

October 18, 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 7:00 p.m.

Mayor Young led the Pledge of Allegiance.

Pastor Kal Waetzig, Saint Paul's Lutheran Church offered the invocation.

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

Mayor Young presented a Certificate of Appointment to new Transportation Advisory Commissioner Maurice Francis.

Michael Rogers, City Manager pulled regular Item 3.A #2 as financial action does not need to be taken at this time, but Item 3.A #1 will be before Council.

1. CONSENT CALENDAR – Mayor Pro Tem Vargas announced she would be recusing herself from Consent Item 1.H out of an abundance of caution due to a potential client looking at the site.

Following the removal of Consent Items 1.D and 1.F by Mayor Pro Tem Vargas 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 October 4, 2022, Closed Session and Regular Council Meeting Minutes – **Minutes were adopted**
- 1.B Approve the Inspection Improvement Agreement for Sierra View Drive Improvements with Lennar Homes of California, LLC. – **Resolution 2022-151** approved the Inspection Improvement Agreement.
- 1.C Adopt a Resolution authorizing 1) amendments to the City's classification and compensation plans and Master Salary Schedule relating to the Chief Innovation Officer, Public Information Officer, Multimedia Communications Coordinator and Multimedia Communications Assistant, and 2) reallocation of a vacant Parks Project Coordinator to a Landscape Architect, effective Fiscal Year 2022-23. – **Resolution 2022-152** amended the classification and compensation plan and Master Salary Schedule and reallocated the two positions.
- 1.E Approve the Offsite Improvement Agreement for Tracy Hills Zone 5 Water Line Improvements. – **Resolution 2022-153** approved the Offsite Improvement Agreement.

- 1.G Adopt a Resolution to approve a Pipeline Easement Agreement with Combined Solar Technologies, Inc. for the Tracy Desalination and Green Energy Project. – Resolution 2022-154 approved the Pipeline Easement Agreement.
- 1.H Approve the First Amendment to the Subdivision Improvement Agreement for West Parkway Village and authorize the City Clerk to record the First Amendment to the Subdivision Improvement Agreement for West Parkway Village with the San Joaquin County Clerk– Resolution 2022-155 approved the First Amendment to the Subdivision Improvement Agreement. Mayor Pro Tem Vargas recused herself from item 1.H.
- 1.I Adopt a resolution authorizing the Mayor to execute a Longitudinal Pipeline and Crossing Agreement with Union Pacific Railroad Company (UPRR). – Resolution 2022-156 approved the Longitudinal Pipeline and Crossing Agreement.
- 1.D City Council (1) approve Amendment No. 1 to the Deferred Improvement Agreement between the City and Lennar Homes of California, LLC for Tracy Hills – KT, Tract 4037, to allow the Developer to receive Park Fee Credits pursuant to Tracy Municipal Code section 13.08.010 and (2) authorize the City Clerk to file Amendment No. 1 to the Deferred Improvement Agreement with the office of the San Joaquin County Recorder. – Resolution 2022-157 approved the Amendment No. 1 to the Deferred Improvement Agreement.
- 1.F City Council (1) approve Amendment No. 1 to the Deferred Improvement Agreement between the City and Lennar Homes of California, LLC for Tracy Hills Phase 1B to allow the Developer to receive Park Fee Credits pursuant to Tracy Municipal Code Section 13.08.010 and (2) authorize the City Clerk to file Amendment No. 1 to the Deferred Improvement Agreement with the office of the San Joaquin County Recorder – Resolution 2022-158

Mayor Pro Tem Vargas pulled items 1.D and 1.F for clarification that it is not to defer improvement, it is current improvements as development occurs and is a legal terminology done during the DIA process and the developer is looking to construct the parks and seek the fee credits from those parks, so they do not double pay. There is no in lieu payment, the language is not there to facilitate any other means.

Robert Armijo, City Engineer responded to Council questions.

There was no public comment.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Bedolla to adopt Item 1.D (**Resolution 2022-157**) and Item 1.F (**Resolution 2022-158**). Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Gabriela Rodriguez Machuca, Johnny's Diner owner stated they had made changes due to COVID in order to stay in Tracy as a business and currently operate as a mobile food truck but now want to transition into a permanent location on private property. Ms. Machuca requested an amendment to ordinance

10.08.3193 or create a new ordinance as it currently limits how to do business in Tracy. Ms. Machuca has submitted emails regarding her issues.

Mayor Young stated she would sponsor Ms. Machuca's request and ask for a second at the end of the meeting. Mayor Pro Tem Vargas seconded the request.

Bren Boris stated at the last Council meeting a mother addressed her concerns regarding the Gay Pride event and her Christian view only to be classified as homophobic by Council Member Arriola and Council Member Bedolla being more concerned about homeless around a construction site than the children walking around the encampment every day. Put community first, make it safe and hold people accountable for their actions. Change has to happen.

Robert Tanner stated temporary fixes on Tracy Blvd are appreciated. Received campaign literature concerning Mayor and shared concerns about garbage rates for seniors. Mr. Tanner is advocating for a 30-gallon bin for seniors and stated cities in the Bay Area are doing that for their seniors.

Mayor Young disagreed with Mr. Tanner's description of her ongoing support for seniors.

Maurice Francis shared his neighborhood mailbox was vandalized. A Police report was made 10 days ago. Mr. Francis stated it was addressed at the Post Office and shared his concerns with the response from the Post Office. Mail has been suspended for time being.

A resident shared concerns regarding the homeless and spoke in support of the three E candidates for Council and shared a campaign flyer.

Dan Evans shared information regarding a fatal accident at Parkside and Corral Hollow. A resident, Steven Delgado tried to help the person. Mr. Delgado wanted to send his thanks to first responders. South bound goes from two lanes to one lane. Improvement budget is enough to widen one mile of roads and Corral Hollow has four miles that need to be widened. Mr. Evans also spoke about campaigns taking money.

Amrik Wander stated as a Council candidate his name is being dragged through bad politics which he is not a part of, he is here to serve the community. Mr. Wander stated he is running a positive campaign and is not negative about anyone. Mr. Wander provided a cell number and campaign website address should anyone have any questions.

Alice English shared there is Halloween at Tracy Airport taking place on October 29, 2022 from 2:00 p.m. to 5:00 p.m. Ms. English shared concerns regarding a flyer distributed by a PAC and contributors to the PAC. Money is being used to target certain people. Other mailers are being investigated. Wished all well during campaign.

Karen Moore stated no one should be waiting for their cannabis background checks, it is holding up people moving into businesses they are paying rent on. Why is it our city cannot complete background checks. Ms. Moore asked Council to consider looking for another location for Aquatic Center, it is time for Council to find a new location.

Jim Freeman shared the Council candidates he supports, feels nothing is getting done and the City needs fresh agenda and new faces on Council.

Stella, local business owner stated she was disheartened about what she is seeing in Tracy. Time for a change and announced her support of the three E candidates.

Jay, owner of Jay's Gourmet stated he is getting sick of attack ads against the three E's and shared his support for the three E candidates.

3. REGULAR AGENDA

- 3.A City Council (1) receive an informational report regarding the concept, design, and cost options for the Multi-Generational Recreation Center (CIP 78178), and (2) adopt a Resolution authorizing an appropriation in the amount of \$15,800,000 from General Fund Reserves for the Multi-Generational Recreation Center (CIP 78178) to incorporate improvements to El Pescadero Park.

Richard Joaquin, Parks Planning & Development Manager provided the staff report and responded to questions.

Arash Izadi, Director of Sport and Recreational and Matthew Porreca, Architectural Designer from LPA Design Studios provided a presentation.

Brian MacDonald, Parks and Recreation Director responded to questions.

Karin Moore stated it seems like we are getting a basketball center and not anything like the multi gen centers that she has been in. Surprised at the cost, Measure V funds are for amenities only. Don't see preschool for kids when people working out, no workout rooms and one court is plenty.

Alice English encouraged Council to consider Option 3. Three courts are needed as the biggest complaint is there is not enough courts. Seniors need a walking track instead of going to mall. It is a good use of Measure V money. Would like 600-person community banquet. Have to have vision for the future.

Robert Tanner stated there is \$40 million with existing budget and Option 3 is \$70 million; seem to be going with Cadillac instead of Chevy. The City will be getting the Multi Gen Rec Center ahead of an Aquatic Center which has been on people's minds for over 20 years and suggested going with the existing \$40 million budget. Spoke about the cost of cleaning up the park. Measure V will not cover it all and we will not get the amenities we want.

Dale Cose stated Option 3 is \$84 million, we are heading into a recession, and it is way too much money.

Dotty Nygard gave kudos for making it an LEED project. A lot is focused on youth and asked if there would be more spaces indoors for our seniors that they can utilize as a destination and had hoped a teaching kitchen for culinary classes could be included.

Council questions and comments followed.

Council Member Bedolla asked for support to look into the possibility of lighting the court or making it a full court. Mayor Pro Tem Vargas and Mayor Young supported the request.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to receive the informational report regarding the concept, design, and cost options for the Multi-Generational Recreation Center (CIP 78178) including providing specific direction on park improvements to include a three court gym, elevated running track, a bouldering wall and incorporation of all park improvements shown in the Conceptual Plan. Council Member Arriola added a friendly amendment to the motion to look into the possibility of lighting the half court and making it a full court. Roll call found all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – Gabriela Rodriguez Machuca continued sharing her issues with the Tracy Municipal Code 10.08.3193 related to mobile food trucks. Ms. Machuca referred to discussion at prior Council meetings, suggested using the staff report of January 2017 and offered input on how to improve the mobile food ordinance.

Mayor Pro Tem Vargas stated in 2017 Council looked at it and it never came back. Would be nice to address it which is affecting the people we are supposed to serve.

Shah Sujoy spoke about transparency among political candidates in the upcoming election and shared his concerns regarding Council candidate Dan Evans.

5. STAFF ITEMS – Michael Rogers, City Manager reported on the following:
 - Construction bids for the Temporary Emergency Housing Facility are being opened tomorrow and we look forward to providing an update to the Homeless Advisory Committee at their meeting scheduled for Thursday at 7:00 p.m. here in Council Chambers.
 - In an effort to minimize traffic impacts, the daytime street improvements on Grant Line Road between Lammers and Naglee that were originally planned this week have been rescheduled to take place at night only, beginning tomorrow through Monday night. One lane in each direction will remain open during construction.
 - The intersection of 11th Street and South Lammers Road will have the traffic signal on flash and be reduced to only one lane in each direction October 20-24th for storm drain/sewer improvements construction scheduled by the developer of the International Park of Commerce.
 - The Temporary Traffic Signal installation at Corral Hollow and Valpico is nearing completion, just waiting on the video vehicle detection to be installed and we look forward to updating the community when it is operational.
 - City Hall is one of three ballot drop-off locations in Tracy, ballots can be dropped off during our regular business hours. For more information about the November 8th election, please visit the San Joaquin Registrar of Voters' website: www.sigov.org
 - We invite the community to participate in the Tracy Municipal Airport Master Plan Survey, it is linked on our website and only 12-questions long and also at the Farmers Market. Feedback will help us better serve the needs of the community.

6. COUNCIL ITEMS – Council Member Davis asked where we are on the widening of Corral Hollow Road; she had last heard there was a PG&E pole holding it up.

Michael Rogers, City Manager responded we are still having issues with the PG&E pole and staff will get a memo to Council.

Council Member Davis stated she has been to other states and cities where the food trucks are a thriving part of the community and asked for support to revisit the ordinance and work with Ms. Machuca to modify that ordinance so the City can be more business friendly with our mobile food truck businesses. Council Member Bedolla supported the request.

Council Member Davis asked how we are mitigating shopping carts in residential areas. Mr. Rogers responded when made aware of those situations Public Works staff will pick them up. If they see it they will remove it but do not have crews that drive around looking for shopping carts but if in route to a job they would respectfully remove that item that is on their journey. If it can't be addressed right then and there, recommended putting in a service request.

Council Member Davis asked if staff is getting to service requests. Mr. Rogers responded when we receive those service requests there is a certain amount of time that we allow to get out there. The main area for service requests is in Public Works and he has been assured by our new director that they are on top of those requests.

Mayor Young mentioned we spent numerous meetings talking about shopping carts and coming up with different consequences of shopping carts not being picked up. Maybe we can do a review so that the current Council can be on the same page. If they did have a lot of pick up then they had to contact the store and if they did not respond then we had to fine them. Mr. Rogers reiterated there is an app which is GoTracy app for service requests and that creates a permanent record.

Mayor Pro Tem Vargas asked for clarification that earlier in the meeting she and Mayor Young had supported revisiting the food truck vendor conversation that she started in 2017 but then there was another motion for the same ask, is that clear, there was a motion done on something that was already requested and are we talking about the same thing.

Mayor Young responded it is the same thing and she supported; we want to make sure it is clear.

Mayor Pro Tem Vargas reaffirmed her request last month on removal of the tree on 10th Street in front of Delta Brews that continues to create a sticky mess on people's furniture, on the sidewalk. It is beyond saving and requested immediate removal of that tree. Citizens have requested and have been told there are 5,000 requests ahead of them. It is not safe and asked for support to make a priority. Council Member Bedolla supported the request. Mayor Pro Tem Vargas wished everyone a happy Halloween and hoped people can make it to the Airport Halloween and asked if TCCA is doing a Halloween parade this year.

Mr. Rogers stated the Candy Crawl is happening on Saturday, October 22, 2022.

Mayor Pro Tem Vargas wished her daughter a happy 25th birthday.

Council Member Arriola acknowledged the Police Department and Parks and Recreation Department for the Tracy Pride celebration last weekend. Both departments did an incredible job keeping everyone safe and had a very successful event.

Council Member Davis asked for clarification on when to ask for Council items. Thought the time to request support for a Council item was during the Council items.

Bijal Patel, City Attorney responded that is correct. Under Council rules it has always been interpreted that the Council items section is when motions are made for giving direction to the City Manager to bring certain items back.

Council Member Davis asked which motion would be supported, the one made during the agenda items or the one made during the Council items.

Mayor Pro Tem Vargas shared it is in the Council policy a motion can be done at any given time in a meeting and asked the City Attorney to research that before confirming or denying one or the other.

Ms. Patel responded it has not been the procedure she has viewed here in the last six months and is happy to research that and get back to Council. If there is a motion, it does not prevent multiple people to second or third and vote on it. Council can all vote in favor of it. Will look at Council rules and get back to Council.

Mayor Young wished everyone a happy and safe Halloween, and wished her son a happy 22nd birthday, her oldest grandson a belated birthday who turned 24 on the thirteenth.

7. ADJOURNMENT – Time: 10:07 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 October 13, 2022. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk