

**May 16, 2023, 7:00 p.m.**

City Hall, 333 Civic Center Plaza, Tracy

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

Mayor Young called the meeting to order at 7:30 p.m.

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

Deacon Jack Ryan offered the invocation.

There were no actions taken pursuant to AB 2449.

Mayor Young presented a proclamation for National Public Works Week to James Jackson, Operations and Utilities Director.

Mayor Young proclaimed May as Jewish American Heritage Month.

Mayor Young proclaimed May as Asian/Pacific American Heritage Month.

Sekou Millington, Police Chief swore in the following Police Department promotions: Angelo Arnaudo – Police Officer, Jake Comber – Sergeant, Jose Pettit – Corporal, Mike Roehlk – Lieutenant, Leticia Infante – Sergeant, and Ray Reynoso – Corporal.

1. CONSENT CALENDAR – Michael Rogers, City Manager pulled items I.C and 1.L from the Consent Calendar and 3.E from the regular agenda to have those items return on June 6, 2023. Item 1.L will be before the Tracy Homelessness Advisory Committee on Thursday and then will return to Council on June 6, 2023.

Karin Schnaider, Assistant City Manager explained Consent Item 1.C is pulled to correct the title which would reflect the ability for the Council to make the opinion that it is a sole source vendor. Item 1.L is the construction for the temporary emergency housing for phase 1 and other sections of the undergrounding that took place at the shelter. This item should be going first to the Homelessness Advisory Committee on May 18 for them to get an update and then return to Council on June 6, 2023.

Michael Rogers, City Manager stated item 3.E is being pulled because there are a few items that needed to be tidied up and it is an extremely important item for the City and he needs time to review the item as he was on medical leave and did not have an opportunity to review these properly so would like opportunity to do that and bring back at the next meeting.

Mayor Pro Tem Davis objected to pulling item 3.E.

Mr. Rogers stated there are some errors and things that could be added. He does not like to take things until they are absolutely ready.

Mayor Young stated the City Manager has the authority to pull items.

Mayor Pro Tem Davis appealed the Chair's decision. Council Member Bedolla and Council Member Evans seconded the appeal.

Mayor Young called for a recess. Council Members Bedolla, Evans and Mayor Pro Tem Davis objected to the call for recess.

City Council discussion ensued regarding the City Manager's authority to pull any item from the agenda.

During the discussion and at the request of Mayor Young, Bijal Patel, City Attorney provided information from Rosenberg's Rules regarding calling for a recess and confirmed there is nothing in the Tracy Municipal Code regarding the City Manager's authority to remove items from the agenda and it is within the Council's meeting protocols.

Council discussion continued.

Mayor Pro Tem Davis confirmed she wished to move forward with appealing the Mayor's decision for a recess.

Mr. Rogers stated there were a few items that need to be reviewed. As the City Manager he wanted to have an opportunity to fully understand those protocols because many of those things have an effect on the City Manager's Office.

Council discussion continued.

Mayor Pro Tem Davis confirmed she appeals Mayor Young's decision to pull the item.

Council questions continued.

Council Member Arriola read out Section 2.5 of Rules and Procedures and referred to Sections 4.3.1. and 4.3.1.2. Subsection 4.3.1.2 states if no discussion is had regarding the timing the City Manager shall place the requested item on a future Council agenda within a reasonable time and because there was no discussion related to the timing, 4.3.1.2 would make this within a reasonable time. It is the first he has heard of it but because of the emotion he feared Council was not doing this with clear heads and asked to abide by this within a reasonable time and move it to the next meeting.

Ms. Patel clarified the dates of the workshops, informed Council at the workshop that she will be coming back with amended rules on the first or second meeting in April. Council also took a motion to create a new standing committee and as a part of the standing committee, the Acting City Manager and Assistant City Manager came with a discussion item as to additional authorities for subject matter standing committees and explained that the Council rules are delayed because we wanted to get direction as to how Council wanted to form those subject matter committees because they would require additional amendments to the Code.

