

**April 18, 2023, 7:00 p.m.**

City Hall, 333 Civic Center Plaza, Tracy  
and one Council Member attended remotely  
at the following location: Omni Shoreham Hotel,  
2500 Calvert Street NW, Washington, District of Columbia 20008

Web Site: [www.cityoftracy.org](http://www.cityoftracy.org)

Mayor Pro Tem Davis called the meeting to order at 7:08 p.m.

Pledge of Allegiance was led by students from Anthony Traina Elementary School - Dyuti Shrivastava, Abby Maranon, Amelia Wright, and Arielle Jones-Amos.

Priest Atul Batra, Sant Nirankari Mission offered the invocation.

There was no action required pursuant to AB 2449.

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

Mayor Pro Tem Davis announced item 3.A on the regular agenda was continued to June 6, 2023.

Midori Lichtwardt, Acting City Manager presented the Employee of the Month award for April to Lauren Repetto, Parks and Recreation Department.

1. CONSENT CALENDAR – Following the removal of consent item 1.F by Council Member Arriola, Karen Moore and Mary Mitracos 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 Adopt April 4, 2023 Closed Session, Special Meeting, and Regular Meeting minutes. – **Minutes were adopted.**
  - 1.B Adopt a resolution awarding a construction contract to Tracy Grading & Paving, Inc. of Tracy, California, in the amount of \$79,800 for the Annual Water Valve Replacement Project, FY22-23, CIP 75168, with a not-to-exceed budget of \$99,750 and authorize the City Manager to approve change orders up to the contingency amount of \$7,980, if needed. - **Resolution 2023-063** awarded the construction contract to Tracy Grading & Paving, Inc.
  - 1.C Adopt a Resolution authorizing 1) amendments to the City's Classification and Compensation Plans and Master Salary Schedule to add the classification of Financial Analyst I/II and increase the bi-weekly salary range for the Parks Planning and Development Manager from \$3,968.44 - \$4,823.67 to \$4,365.28 - \$5,306.04, 2) amendments to several existing classifications to reflect modifications to job duties; and 3) reallocation of a current Management Analyst I/II in the Finance Department to a Financial

Analyst I/II, effective Fiscal Year 2022-23. - Resolution 2023-064

authorized the amendment to the City's Classification Plans and Master Salary Schedule and reallocation of a current Management Analyst I/II to a Financial Analyst I/II.

- 1.D Adopt a resolution approving Amendment No. 2 to the Professional Services Agreement with Mark Thomas and Company, Inc. to (1) augment the scope for the Project Approval, Environmental Document, and Plans, Specifications and Estimates for Modification of I-205 and I-580/Mountain House Existing Interchanges, CIP Nos. 73146 and 73147, and (2) increase the contract amount by an additional \$1,493,855 for a new total not-to-exceed amount of \$6,181,579. – Resolution 2023-065 approved Amendment No. to Professional Services Agreement with Mark Thomas and Company, Inc.
- 1.E Adopt a resolution approving the Final Subdivision Map for Tract No. 4156 Tracy Village Neighborhood 1. - Resolution 2023-066 approved the Final Subdivision Map for Tract No. 4156 Tracy Village Neighborhood 1.
- 1.G Adopt a resolution authorizing the 1) appropriation of \$600,000 from Measure V (Fund 107) as one-time funding to the Parks and Recreation Department for the purchase of equipment to maintain and operate Legacy Fields, 2) Authorizing the Budget Officer to amend the City's position control roster for FY22/23, and 3) appropriation of \$80,000 from Measure V (Fund 107) as prorated funding to fund the Parks and Recreation Department for staffing, maintenance, and operations to maintain and operate Legacy Fields for the remainder of FY22/23. – Resolution 2023-067 authorized the appropriation of \$600,000 from Measure V (Fund 107), authorized the amendment to the City's position control roster for FY22/23 and appropriated \$80,000 from Measure V (Fund 107) as prorated funding to fund the Parks and Recreation Department for operating Legacy Fields.
- 1.F Adopt a resolution approving the formation and bylaws for an Environmental Sustainability Commission.

Council Member Arriola, Karen Moore and Mary Mitracos pulled the item for discussion.

Karin Schnaider, Assistant City Manager provided the staff report.

Council Member Arriola pulled the item to confirm the new commission will have the ability to propose new ordinances to the Council and the opportunity to review and provide proposals related to a climate action plan.

Karen Moore pulled the item to recommend adding two students to the make-up of the commission, would like to see mentoring of students and someone from the School District. Need to get different segments of the community involved and suggested to expand to an eight-member committee.

Mary Mitracos pulled the item to thank Council for the commission. Planning Commission members are paid for meeting attendance and some of the other commissions also. Is there going to be a stipend offered to the

Environmental Sustainability Commission. Ms. Mitracos added in the bylaws it refers to the commission reviewing Park names and asked if that was correct as it is a duty of the Parks and Community Services Commission.

Robert Tanner asked if the commission gets paid and where are the meetings going to be held.

Jenny Wood thanked Council for voting for the commission. This commission is the next step to make the Environmental Sustainability Action Plan happen and asked how the Environmental Commission fits under the Utilities Department.

Motion was made by Council Member Arriola and seconded by Council Member Bedolla to adopt the Resolution.

Ms. Schnaider requested to strike from Section E.3 of the bylaws that the functions of the Vice Chair not related to Parks Commission to be part of the motion.

Council Member Bedolla agreed with the friendly amendment to strike that portion from Section E.3.

Council questions and comments continued.

Brian MacDonald, Parks and Recreation Director responded to questions.

Council Member Arriola made a friendly amendment to add two youth seats to the commission. Mayor Pro Tem Davis and Council Member Bedolla supported the friendly amendment.

Council Member Arriola clarified his motion to adopt the Environmental Sustainability Commission, and two youth representative voting members.

Ms. Schnaider asked Council to define youth, up to a certain grade or age.

Ms. Schnaider summarized Council's direction: Two voting youth that are considered students up to and including their senior graduating year for terms of one year that are voting members.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Bedolla to adopt **Resolution 2023-068** approving the formation and bylaws of an Environmental Sustainability Commission of the City of Tracy, striking the sentence from Section E.3 of the bylaws, and adding two voting youth that are considered high school students up to and including their senior graduating year for terms of one year that are voting members and residents of Tracy. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Gabriela Machuca stated during a Planning Commission meeting input was given regarding the Westside Market property and keeping that property as public space. Ms. Machuca suggested converting it into a public space and shared suggestions of other uses for the property that would complement the Grand Theatre and would be better than a housing project.

Karen Moore stated one of largest homeless population is people of her peers who are being squeezed out of retirement money. See other cities giving people at a certain age free garbage disposal, gives something to think about because we are struggling. Ms. Moore shared she will eventually have to leave this City, that is called gentrification and does not know how the City can take care of our seniors.

Pat Howell apologized to the Mayor on behalf of many Tracy residents regarding comments made by the public about the Mayor at a meeting. Ms. Howell asked the City Manager to present to the Council publicly and legally implications that the City may experience due to the dismissal by the Council of the proposal to study and set policy on Diversity, Equity and Inclusion. Additionally, Ms. Howell would like the City Manager to present to the Council any legal implications and any explanations that might be needed on the vote in the previous meeting that denied Surland payments for infrastructure in their new home community.

Farhad Aziz stated he is trying to put an addition on the back of his house and shared his concerns regarding the cost to connect to the City water and sewer.

Robert Tanner stated Council needs to get the Aquatics Park started, get the 16 acres and \$10 million and get it done. Mr. Tanner was glad the vote on the bonds for Ellis were two to two so did not pass and referred to a comment made by the Mayor regarding potholes. The bond is for Ellis subdivision and cannot be used anywhere else unless it is a main road that goes into Ellis. There are potholes on 10<sup>th</sup>, 11<sup>th</sup> and in south Tracy that need to get filled.

James Young congratulated Mayor Young on her invitation from the Vice President of the United States to attend an intimate evening at her private residence and thanked Dotty Nygard who started a Go Fund Me and for making it happen.

Rosario Arulappan stated he lived in Ellis and shared concerns regarding the intersection of Corral Hollow and Valpico. The intersection sees a lot of big trucks daily and at nighttime it is completely dark. There are a lot of accidents. More people moving into Ellis and Tracy Hills so they travel and traffic is increasing.

Alice English stated she pulled public records requests on travel expenses. Last year there was a conference in Washington D.C. and shared concerns on charges made by the Mayor for rental car and valet. Tracy should not be paying for a rental car that is not used for business.

Burnell Shull spoke about not being able to speak at the last meeting and felt the Mayor violated her freedom to speak and the Brown Act. Suggested planting trees in potholes and they will get them fixed right away.

### 3. REGULAR AGENDA

- 3.A Planning Commission recommends that the City Council conduct a public hearing and, upon conclusion, introduce an Ordinance 1) certifying an Environmental Impact Report (EIR) and adopt a Mitigation Monitoring and Reporting Program (MMRP) and findings of fact and a statement of overriding considerations (together, CEQA Findings) for the annexation and future development of industrial buildings on the 191.18-acre property located at the northeast corner of Grant Line and Paradise Roads (Assessor's Parcel Numbers 213-170-14, -24, -25, -26, -27, and -48, collectively the Property) in accordance with the California Environmental Quality Act (CEQA); 2) amending the Northeast Industrial (NEI) Specific Plan to add the Property to the NEI Specific Plan area with a land use designation of Light Industrial (SPA22-0003); 3) approving the rezoning of the Property to Northeast Industrial Specific Plan Zone (AP20-0003); and 4) approving the submittal of a petition to the San Joaquin County Local Agency Formation Commission (LAFCo) for annexation of the Property to the City of Tracy – **At request of applicant the item was continued to June 6, 2023**
- 3.B Staff recommends that the City Council 1) receive an update on the status of the background clearance process applicable to Cannabis Business Permit holders and 2) provide direction on whether to change current policy and code requirements impeding completion of the process.

Sekou Millington, Police Chief introduced Miguel Contreras, Police Lieutenant who provided the staff report and responded to questions.

Council clarifying questions followed.

Matthew Eaton, HDL Companies responded to questions.

Zoe Schreiber, Garden of Eden suggested Council push staff to adjust the City's definition to the State's definition and in the likelihood that that doesn't happen they can work with Lieutenant Contreras to obtain more information on a federal level. However, the issuance of DCC license demonstrates the people who have been issued those licenses are eligible for licensing.

Deanna Garcia spent a lot time since 2018 and money to get to where they are today. Asked Council to help them move forward to the finish. Have been following process and abiding by the guidelines and offering solutions, asked Council to follow the Police Department's opinion and action of going by the State definition. Turned in their Community Benefit a while ago and there is a hold up from the City and cannot move forward.

Dennis Chan, Tracy Cannabis Collective stated they started the process in 2018 and requested Council instruct staff to do what is needed for them to move forward and let the qualified cannabis businesses open. Have already submitted and signed the Community Benefit Agreement.

Michelle Trew, Tracy Cannabis Collective asked for help to move forward, have been diligent following the process and abiding by the guidelines and offering solutions. Ms. Trew asked Council to pass recommended solutions. They have already completed and passed three background checks – HDL, DCC live scan and Bureau of Security Investigative Services DOJ and FBI checks.

Kimberly Cargile stated it has been a long process, have worked with Council to craft the ordinance and to date have spent over \$500,000 and are ready to open. Owners have gone through DOJ and FBI background checks, and asked Council to allow applicants to move forward who have DOJ and FBI background check with the Department of Cannabis Control. Also, have signed Community Benefit Agreement and looking forward to City Attorney executing it. The main ask is to get open as soon as possible.

Michaela Toscas, Expire Positive LLC urged Council to pass a resolution to accept the Department of Cannabis Controls livescan, Federal and State background check process to meet the requirements of the City of Tracy's background checks and direct staff to execute the approved Community Benefit Agreement and allow businesses to open. Urged Council to amend the ordinance to make ownership definitions consistent with the state and allow the provisional operation of the community-based operators that have already passed the CUP and the state livescan process to help open their business before it is too late.

Karen Moore shared her use of cannabis oils for sleep and aches and pains and looks forward to having a retail store in town. Thanked Council for listening to these people and has been advocating for this industry.

James Young shared his experiences with use of cannabis oils to help aches and pains. Cannabis people are pleading and begging with Council to help them out. Spoke about having to drive to Manteca for cannabis, and the City losing tax money. Do the right thing to help open up these businesses.

Joe Devlin, Altamont Wellness stated they submitted their application in December 2020, have CUP, State license, and building permit and are about 3 weeks away from construction. Put a lot of money in this effort. To open there has to be resolution for background check requirements and Community Benefit Agreement. Mr. Devlin urged Council to accept the state standard for background check requirements and provide direction to solve the community benefit.

Alex Monceaux stated the City needs a new consultant and shared his concerns regarding HDL. The state has already been doing livescans. Mr. Monceaux stated he walked away from opening in Tracy, and the City has lost manufacturers and distributors and suggested going beyond just changing language, get rid of requirement altogether, can add to the annual permit. Let them open up, get money coming in because we have been paying HDL for seven years.

Council comments and questions continued.

Council Member Arriola moved to change current policy and code requirements to mimic state requirements related to the background clearance process for cannabis business permit holders. Mayor Young seconded the motion.

Midori Lichtwardt, Acting City Manager responded the item is an informational item and staff is looking for consensus on if there was any change in direction to propose in the ordinance staff is bringing back – extension of business permits and renewal terms we are bringing back at the next meeting.

Police Chief Millington summarized Council's direction to accept the report and permit staff to come back with a clear path forward for those businesses who meet the requirements currently which we have more than three. The standards are different, staff would look at a state standard as opposed to our current standard.

City Council provided the following input to staff regarding whether to change current policy and code requirements impeding completion of the process:

Council Member Evans supported ongoing conversations about how to make this work but is not in support of making that adjustment as proposed here. In support of those that are qualified under the current requirements finding a path forward to ensuring they can get their doors open expeditiously. Whatever the remaining process is would like to see that which is what is being brought back. Policy as stands should stay in place.

Council Member Arriola supported changes to mimic state requirements which would include the changes to the definitions for ownership to include 20%.

Council Member Bedolla stated he is looking to do best with the current policy as is.

Mayor Young agreed with Council Member Arriola's comment regarding mimicking the state. Would like to see staff bring back a very clear path and options. If there is an option to keep it the same and make some other changes to open doors that is fine but need very clear path forward without blockades.

Mayor Pro Tem Davis stated there are three or more meeting existing requirements that are written in the ordinance so inclined to stay with existing policy as is and would like to see those who have met the threshold to move forward as quickly and responsibly as possible via vetting system. Also continue to pursue access so we can get real time updates through state and federal. In agreement with everyone else for to staff come back with a path forward but is not willing to make blanket change without seeing what other paths are available. Let people who have already met our

requirements move forward, but is not willing to make a change on existing policy.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Bedolla to receive the update on the status of the background clearance process applicable to Cannabis Business Permit holders. Roll call found all in favor; passed and so ordered.

3.C Staff recommends that the City Council introduce an ordinance of the City of Tracy amending Tracy Municipal Code Sections 3.04.010, 3.04.030, and 3.04.130 to increase the fine amounts for administrative citations issued for violations of Chapter 3.04, "Fireworks".

Sekou Millington, Police Chief introduced Mario Ysit, Police Lieutenant who provided the staff report and responded to questions.

Council clarifying questions followed.

Don Pascarella, TNT Fireworks supported increasing the fines, defined dangerous fireworks and commended Council for taking action and stated illegal fireworks are the biggest competitor for nonprofits.

Alice English asked how Police can find violators when they are not doing it in front of their house. What happens for other occasions/events where there are fireworks.

Burnell Shull asked what can be done about people shooting off guns instead of fireworks and shared an experience of someone shooting off a gun.

Council questions and comments continued.

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

**ACTION:** Motion was made by Council Member Bedolla and seconded by Council Member Arriola to waive the reading of the full text and introduce an ordinance amending Tracy Municipal Code Sections 3.04.010, 3.04.030, and 3.04.130 to increase the fine amounts for administrative citations issued for violations of Chapter 3.04, "Fireworks". Roll call found all in favor; passed and so ordered.

3.D Staff recommends that the City Council receive a report on City Council's FY 2022-2023 Operating Budget for travel and related expenses.

Karin Schnaider, Assistant City Manager and Sara Cowell, Finance Director presented the item and announced Items 3.D and 3.E will be read together.

Council asked clarifying questions.



Karen Moore referred to Section B, Item 11 stating the language needs to be clarified regarding expenses that do not reflect a direct business benefit. Document has a lot of red lines and suggested moving it to another meeting.

Alice English spoke about the Mayor's travel from January 16-20, shared concerns regarding some of the Mayor's travel expenses, was glad Council is having the discussion and think all travel should come to Council.

James Young spoke about Ms. English targeting the Mayor and asked if staff is providing the information for free, at home or in their time or city time. How many hours does it take to pull the information and how much does it cost the City.

Council Member Arriola referred to Section B, #9 and suggested the following language: most economy level but allowing aisle and window. Council Member Evans supported the language.

Council questions and discussion continued.

Ms. Schnaider summarized Council's consensus on the changes to the proposed Policy for Reimbursement for Travel and Expenses for Elected and Appointed Officials:

- First paragraph: *and officials appointed by the City Council including appointed City Council...*
- Adopt travel budget annually as part of the annual budget which would be a May-June timeline. Can preapprove other additional travel at that time for out-of-state besides what is approved. This is a process and does not require language.
- No additional changes to Section A on authorized expenses when it came to the reasonable time.
- Section A, #8 remove: *and present a certificate*
- Section D, #1 add to end of third sentence: *and does not require selection of a middle seat.*
- Resolution has language that the City Manager and City Attorney must confer with each other in the event of ambiguity. Staff can add this to Section J along with the following final step: In the event of ambiguity or a disagreement about whether an expense is eligible for reimbursement then the City Council should make the final determination.

**ACTION (Item 3.D):** Motion was made by Council Member Arriola and seconded by Council Member Bedolla to receive a report on the City Council's FY 2022-2023 Operating Budget for travel and related expenses. Roll call found all in favor; passed and so ordered.

**ACTION (Item 3.E):** Motion was made by Council Member Arriola and seconded by Council Member Bedolla to adopt a **Resolution 2023-069** approving 1) Rescinding Resolution 2021-140, which adopted and amended the Policy for Reimbursement for travel and expenses for elected and appointed officials; and 2) Adopting a new Policy

for Reimbursement for Travel and Expenses for elected and Council-appointed officials. Roll call found all in favor; passed and so ordered.

3.E Staff recommends that the City Council 1) rescind Resolution 2021-140, which adopted and amended the Policy for Reimbursement for Travel and Expenses for Elected and Appointed Officials; and 2) approve a resolution adopting a new Policy for Reimbursement for Travel and Expenses for Elected and Council-Appointed Officials. – Item was read and included with Item 3.D.

3.F Staff recommends that the City Council appoint, by motion, a subcommittee of two Councilmembers, 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 comments followed.

There was no public comment.

**ACTION:** Motion was made by Council Member Evans and seconded by Council Member Arriola to appoint a Council subcommittee of Council Member Evans and Council Member Bedolla and Council Member Arriola as alternate to interview applicants to fill one term vacancy on the Tracy Parks and Community Services Commission. Roll call found all in favor; passed and so ordered.

3.G Staff recommends that the City Council appoint, by motion, Rosario Arulappan and Pio Fernandez to serve two (2) of the three (3) expired terms beginning March 1, 2023 and ending February 28, 2026 to the City of Tracy Measure V Residents' Oversight Committee.

Adrienne Richardson, City Clerk provided the staff report.

Council subcommittee member Mayor Pro Tem Davis announced the subcommittee's recommendation for the Measure V Residents' Oversight Committee.

Alice English thanked Council on Rosario Arulappan's behalf as he had left Council Chambers.

Rosario Arulappan returned to Council Chambers and stated it is an honor to be part of the committee and thanked the Council subcommittee consisting of Mayor Pro Tem Davis and Council Member Evans.

**ACTION:** Motion was made by Council Member Evans and seconded by Council Member Arriola to appoint Rosario Arulappan and Pio Fernandez to serve two of the three expired terms beginning March 1, 2023, and ending February 28, 2026 to the

City of Tracy Measure V Residents' Oversight Committee. Roll call found all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – Karen Moore announced Saturday, April 22 at 9:00 a.m. is the Earth Day tree planting in Frank Hoyt Park and community clean up in Cecilian Park.
5. STAFF ITEMS – Midori Lichtwardt, Acting City Manager provided the following updates:
  - Caltrans will have significant on-ramp and lane closures for Interstate 205 as Phase 2 of the I-205 Smart Corridor Project. Most notable will be a six-week closure of the Grant Line Road on-ramp to westbound I-205, scheduled to begin Tuesday, April 25. Eastbound & westbound Grant Line Road traffic will be directed north to use the Naglee Road/Pavilion Parkway on-ramp as the detour. Staff will be sharing Caltrans' traffic advisories with detour maps and reminders this week, including the website link where you can learn more about the project.
6. COUNCIL ITEMS – Council Member Arriola reported on the City Leader Summit in Sacramento last week. Wished everyone a happy Earth Day and looked forward to travelling with Mayor Pro Tem Davis to Washington D.C. for the Federal lobbying trip.

Council Member Evans wished his son a happy Birthday who turned 17 yesterday and announced there is a ribbon cutting at North Elementary on Thursday at 4:45 p.m.

Council Member Bedolla stated he will be submitting a more detailed report on things he has attended between boards, commissions, community events. Also joined colleagues at National League of Cities Congressional Cities Conferences and City Leaders Summit. Council Member Bedolla shared there have been a lot of public record requests and every once and a while he reads through them as they provide a different perspective than we see in the Tracy Press or in Council Chambers and called attention to PRA request 23-95. It sheds a lot of information on behavior we are seeing from our higher elected and appointed officials. Under the sake of oversight and concern wanted to share that.

Mayor Young reported on the League of California Cities City Leaders Summit she attended last week.

Mayor Pro Tem Davis reported on the League of California City Leaders Summit she attended last week and will submit a report to the Clerk. Attended Ms. Rowena's 100<sup>th</sup> birthday at the Elk's Lodge. Congratulated Imperial Spice on the opening of their restaurant. Congratulated Tracy Little League on their first crab feed fundraiser, and Steve Abercrombie did Brighter Christmas D.A.R.E. fundraiser for his birthday.

7. ADJOURNMENT – Time: 12:04 a.m., Wednesday April 19, 2023.

**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 April 14, 2023. 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