

March 7, 2023, 7:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy
and Hyatt, 300 Reunion Boulevard, Dallas, Texas 75207

Web Site: www.cityoftracy.org

Mayor Young called the meeting to order at 7:03 p.m.

Mayor Young led the Pledge of Allegiance.

Pastor Doug Diestler, Tracy Mission Church provided the invocation.

Mayor Young presented Certificates of Recognition to the San Joaquin County Mock Trial winners.

Roll call found Council Members Arriola, Bedolla, Evans, Mayor Pro Tem Davis, and Mayor Young present. Mayor Pro Tem Davis and Council Member Bedolla participated remotely.

1. CONSENT CALENDAR – Motion was made by Council Member Arriola and seconded by Council Member Evans to adopt the Consent Calendar. Roll call found all in favor; passed and so ordered.
 - 1.A Adoption of February 21, 2023 City Council Closed Session Minutes, Special Concurrent Meeting of the City Council and Transportation Advisory Commission Meeting Minutes and City Council Regular Meeting Minutes. – **Minutes were adopted**
 - 1.B Adopt a resolution approving permits under Tracy Municipal Code Chapter 4.40, to allow the consumption of alcoholic beverages on City streets for the following special events of community-wide interest occurring in 2023: (1) Downtown Block Parties (May 5, June 9, July 7, August 4, and September 8); (2) Blues, Brews, and BBQ (October 7); (3) Girls Night Out – Witches and Broomsticks (October 20); (4) Tracy City Center Association Events (Taps on Tenth on April 1, Downtown Tracy Wine Stroll on September 16, and Car Show with Clutch Burners on October 14); (5) Tracy African American Association Juneteenth Event (June 10); (6) Tracy Chamber of Commerce Centennial Celebration (June 24); and (7) South Side Community Organization Event (September 16)..-
Resolution 2023-040
 - 1.C Adopt a resolution approving a Professional Services Agreement with Kjeldsen, Sinnock & Neudeck, Inc. to provide Topographic Surveying and Mapping Services for the Recycled Water System Expansion Project (CIP 74168) for a period of three (3) months and a total not-to-exceed amount of \$61,191. -
Resolution 2023-041
 - 1.D Adopt a resolution approving a Professional Services Agreement with West Yost & Associates, Inc. to provide Program Management Services for the Recycled Water System Expansion Project (CIP 74168) for a period of three (3) years and a total not-to-exceed amount of \$974,402. – **Resolution 2023-042**

- 1.E Adopt a resolution approving Utility Agreements related to the relocation of existing utilities for the I-580/Patterson Pass Road Interchange Project, CIP 73147, between the City and the following utility providers, for the respective not-to-exceed cost liability split amounts: 1) Pacific Gas & Electric, Inc. for \$1,000,000, 2) Crimson Oil, for \$600,000, and 3) AT&T California, for \$1,000,000. – Resolution 2023-043
- 1.F Adopt a resolution approving the execution of a Cooperative Agreement between City and the California Department of Transportation for Construction activities and the Right-of-Way Certification for the I-580/Patterson Pass Road Interchange Project, CIP 73147. – Resolution 2023-044
- 1.G. Adopt a resolution accepting the City of Tracy's Annual Comprehensive Financial Report (ACFR) for the fiscal year ending June 30, 2022. – Resolution 2023-045
2. ITEMS FROM THE AUDIENCE – John McCrary expressed his concern with the homeless encampments that have popped up behind his home near Union Pacific Railroad. Mr. McCrary has elevated his concerns to Tracy Police Department, Code Enforcement and Homeless Advocates and was referred to Union Pacific and requested assistance from Council to support the citizens and what are the next steps to get the situation under control due to the lack of cleanliness and inaction from Union Pacific.

Kimberly Cargile, co-owner of Tracy Cannabis Collective has completed the CUP process and building improvements, expressed her frustrations regarding the City finalizing the permit process for cannabis storefronts that have already been approved.

Michelle Trew, co-owner of Tracy Cannabis Collective echoed the sentiments of the previous speaker, added that they have passed all the required background check and that information has been forwarded to the Police Department. Requested that the City Attorney approve the Community Benefit Agreement so that they can open their business as soon as possible.

Sarah Wood shared her perspective of Tracy as a newer resident and her work with non-profit agencies, asked for the consideration of the policy of renting public parks and the fees charged for free events non-profits hold to assist in community education and that they are in need of assistance to continue the work that they do.

Michaela Toscas, Founder of Higher Elevation shared her frustrations regarding her cannabis permit process that has taken over two and a half years, has received no timeline from the City as to when the business can be open, and the holdup is the Police Department not having the DOJ certification for the background checks and the City Attorney not having the Community Benefit Proposal ready for signature. Referenced Business ND Professionals Code number 26051.5. Finds that the City of Tracy's background check is redundant to that of the State of California and unnecessary and asked Council to take emergency action and allow provisional operation of cannabis business without waiting for City of Tracy background and Community Benefit to be finalized.

Robert Tanner expressed his frustration about the signage on Council Chamber doors saying that food and water are not permitted in Chambers and that Council and staff are allowed to have water, but members of the audience are not.

Cynthia Camacho requested clarification regarding an appeal to a developer and wanted to make sure the form that was sent was the correct form and if it is 10 calendar days or 10 business days.

Ryan Gunstream wanted to Council's attention the solar PV changes regarding how solar metering rate will be affected, coming in April 13 Net Energy Metering 2 will close and Net Energy Metering 3 will open on April 14th and shared the potential financial impact that the City may incur.

Joseph Devlin from Altamont Wellness echoed the frustration shared by some of the previous speakers regarding the cannabis permitting process and the expenses associated with that and asked that permission be granted to operate provisionally with the State's background check requirement until the Community Benefit Agreement is signed and asked for immediate resolution before more financial harm is incurred.

3. REGULAR AGENDA

- 3.A City Council Conduct a public hearing to 1) consider the award of local priority funding allocations for Community Development Block Grant (CDBG) and HOME Investment Partnership program funds for Fiscal Year 2023-2024, and upon conclusion, 2) adopt a resolution authorizing the City Manager, or his designee, to execute the funding agreements and other implementing documents.

Mayor Young opened the public hearing.

Joseph Viorge-Koide, Economic Development Administrative Technician and Vanessa Carrera, Assistant to the City Manager provided the staff report.

Council questions and comments followed.

Conrad Levoit asked how the non-profits can get more education throughout the year and understand the requirements and qualifications associated with the application process.

Dotty Nygard from Tracy Earth Project expressed gratitude for CBDG funding and what it does to assist the Tracy Bike Life Youth Program and how it has impacted the participants and shared the need for more instructors due to the success of the program.

Council comments continued.

Mayor Young closed the public hearing.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Evans to adopt **Resolution 2023-046** approving the award of \$506,211 in

Community Development Block Grant (CDBG) Funds and \$181,610 in Home Investment Partnership (HOME) Funds for Fiscal Year 2023-2024 and authorizing the City Manager, or his Designee, to sign Funding Agreements and other implement documents. Roll call found all in favor; passed and so ordered.

- 3.B City Council 1) conduct a public hearing to receive comments regarding a temporary closure of the City-controlled portion of Hansen Road, at the north City limits, south of Interstate 205, for a period of eighteen (18) months to coincide with the County's closure of its portion of Hansen Road and, upon conclusion, 2) to adopt a resolution approving such temporary closure to mitigate traffic safety concerns.

Mayor Young opened the public hearing.

Anju Pillai, Senior Civil Engineer provided the staff report.

Council questions and comments followed.

Bobby Gray from Prologis shared some historical information regarding the work that Prologis has done in working with the neighbors, the County and the City. Mr. Gray shared that Prologis is committed to making a positive impact in the community.

Pete Moyer shared historical information regarding the increase in traffic issues from a homeowner perspective and his positive interactions with representatives from Prologis, City Manager, Michael Rogers and City Engineer, Koosun Kim.

Tom Heckman echoed the sentiments that Mr. Moyer stated and also added that there is a large section of homeowners that have been working on this situation for over two years and the efforts have not been easy but did express thanks to the City Manager, Michael Rogers and City Engineers for all their assistance along with the support that was received from Prologis and requested that Council support the recommendation presented.

George Escalante has been a 40-year resident of the Hansen Road area, expressed concerns over the increased big rig traffic over the years and how that has affected the community, requested that Council vote to close Hansen Road due to safety issues.

Jake Ivester has been a resident in the area for over 30 years and has seen a significant increase over the years in residential roads with commuters that are looking to avoid the freeway traffic, big rig traffic, warehouse traffic and that unenforced traffic laws has degraded the quality of life for the residents in the area.

Dale and Pat Brandes have experienced an increase in traffic since the development of Cordes Ranch, requested that Council take staff's recommendation and adopt a resolution and implement as soon as possible.

Community Member shared his concerns regarding safety and what happens after the 18 months end and the road gets reopened. He also shared that he is concerned about big rigs driving recklessly, a club of Mustang drivers that use the Prologis parking lot for racing and other dangerous activities. It is a matter of time before a child gets killed on that road due to drivers speeding and inattention.

Jamie Harrison requested that Council please keep in mind the safety and consideration for the neighborhood, pedestrians, those that horseback ride, children, and students at the school. Ms. Harrison also urged Council to consider the recommendation of staff.

Pace echoed the sentiments of the previous speakers, asked for clarification regarding the closure date coordination between the County and the City.

Council comments continued.

Mayor Young closed the public hearing.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Evans to adopt **Resolution 2023-047** approving the temporary closure of City-controlled portion of Hansen Road, at the north City limits, south of Interstate 205 for a period of eighteen months to coincide with the County's closure of its portion of Hansen Road to mitigate traffic safety concerns. Roll call found all in favor; passed and so ordered.

3.C City Council (1) conduct a public hearing to receive and consider comments on the proposed Citywide Master Fee Schedule, and upon conclusion, (2) adopt a resolution (A) approving and adopting, effective as of July 1, 2023, the proposed Citywide Master Fee Schedule, reflecting a cost recovery target of 72% and (B) rescinding, effective as of July 1, 2023, Resolution 2020-110 that approved the current Citywide Master Fee Schedule.

Mayor Young opened the public hearing.

Sara Cowell, Finance Director provided the staff report.

Council questions and comments followed.

Robert Tanner expressed his concern for the proposed increase in licenses for Bingo Fees, the frequency of the renewal and how it would affect the nonprofit organizations. Mr. Tanner recommended that the City bring that fee down to a reasonable rate for non-profits.

Council comments continued.

Mayor Young closed the public hearing.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Young to adopt **Resolution 2023-048 A)** approving and adopting, effective as of July 1,

2023, the proposed Citywide Master Fee Schedule, reflecting a cost recovery target of 72% including the staff administrative amendment and excluding the bingo fee amendment, and B) rescinding, effective as of July 1, 2023, Resolution 2020-110 that approved the current Citywide Master Fee Schedule.

Council comments continued.

Mayor Young called for a recess at 9:17 p.m.

Mayor Young called meeting to order at 9:28 p.m.

ACTION: Motion was made by Council Member Arriola, Mayor Young deferred the seconded to Mayor Pro Tem Davis to adopt **Resolution 2023-048** A) approving and adopting, effective as of July 1, 2023, the proposed Citywide Master Fee Schedule, reflecting a cost recovery target of 72% including the staff administrative amendment and excluding the bingo fee amendment, and B) rescinding, effective as of July 1, 2023, Resolution 2020-110 that approved the current Citywide Master Fee Schedule. Roll call found all in favor; passed and so ordered.

3.D Adopt a resolution 1) authorizing the issuance and sale of special tax bonds for the purpose of financing authorized facilities and 2) approving and authorizing related documents and actions for Improvement Area No. 3 of the City of Tracy Community Facilities District No. 2016-2

Sara Cowell, Finance Director provided the staff report.

Chris Lynch, Jones Hall responded to Council questions.

Council questions and comments followed.

There was no public comment.

Council comments continued.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Young to adopt a Resolution authorizing 1) The issuance and sale of special tax bonds for the purpose of financing authorized facilities, and 2) Approving and authorizing related documents and actions for Improvement Area No. 3 of the City of Tracy Community Facilities District No. 2016-2 (ECFD).

Council discussion continued.

Substitute motion was made by Council Member Arriola and seconded by Council Member Evans to postpone the item and bring back for Council consideration on or before the April 4, 2023 Council Meeting. Roll call found Council Members Arriola, Bedolla, Evans and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Davis recused herself from this item due to proximity.

3.E Adopt a resolution approving 1) the updated Emergency Operations Plan to provide community support during an emergency, in compliance with State and

Federal laws, and 2) a Business Continuity Plan addressing the needs of the City following an emergency.

Chris Martin, Division Chief – South San Joaquin County Fire Authority, Kimberly Murdaugh, Human Resources Director, and Mark Spencer, Director of Emergency Management from Tetra Tech provided the staff report.

Council questions and comments followed.

Dotty Nygard shared that the City has an inadequate level of staff and hospital accommodations to deal with any kind of disaster where there would be major life-threatening illnesses or injuries. Ms. Nygard shared that Sutter Health needs to be pushed to fulfill their obligation to the promise they made 20 years ago to construct a new hospital and hopes that can be addressed before the next disaster.

Conrad Levoit requested that the public get an Emergency Training opportunity as well, such as schools, churches and neighborhood watch groups to make sure those leaders know what to do and what they can provide for their neighborhoods. The better understanding that the community has the smoother a disaster can be prepared for, help to ease the stress levels and everyone knows their role from first responders to City Leaders and the citizens.

Dotty Nygard agreed with the previous speaker and advocated for the CERT (Civilian Emergency Response Team) program to be able to utilize community members that currently have emergency training to assist in meeting the demand when there is an emergency.

Council comments continued.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Evans to adopt **Resolution 2023-049** approving the updated Emergency Operations Plan to provide community support during an emergency, in compliance with State and Federal Laws. Roll call found all in favor; passed and so ordered.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Evans to adopt **Resolution 2023-050** adopting the City of Tracy Business Continuity Plan to address the needs of the City following an emergency. Roll call found all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – Dotty Nygard shared her concerns with the upcoming weather and the closure of the warming center as of March 1st and requested that the City reach out to local resources to try and accommodate those that are unhoused into some type of shelter.
5. STAFF ITEMS – Brian MacDonald, Parks and Recreation Director shared the following:
 - There are intersection improvements underway at Grant Line Rd and MacArthur between 7:00 a.m. and 4:00 p.m. during the weekdays, these improvements are expected to continue through mid-May, weather permitting.

- Tracy Planning Commission meeting scheduled for tomorrow has been canceled.
- The Grand Theater has tickets available for the Comedy Zone with Paul Conyers at The Grand on Thursday night. Zakir Hussain and Masters of Percussion are at the Grand on Friday at 8:00 p.m., - visit AtTheGrand.org for tickets.
- Saturday, March 11th from 9:00 a.m. to 2:00 p.m., at Tracy High School, Tracy Police Department will be doing a free “Etch & Catch” catalytic converter theft prevention event and residents can have their vehicle license plate number etched into your catalytic converter for free!

6. COUNCIL ITEMS – Council Member Evans encouraged the community to keep eyes open to see how to get involved. Council Member Evans shared the following: Last Wednesday he had the opportunity to read books for Dr. Seuss Day along with other Council Members and thanked Central Elementary, last Saturday Lawrence Livermore Lab conducted a Science on Saturday Event at the Grand Theater, attended the Tracy Police Department Crab Feed Fundraiser that raised money for an important cause.

Council Member Arriola shared that he enjoyed the Dr. Seuss reading. Requested support for the cannabis to come back for an action item to address or eliminate any barriers to cannabis opening in Tracy, Mayor Young supported the request.

Council Member Arriola requested support in making sure that the City is in compliance to have the most effective solar savings with NEM 3.0. Mayor Young supported the request. Council Member Arriola wished everyone a Happy St. Patrick's Day.

Mayor Pro Tem Davis shared that she and Council Member Bedolla are in Dallas Texas at the P3 Conference and requested support for asking staff to start researching alternative sites on City owned land to locate a community aquatics center and research the use of the P3 model. Council Member Evans supported the request.

Mayor Pro Tem Davis requested support to rescind the resolution authorizing the City Manager to take any directly related and immediate action required by the shelter emergency without giving notice for bids to let contracts pursuant to PCC Section 22050 and TMC section 2.20.270 because there is no longer an emergency regarding interim housing. Council Member Evans supported the request.

City Attorney Bijal Patel clarified that the emergency for the shelter crisis is very important to keep because it affects other rights and obligations that Council has and requested clarification for both parts to be rescinded or one part. Mayor Pro Tem Davis clarified that it is just the previously stated part.

Mayor Pro Tem Davis requested that staff provide an update on a community calendar so that the community does not miss out on critical events happening in the community.

Mayor Pro Tem Davis requested if there is a plan for a hospital and would like any updated information that staff can provide in memo form regarding Sutter's plans with their obligation to build a hospital. Council Member Arriola supported.

Mayor Pro Tem Davis requests an ordinance to address environmental sustainability policy to address warehouse expansion, would like a conversation to address particulates, Council Member Arriola supported.

Mayor Pro Tem Davis shared that she attended the Dr. Seuss night and the Tracy Police Department crab feed.

Council Member Bedolla will share report on P3 Conference at the next Council meeting.

Mayor Young wished City Clerk, Adrienne Richardson a Happy Birthday, reported about her attendance at several meetings and events over the last several weeks including the opportunity to participate in several Read Across America Week activities at Hawkins School, Central School and read to students at North School for Dr. Seuss Day.

7. ADJOURNMENT – Time: 11:18 p.m.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Evans to adjourn. Roll call found all in favor; passed and so ordered.

The above agenda was posted at the Tracy City Hall on March 2, 2023. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk