

September 20, 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 7:01 p.m.

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

Mayor Young led the Pledge of Allegiance.

Pastor Scott MacFarland, Journey Christian Church offered the invocation.

Council Member Bedolla arrived at 7:07 p.m.

Mayor Young presented Certificate of Appointment to Renu Miles, newly appointed City of Tracy representative on the San Joaquin Mosquito Abatement District Board.

Mayor Young presented a proclamation for Hispanic Heritage History Month to the Southside Community Organization.

1. CONSENT CALENDAR – Adrienne Richardson, City Clerk announced the September 6, 2022 closed session minutes under consent item 1.A should reflect Mayor Pro Tem Vargas as opening the closed session meeting and not Mayor Young. 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 APPROVAL OF SEPTEMBER 6, 2022 CLOSED SESSION AND REGULAR MEETING MINUTES – **Minutes were adopted as amended.**
 - 1.B WAIVE SECOND READING OF FULL TEXT AND ADOPT AN ORDINANCE OMNIBUS AMENDMENT OF THE TRACY MUNICIPAL CODE TO (A) UPDATE CHAPTER 4.16, "REGULATIONS PERTAINING TO THE USE OF PARK AND RECREATION AREAS AND FACILITIES" AND CHAPTER 5.12, "CAMP CARS AND TRAILERS," AND (B) ADD PROVISIONS PROHIBITING CERTAIN ACTS, CAMPING, AND STORAGE OF PERSONAL PROPERTY IN PARKS AND PUBLIC AREAS – **Ordinance 1332** was adopted.
 - 1.C ADOPT A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH TOWNSEND PUBLIC AFFAIRS, INCORPORATED, FOR THE PERFORMANCE OF FEDERAL ADVOCACY, INTERGOVERNMENTAL, AND GRANT SERVICES FOR AN INITIAL TERM OF FIVE-YEARS, SUBJECT TO THREE 5-YEAR EXTENSIONS, FOR AN ANNUAL AMOUNT NOT TO EXCEED \$60,000 PER YEAR, A MAXIMUM TOTAL AGREEMENT AMOUNT NOT TO EXCEED \$1,200,000, AND AUTHORIZING THE CITY MANAGER TO EXECUTE FUTURE AGREEMENT EXTENSIONS– **Resolution 2022-132** approved the Professional Services Agreement with Townsend Public Affairs, Inc.

- 1.D ADOPT A RESOLUTION AUTHORIZING THE PURCHASE OF VEHICLES AND EQUIPMENT IN THE AMOUNT OF \$1,606,536 – Resolution 2022-133
authorized the purchase of vehicles and equipment.
2. ITEMS FROM THE AUDIENCE – LaVerne Grant-Jackson shared her responsibilities on the team of registered voters to re-elect Nancy Young for Mayor and managing the social media and Facebook page. Ms. Jackson submitted a letter to the City Clerk.

Dan Evans stated people are mad and are losing faith in their elected officials regarding crime, homelessness, and lack of planning for dispensaries. Mr. Evans toured Tracy Interfaith, and almost 100% are community people who are donating their time and stated it is not elected officials that fix problems it is community members.

Amer Hammudi hoped the election will be civil, commended Council for wanting to solve the homeless problem, and reminded Council that people who have homes need their attention also as well as traffic, crime rate, education and technology.

Mary Kennedy-Bracken stated she watched a Council meeting that finished at 1:45 a.m. and how can we function with so many complaints and no solutions. The issue is what is creating the homeless problem. Working together and supporting each other can make a difference. Businesses watch meetings.

Dotty Nygard spoke about the Tracy Earth Project on October 8 in celebration of California Clean Air Day and the planting of 26 sponsored trees and 20 additional trees from the City. Increasing our tree canopy will improve the quality of air. Ms. Nygard provided the following website for information: Tracyearthproject.com and asked for volunteers to plant trees and will meet at 8:30 a.m. at Lincoln Park on Saturday, October 8, 2022.

A parent of a child that goes to North Tracy School expressed concerns regarding the homeless in that neighborhood, shared concerns regarding a woman walking down the road unclothed and no action was taken and students being recorded by homeless. If anyone else did those acts they would be incarcerated. Seems like the law stops once entering El Pescadero Park and it is affecting children.

Andrea Brown stated she has been telling Council about issues at El Pescadero Park, has met with the City Manager and told him about issues and find it weird no one got a letter at home regarding the unclothed lady during school hours. Nothing has been done. Requested Council do better and just care and have a heart.

Robert Tanner shared concerns regarding the vote on the moratorium to revise downtown rules for cannabis stores that failed at the last meeting. Have two dispensaries approved in downtown already but there are two more potentials coming up in the same area. Mr. Tanner added he knows of two stores that sell alcohol downtown, the rest are restaurants, and stated do not compare with alcohol. Cannabis is not regulated by Feds.

Mayor Young disagreed with comments made by the previous speaker.

Victoria stated she received letters regarding addressing the homeless issue. This issue affects the whole country, but we are affected very much. Her children would be

assigned to North School but are home schooled and asked if there is something Tracy citizens can be involved with to bring solution.

Jason Freeman wanted to know the plan for maintenance on City trees in Glenbriar Estates and other neighborhoods in Tracy adding he has reached out to the City but no results. Mr. Freeman requested someone drive through the neighborhood.

Karen Moore spoke about downtown cannabis retail stores stating at the last Planning Commission meeting the ordinance criteria was not applied the same to the three CUP applicants. Ms. Moore requested to start an investigation because of discrimination and corruption in the approval process.

3. REGULAR AGENDA

3.A INTRODUCE AN ORDINANCE AMENDING SECTION 3.08.580 REGARDING SPECIAL SPEED ZONES OF THE TRACY MUNICIPAL CODE TO UPDATE SPEED LIMITS AS REQUIRED BY THE CALIFORNIA VEHICLE CODE

Robert Armijo, Senior Engineer provided a brief introduction on the item and responded to questions.

Anju Pillai, Senior Civil Engineer provided the staff report and responded to questions.

Dotty Nygard stated as a bike rider they are looking for safe routes around town. Speed is an issue and thanked Council for addressing safety.

Karen Moore stated many cities are using vision zero data to determine how to make no deaths happen on city streets, and asked staff what makes them adjust the speed as it did not seem like it was included in the study.

Council questions and comments followed.

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

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Davis to introduce an Ordinance amending Section 3.08.580 regarding special speed zones of the Tracy Municipal Code to update speed limits as required by the California Vehicle Code. Roll call found all in favor; passed and so ordered.

3.B ADOPT THE FOLLOWING RESOLUTIONS TO FURTHER COMPLY WITH THE JUDGMENT AND PEREMPTORY WRIT OF MANDATE IN MITRACOS V. CITY OF TRACY, ET AL., SAN JOAQUIN COUNTY SUPERIOR COURT CASE NO. STK-CV-UWM-2018-5531: (1) A RESOLUTION RESCINDING RESOLUTION NO. 2020-154 APPROVING FINAL AQUATIC CENTER CONCEPTUAL PLAN WITH A NOT-TO-EXCEED AMOUNT OF \$65 MILLION INCLUDING CONTINGENCY AND SOFT COSTS; (2) A RESOLUTION RESCINDING RESOLUTION NO. 2019-78 APPROVING THE AGREEMENT FOR DEFERRAL OF CERTAIN

IMPACT FEES FOR ELLIS GARDENS PHASE 1- 3 (TRACT 3877, TRACT 3906, AND TRACT 3907); AND (3) A RESOLUTION RESCINDING RESOLUTION NO. 2021-116 APPROVING THE AGREEMENT FOR DEFERRAL OF CERTAIN IMPACT FEES FOR ELLIS TOWN AND COUNTRY (TRACT 4007)

Council Member Davis announced she will be recusing herself from the item due to proximity of real property.

Bijal Patel, City Attorney provided the staff report and responded to questions.

Karin Schnaider, Assistant City Manager responded to questions.

Council questions and comments followed.

Mayor Young announced 54 emails were received in support of keeping the Aquatic Center Conceptual Plan moving forward.

Tim Favaloro, Northern California Carpenters Union asked if the developer of the Aquatic Park is going to employ responsible contractors that compensate their workers with various standard wages and benefits, prevailing wages set by collective bargaining across northern California.

Robert Tanner asked if that design concept feature could be part of the \$10 million, Surland pay the remaining \$8 million and keep the concept, asked if there will still be free entry for the homeowners that purchased in Ellis, and added the State is increasing water restrictions and yet we are building a water park during the restrictions.

Pete Mitracos stated he was part of subcommittee of Tracy Tomorrow, shared a history of Tracy Tomorrow and spoke about the opportunity to have a facility the City can afford that provides the basic needs for this community and not continue down the same path.

Michel Bazinet stated he was the Chair of Tracy Tomorrow Committee and provided a history about the aquatic facility in Tracy, added he was involved with Measure V Residents' Oversight Committee and shared perspectives regarding funding for the project. Mr. Bazinet recommended not rescinding the part of the resolution that has to do with the conceptual plan or funding budget and waiting until discussion in October with more information.

Marsha McCray encouraged Council to take the community project over the finish line, shared history and support regarding the Aquatic Center. Ms. McCray urged Council to readopt the design that was based on the community's ideas and contributions and have the priority amenities that were approved and reconfirmed during multiple Council meetings.

Council comments continued.

Adrienne Richardson, City Clerk announced there were also five emails received that were not in favor of moving forward with the Aquatic Center's Conceptual Plan.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt **Resolution 2022-134** rescinding Resolution 2020-154 approving final Aquatic Center Conceptual Plan with a not-to-exceed amount of \$65 million including contingency and soft costs. Roll call found Council Members Arriola, Bedolla, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Member Davis abstained.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt **Resolution 2022-135** rescinding Resolution 2019-78 approving the Agreement for Deferral of Certain Impact Fees for Ellis Gardens Phase 1-3 (Tract 3877, Tract 3906, and Tract 3907). Roll call found Council Members Arriola, Bedolla, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Member Davis abstained.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt **Resolution 2022-136** rescinding Resolution 2021-116 approving the Agreement for Deferral of Certain Impact Fees for Ellis Town and Country (Tract 4007). Roll call found Council Members Arriola, Bedolla, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Member Davis abstained.

Council Member Davis rejoined the meeting.

DEVIATION - Mayor Young moved item 3.D before item 3.C.

3.D ADOPT A RESOLUTION APPROVING THE MAYOR'S COMMUNITY YOUTH SUPPORT NETWORK (MCYSN) RECONNECTING OUR YOUTH (ROY) GRANT PROGRAM FOR FISCAL YEAR 2022-2023 IN THE TOTAL AMOUNT OF \$175,000 TO EIGHT LOCAL NON-PROFIT ORGANIZATIONS AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE FUNDING AGREEMENTS

Katie Akre, Recreation Program Coordinator provided the staff report.

Karen Moore shared support for this program. The funding will make available refurbishing of bikes.

Council questions and comments followed.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt **Resolution 2022-137** approving the Mayor's Community Youth Support Network (MCYSN) Reconnecting Our Youth (ROY) Grant Program for fiscal year 2022-2023 in the total amount of \$175,000 to eight local non-profit organizations and authorizing the City Manager to execute the Funding Agreements. Roll call found all in favor; passed and so ordered.

Mayor Young called for a recess at 9:32 p.m.

Mayor Young reconvened the meeting at 9:40 p.m.

3.C ADOPT A RESOLUTION APPROVING THE PROPERTY TRANSFER OPTION AND SALE AGREEMENT WITH JOINT ESCROW INSTRUCTIONS GRANTING TRI-VALLEY – SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY A TEN YEAR OPTION TO PURCHASE, FOR INDEPENDENT CONSIDERATION OF \$100 FOR APPROXIMATELY 200 ACRES OF CITY-OWNED EXEMPT SURPLUS LAND LOCATED AT 15580 AND 15178 WEST SCHULTE ROAD (APNs 209-230-029 AND 209-230-03

Karin Schnaider, Assistant City Manager provided the staff report.

Council questions and comments followed.

Fire Chief Bradley responded to questions and provided a brief history regarding the site.

Pete Mitracos spoke to safety concerns and shared information regarding the San Bruno incident and comparison to the Schulte Road pipelines. Safety factor is calculated on how many people are there. The City allowed this to go through Ellis and it was not a concern.

Dave Hudson, Mayor of San Ramon, Valley Link Board member and San Joaquin Rail urged Council to adopt the resolution, expressed the importance of the project, and shared experiences with other grants regarding roads and BART.

Dan Evans stated there is enough information to do a preliminary safety review, asked when was last time that section of pipeline was examined by PG&E, what were the findings, and suggested doing a reasonable preliminary safety review.

Mary Mitracos shared support for the project, referred to Strategic Plan supporting Valley Link and high paying jobs and invest in high tech, and stated it is the best thing to make commuting easier and asked to pass the item tonight.

Bernice King Tingle, Mountain House Community Service Board Director and Director on Valley Link Rail project shared her support for the item and urged Council to push the project forward and vote yes on the item.

Ronna Greene, Mountain House Community Service Board candidate stated she was in full support of the Valley Link project, concerns are valid but she believed in the project and shared support of the project and working with Tracy to make this happen.

Adrienne Richardson, City Clerk announced three emails were received in support of the project.

Kevin Sheridan, Valley Link responded to Council questions.

City Council questions and comments continued.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Bedolla to adopt **Resolution 2022-138** approving the Property Transfer Option and Sale Agreement with joint escrow instructions granting Tri-Valley – San Joaquin Valley Regional Rail Authority a ten-year option to purchase, for independent consideration of \$100 for approximately 200 acres of City-owned exempt surplus land located at 15580 and 15178 West Schulte Road (APNs 209-230-029 and 209-230-030). Roll call found Council Members Arriola, Bedolla, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Member Davis opposed.

3.E ADOPT A RESOLUTION DECLARING CITY OWNED PROPERTY LOCATED AT 729/741 N. CENTRAL AVENUE (APN 235-068-06) AS SURPLUS PROPERTY UNDER GOVERNMENT CODE SECTION 54222 AND ISSUE NOTICE OF AVAILABILITY FOR LEASE OR PURCHASE TO PARTIES DESIGNATED IN THE SURPLUS LANDS ACT

Vanessa Carrera, Assistant to the City Manager provided the staff report.

Council questions and comments followed.

There was no public comment.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Davis to adopt **Resolution 2022-139** declaring City owned property located at 729/741 N. Central Avenue (APN 235-068-06) as surplus property under Government Code Section 54222 and issue Roll call found all in favor; passed and so ordered.

3.F ADOPT A RESOLUTION DECLARING, AS EXEMPT SURPLUS PROPERTY UNDER GOVERNMENT CODE SECTION 54221(G), THE FOLLOWING TWO PROPERTIES OWNED BY THE CITY OF TRACY: 1) 275.43 ACRES OF LAND LOCATED AT 5749 SOUTH TRACY BLVD, APN 25311031/25311016 AT COMMONLY KNOWN AS THE TRACY AIRPORT; AND 2) 393.99 ACRES OF LAND LOCATED AT 505 E. DURHAM FERRY ROAD, APN 25527008 AND COMMONLY KNOWN AS THE NEW JERUSALEM AIRPORT

Karin Schnaider, Assistant City Manager provided the staff report.

Council questions and comments followed.

Mary Mitracos stated she did not understand why the City is declaring the property surplus.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Bedolla to adopt **Resolution 2022-140** declaring, as exempt surplus property under Government Code Section 54221(G), the following two properties owned by the City of Tracy: 1) 275.43 acres of land located at 5749 South Tracy Blvd, APN 25311031/25311016 and commonly known as the Tracy Airport; and 2) 393.99 acres of land located at 505 E. Durham Ferry Road, APN 25527008 and commonly known as the New Jerusalem Airport. Roll call found all in favor; passed and so ordered.

3.G APPOINT, BY MOTION, A SUBCOMMITTEE OF TWO COUNCIL MEMBERS, AND AN ALTERNATE, TO INTERVIEW APPLICANTS TO FILL ONE TERM VACANCY ON THE TRANSPORTATION ADVISORY COMMISSION

Adrienne Richardson, City Clerk provided the staff report.

There was no public comment.

Council questions and comments followed.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Bedolla to appoint Mayor Pro Tem Vargas and Mayor Young as a two-member subcommittee and Council Member Davis as alternate, to interview applicants to fill one term vacancy on the Transportation Advisory Commission. Roll call found all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – Adrienne Richardson, City Clerk announced an email was received from Jennifer Wood expressing concerns regarding the Planning Commission cannabis vote.

5. STAFF ITEMS – Karin Schnaider, Assistant City Manager reported on the following: Completed close to 12,000 linear feet of crosswalk striping, 82 turn arrows on Schulte and next phase is on 10th Street between Tracy Blvd and City Hall. This week there will be pavement rehabilitation on Tracy Blvd, overlaying and striping on Valpico, Clover and Grant Line Roads through October between hours of 8:30 a.m. and 3:00 p.m. There is night construction from 7:00 p.m. to 4:00 a.m. that has begun to install a temporary traffic signal at the Corral Hollow and Valpico intersection and is expected to continue through December. One lane will be open to all traffic at all times even through construction. If anyone wishes to report anything staff encouraged using the GoTracy App and can be found on the City of Tracy website. Other updates: Utility billing system – taking electronic payments and can set up automatic payments via the City's website. At the Grand - Masters of Hawaiian Music on Saturday. Go to atthegrand.org for more information on presentations at the Grand. Blues, Brews and BBQ on October 1, 2022, from 12:00 p.m. through 6:00 p.m. at the Front Street Plaza.

6. COUNCIL ITEMS – Council Member Bedolla reported his attendance at the League of California Cities Conference in Long Beach from September 7 through 9, 2022.

Mayor Pro Tem Vargas reported on her attendance at the League of California of Cities Conference at Long Beach. Mayor Pro Tem Vargas thanked staff for the revamping of

striping in particular at crossings and schools, spoke about a tree on 10th Street between the music store and Delta Brews that is dying. The sap is ruining all the outdoor furniture belonging to the two restaurants and requested that the tree be removed as soon as possible. Council Member Bedolla seconded the request.

Karin Schnaider, Assistant City Manager responded staff will reach out to Operations Director and have him review the tree and will report out on the status.

Mayor Pro Tem Vargas thanked everyone for matching portion of the donation to have 40 plus trees to be planted in the community, stated there are plenty of requests for trimming and pruning but city trees are suffering from lack of watering and learned the problem is the irrigation. Mayor Pro Tem Vargas requested to look at the irrigation component in particular in the TCCA District and make an effort to fix the broken and aging irrigation that has resulted in five mature trees being cut this year alone and requested support for looking into opportunities and resources and agendaize an item for discussion. Council Member Arriola seconded the request.

Mayor Pro Tem Vargas thanked those that came to support Valley Link, stated she has been the Chair for two and a half years and moving project to this huge milestone on having grants. The City is committed to bringing the project through and bringing high tech jobs, infrastructure and high paying jobs, and commended this Council for the vision, for forward thinking and ability to see steps that are necessary to advance this project.

Council Member Arriola reported on his attendance at the California League of Cities Conference at Long Beach. Council Member Arriola stated he approached the City of Stockton Council and Stockton will be a part of EBCE. Tracy will benefit from all of the investments. It is demonstrating and creating an environment to show private businesses that as a city and region we are taking climate change seriously, green renewable energy seriously and sets us up for success.

Council Member Arriola stated because he is concerned about potential legal liability and asked for a private memo on a legal assessment of some of the allegations heard related to any alleged impropriety about the issuance of cannabis permits by the Planning Commission. Mayor Pro Tem Vargas seconded the request.

Council Member Davis reported on her attendance at the League of California Cities Conference in Long Beach. Council Member Davis commended the Southside Community Organization on their Mexican Independence Day cultural celebration. Also attended the wine stroll/art walk, Saint Bernard's Fall Festival. Announced the Gold Star Family Day is this Sunday so take a moment and recognize the Gold Star families. Mentioned some comments made in regard to the indecent exposure at El Pescadero Park and reoccurring events that are upsetting the community, would like a conversation about enforcing laws that are already on the books, so we are not exposing everyone. Mayor Pro Tem Vargas seconded the request.

Mayor Pro Tem Vargas announced the birth of her grandson Dean Scott and wished Mylle Postene who is turning 12 today and is No. 11 on the Tracy Buccaneers who secured a championship.

Mayor Young wished her husband and son Benjamin a happy birthday, congratulated her Godson Torian Montalvo who just got married to Christine. Mayor Young mentioned she met a City Manager at the League of California Cities in Long Beach that successfully launched a cannabis ordinance without a hitch. Thanked those who participated in the success of the 2nd annual Tracy Connects which was spearheaded by the Chamber. Checks were given to the following organizations: Historical Museum received \$7,500, PAL received \$7,000, and Grand Foundation received \$7,000. Thanked the Southside Community Organization for their event. Tracy Press will not be having any candidate forums. NAACP and BWOPA will be having Mayoral candidate forum with two other cities on September 22 it will be virtual. Mayor Young acknowledged the passing of Dr. Teresa Brown from Delta Community College Trustee passed away on September 11, 2022.

7. ADJOURNMENT – Time: 11:32 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 September 15, 2022. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk