

November 1, 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 7:04 p.m.

Mayor Young led the Pledge of Allegiance.

Pastor Kevin James, New Creation Bible Fellowship provided the invocation.

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

Michael Rogers, City Manager presented the Employee of the Month Award to Sheena Stephens, City Manager's Office.

Mayor Young presented a proclamation to Jass Sangha for Sikh Appreciation and Awareness Month.

1. CONSENT CALENDAR – Following the removal of Consent Items 1.E by Council Member Bedolla, 1.F by Karen Moore and 1.H by Robert Tanner motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adopt the Consent Calendar. Roll call found all in favor; passed and so ordered.
 - 1.A Adopt October 18, 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 November 2, 2022, through December 1, 2022 pursuant to the Brown Act. – **Resolution 2022-159** made the findings and re-authorized remote teleconference meetings.
 - 1.C Adopt a resolution amending the City's Operating and Capital Budget for the Fiscal Year ending June 30, 2023, and authorize the Budget Officer to amend the City's position control roster for FY2022-23. – **Resolution 2022-160** amended the City's Operating and Capital Budget and Position Control Roster.
 - 1.D Adopt a resolution approving three On-Call Professional Services Agreements for entitlement, land development, and plan-checking engineering services for land development projects with: (1) Interwest Consulting Group, Inc. for a not-to-exceed amount of \$2 million per year for a term of three years (total not-to-exceed amount of \$6 million); (2) SNG & Associates, Inc. for a not-to-exceed amount of \$2 million per year for a term of three years (total not-to-exceed amount of \$6 million); and (3) RJR Engineering & Consulting, Inc. for a not-to-exceed amount of \$2 million per year for a term of three years (total not-to-exceed amount of \$6 million). – **Resolution 2022-161** approved the on-call Professional Services Agreements with Interwest Consulting, and SNG & Associates, RJR Engineering.

- 1.G Adopt a resolution ratifying, pursuant to Tracy Municipal Code Section 2.20.180(b)(1), various procurement contracts for goods and general services executed by the City Manager to implement interim housing solutions to address the declared shelter crisis. – Resolution 2022-162 ratified the procurement contracts for goods and general services executed by the City Manager.
- 1.E City Council 1) adopt a Resolution delegating to the City Manager, pursuant to Government Code Section 935.4, the authority to allow, compromise, reject or settle claims against, or on behalf of the City, for a maximum amount of \$50,000 per claim and 2) repeal Resolution 2001-382.

Kimberly Murdaugh, Human Resources Director provided the staff report.

There was no public comment.

Council Member Bedolla pulled the item and stated he heard the words cleaning up, it is to increase the authority to line up with the Government Code and did not think that this is an authority that he wants to provide to the City Manager as he sees it as an abdication of responsibility or something that could lead to throwing blame on decisions that are made. Council Member Bedolla believed that no lawsuit or claim is frivolous, and Council should have the say on matters that come before them. This is about dollars and because we have high profile lawsuits or claims against us it is not the time to abdicate this responsibility and put on the City Manager. Council Member Bedolla motioned to not accept the item. Motion failed due to lack of support.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt **Resolution 2022-163** 1) Delegating to the City Manager, Pursuant to Government Code Section 935.4, the authority to allow, compromise, reject or settle claims against, or on behalf of the City, for a maximum amount of \$50,000 per claim; and 2) Repealing Resolution 2001-382. Roll call found Council Members Arriola, Davis, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Member Bedolla opposed.

- 1.F Adopt a resolution authorizing the application for grant funds to the Department of Water Resources (DWR) Urban Community Drought Relief Grant Program in the amount not to exceed \$6 million, including a City match up to 25%, to be used for the replacement of turf with drought tolerant landscaping throughout the City of Tracy.

Karen Moore asked for clarification on whether these funds would be to replace residential and commercial landscape or City landscape.

Richard Joaquin, Parks Planning & Development Manager responded to Ms. Moore's question.

