

**October 4, 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 7:18 p.m.

Mayor Young led the Pledge of Allegiance.

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

Sekou Millington, Police Chief swore in Police Officers Sergio Molina, Adrian Macias, Noel De Loza, Joseph Blair, Guillian Schuller.

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

Michael Rogers, City Manager presented the Employee of the Month Award for October 2022, to Jalynn Miner, City Attorney's Office.

Mayor Young presented a proclamation for Domestic Violence Awareness Month to Amy Powers, Director of Programs – Women's Center-Youth & Family Services and Merlyn Pittman, Executive Director – Chest of Hope.

Mayor Young presented a proclamation for Arbor Day to Walter Haley, Public Works Supervisor and James Jackson, Director of Operations & Utilities

Mayor Young presented a proclamation for first Latino/Latina Council Members to: Posthumously to Council Member Ray Morelos as first Latino Council Member and to current Mayor Pro Tem Veronica Vargas as first Latina Council Member.

Michael Rogers, City Manager pulled regular items 3.C and 3.D to be moved to a future agenda as additional work is being conducted on these items to expedite the delivery of said items. Council Member Davis pulled items 1.D, 1.H, 1.I and 1.J from the consent calendar.

1. CONSENT CALENDAR – Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt the consent calendar, excluding items 1D, 1H, 1I and 1J. Roll call found all in favor, passed and so ordered.
  - 1.A Adopt September 20, 2022 Regular Meeting Minutes – **Minutes were adopted.**
  - 1.B 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 October 5, 2022 through November 3, 2022 pursuant to the Brown Act. – **Resolution 2022-141** adopted making findings and rea-authorizing remote teleconference meetings.
  - 1.C Adopt a Resolution to approve a Professional Services Agreement (PSA) with Carollo Engineers, Inc. for Clarifier Improvements at the John Jones Water

Treatment Plant (JJWTP) for a not to exceed amount of \$868,154. – **Resolution 2022-142** approved a Professional Services Agreement with Carollo Engineers.

- 1.E Waive second reading of full text and adopt 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. – **Ordinance 1333** was adopted.
- 1.F Adopt a resolution amending the City's Operating and Capital Budget for the Fiscal Year ending June 30, 2022. – **Resolution 2022-143** approved amending the City's Operating and Capital Budget for FY ending June 30, 2022.
- 1.G Approve the Offsite Improvement Agreement for Tracy Hills Phase 2A – Zone 5/6 Water Tanks and Booster Pump Station Building Improvements – **Resolution 2022-144** approve the Offsite Improvement Agreement.
- 1.D Approve the Inspection Improvement Agreement for Tract 4134, Tracy Hills Villages 5 & 6, in Tracy Hills Phase 2.

Council Member Davis pulled the item and stated the plans are still in the review process, asked if this is a typical practice and are we allowing this practice for smaller developers who would like the same privilege and asked what approvals are being made.

Robert Armijo, City Engineer and Kris Balaji, Director of Development Services responded to Council questions.

**ACTION** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt **Resolution 2022-145** approving the Inspection Improvement Agreement for Tract 4134, Tracy Hills Villages 5 & 6 in Tracy Hills Phase 2. Roll call found all in favor; passed and so ordered.

- 1.H Approve the Final Subdivision Tract Map and Subdivision Improvement Agreement for Tracy Village Tract 4005 and authorize the City Clerk to file the Subdivision Improvement Agreement with the Office of the San Joaquin County Recorder – **Resolution 2022-146** approved the Final Subdivision Tract Map and Subdivision Improvement Agreement.
- 1.I Approve the Final Subdivision Map and Subdivision Improvement Agreement for Tracy Village Tract 4006 and Authorize the City Clerk to file the Subdivision Improvement Agreement with the office of the San Joaquin County Recorder. – **Resolution 2022-147** approved the Final Subdivision Tract Map and Subdivision Improvement Agreement.
- 1.J Approve the Final Subdivision Tract Map and Subdivision Improvement Agreement for Tracy Village Tract 3917 and authorize the City Clerk to file the Subdivision Improvement Agreement with the Office of the San Joaquin County Recorder. – **Resolution 2022-148** approved the Final Subdivision Tract Map and Subdivision Improvement Agreement.

Council Member Davis pulled consent items 1.H, 1.I and 1.J to ask if the request is going to change the age restriction for these homes.

Robert Armijo, City Engineer responded to Council questions.

Council comments followed.

Alice English stated that the item is a development that is a 55 and over development that was voted on and if staff wanted to make any amendments, it would have to go back out to the voters.

**ACTION** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Bedolla to adopt Items 1.H (**Resolution 2022-146**), 1.I (**Resolution 2022-147**) and 1.J (**Resolution 2022-148**). Roll call found all in favor, passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Owen Alford expressed support for the Police Department, shared that there was a prowler with a handgun on East Highland Avenue and it took 45 minutes for Police to respond, there was an event happening at the high school and there should have been a quicker response from Police, and acknowledged that there was follow-up from both Police and Council Member Davis.

Morgan Lawrence, Head Pastor of Heritage Church addressed concerns regarding the Pride event, objected to the drag queen performance scheduled for said event, stated the exposure to families and children is indecent and inappropriate, and asked Council to prohibit or disallow the drag queen performance, honor the families of Tracy and protect the innocence of the children.

William Muetzenberg expressed his support for the Pride event and how it was a community organized event that is not sponsored and shared that this event is happening around LGBT History Month and National Coming Out Day. The Pride movement began with drag queens and transgender individuals and not allowing drag queens at Tracy Pride would be a disservice to that.

Patricia Barrett thanked Council and citizens of Tracy for the support and acceptance, shared that drag shows are not only for entertainment but an outlet for people to express their gender in healthy and glamorous ways. If someone does not want to participate in the Pride events, it is a choice to participate. In past pride events that she has attended, there have been no children present, it is a parent's choice to do so.

Isaiah Merriweather, Lead Outreach for San Joaquin Pride Center shared services that are provided to the community, thanked Council for the support of Tracy's first Pride festival and doing so it sends a message that Tracy is progressive, tolerant and welcoming.

Elizabeth Vera, a parent of a gay son shared that she is an ally and as a mom this Pride event being the first in Tracy is important to bring diversity and to show the strength that LGBTQ parents bring to the table and recognizing the importance of every individual in our community.

Joey Vera expressed that is he gay and is working hard on bringing diversity to the community and just wants him and other people like him to be accepted for who they are.

Dana Hultberg stated that the Pride event is going to be held in a park near a library and a splash pad where her children frequent. Encouraging this behavior is not inclusive compassionate and it is inappropriate and asked community leaders to intervene on the explicit portion of the Pride festival.

James Patnade, Transgender and Peer Support Specialist at the San Joaquin Pride Center thanked the City for allowing the Pride event, stated that drag shows provide a safe opportunity for folks to express themselves and provide entertainment and shared that those that oppose the drag show should not go and if they are opposed to not bringing their children, they should not bring them.

Casey Anderson stated this is a subject that should be discussed, shared that she had seen photos of a drag show where children were allowed. It should be illegal for children to be at drag shows at a City park where there are playgrounds and an aquatic park and that everyone has a right to assemble but this activity should not be allowed where children are present.

Jose shared his frustration with Pescadero Park and the nudity that children are exposed to on his street on a weekly basis, added someone was going to contact him from the Police Department but it took a week and when that person that was exposing himself to the neighborhood children, police did not show up. Jose shared frustration regarding the lack of the neighborhood access to the park due to the homeless encampment and Council not addressing the concerns.

Blue expressed his hurt and frustration as a veteran and a transman and the lack of understanding and inclusivity in his community, a community that he loves and serves.

Mikayla shared their experience on being closeted and the freedom they felt in being able to finally go out in the community and show who they are authentically while also showing others support.

Burnell Shull shared her experience with friends that are part of the LGBTQ community, stated that if a person does not like something people should just stay away and that people should get along without bringing religion into it.

A community member shared her experience with a family member that is part of the LGBTQ community, her religious beliefs, and the boundaries that she set with that family member and asked that people attending the Pride event have respect for the families and children of the community.

Robert Tanner expressed frustration regarding garbage containers that were just delivered, spoke about pricing and the amount of garbage that is produced by some homes and also commented on the delays on the Aquatics Park.

Diane Stone, Neighborhood Watch Captain from East Highland Avenue spoke about a man brandishing a weapon, stated that the high school had an event happening at the time and that the high school was not notified that there was this situation happening and that the Police Department took 45 minutes before showing up.

Lisa Roth shared San Luis Obispo code of civility stated that there has been some nasty behavior on the part of elected officials, candidates, and the public and asked Council Members to sign a Code of Civility pledge.

Cathy Lau shared her concerns regarding the Pride event and drag queens performing in a public park, explicit dancing and this can be considered grooming, and urged Council to protect families and children from the drag queen performance.

Durriya Syed shared information about the California Low-Cost Auto Insurance Program.

Karen Moore invited the community to Lincoln Park on October 8 at 8:30 a.m. to celebrate California Clean Air Day in conjunction with the City of Tracy's Arbor Day Celebration and stated they are looking for volunteers to plant 71 trees. Ms. Moore thanked Sikhs for Humanity, Delta Disposal and City staff, specifically John Newman, Walter Haley, and Todd Rocha.

Council Member Arriola called for a point of order, objected to some of the comments made by speakers to Tracy Pride. Opposition to Tracy Pride is simply homophobic and objects to all transphobia, homophobia and bigotry in the City of Tracy.

### 3. REGULAR AGENDA

- 3.A Adopt a Resolution (1) Approving a three-year time extension for the Development Review Permit (D16-0036) To Construct A Five-Unit Residential Project Located at 21, 25, And 29 E. Eighth Street and (2) Determining that The Project is exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332. The applicant is Mark Watrous-Heyliger. Application Number EXT22-0001.

Mayor Young opened the public hearing.

Scott Claar, Senior Planner provided the staff report and responded to questions.

William Muetzenberg expressed support for the project stating it will bring new opportunities for downtown and hoped for more developments of this type in the future.

Karen Moore expressed support and excitement for the plan but shared some concerns regarding not going through the CEQA process and asked that there be more public input.

Council questions and comments followed.

Mayor Young closed the public hearing.

**ACTION:** Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to adopt **Resolution 2022-149** (1) Approving a three-year time extension for the Development Review Permit (D16-0036) to construct a five-unit residential project Located at 21, 25, and 29 E. Eighth Street, and (2) Determining that the

project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Application Number EXT22-0001. Roll call found all in favor; passed and so ordered.

- 3.B Adopt a resolution approving the Citywide Parks, Recreation, and Trails Master Plan Update and determining that the update is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15183.

Richard Joaquin, Parks Planning and Development Manager along with John Gibbs and Peter Winch, consultants from WRT provided the staff report and responded to questions.

Mary Mitracos shared her excitement for the Master Plan update for the parks, asked about the Quimby Act and shared her disappointment that the City is not at 5 acres per thousand people at this point rather than 4 acres and encouraged staff and Council to work towards 5 acres. Ms. Mitracos gave kudos to Karin Schnaider for having the foresight to budget for future park maintenance. Ms. Mitracos also requested to go back to the old format for staff reports to include who prepared, reviewed and approved the staff reports.

Karen Moore gave kudos to the team that worked on this project and for being receptive to listening to the stakeholders.

Council questions and comments followed.

- ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Davis to adopt **Resolution 2022-150** approving the Citywide Parks, Recreation, and Trails Master Plan update and determining that the update is exempt from the California environmental quality act pursuant to CEQA guidelines section 15183. Roll call found all in favor; passed and so ordered.

- 3.C Adopt a Resolution Accepting the Irrevocable Offer of Dedication of Fee Interest for 16 Acres of Community Park Land for an Aquatic Park (Aquatic Center), generally located at the Intersection of Corral Hollow Road and Summit Drive (Property), from Ellis Village, LLC to the City of Tracy, a Municipal Corporation (City), and directing the City Manager to take Requisite Actions to Effectuate the Acceptance of the Property. **Item pulled to be heard at a later date.**

- 3.D Adopt a Resolution (1) Reaffirming the program priorities for the Aquatic Center CIP 78054 Project, and (2) Authorizing the City Manager to pursue the progressive design-build delivery method for the project. **Item pulled to be heard at a later date.**

Mayor Young called for a recess at 10:07 p.m.

Mayor Young reconvened the meeting at 10:11 p.m.

3.E Receive an informational report regarding the City of Tracy's homelessness initiatives.

Michael Rogers, City Manager provided updated information regarding the item.

Virginia Carney, Homeless Services Manager provided the staff report.

Robert Tanner asked for clarification as to how the Familiar Faces Program works regarding newly homeless individuals. Michael Rogers, City Manager provided clarification. Mr. Tanner asked about the length of the temporary usage of the shelter by a homeless person and what is the contingent plan if shelters are full, where are they going to sleep.

Karen Moore expressed excitement for the homeless project but was upset that the City Manager was not keeping the community or Homeless Task Force informed as to the changes that were decided when it came to the secondary location. Ms. Moore thanked staff for their hard work and suggested that the Homeless Advisory Committee should meet more often and not quarterly.

Dan Evans expressed his disappointment with the lack of communication with the Council Members that sit on the Homeless Advisory Committee and the issues with the lack of transparency and communication. Mr. Evans also asked if the construction was shut down and shared that the unhoused are being politicized. Michael Rogers, City Manager shared that he was not aware of any shutdowns.

Council questions and comments followed.

**ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to accept the informational report regarding the City of Tracy's homelessness initiatives. Roll call found all in favor; passed and so ordered.

3.F Appoint Maurice Francis to the City of Tracy Transportation Advisory Commission to serve the remainder of the vacated term beginning October 5, 2022 and ending April 30, 2025.

Necy Lopez, Deputy City Clerk provided the staff report.

Council questions and comments followed.

**ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Mayor Young to appoint Maurice Francis to the City of Tracy Transportation Advisory Commission to serve the remainder of the vacated term beginning October 5, 2022 and ending April 30, 2025. Roll call found all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – Mary Mitracos shared the correct pronunciation for the Brichetto name.

Karen Moore spoke about attending a symposium on Carbon Capturing and Sequestering, shared information about the hazards of carbon dioxide and stated she would send a brief presentation for review, suggested having conversations in the near future and will keep Council informed.

Mayor Young noted that there was an email received from C. Lau regarding the Tracy Pride event, specifically the drag queen show.

5. STAFF ITEMS – Karin Schnaider, Assistant City Manager reported on the following: On the City’s website the public can now access the updates, facts and frequently asked questions (FAQs) on the ballot Measure B. This is the measure regarding business tax and a mailer will also be going out to residents with the same FAQs. Regarding the Airport Master Plan for the Tracy Municipal Airport a survey has gone out, under 10 questions regarding community utilization of the airport. The survey will also be done at the Farmers Market. Pavement rehabilitation has begun from 8:30 a.m. to 3:00 p.m. which includes pavement repair on Tracy Blvd, and overlay and striping on Valpico, Clover and Grant Line Roads. A pilot car will be used on the Valpico roadwork, urges community to plan accordingly due to upcoming delays.
6. COUNCIL ITEMS – Mayor Pro Tem Vargas announced that the South San Joaquin County Fire Authority is having their annual Pancake Breakfast from 7:00 a.m. located at 835 Central Ave. Tracy Buccaneers are having their homecoming on Saturday, which is also the 12<sup>th</sup> birthday of Luciano Vargas. His birthday will be celebrated by planting a tree in his honor and an additional tree will be planted in honor of Dino Margaros. Mayor Pro Tem announced she will be out of town during the week of the 11<sup>th</sup> for a wedding and daughter’s birthday celebration, on October 8<sup>th</sup> TCCA is having a Car Show, and the Pride event on October 9<sup>th</sup>, and she will be there to support and is looking forward to attending and participating.

Council Member Bedolla requested support for consideration, because meetings run so late, to look at the Council policy to start meetings at 6:00 or 6:30 p.m. Council Member Davis supported the request. Council Member Bedolla also asked for support to discuss the possibility of having a third regular monthly meeting whether it is on the second Tuesday or fourth Tuesday of the month. Council Member Davis supported the request.

Mayor Pro Tem Vargas requested support for an amendment or edit to the current Municipal Code specifically secondary sources of water for our residents. Some rural areas that are now being annexed into the city are being forced to connect to city water and these properties are of one or more acres and would like to continue utilizing their wells for the maintenance of their animals and properties. Mayor Pro Tem Vargas also asked for staff to expedite due to one case in particular that is time sensitive due to the resident’s hardship. Council Member Davis supported the request.

Council Member Arriola shared that the inaugural Tracy Pride event will be this weekend and invited the community to Lincoln Park at 10:00 a.m. on Sunday October 9<sup>th</sup>. Hosted the Stockton Pride and also had the opportunity to have dinner with the President of Portugal, Marcelo Rebelo de Sousa along with other Central Valley Elected Officials.



Council Member Davis requested a follow-up memo to the concerns of the residents that live on Highland that reported the brandishing of a weapon. Council Member Arriola supported the request.

Council Member Davis requested that staff reports go back to the old format to include who prepared, reviewed and approved the report. Mayor Young supported the request.

Council Member Davis requested a memo regarding what policies are being used by neighboring cities regarding empty industrial buildings. Council Member Arriola supported the request.

Council Member Davis asked if the wooden poles on Valpico and Corral Hollow are permanent or temporary. Michael Rogers, City Manager confirmed that whole signal system is temporary.

Council Member Davis asked if the Skyview lease is close to being finalized. Karin Schnaider, Assistant City Manager shared that there is a draft that is finalizing through staff and is currently under review.

Council Member Davis asked if there will be further information or education on organic waste disposal and what is the plan on educating the public. Karin Schnaider shared that there is a new bill that extended some of the requirements mostly on the penalties so it will allow further education. Utilities and Operations are currently working on some FAQs.

Mayor Young stated that she will submit a report at the next meeting regarding the events she has attended and wished her grandson LJ a happy 24<sup>th</sup> birthday.

7. ADJOURNMENT – Time: 11:56 p.m.

**ACTION:** Motion was made by Council Member Arriola 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 September 29, 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