERAL TEAMSTERS LOCAL NO. 439; AMEND SECTION 16.6 OF THE PERSONNEL RULES AND REGULATIONS TO ADD JUNETEENTH; AND AUTHORIZE THE CITY MANAGER TO APPROVE SIDE LETTER AGREEMENTS – **Resolution 2022-063** approved the side letters.

- 1.C APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT (PSA) WITH RAFTELIS FINANCIAL CONSULTANTS, INC. FOR COMPLETION OF THE WASTEWATER REVENUE AND RATE ANALYSIS – Resolution 2022-064 approved Amendment No. 1 to the agreement with Raftelis Financial Consultants, Inc.
- 1.D AUTHORIZE THE SUBMISSION OF A UNITED STATES DEPARTMENT OF JUSTICE COMMUNITY ORIENTED POLICING SERVICES GRANT APPLICATION FOR A PROJECTED AMOUNT OF \$1,240,942 FOR THE HIRING OF TWO POLICE OFFICERS WITH THE PROJECTED CITY MATCH FUNDS OF \$990,942, APPROVE AN ADDITIONAL \$90,000 FOR PROJECTED OVERTIME AND OTHER COSTS NOT COVERED BY THE GRANT FUNDS, AND AUTHORIZE THE CITY MANAGER TO ACCEPT THE \$250,000 GRANT, IF AWARDED – Resolution 2022-065 authorized the submission of a United States Department of Justice Community Oriented Policing Services grant.
- 1.E APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH VERONICA TAM AND ASSOCIATES, INC. FOR THE HOUSING ELEMENT UPDATE – Resolution 2022-066 approved the agreement with Veronica Tam and Associates, Inc.
- 1.F ADOPT THE FOLLOWING RESOLUTIONS: (1) INITIATING PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENTS AND ORDERING PREPARATION OF AN ENGINEER'S REPORT FOR THE TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR FISCAL YEAR 2022/2023, (2) APPROVING THE PRELIMINARY ENGINEER'S REPORT REGARDING THE PROPOSED LEVY AND COLLECTION OF ASSESSMENTS FOR THE TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR FISCAL YEAR 2022/2023, AND (3) DECLARING THE CITY OF TRACY'S INTENTION TO LEVY ANNUAL ASSESSMENTS FOR THE TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT FOR FISCAL YEAR 2022/2023 AND SETTING A PUBLIC HEARING ON JULY 5, 2022 AT 7:00 PM TO CONSIDER THE SAME IN ACCORDANCE WITH THE LANDSCAPING AND LIGHTING ACT OF 1972

**Resolution 2022-067** initiated proceedings for the annual levy of assessments and ordered the preparation of the Engineer's Report for the TCLMD. Council Member Bedolla abstained from voting on Zone 7, Council Member Davis abstained from voting on Zone 15, and Mayor Pro Tem Vargas abstained from voting on Zone 25.

**Resolution 2022-068** approved the Preliminary Engineer's Report regarding the proposed levy and collection of assessments for the TCLMD. Council Member Bedolla abstained from voting on Zone 7, Council Member Davis abstained from voting on Zone 15, and Mayor Pro Tem Vargas abstained from voting on Zone 25.

**Resolution 2022-069** declared the City's intention to Levy Annual Assessments for the TCLMD FY 2022/2023 and set a public hearing date of July 5, 2022. Council Member Bedolla abstained from voting on Zone 7, Council Member Davis abstained from voting on Zone 15, and Mayor Pro Tem Vargas abstained from voting on Zone 25.

- 1.G APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH FRUITRIDGE PRINTING, LLC FOR A TERM OF FOUR YEARS, WITH AN ADMINISTRATIVE OPTION TO EXTEND FOR ANOTHER TWO YEARS UPON SATISFACTORY PERFORMANCE, FOR PRINTING SERVICES FOR THE GRAND THEATRE CENTER FOR THE ARTS SEASON BROCHURE AND ARTS EDUCATION CATALOG, IN AN ANNUAL AMOUNT NOT TO EXCEED \$45,000.00 – **Resolution 2022-070** approved an agreement with Fruitridge Printing, LLC.
  - 1.H APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH MHD GROUP, INC. FOR A TERM OF FOUR YEARS, WITH AN ADMINISTRATIVE OPTION TO EXTEND FOR ANOTHER TWO YEARS UPON SATISFACTORY PERFORMANCE, FOR MARKETING SERVICES FOR THE GRAND THEATRE CENTER FOR THE ARTS SEASON BROCHURE AND ARTS EDUCATION CATALOG, IN AN ANNUAL AMOUNT NOT TO EXCEED \$50,000 – **Resolution 2022-071** approved an agreement with MHD Group, Inc.
  - 1.I 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 \$389,688, FOR A NEW NOT-TO-EXCEED TOTAL CONTRACT AMOUNT OF \$4,687,724 – **Resolution 2022-072** approved an amendment to the agreement with Mark Thomas and Company.
  - 1.J APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH TRACY CITY CENTER ASSOCIATION TO COORDINATE AND HOST THE ANNUAL 4TH OF JULY PARADE AND PANCAKE BREAKFAST WITH A NOT TO EXCEED AMOUNT OF \$10,000 – **Item pulled from the agenda.**
  - 1.K APPROVE A CHANGE ORDER TO THE SAAS AGREEMENT WITH TYLER TECHNOLOGIES, INC. TO LICENSE TWO ADDITIONAL MODULES FOR TIMEKEEPING AND BID MANAGEMENT TO THE MUNIS ERP SYSTEM AND FIND THAT IT IS IN THE BEST INTEREST OF THE CITY TO FOREGO THE REQUEST FOR PROPOSALS PROCESS FOR THESE SERVICES – **Resolution 2022-073** approved the Change Order to the SAAS Agreement with Tyler Technologies, Inc.
2. ITEMS FROM THE AUDIENCE – Jenny spoke about a feral or community cat overpopulation problem, shared her experience with feral cats, her journey into cat rescue, and requested help, support and teamwork from the City.

Melissa Sucrese stated there is a problem with feral cats at the Tracy High campus and need Animal Shelter to work with the school to get the problem under control. Ms. Sucrese shared responses received from the Animal Shelter and requested the City partner with Animal Rescue of Tracy to help get fundraising.

Susan Corbett, volunteer with Animal Rescue of Tracy requested more support from the Animal Shelter, cats and kittens are multiplying and the rescues need some monetary help or the Shelter needs to get more funding and get that phase 2 building started.

Andrew Lu spoke about the City being dirty, trash piling up on sidewalks, patches of lawn not watered and dying due to broken sprinklers, the City looking run down, and suggested outsourcing to gardeners and the City inspect their work.

Robert Tanner stated the crosswalk at B & 11<sup>th</sup> Streets still has chunks of pavement missing and spoke about two lawsuits challenging the Valley Link project, Measure Y being voted down, with SB 548 TOD's are exempt from building and zoning laws and specified Valley Link, and shared concerns about Valley Link getting \$40,000,000 from each stop and did not see that in the Tracy budget and if so where and if not why.

Mayor Pro Tem Vargas requested an update on the maintenance of crosswalks on 11<sup>th</sup> and Corral Hollow Road.

Michael Rogers stated the item is not agendized but will bring back a report on crosswalks or potholes so the public can also weigh in and staff has an opportunity to prepare. Mayor Young clarified that the next budget update is coming back on June 21, 2022.

Dan Evans stated last Wednesday he submitted a request to Council for review and approval to fly the blue line flag in support of our men and women who wear the badge and put their lives on the line, proposed the flag be flown every year for National Law Enforcement Appreciation Day which is January 9<sup>th</sup> and would like to see the request be brought before City Council, discussed and voted on.

Mayor Young stated requests are not taken for flags to be flown. There is not a process for that so requested an update on the flag policy.

Bijal Patel, City Attorney confirmed that Mayor Young would like staff to come back with an informational report on our flag policy.

Alice English spoke about Council grandstanding and taking up time on discussions that are not on the agenda, commented on the closed session regarding including description and discussion, and asked the City Attorney, if setting precedent that the investigation related to the claim be transparent to the public.

Karen Moore shared her concerns regarding the previous meetings discussion on cannabis and homelessness going off the rails and using public comments for campaign sound bites, and spoke about cities that are making changes to their homeless encampments.

## 3. REGULAR AGENDA

3.A COVID-19 UPDATE FROM SAN JOAQUIN COUNTY PUBLIC HEALTH SERVICES (VERBAL REPORT)

Daniel Kim, San Joaquin County Public Health Services provided the COVID-19 Update.

Council questions and comments followed.

There was no public comment.

City Council accepted the update.

3.B INTRODUCE AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTION 6.36.080 OF THE TRACY MUNICIPAL CODE TOLLING THE EXPIRATION DATE OF EACH EXISTING COMMERCIAL CANNABIS BUSINESS PERMIT FOR AN ADDITIONAL 12 MONTHS

William Dean, Assistant Director of Development Services provided the staff report.

Council questions and comments followed.

Bijal Patel, City Attorney responded to questions.

Adrienne Richardson, City Clerk read the title of the proposed ordinance.

**ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to introduce proposed **Ordinance 1328** an ordinance amending Section 6.36.080 of the Tracy Municipal Code tolling the expiration date of each existing commercial cannabis business permit for an additional 12 months. Roll call found all in favor; passed and so ordered.

## 4. ITEMS FROM THE AUDIENCE – Jenny continued with her concerns regarding the feral cats stating this is a fixable problem, and need awareness and support from the City to work together to solve community cat problems.

Melissa Sucrese referred to the funds used for the peacock issue in Redbridge stating if the City can find money to move birds, money can be found for the cats. Ms. Sucrese stated foster programs are needed through the shelter, not just private organizations, suggested education regarding trapping and getting fixed, requested funding for shelter and local rescues, and asked Council to put on an agenda.

Alice English spoke about the following: Huge success of the aerobatic show over the weekend, road to airport needing repair, closed session lawsuit released to the public and hoped that all closed session lawsuits will be available to the public to be transparent. Spoke about residents being misled on Measure Y.

5. STAFF ITEMS – Michael Rogers reported Economic Development Strategic Planning survey available until June 29, 2022. Members of the public have an opportunity to comment by going to the City of Tracy website. It will be timely for the community to take the survey as there will be an Economic Development update on June 21, 2022.
6. COUNCIL ITEMS – Council Member Bedolla stated earlier constituents spoke about how the City could partner with nonprofits and expand the reach of our shelter and improvement, and asked if staff can meet with private and public stakeholders whether it is the schools or constituents who spoke today and be done operationally or an information item brought back to Council.

Michael Rogers, City Manager responded he arranged for a meeting with the people who spoke.

Mayor Pro Tem Vargas suggested contacting Captain Alex Neicu as he worked extensively with dogs, and cats and nonprofits in the past and may be able to give the City Manager a background along with Midori Lichtwardt, Assistant City Manager.

Mayor Pro Tem Vargas stated she has been looking for help on crosswalks for seven years and is not looking for another letter or memorandum about why things are not getting done but is asking to paint the crosswalks on 11<sup>th</sup> Street and on Grant Line Road where there is heavy traffic. Mayor Pro Tem Vargas expressed her frustration regarding asking for the same item and not having the crosswalks painted. Council Member Arriola seconded the request. Mayor Pro Tem Vargas confirmed the request is for staff to come back with when the crosswalk repairs are going to be done.

Council Member Bedolla asked for confirmation that Council has an opportunity for budget requests coming up very shortly this month.