Council questions and comments followed.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adopt **Resolution 2022-164** authorizing the application for grant funds

to the Department of Water Resources (DWR) Urban Community Drought Relief Grant Program in the amount not to exceed \$6 million, including a City match up to 25%, to be used for the replacement of turf with drought tolerant landscaping throughout the City of Tracy. Roll call found all in favor; passed and so ordered.

- 1.H City Council adopt 1) Resolution authorizing a Professional Services Agreement with Kingdom Causes (DBA City Net) to provide operational services for the City of Tracy's interim emergency shelter (non-congregate housing) for a term of one year and a not to exceed amount of \$2,906,711; 2) Resolution authorizing a Professional Services Agreement with Tracy Community Connection Center to provide operational services for the City of Tracy's interim emergency navigation center (community outreach) for a term of one year and a not to exceed amount of \$829,947; and 3) Resolution appropriating \$2.6 million from the City of Tracy's American Rescue Plan Act (ARPA) fund for homeless services and amending the FY 2022-23 operating and capital budget to reflect such appropriation.

Robert Tanner pulled the item to state he is surprised the City is spending \$3.7 million and asked if there was a bidding process or is this non bid and going sole source.

Virginia Carney, Homeless Services Manager provided the staff report and presentation.

Karin Schnaider, Assistant City Manager and Midori Lichtwardt, Assistant City Manager also provided the presentation and responded to questions.

Cynthia Camacho stated if the City had gone with the group on the first go around it would have been \$1.2 million, and this is a lot higher for the same services. Why couldn't we utilize the resources we have here in Tracy and bring City Net in as a consultant. Ms. Camacho shared her concerns about not using local resources.

A resident asked how many people can be housed in one container, does it have plumbing, stated there will not be enough to hold half the people at Pescadero, and shared concerns regarding a tent city and the City wanting to control every aspect of their lives adding from Boise decision it has to be a hard-shell structure under the law and asked about the date to start moving people out.

Karen Moore supported the item and suggested the community have one day to take a tour of the facility and asked if the City will still have need for warming center.

Sue Soto asked what nonprofit is going to be doing the hiring for the homeless shelter.

Alice English stated there is a disconnect, was disappointed with some of the Homeless Manager's answers at the last Homeless Committee meeting and asked why the City is not giving people in Tracy the opportunity. TCCC works well with the people in Tracy and has hands on experience. Asked if anyone met with Ms. Camacho and her group before it came on the consent calendar.

Burnell Shull stated the City keeps pouring money into the homeless and hiring people from out of the area and asked why can't there be 20 modulars at the site and not the tent type thing. If we can get people into them and get our people here that know what to do with these people, we need to start there and not bring people in with big salaries or get more consultants.

Brad Fieldhouse, City Net representative responded to questions.

City Council questions and comments followed.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to adopt **Resolution 2022-165** authorizing a Professional Services Agreement with Kingdom Causes (DBA City Net) to provide operational services for the City of Tracy's interim emergency shelter (non-congregate housing) for a term of one year and a not to exceed amount of \$2,906,711, adopt **Resolution 2022-166** authorizing a Professional Services Agreement with Tracy Community Connection Center to provide operational services for the City of Tracy's interim emergency navigation center (community outreach) for a term of one year and a not to exceed amount of \$829,947 and adopt **Resolution 2022-167** Resolution appropriating \$2.6 million from the City of Tracy's American Rescue Plan Act (ARPA) fund for homeless services and amending the FY 2022-23 operating and capital budget to reflect such appropriation. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Dotty Nygard and nurses from Sutter Tracy spoke about a critical staffing crisis in the community. Ms. Nygard submitted a petition to the Clerk and read out the petition language. Need community support and stand for health care providers.

Celeste Anderson, nurse at Sutter Tracy stated they keep training new nurses and when they get to the one-year mark the nurses leave to go to a better paying hospital. Need to invest in nurses we do have and asked for support to bring wages up at Sutter.

Dotty Nygard added pressure needs to be put on Sutter to fulfill what they obligated and promised the community a new hospital.

Pete Moyer, Hansen Road resident and part of the Lammersville Preservation group thanked staff for working with them to get Hansen Road shut down to through traffic at the overpass. The City keeps implementing new projects and not widening roads or building overpasses. Shared his concerns regarding the traffic increase due to new projects and stated he does not support growth in Tracy until there is a permanent closure on Hansen Road.

Tom Heckman, lives on Hansen Road and part of Lammersville Preservation Alliance and has been working with County, City, and Prologis regarding closure of Hansen Road at the overpass and thanked staff for support and help. Their community cannot support anymore developmental projects on that side of the freeway including the Costco Annexation project until Hansen Road is permanently closed to ensure safety of and quality of our community residents.

Vannie Dart stated the population has doubled but no infrastructure has been built, only thing they have is warehouses and those workers do not live in Tracy and they do not want warehouses anymore. Ms. Dart requested better service and for people to look at candidates that have Tracy at heart. Tracy needs changes.

Jenny Wood, Tracy Earth Project spoke about creating an Environmental Sustainability Commission of staff and community members and asked why it was not on the November agenda.

Dan Evans shared his concerns with campaigning and smear tactics.

Jose Jimenez stated he has seen a lot of changes in Tracy and shared his support for Mayor Young and her achievements.

Robert Tanner spoke about garbage rates and seniors stating only one Council Member voted no on increasing rates. Bay Area made allowances for seniors. Thirteen percent of the population is 65 and over and want smaller cans and a lower price.

Mayor Young responded to Mr. Tanner's comments and Mayor Pro Tem Vargas and Council Member Arriola objected to Mr. Tanner's characterization.

Quan Washington shared support for Mayor Young.

Alice English congratulated the City, Transportation Commissioners and Airport people for a successful Halloween event at the Airport. Ms. English shared the various Halloween events she attended in Tracy. It tells how the community comes together.

Council Member Bedolla responded to a comment made by Mr. Tanner regarding his vote on garbage rates increase.

A longtime resident and small businessowner shared support for the three E's.

Wendy Tochini, homeowner in Santos Ranch community and part of Lammersville Preservation Association stated the expansion of Prologis has created an infrastructure nightmare for this community. LPA has worked with the County and City to close Hansen Road at the southside of the I-205 overpass. County has voted to close the road. The closure of Hansen Road is needed prior to starting the Costco depot annexation project and requested the City work with County and help facilitate the closure of Hansen Road as soon as possible. Until then opposed to all projects in that area.

Karen Moore stated the City is going beyond state regulations for federal background checks for cannabis storefront businesses and asked for a temporary change to the background check requirements which will allow cannabis retail storefront businesses to open.

Michael Rogers, City Manager stated he will have a conversation with Police and Development Services and will submit a memo to Council in response to Ms. Moore's comments.

3. REGULAR AGENDA

3.A Adopt a resolution accepting the Pavement Management Program Update Final Report 2022.

Robert Armijo, Senior Engineer introduced the item.

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

Mary Mitracos stated she lives on Eaton Ave; the street was rebuilt with new underground pipes and it has been 80 years since that happened. It is imperative to think about the future; this will affect future Councils and need to spend the money on infrastructure.

Karen Moore stated people of this city voted for Measure K which some has gone to formula funding. The concern is the Measure K money came for Holly Drive to do some bicycle infrastructure and money is still there and when we receive those grants it would be nice to know when those funds would be utilized. Ms. Moore shared she belongs to warehouse coalition which consists of a lot of organizations.

Dan Evans stated he is often astounded by what he sees in other cities, there is a lot of work to do. Mr. Evans stated he conducted a survey on what residents want to see improved and got 400 data points from Tracyites and just under public safety and homelessness came roadway infrastructure improvements and liked the idea of pursuing grants.

Council questions and comments followed.

Marissa Baclig, Harris & Associates responded to questions.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Davis to adopt **Resolution 2022-168** accepting the Pavement Management Program Update Final Report 2022 and directing staff to return with recommendations in accordance with scenario five (shown in staff report). Roll call found all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – Karen Moore stated this Council has been the most productive Council she has seen in a long time, would re-elect all of this Council and shared support for Mayor Pro Tem Vargas. In a past Council meeting, she talked about a discriminatory decision from the Planning Commission and Council Member Arriola asked about an investigation. Ms. Moore asked what happened with the investigation as it seemed to be discriminatory. She emailed the City Attorney but has not heard back and has no choice but to file with the Grand Jury.

5. STAFF ITEMS – Midori Lichtwardt, Assistant City Manager reported on the following:
o Election ends one week from today and City Hall is one of three locations to drop off ballots.

- Free document shredding event – Saturday, November 5, 2022, from 9:00 am to noon.
- Fall leaf pick up begins on November 7, 2022. Fill organic yard waste first and pile leaves on the street without blocking the gutter on pickup on your normal collection day.
- Westside Garage sale on November 12, 2022, from 8:00 a.m. to 1:00 p.m.
- Tracy City Center Association Ornament Stroll on November 12, 2022, from 2:00 p.m. – 7:00 p.m.
- Grand Theatre free Coop Holiday Invitational exhibition opening reception on November 12, 2022.

6. COUNCIL ITEMS – Council Member Arriola stated at the last East Bay Community Energy (EBCE) meeting they approved two ten-year battery stored projects. These are local hiring, prevailing wage, labor union job projects. One will be located in Stockton and the other in Ripon. This brings new local job growth and investments. Council Member Arriola wished everyone a happy Dia De Los Muertos and also Veterans Day.

Council Member Davis wished everyone a happy Dia De Los Muertos. Council Member Davis shared there was an outstanding Halloween event held at the Airport this past weekend and commended the City, Transportation Commissioners and volunteers.

Council Member Davis stated she received comments from a resident and commended staff for their quick response to removing debris out of the roadway. She is also happy to see more motorcycle officers on the street as it is a deterrent for speeding and running red lights and putting public safety at risk.

Council Member Davis asked for support for an update by memo on the timeline for infrastructural improvements for widening of Lammers and the freeway overpass. Council Member Arriola supported the request.

Council Member Davis asked for support to find out if there is any interest in bringing back the IAC West aerobatic competition to Tracy. Mayor Pro Tem Vargas supported the request.

Council Member Davis stated she is still getting complaints regarding storm drains being trashy, and overgrown trees and bushes have been cut down but has not been properly cleaned and asked for support to have the City look into properly maintaining the storm drains especially in a residential area. Council Member Bedolla supported the request. Council Member Davis wished a happy Veterans Day to all vets.

Council Member Bedolla asked for a memo with a comprehensive explanation on street light timing, what we can do currently and what smart cities are doing to improve traffic flow. Council Member Arriola seconded the request.

Michael Rogers, City Manager clarified with Council Member Bedolla that he was referring to clarified traffic signal timing.

Council Member Bedolla stated we could be implementing streamlining some things in the community to develop best practices promoting our local events. Appreciate when the community tells us about events and Council asks to put on City website but do not want that to be the only avenue. Perhaps put on the City calendar and on social media; at least one stop shop. Council Member Davis supported the request.

Council Member Bedolla is at the Rail Volution Conference and thanked Council and City staff for allowing him to lead in this outreach process regarding building a livable community with transit. Council Member Bedolla reported on his attendance on the conference.

Mayor Pro Tem Vargas stated Rail Volution is eye opening and hard to plan for public transit and TOD's, residential mobility. Mayor Pro Tem Vargas also stated she hears the community and referred to texts she received regarding comments made as people watch the meeting on Facebook etc. and suggested being nice. Mayor Pro Tem Vargas added she felt bad for what Mr. Evans is going through as she experienced it with Transparent Tracy and Patriots group, understands what it is to be falsely accused and family members targeted and spoke about not always agreeing but working together as a team. Diversity brings strength.

Mayor Pro Tem Vargas thanked Council Member Davis for her military service and protecting us and having freedom of speech.

Mayor Young stated she will email a report to Council and announced the following: Thanked staff who were a part of today's Chamber mixer hosted by the City of Tracy, daylight saving time will end at 2:00 a.m. on November 6, 2022, wished her son Michael a happy 27th birthday for November 7, 2022, and Veterans Day is on November 11, 2022, but she will not be able to attend.

7. ADJOURNMENT – Time: 11:14 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 27, 2022. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk