

November 15, 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 7:21 p.m.

Mayor Young led the Pledge of Allegiance.

Pastor Calvin Waetzig, Saint Paul's Lutheran provided the invocation.

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

Mayor Young requested a moment of silence to recognize and honor Don Castellon, a 29-year employee of City of Tracy in the Public Works Department, who passed away on October 5, 2022.

Mayor Young recognized the DARE students.

1. CONSENT CALENDAR – Council Member Davis announced she would be recusing herself from voting on Consent Item 1.G. Following the removal of Consent Item 1.J by Karen Moore motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt the Consent Calendar. Roll call found all in favor; passed and so ordered.
 - 1.A Adopt the November 1, 2022, Closed Session and 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 16, 2022 through December 15, 2022 pursuant to the Brown Act. – Resolution 2022-169 made findings and re-authorized remote teleconference meetings of the City Council and all legislative bodies.
 - 1.C City Council 1) adopt a resolution approving the Off-site Improvement Agreement between City and 7-Eleven, Inc. for offsite improvements, and 2) authorize the City Clerk to file the agreement with the Office of the San Joaquin County Recorder.– Resolution 2022-170 approved the Off-Site Improvement Agreement with 7-Eleven, Inc.
 - 1.D Adopt a resolution approving increased maximum fees charged by private towing service operators for services rendered to reflect increased operating expenses. - Resolution 2022-171 approved increasing maximum fees charged by private towing service operators for services to reflect increased operating expenses.
 - 1.E City Council 1) approve the Offsite Improvement Agreement between City and Prologis, L. P. for the construction of roadway and utility improvements of International Park of Commerce (IPC) Retail Frontage Street Improvements, and

2) authorize the City Clerk to file the agreement with the Office of the San Joaquin County Recorder. – **Resolution 2022-172** approved Offsite Improvement Agreement with Prologis, L.P. for International Park of Commerce Retail Frontage Street Improvements.

- 1.F Adopt a resolution approving Amendment No.1 to the Professional Services Agreement with Dokken Engineering, Inc. to amend the scope for the development of Project Approval (PA) and Environmental Document (ED) for I-205/Chrisman Road New Interchange Project CIP 73109, Federal Project # HPLULN -5192(034), and increase the compensation by an additional \$690,014, for a total contract amount of \$1,516,933. – **Resolution 2022-173** approved Amendment No. 1 to the Professional Services Agreement with Dokken Engineering, Inc.
- 1.G City Council 1) approve the Final Subdivision Map for Tract 3900 – Ellis Estate Lots and Limited Use Area, and 2) authorize the City Clerk to file the approved Final Map with the San Joaquin County Recorder. – **Resolution 2022-174** approved the Final Subdivision Map for Tract 3900 – Ellis Estate Lots and Limited Use Area. Council Member Davis recused herself from voting on the item.
- 1.H Adopt a resolution approving an On-Call Professional Services list for landscape architectural, plan check, inspection, and project management services with: Callander & Associates, Griffin Structures, LPA Inc., Nuvis Landscape Architecture, O'Dell Engineering, Verde Design Inc., and WRT Inc. for a five-year term. – **Resolution 2022-175** approved an On-Call Professional Services list with Callander & Associates, Griffin Structures, LPA Inc., Nuvis Landscape Architecture, O'Dell Engineering, Verde Design Inc., and WRT Inc. for a five-year term.
- 1.I City Council 1) authorize the City of Tracy to enter into a Disbursement Agreement with developer, Bodal Properties, LLC. to disburse grant funding in the amount of \$500,000 awarded to the City of Tracy through the San Joaquin Council of Government ("SJCOG")'s Job Balancing Investment Fund (JBIF) program for the Edgewood Commercial Center off-site improvements and 2) authorize the City Manager to sign the Disbursement Agreement on behalf of the City. – **Resolution 2022-176** authorized the Disbursement Agreement with Bodal Properties, LLC., to disburse grant funding for the Edgewood Commercial Center off-site improvements.
- 1.J Adopt a resolution approving Amendment No. 1 to the Professional Services Agreement with LPA, Inc. for additional design and planning services for the Multi-Generational Recreation Center (CIP 78178), increasing the not to exceed amount by \$3,250,239 for a total not to exceed amount of \$6,593,758.

Karen Moore pulled the item to ask about the process the City used to determine the selection of LPA, Inc.

Richard Joaquin, Parks Planning and Development Manager responded to questions.

Robert Tanner asked why the cost of the Multi-Generational Recreational Center keeps increasing.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adopt **Resolution 2022-177** approving Amendment No. 1 to the Professional Services Agreement with LPA, Inc. for additional design and planning services for the Multi-Generational Recreation Center (CIP 78178), increasing the not to exceed amount by \$3,250,239 for a total not to exceed amount of \$6,593,758. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Dan Schack stated the nominations for Citizen of the Year and Professional of the Year are due to the Chamber of Commerce tomorrow and he planned on nominating Dino Margaros who passed away on September 21, 2022. Mr. Schack requested support of his petition to submit with his nomination and invited people to come to his office tomorrow or email him to sign the petition.

Mary Mitracos asked about the status of Tracy's Forestry Management Plan. Ms. Mitracos stated her husband sent an email to staff but did not get a response.

Robert Tanner shared concerns regarding sidewalks being higher than streets at crosswalks in older areas and down 11th Street adding people using wheelchairs or walkers can trip. Mr. Tanner congratulated Nancy Young on being elected as Mayor but shared his concerns regarding freedom of speech being curtailed.

Karen Moore congratulated Council on the Election results; was grateful to have Mayor Young and Council Member Arriola winning the races and appreciates that we are not having these all-night Council meetings because the Mayor limits the speakers.

3. REGULAR AGENDA

- 3.A Adopt a resolution amending the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fee for 2023.

Bill Dean, Assistant Development Services Director provided the staff report.

Council questions and comments followed.

Rod Attebery, Neumiller & Beardslee responded to Council questions.

There was no public comment.

ACTION: Motion was made by Mayor Young and seconded by Mayor Pro Tem Vargas to open the public hearing and requested that all comments be retroactively included in the record for the public hearing. Roll call found all in favor; passed and so ordered.

Mayor Young closed the public hearing.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Bedolla to adopt **Resolution 2022-178** approving the 2023 Development Fee for

the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan. Roll call found all in favor; passed and so ordered.

- 3.B Conduct a Public Hearing, and upon conclusion, adopt, for the Valpico Glenbriar Apartment Project Located at Valpico Road and MacArthur Drive (Apartments Project), as recommended by the Planning Commission: (1) An Ordinance: (A) Adopting a Negative Declaration for the expansion of the Apartments Project parking lot to include a portion of the rear yard of the property located at 2625 S. Macarthur Drive (Parking Site) in accordance with the California Environmental Quality Act (CEQA); (B) Approving a General Plan Amendment redesignating the Parking Site from Commercial to Residential High (GPA22-0003); (C) Amending the Zone District of the Parking Site from Community Shopping Center to High Density Residential (R22-0002); (D) Approving a Development Review Permit expanding the Valpico Glenbriar Apartment Parking Lot to include a portion of the rear yard at 2625 S. MacArthur Drive (D22-0013); And (2) A Resolution denying a Development Review Permit for the addition of a perimeter fence and gates to the Apartments Project site (D22-0005).

Mayor Young opened the public hearing.

Alan Bell, Senior Planner provided the staff report and responded to questions.

Council questions and comments followed.

Alex Glick, Development Manager – Guardian Capital provided a presentation and responded to questions.

Tim Silva spoke about crime in gated communities or fenced off areas like RV storage places adding we still have to rely on citizens and neighborhood watch groups which are more effective. Mr. Silva asked for clarification regarding 1.5/8 parking spaces, stated any new developments are supposed to fit into our master bike plan, and shared concerns regarding cyclists using Valpico Road.

Mary Mitracos stated the General Plan specifically says we do not want more gated communities or fencing than is necessary as Tracy was a small hometown community, Council needs to support the Planning Commission; they look at the General Plan frequently and added she would like to not see any gates.

Karen Moore stated she was at the Planning meeting and the reason the General Plan says that is because of connectivity. Ms. Moore added Vision Zero found that most pedestrian and bicycle fatalities occur on streets that are higher miles per hour. Valpico is a faster street than if they can go through apartment complexes or residential areas. Redbridge is a gated community, but now because of the gate there is not connectivity. The City needs to think about what the General Plans says and why.

Cynthia Comacho stated residents were told that when the apartment complex was in the planning stage that Valpico Road widening was going to be done, and residents in surrounding subdivisions would not be affected. The complex is going to cause a lot of traffic and stress and burden on residents that already use

that road and asked for clarification that Valpico Road widening is going to be worked on sooner or later.

Robert Armijo, City Engineer responded to questions.

City Council questions and comments continued.

Mayor Young closed the public hearing.

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

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to introduce an Ordinance for the Valpico Glenbriar Apartment Project located at Valpico Road and MacArthur Drive (Apartments Project): (A) Adopting a Negative Declaration for the expansion of the Apartments Project Parking Lot to include a portion of the rear yard of the property located at 2625 S. MacArthur Drive (Parking Site) in accordance with the California Environmental Quality Act (CEQA); (B) Approving a General Plan Amendment redesignating the parking site from commercial to residential high (GPA22-0003); (C) Amending the zone district of the parking site from community shopping center to high density residential (R22-0002); and (D) Approving a Development Review Permit expanding the Apartments Project Parking Lot to include a portion of the rear yard located at 2625 S. MacArthur Drive (D22-0013). Roll call found all in favor; passed and so ordered.

Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adopt a Resolution to approve a Development Review Permit for the addition of a perimeter fence and gates to the Valpico Glenbriar Apartments Project, 351 E. Valpico Road (Application Number D22-0005).

Bijal Patel, City Attorney explained what is before Council is a recommendation by the Planning Commission. It has a resolution with the requisite findings for their determination for a denial. If Council chooses to overturn that and approve it Council needs to continue the item and have staff come back with a resolution with the correct findings to approve it. This is in context of a land use permit which has to have a specific set of findings to support the determination. If a different recommendation is made, staff needs to make new findings.

Council comments and questions to the City Attorney followed regarding bringing back a new resolution for Council to approve the Development Review Permit.

ACTION: It was moved by Mayor Pro Tem Vargas and seconded by Council Member Davis to modify Mayor Pro Tem Vargas's previous motion to bring back the resolution to approve the Development Review Permit at the time of the second reading of the ordinance at the December 6, 2022, Council meeting. Roll call found all in favor; passed and so ordered.

3.C Adopt a Resolution: (1) Declaring, as exempt surplus property under Government Code Section 54221(G), a sub-portion of the property owned by the City of Tracy located at 5749 South Tracy Blvd, APN 25311031/25311016 commonly known as the Tracy Airport, to allow a future long-term lease with Riya

Enterprises; and (2) Repealing Resolution 2022-140 that declared the entire Tracy Airport and the City-Owned property located at 505 E. Durham Ferry Road APN 25527008, commonly known as the New Jerusalem Airport, as exempt surplus.

Karin Schnaider, Assistant City Manager provided the staff report.

Tim Silva encouraged Council to adopt a Lease Agreement with Skyview as he does not want to hold Skyview back from expanding. Mr. Silva wanted to keep New Jerusalem open for new projects. As long as we keep it to Tracy Airport on Tracy Blvd, he was comfortable with that.

Council questions and comments followed.

ACTION: Motion was made by Council Member Davis and seconded by Council Member Arriola to adopt **Resolution 2022-179** (1) Declaring, as exempt surplus property under Government Code Section 54221(G), a sub-portion of the property owned by the City of Tracy located at 5749 South Tracy Blvd, APN 25311031/25311016, commonly known as the Tracy Airport, to allow a future long-term lease with RIYA Enterprises; and (2) Repealing Resolution 2022-140 that declared the entire Tracy Airport and the City-owned property located at 505 E. Durham Ferry Road APN 25527008, commonly known as the New Jerusalem Airport, as exempt surplus. Roll call found all in favor; passed and so ordered.

3.D Approve a Resolution adopting the 2023 Biennial Legislative Platform (Platform) and, as a supplement to the Legislative Response Policy adopted by Resolution 2004-208, require that the Platform be adopted every two years during the City Council's Biennial Strategic Planning Retreat.

Karin Schnaider, Assistant City Manager provided the staff report.

Council questions and comments followed.

Council Member Davis requested supporting legislation that supports our ability as a city to have local control regarding housing. Mayor Young supported the request.

Tim Silva supported the legislative package, and the funding priorities as it gives residents a clear view that our funding priorities are based on the readiness of projects, will give linear line for all Councils to see and liked that our Council can go to D.C. and talk to elected representatives about funding. The City needs that funding at Federal, State and County level.

Mary Mitracos supported the item and stated over 20 years ago she asked staff to pay attention with what was going on with the County that affects Tracy. Ms. Mitracos was happy the City is talking about maintaining ties with neighbors regionally but also entire State and Federal Government. Great progression.

Karen Moore asked why the Aquatic Park is not on the list.

Council questions and comments followed.

Mayor Young requested putting the Aquatic Center on the list and actively pursuing it.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Bedolla to adopt **Resolution 2022-180** approving the 2023 Biennial Legislative Platform, and as a supplement to the Legislative Response Policy adopted by Resolution 2004-208, requiring that the platform be adopted every two years during the City Council's Biennial Strategic Planning Retreat. Roll call found all in favor; passed and so ordered.

3.E Appoint, by motion, a subcommittee of two Council Members, and an alternate, to interview applicants to fill one term vacancy on the Tracy Parks and Community Services Commission.

Adrienne Richardson, City Clerk provided the staff report.

Council questions and comments followed.

There was no public comment.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to appoint Council Member Davis and Mayor Pro Tem Vargas to the subcommittee and Mayor Young to serve as alternate to interview applicants to fill one term vacancy on the Parks and Community Services Commission. Roll call found all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – Mayor Young mentioned a public comment was received via email from Raghu regarding the Aquatic Center.

Karen Moore stated the community is experiencing a high number of respiratory issues and encouraged everyone to have a flu shot.

Charles Jones spoke in support of the City's homeless program, thanked the City as someone with family Veterans that are suffering from war trauma for building a program that helps uplift the most vulnerable and rejoin the community at large. Mr. Jones thanked staff for putting together their plans, research and implementing the plans and thanked Council Member Arriola for defending staff who often get blamed for things. Mr. Jones also spoke about needing more affordable housing in Tracy, the average rent is high.

5. STAFF ITEMS – Michael Rogers, City Manager provided update on the following:

- Temporary Traffic Signal Update - The temporary traffic signal at Valpico and Corral Hollow is currently set to flash and will become fully operational with video vehicle detection, by Thursday afternoon.
- Corral Hollow Corridor Website Launch - A new Corral Hollow Corridor website has been launched, highlighting the seven construction and improvement phases along Corral Hollow Road. The new site features an interactive map that highlights current and future construction locations, provides updates on active road work, progress photos, anticipated timelines, and a resource section with frequently asked

questions. It also provides the opportunity to connect directly with the City to ask questions about the Corral Hollow Corridor projects. Website is:

www.CHcorridor.com

- Upcoming Grand Events - Open Mic Night at The Grand this Thursday – sign-ups are at 6:30 p.m., begins at 7:00 p.m. Visit AtTheGrand.org to learn more.
- Interim Shelter Update – Happy to share that after staff worked around the clock and through the weekend, the soft opening of the Interim Shelter on Arbor Road is taking place this week. Our team has already supported the successful transition of 14 individuals (and their animals) to our facility so they have a safe, warm place to stay tonight. TRACER will begin providing bus service between the Transit Station and Interim Shelter starting tomorrow. Citynet has a “Go Team” onsite and is currently recruiting for positions: Visit CityNet.org
- The RADCard program is back just in time for the holidays! The first round of funding went very fast and the County expects this second round of \$500k that will be released tomorrow at noon.
- City Holiday Closures – City offices will be closed next Thursday and Friday in observance of the Thanksgiving holiday, happy Thanksgiving to everyone.

6. COUNCIL ITEMS – Mayor Pro Tem Vargas wished everyone a happy Thanksgiving and asked if the City has a turkey trot.

Council Member Arriola wished everyone a happy Thanksgiving adding he will be in Idaho for a week and the following week will be in Washington D.C. at the International LGBTQ Victory Conference.

Council Member Davis requested support for a memo or update regarding when the General Plan will be coming back to Council. Mayor Pro Tem Vargas supported the request.

Council Member Davis requested support for staff to look at how to accelerate the expansion of Valpico Road. Council Member Arriola supported the request.

Council Member Davis asked when the Tracy Urban Forestry Management Plan will be coming back. Mayor Pro Tem Vargas supported the request.

Council Member Davis requested support for a way of taking a proactive approach on analyzing the conditions of our sidewalks in an effort to be more ADA compliant and friendly. Mayor Pro Tem Vargas and Council Member Bedolla supported the request.

Council Member Davis stated it was a beautiful Veterans Day ceremony and thanked the VFW Post 1537 and James McDermott American Legion Post 172 for organizing the event. Council Member Davis asked when Council will be discussing the One Voice trip and wished everyone a happy Thanksgiving.

Mayor Young thanked those who voted for her and congratulated Council Member Arriola for being re-elected to City Council. Mayor Young announced on November 16, 2022, at West High School in the gym there will be the Anti bullying Red Carpet Award ceremony at 5:30 p.m. – 7:00 p.m. The theme is *Don't stand by, stand up against bullying*. Students will be recognized for their efforts against bullying. Mayor Young explained how the RADCard works which is used in the County. Mayor Young wished

everyone a happy Thanksgiving to all, announced her birthday is December 1, and the Downtown Tracy Parade of Lights is on December 3, 2022, on 10th and B Streets and 6th Street and Central Ave.

7. ADJOURNMENT – Time: 10:39 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 November 10, 2022. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk