

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

August 2, 2022, 4:00 p.m.

Tracy City Hall, 333 Civic Center Plaza, Tracy, CA.

1. Mayor Young called the meeting to order at 4:05 p.m.
2. Roll call found Council Members Arriola, Davis, Mayor Pro Tem Vargas and Mayor Young present. Council Member Arriola participated via Webex. Council Member Bedolla arrived at 4:11 p.m.
3. ITEMS FROM THE AUDIENCE – Andrea Brown demanded Council remove the homeless encampment established at El Pescadero Park immediately before the first day of school to ensure that Council has children’s safety as a top priority, and shared her frustration regarding not being able to use the once productive park, procrastination and excuses by Council and how the residents of the community are suffering.

Mayor Young disagreed with the mischaracterization.

Jacob Lopez asked when there is a situation at El Pescadero Park who will be made responsible for allowing the encampment to stay there. Mr. Lopez shared previous comments made by Council Member Arriola regarding prioritizing public safety and stated he has not seen any solutions to these growing problems, and shared experiences at the park.

Robert Tanner agreed with prior speakers and spoke about a protest outside City Hall regarding El Pescadero Park and a Police Officer stating once the shelter is full the homeless have the right to go back to a park. Mr. Tanner shared concerns regarding poor road conditions on Tracy Blvd near the hospital between Eaton and Lowell.

William Muetzenberg commented on infrastructure, was excited about the new ballot initiative that will raise revenue for infrastructure investments, need to recognize some vehicles cause more damage than others, advocated investing in bike master plan for safe seamless bike lanes. The Multi-Gen is a great opportunity to invest in the neighborhood at El Pescadero Park with roof top garden and walkway.

Council comments and questions followed.

Michael Rogers responded to Council questions regarding bringing back information on infrastructure and investments and stating there will be a more robust discussion and presentation about the City’s road infrastructure specifically Paving Condition Index and appropriate strategy for maintenance of the roads.

4. CONSENT ITEMS – Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adopt the Consent Items. Roll call found all in favor; passed and so ordered.
 - 4.A ADOPT A RESOLUTION MAKING FINDINGS AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE CITY COUNCIL AND ALL LEGISLATIVE BODIES OF THE CITY OF TRACY FOR THE PERIOD FROM AUGUST 3, 2022 THROUGH SEPTEMBER 1, 2022 PURSUANT TO THE BROWN ACT – **Resolution 2022-107** adopted the findings and re-authorized remote teleconference meetings.

5. COUNCIL ITEMS AND COMMENTS – Council Member Bedolla stated Council has received a memo that the shelter project has been delayed approximately two months and asked with CIP's like the shelter can we be more proactive and meet with 2 – 3 contractors that have applied for similar projects in the past to explore viability of a successful application. The reason it was delayed was because the contractor failed to submit forms required by Federal Government and something called good faith efforts. Secondly, when the Street Repavement Study is completed can a town hall meeting be held to present the results and timeline of repairs to residents outside of a formal Council meeting. Council Member Davis seconded both requests.

Council Member Davis asked if staff is already planning to keep the residents abreast of what the City is doing, is it an operational thing and is she able to second Council Member Bedolla's request.

Michael Rogers, City Manager stated as part of our Council retreat the plan is to do more workshops with more educational components. Items such as this, when talking about roads, should be done on its own at a workshop so is aligned with what staff is already planning.

Mayor Young asked Council Member Bedolla for clarification if it is a second to give direction to add as one of the workshops. Council Member Bedolla clarified not agenda items. Mayor Young responded not agenda items but operational.

Mr. Rogers responded he is already committed to providing more workshops especially educational workshops to take the time on items that can get complex and break things down for others to ask questions about the process, and that our community understands what we are doing and how we are approaching these particular projects. This and other items, when we have the study, need to be outside of Council's meeting to have full discussion and come back to a Council meeting and take action.

Mayor Young asked would it be possible to detail in a memo a schedule of different workshops in the plans so we have something to refer to.

Mr. Rogers responded he would be happy to do that and put down areas that would be important to have workshops and then get Council's input, if there are other things he has missed then this will provide him with feedback.

Council Member Davis stated she thought Council Member Bedolla was being specific to CIP's and making sure the community was engaged, and her confirmation was for both of his asks regarding CIP's as well as workshops to keep the residents engaged and

knowing what is going on with timeline and delays. That was her understanding of the ask and affirmed with her support.

Council Member Bedolla confirmed that was his ask.

Mayor Pro Tem Vargas asked the Attorney for clarification – Council meetings with development, believe that is not appropriate, it is operational, and Council cross a line.

Nancy Ashjian, Assistant City Attorney responded staff can provide a memo about a potential schedule outside of Council to get input from Council Members and then present to the public as an informational item of schedules planned in the future.

Mayor Young responded that is the workshops, did not realize the second was also on the first item that Council Member Bedolla asked which is about public information, whenever the City has CIP's to meet with the different potential contractors so that is a process that is a part of operations.

Mayor Pro Tem Vargas referred to the Grand Jury letter about Council trying to direct and hire consultants. It's a process, we cannot meet and interview consultants in that way for operational things.

Ms. Ashjian responded that is correct there are bidding requirements and public procurement requirements that we have to go through, and staff can do a better job at vetting these candidates ahead of time but there are strict guidelines under the Government Code that restricts how to proceed ahead of public bidding.

Council Member Bedolla stated he was never asking for Council Members to meet with contractors.

Mayor Young stated the reference from her understanding happened to do with the Grand Jury report is Council directing staff on operational things.

Council Member Bedolla responded the wording from the report is that Council cannot direct staff outside of a Council majority in Council Chambers. That is the problem that happened for years.

Mayor Young asked Ms. Ashjian if what she said about the first item requested is that there are certain guidelines that are in place that would preclude or prevent the ask from being answered or concluded. Is it possible to do what was requested because based on her answer it sounded like no.

Ms. Ashjian responded there are certain requirements under the public procurement guidelines that tie the City's hands as a public agency from vetting these contractors but staff can implement better notice requirements and go about it in more specific ways in the bid material to stop these issues from coming up in the future and do a better job at walking contractors through the project.

Midori Lichtwardt, Assistant City Manager responded she thought Council Member Bedolla's concern was having city staff meet with potential bidders in advance of their bids to answer questions, to make clarifying statements.

Council Member Bedolla stated that was correct and Council Member Davis confirmed that was also what she heard and not Council Members vetting, just staff.

Ms. Lichtwardt explained for all City projects there is a voluntary prebid meeting date advertised for interested bidders to ask staff any clarifying questions about the bid process and the project. Staff will be coming back at the next Council meeting with the notice of rejection of bids for the shelter project and if pulled from consent, can talk about the process and special circumstances staff is running into with this and other projects.

Karin Schnaider, Assistant City Manager stated the City is going into more of a digital and electronic world for bid process. Council approved recently a vendor self-service and bid module through our accounting software that will begin to take place over the next six months and will allow for a much more transparent process where anyone can submit questions and FAQ's can be answered in real time. This is the only way to communicate equally with all vendors and will be done on the digital platform so will not only have the virtual pre-meeting but also during the bid process questions will be answered out to anyone interested beyond the platform. It will continue to be enhanced over the next 6 to 12 months.

Mayor Young responded have answers about process already in place and what is not able to be done. Council Member Bedolla's first ask has already been answered and wanted to make sure staff was clear about the second ask that was seconded. Mayor Young asked Council Member Bedolla if it would be sufficient for the City Manager to put together a list of workshops and the topics so we would have that to refer to and that is part of accountability to make sure we are having these workshops to cover different topics such as infrastructure.

Council Member Bedolla asked if Mayor Young would like his support on that.

Mayor Young asked Council Member Bedolla if that would be sufficient from what his ask was. Council Member Bedolla responded if that is Mayor Young's Council item, he will second it. Mayor Young said it was not her Council item. Council Member Bedolla stated his Council item has already been made and supported.

Mr. Rogers clarified he will be putting together a memo on the different workshops staff will be planning for and timeframes those workshops will take place, The memo will be a starting point for further discussion if he has missed anything and other workshops need to be added.

Council Member Davis asked given there are going to be delays and this particular community has endured a lot, how proactive is the City going to be in regards to making sure the park residents and around the park are safe. What more is the City going to do given there are going to be delays. What is the City going to do to get the people out of that park and when are the policies going to be done regarding the safety, time, place and matter, regarding how people behave in parks and public spaces.

Ms. Lichtwardt responded staff is working on Parks and Public Spaces Ordinance revisions that will be going to the Parks Commission on August 4, Homeless Advisory Committee on August 22, and before Council on September 6 for review and approval. Given the unanticipated delays of the construction of the shelter, staff is looking at alternative interim solutions. The Police Department has put out a request for proposals

for security specific to El Pescadero Park. Staff will get information via email to Council within the next business day.

Council Member Davis asked if Council will have an opportunity to review preliminary policies.

Ms. Lichtwardt responded the Advisory Committee will have an opportunity to weigh in first on August 22, then it will be brought to Council with any changes, modifications or suggestions from both the Parks Commission and Advisory Commission and then to Council on September 6.

Council Member Davis asked with there being delays since the shelter was supposed to be finished in the fall, is there not going to be a plan to remove the people from the park prior to the shelter.

Ms. Lichtwardt responded staff is working on interim alternative solutions to finding shelter for those that are currently sheltering in the park but do not have that fully vetted out.

Council Member Davis asked for clarification that the delay means the unsheltered will continue to be at that park or does that mean that there is an interim solution that includes removing them from the park since the shelter won't be done yet.

Ms. Lichtwardt responded staff is exploring every opportunity, ideally there would be an alternative location where we could provide adequate shelter. Staff is trying to turn every stone, is vetting out several things in the works and hopefully will have to present alternatives to Council.

Council Member Davis stated for the record that even though the shelter is not coming she would like to ensure the park is still cleared because residents have been promised that we are going to get it done and even if the shelter isn't built it is not fair to residents that the City continues to not have their park available to them in a way that is safe. We need to clear that park. Council Member Bedolla supported the request.

Mayor Young summarized the timeline for the Parks and Public Spaces Ordinance: Homeless Advisory Committee on August 22, September 6 to Council, August 16 is reject the bids and coming back for discussion after staff has looked at different options and opportunities and when will that be coming back. Mayor Young shared she was concerned when Council did get the memo that there was going to be rejection of bid. Absolutely expect that our committee would have some intricate details of conversations. Definitely a concern for the community but at the same time it is almost a premature conversation so want to make sure when the mature conversation is going to come back and we can deal with as a Council.

Ms. Lichtwardt responded maybe on the first or second meeting in September. As staff is gathering resources and there are limited resources in this area, staff is trying to come up with alternatives to have an interim solution to find shelter. The same situation will occur again with a warming center so a location needs to be found to house folks in the interim period. Staff will endeavor to get back to Council as soon as possible but it will not be August 16.

Mayor Young stated it would be good if staff could consider what we can have as an update from the August 22 Homeless Advisory Committee meeting, maybe there could be some type of update at that point so we are keeping everyone abreast of the progress.

6. ADJOURNMENT – Time: 4:59 p.m.

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

The agenda was posted at City Hall on July 28, 2022. The above are action minutes.

ATTEST:

Mayor

City Clerk