Mayor Young clarified these are things that have been approved in the past, and Council wants an update to find out what has been done.

Council Member Davis supported a conversation about feral cats and what the City can do to be supportive. Council Member Davis thanked those that came out for Memorial Day to honor our veterans at the cemetery and war memorial adding it was a beautiful ceremony organized by American Legion Hall and Veterans of Foreign Wars, and thanked Colonel Tiffany Harris for her service to Defense Logistic Agency over the last few years and sad she will be leaving but welcomed Colonel Kevin Chunn who will be taking over for Colonel Harris.

Council Member Davis referred to the comment made regarding the City looking trashy and requested support to talk about this issue as it has been brought up before and she has personally brought up the decline and appearance of our City. Council Member Davis received letters about dumping around Corral Hollow Road up near Tracy Hills in the open field area. Hoping City can have serious conversation about how the City is approaching cleanliness. It is not even just the trash but also the benches and sidewalks. Council Member Arriola supported the request.

Council Member Davis shared the Gold Star Memorial Monument Committee is partnering with United Way of San Joaquin County to raise the necessary funds to erect a permanent memorial monument at the new VA medical facility under construction in

French Camp. They have the following promotion to raise funds where \$75 can honor your military or veteran loved one with a permanent engraved brick, or an organization can participate as well for \$500.

Council Member Davis spoke about the well-attended successful Aerobic Championship event and commended Public Works for their efforts, thanked the IAC for hosting the event in Tracy and thanked those who attended and volunteers, and stated she received constructive feedback that the competition was difficult to find because there is not good signage to the Airport and road leading up to the Airport is dilapidated. Hoping to have a conversation about bringing repairs back to that road and some of the many other ones. Mr. Rogers responded it is on staff's radar, are looking at grants and clarified the road is both City and County.

Council Member Davis requested support for a conversation to look at the process for cannabis to ensure the City is doing the best thing by our community and our businesses that want to come here to ensure their success and that existing businesses are not adversely impacted and there is a good solid process moving forward.

Bijal Patel, City Attorney asked Council Member Davis if she is interested in staff bringing back an urgency measure for a moratorium. Council Member Davis responded she is interested in an urgency measure for a moratorium in order to take a fine tooth comb through the process to make sure the language of the ordinances are best serving the community as a whole.

Ms. Patel clarified the urgency measure is a tool that is only available for planning codes. That would be a moratorium on processing any CUPs under the planning code. Council Member Davis responded given that there are no ordinances in place that speak to over concentration she would like Council and staff to review that process.

Ms. Patel stated because there are requisite facts needed to support the findings that need to be made for that urgency ordinance, Council could schedule a motion requiring us to bring back an urgency measure with a moratorium perhaps at the July 5 Council meeting and if facts support it staff will bring a moratorium for Council's consideration. Council Member Davis responded she would love to do that if she could get the support.

Ms. Patel added only one reading is required for an urgency measure but a 4/5<sup>th</sup> must approve it. There are some other noticing requirements needed and more work involved.

Council Member Davis responded opportunities need to be looked at to ensure there is no ping ponging back and forth with amendments and take time to make sure the ordinances are going to work for not only today but also tomorrow.

Ms. Patel explained the urgency measure and the moratorium process.

Council Member Arriola asked for the CUP process, that would not require the moratorium but the permitting process it would despite the fact the permits have already been given.

Ms. Patel responded a moratorium cannot be used to stop anything under Chapter 6. The CUP process is under Chapter 10 which is the planning code. A finding could be

made that due to health and safety or welfare threats that Council needs to stop the processing of any additional permits under the cannabis section. When it comes back, Council would at that time decide if there are findings and if adopted it would stop the ability for the Planning Department to process any CUPs until moratorium is lifted.

Council Member Arriola asked if there was an opportunity to evaluate the CUP process without the moratorium. Ms. Patel responded the moratorium is used so that if unable to factually determine there is an imminent threat to health and safety issues because new permits are about to be processed, that is one basis to make that finding. Without the moratorium there is an obligation to continue processing the permits and moving them forward to the Planning Commission.

Council Member Arriola asked if Council has the discussion and does not have the four votes can they still proceed with an amendment to the CUP process not under a moratorium. Ms. Patel responded she did not believe staff would be ready for amendments to the cannabis ordinance in a July session.

Council Member Arriola stated given the concerns from the public he is interested in assessing the CUP process but not interested in a moratorium on the current applicants that have been waiting for two years.

At the request of Ms. Patel to elaborate on what he meant by an assessment of the CUPs, Council Member Arriola responded he believed Council had discussions related to whether the CUP process could be done related to density or distance between another permit, or toward things that Council felt they did not have input on last time was the discussion that he heard from the public so he would be open to assessing CUP's in that consideration but would not be willing to stop the process for the current applicants who have already been working on this for years.

Ms. Patel responded if Council wanted to make any changes in the criteria by which CUPs can be issued, that would be an amendment to the ordinance and the City Manager through the Planning Department would have to determine criteria. There are legal standards that must be met regarding what criteria can be imposed in either granting or denying a CUP or if there are other zoning restrictions to impose as currently there are only a limited number of zones in which these permits are prohibited so perhaps Council want to consider an expansion on which zoning districts to prohibit. All of these things would have to be further analyzed and amended in an amendment to the current ordinance before changing the impact on the location for these permits.

Council Member Arriola asked if that assessment could be done without the 4/5<sup>th</sup> majority for a moratorium. Ms. Patel responded yes if Council chooses for the City Manager's office and the City Attorney's office to work on some proposals for your consideration but in the meantime the City has an obligation to continue processing the CUPs so any CUPs that are ready to go forward will continue to go forward and may be granted.

Mayor Young stated Council gave a input at our last item discussing this in detail and it was her understanding that staff will be coming back with things for Council to discuss even considering the zoning, density and things like that, and asked if staff will be bringing back opportunities for Council to look at zoning and density because that was definitely one of the inputs given by a majority of Council. Mr. Rogers responded staff



will be coming back with those particular items. Those permits that are in the process now may continue in the process, may be issued and could be different in what your outcome may be.

Mayor Young stated the current people have been through too much and there are things that need to be fixed but is not interested in delaying any of their processes. .

There was no support for Council Member Davis's request to look at the cannabis process and to bring back an urgency measure with a moratorium.

Council Member Arriola congratulated Eagle Scout Riju Banergee stating he attended his Eagle Scout ceremony on May 27, 2022, and Riju presented to Council a picture of Boy Scout Troup 537 by Donna and Robert Mailhot of Troop 537 Tracy California. Riju is a senior at Kimball High School. Council Member Arriola also congratulated Emma Consados and Emiliano Olmos Duran who helped him with the pride flag raising on June 1. Council Member Arriola thanked everyone who participated in the Memorial Day ceremonies but there was a sound problem so hoping staff can address those sound problems. Council Member Bedolla supported the request.

Council Member Arriola announced he will be leaving for Israel for eight days and will be joining LGBT elected officials around the country to meet with the LGBT elected officials in Israel and with peace building groups in Palestine. Council Member Arriola thanked Council and community for the proclamation for Pride Month and wished everyone a happy Pride Month.

Mayor Young stated she will submit her monthly report at next meeting, thanked everyone involved with the aerobatic events, and acknowledged the entire Transportation Commission for their efforts in bringing that to Tracy. This coming Saturday is 27<sup>th</sup> Annual Juneteenth celebration hosted by Tracy African American Association – free event starting at 6:00 a.m. to 6:00 p.m.

7. ADJOURNMENT – Time: 9:09 p.m.

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

The above agenda was posted at the Tracy City Hall on June 2, 2022. The above are action minutes. A recording is available at the office of the City Clerk.

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Mayor

ATTEST:

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City Clerk