Mayor Pro Tem Davis called the question. Council Member Bedolla seconded calling the question.

Mayor Young continued voicing her concerns regarding item changes she felt were problematic in the Code of Conduct and shared her support for the City Manager.

Ms. Patel reiterated her role as the City Attorney to help and guide Council legally to create rules processes to make the city run with future generations and expressed her frustration with being bullied and her professional integrity being constantly attacked.

Mr. Rogers reiterated it is an important item and he needs to review it and is saying to pull it to the next meeting.

Mayor Pro Tem Davis repeated her motion to appeal the Chair's decision that this agenda item be moved to a different date and asked the Council body to hear the item tonight. Council Member Bedolla supported the request.

Council Member Arriola asked if there is any time sensitivity that it cannot wait until the next meeting. Ms. Patel responded to the question regarding the time sensitivity.

Council discussion continued.

Based on legal advice from the City Attorney, Mayor Pro Tem Davis rescinded her motion and item 3.E stays on the agenda and allows Council to move forward with the rest of the agenda.

**ACTION:** Following the removal of agenda items 1.C and 1.L by Michael Rogers, City Manager motion was made by Council Member Arriola and seconded by Council Member Bedolla to adopt the Consent Calendar. Roll call found all in favor; passed and so ordered.

- 1.A Adoption of May 2, 2023 Closed Session, Special Meeting and Regular Meeting Minutes – Minutes were adopted
- 1.B Staff recommends that the City Council adopt a resolution approving Amendment No. 1 to the Professional Services Agreement with SKM Engineering, LLC for the upgrade of the City of Tracy Supervisory Control and Data Acquisition system increasing the total not-to-exceed amount to \$752,140.- Resolution 2023-078 approved Amendment No. 1 to the Professional Services Agreement with SKM Engineering, LLC.
- 1.C Staff recommends that the City Council adopt a resolution renewing a Small Government Enterprise Licensing Agreement and the purchase of Geographic Information System software licenses through the Environmental Systems Research Institute, Inc. for a term of three years and a not-to-exceed amount of \$171,600. – Item was move to June 6, 2023
- 1.D Staff recommends that the City Council adopt a resolution approving a Zero-Emission Bus Rollout Plan for the Tracer bus system as required by the California Air Resources Board's Innovative Clean Transit Regulation. – Resolution 2023-079 approved a Zero-Emission Bus Rollout Plan for the Tracer bus system.

- 1.E. Staff recommends that the City Council adopt a resolution ratifying the San Joaquin Council of Governments (SJCOG) Annual Financial Plan for Fiscal Year 2023-2024, as required by the Joint Powers Agreement between SJCOG and its member agencies – Resolution 2023-080 ratified the SJCOG Annual Financial Plan for FY 2023-2024.
- 1.F. Staff recommends that the City Council, adopt a resolution to: (1) accept the finalized construction for the Pavement Rehabilitation Project, FY 2021-2022, CIP 73183, for work completed by Tracy Grading and Paving, Inc. of Tracy, California; (2) authorize the City Clerk to File the Notice of Completion with the San Joaquin County Recorder's Office; (3) authorize the City Engineer to release the bonds and retention payment; and (4) authorize the Finance Department to close the Project. – Resolution 2023-081 accepted the construction for the Pavement Rehabilitation Project, FY 2021-2022, CIP 73183 by Tracy Grading and Paving, Inc., authorized release of bonds and closure of the project.
- 1.G. Staff recommends that the City Council, adopt a resolution, to: (1) approve an appropriation of \$485,000 from General Projects Fund (F301) to CIP 71111, for the Grand Theatre Center for the Arts Exterior Improvements Project, Phases 2 and 3; (2) award a construction contract to Diede Construction, Inc. of Woodbridge, California, in the amount of \$1,899,751 for Phases 2 and 3 of the Grand Theatre Center for the Arts Exterior Improvements, CIP 71111 with a not-to-exceed budget of \$2,374,689; and (3) authorize the City Manager to approve change orders up to the contingency amount of \$189,975, if needed. – Resolution 2023-082 approved an appropriation of \$485,000 from General Projects Fund (F301) to CIP 71111 for the Grand Theatre Center for the Arts Exterior Improvements Project, Phases 2 and 3; awarded the construction contract to Diede Construction, Inc., and authorized the City Manager to approve Change Orders.
- 1.H. Adopt a resolution approving Amendment No. 1 to the Professional Services Agreement with The KPA Group for the Citywide Public Facilities Master Plan Update to increase compensation by \$ 19,610 for a new total not-to-exceed amount of \$399,890 and extend the term of the Agreement through December 31, 2023. – Resolution 2023-083 approved Amendment No. 1 to the Professional Services Agreement with the KPA Group.
- 1.I. Staff recommends that the City Council adopt a resolution to (1) accept the construction for the Lincoln Boulevard Sewer Main and Lateral Replacement Project, CIP 74163 for work completed by Tracy Grading and Paving, Inc., of Tracy, California, (2) authorize the City Clerk to File the Notice of Completion with the San Joaquin County Recorder's Office, (3) authorize the City Engineer to release the bonds and retention payment, and (4) authorize the Finance Director to close the Project. – Resolution 2023-084 approved accepting construction for the Lincoln Boulevard Sewer Main and Lateral Replacement Project, CIP 74163 completed by Tracy Grading and Paving, Inc., authorized the Notice of Completion to be filed with the San Joaquin County Recorder's Office, authorized the release of bonds and retention payment, and closure of the project.

- 1.J. Staff recommends that the City Council approve a resolution adopting the bylaws for the (a) Tracy's Homelessness Advisory Committee and (b) Finance Committee. – Resolution 2023-085 approved adopting the bylaws for the Tracy Homelessness Advisory Committee and the Finance Committee.
- 1.K. Staff recommends that City Council approve the Offsite Improvement Agreement between City and Lennar Homes of California, LLC for public roadway improvements for Tracy Hills Drive 1B-1 that are required by the Conditions of Approval for the Vesting Tentative Subdivision Map for Tracy Hills Phase 1B – Resolution 2023-086 approved the Offsite Improvement Agreement with Lennar Homes of California, LLC., for public roadway improvements for Tracy Hills Drive 1B-1.
- 1.L. Staff recommends that the City Council adopt a resolution (1) accepting the construction for the Temporary Emergency Housing Project on Arbor Avenue, Phase 1, CIP 71112 for work completed by GradeTech, Inc., of San Ramon, California, (2) authorizing the City Clerk to File the Notice of Completion with the San Joaquin County Recorder's Office, and (3) authorizing the City Engineer to release the bonds and retention payment. – Item was moved to June 6, 2023.
- 1.M. Staff recommends that the City Council adopt a resolution (1) accepting public improvements constructed for Eastside Channel Concrete Lining by Tracy CHP Partners, LLC, (2) authorizing the City Engineer to release the bonds, and (3) authorizing the City Clerk to file the Notice of Completion with the San Joaquin County Recorder's Office. – Resolution 2023-087 accepted the public improvements constructed for Eastside Channel Concrete Lining by Tracy CHP Partners, LLC, authorized the release of bonds and filing of the Notice of Completion with the San Joaquin County Recorders Office.
- 1.N. Staff recommends that the City Council adopt a resolution approving Amendment No. 1 to the Professional Services Agreement with Indigo | Hammond + Playle Architects, LLP for the Citywide Public Safety Master Plan update (CIP 71108) to increase compensation by \$20,000 for a new total not-to-exceed amount of \$196,500 and extend the term through December 31, 2023. – Resolution 2023-088 approved Amendment No. 1 to the Professional Services Agreement with Indigo | Hammond + Playle Architects, LLP for the Citywide Public Safety Master Plan update (CIP 71108).
- 1.O. Staff recommends that the City Council adopt a resolution to (1) accept the Lewis Manor Well Rehabilitation (Production Well No. 5) Project – CIP 75153, completed by Zim Industries, Inc.; (2) authorize the City Clerk to file the Notice of Completion with the San Joaquin County Recorder's Office; (3) authorize the City Engineer to release the bonds and retention payment; and (4) authorize the Finance Director to close the project. – Resolution 2023-089 approved accepting the Lewis Manor Well Rehabilitation (Production Well No. f) Project – CIP 75153 completed by Zim Industries, authorized filing of the Notice of Completion with the San Joaquin County Recorders Office, authorized the release of the bonds and retention payment, and authorized the closure of the project.
- 1.P. Staff recommends that the City Council adopt a Resolution authorizing a Cooperative Purchasing Agreement with UniFirst Corporation for the purchase of

uniform services for a term of 5 years and a total not to exceed amount of \$500,000. – **Resolution 2023-090** authorized a Cooperative Purchasing Agreement with UniFirst Corporation.

Mayor Young called a recess at 8:42 p.m.

Mayor Young reconvened the meeting at 8:53 p.m.

2. ITEMS FROM THE AUDIENCE – Wes Huffman stated the American Legion and VFW invite Council to the Memorial Day service where they can see the new flag poles. A great City needs a lot of volunteers. Mr. Huffman stated on behalf of his friend he asked to consider dividing the City into four districts and assign Council to districts, and asked Council to consider moving items from the audience to the top of the agenda and not after the consent calendar.

Mayor Young confirmed with Mr. Huffman that the Memorial Day service will begin at 10:00 a.m. and will be held at the cemetery and war memorial.

Veronica Vargas stated Council voted to agendize a discussion to create districts for our community, was a priority asked previously, has not been agendized since early January when it was requested. Ms. Vargas spoke about a false narrative about Valley Link not having a station in Tracy and spoke about previous Valley Link presentations and dates where Valley Link was discussed, early operation segments and phases of the project moving forward.

Dotty Nygard pleaded with those that do represent us in the community that we have decency and respect in Council seats and continue to show we are a united city and here to do good business to make us move forward. Ms. Nygard stated she attended the School Board meeting and they have gone ahead regarding districts. Hope we can move forward with districts on our own terms. We will have more time and better outcome.

Sandy Taylor shared her disappointment with what she has witnessed at the Council meeting regarding disfunction on Council. This Council is more interested in playing politics versus doing the right thing for the constituents. Ms. Taylor stated she has been a part of the Aquatics task force since 2005 and spoke about throwing away all the work done over the last 18 years. Surland Communities as well as other developers have contributed time, money and expertise to amenities in Tracy.

Council Member Bedolla stated the current situation with the Aquatic Center is due to litigation by the developer.

Robert Tanner complained about how previous and current Councils treat seniors. Other cities get offered smaller containers for seniors. Seniors 65 and up are fixed income and shared his concerns about increase of rates for seniors. Staff should create a list of 65 and up.

Rosario Arulappan shared his concerns regarding the Lammers Road exit project on I-580 and spoke about traffic conditions. Tracy Hills has only one way to exit. Currently big trucks are using Valpico and Lammers Road, and traffic is increasing, and commuters

are having a hard time. New exit will provide a safer way to exit and enter. Hoped Council can move the project forward expediently.

Richard Williams stated he was at Council meeting on May 2 regarding safety concerns of uncontrolled crosswalks and spoke about making uncontrolled crosswalks safer, spoke about his father-in-law who was killed while on a crosswalk on 11<sup>th</sup> Street and submitted another signed petition to the Clerk.

Alice English shared concerns regarding Council's behavior tonight. Applauded current Council for not opposing Valley Link, did not receive EIR from Valley Link and there is no guarantee we will have Valley Link station, it will stop in Mountain House.

Alex Monceaux stated he felt Council was trying to rush through ordinance changes, was glad Council decided to take time to look at that and understands some changes have to happen in retail sector. When you look at the other aspects, 600 feet for manufacturing or industrial is irrelevant, they can be next to each other; they are not open to the public. Mr. Monceaux suggested Council takes their time when making policies.

James Young stated he would love to say we have a perfect Council but do not and hoped the Council can get through the items. Mr. Young spoke about the Aquatics Center and if the City is ever going to do it, who is holding it up and let's get it done.

Karen Moore stated Council has a power struggle and spoke about confusion on the form for wastewater rate protest and asked if a parcel number is required when submitting the form. Ms. Moore shared her support for bringing districts to the City of Tracy.

Rebekah Martin spoke in support of moving forward with the Aquatic Center.

Council Member Bedolla made a motion to address item 3.D and then item 3.E at the beginning of the regular agenda. There was no second to the motion.

Council Member Bedolla stated he wanted item 3.D and item 3.E first but would settle for just hearing 3.D first.

Mayor Young announced item 3.D will be heard before item 3.A.

## DEVIATION

- 3.D Staff recommends that the City Council appoint, by motion, Matthew Shroud to serve on the City of Tracy's Parks and Community Services Commission, for a full term beginning May 17, 2023 and ending January 31, 2028.

Adrienne Richardson, City Clerk provided the staff report.

The Council subcommittee consisting of Council Member Evans and Council Member Bedolla provided input regarding their recommendation.

Council questions and comments followed.

**ACTION:** Motion was made by Council Member Bedolla and seconded by Council Member Evans to appoint Matthew Shroud to serve on the City of Tracy's Parks and

Community Services Commission, for a full-term beginning May 17, 2023 and ending January 31, 2028. Roll call found all in favor; passed and so ordered.

### 3. REGULAR AGENDA

- 3.A Staff recommends that the City Council introduce an Ordinance of the City of Tracy: 1)Amending Tracy Municipal Code Sections: (A) 6.36.012 to modify the definition of owner for commercial cannabis; (B) 6.36.040 to add clarifying language; (C) 6.36.080 to toll further toll the expiration date of the commercial cannabis business permits that are expiring on June 21, 2023, to March 3, 2024; and (D) 6.36.100 to modify the cannabis business permit renewal requirements; and 2) Determining that the Project is categorically exempt from the California Environment Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061(B)(3).

Victoria Lombardo, Senior Planner and Lieutenant Miguel Contreras provided the staff report.

Sekou Millington, Police Chief responded to questions.

Alex Monceaux asked why staff is still having two background checks. Move forward with the better one. Should not be an HDL and FBI one. Shared his concerns regarding HDL and feel they should be fired.

Karen Moore spoke about a Planning Commission meeting where it was asked how far away one cannabis place was from the nearest youth center but didn't ask for anyone else and rejected it. Under Council's purview they didn't apply the ordinance fairly, and it is discriminatory; we can make it right. How can the City punish one of the cannabis retailers. Make some changes to that bad call. Understand moving ahead without FBI. This is a great way to move this forward.

Matthew Nathaniel stated it is crucial to have accurate and comprehensive background checks to ensure public safety, expressed support for staff's recommendation to approve the proposed amendments which aim to address challenges faced by the City in accessing federal data bases for background security clearances of business owners.

Motion was made by Council Member Bedolla and seconded by Council Member Evans to waive the full reading of the text and introduce an ordinance amending TMC Section 6.36.040 to add clarifying language; and Section 6.36.100 to modify the cannabis business permit renewal requirements; and 2) Determining that the Project is categorically exempt from the California Environment Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061(B)(3).

Council comments and questions followed.

**ACTION:** Council Member Arriola made a substitute motion to amend the Tracy Municipal Code Section 6.36.080 to further toll the expiration date of the commercial



cannabis business permits that are expiring on June 21, 2023, to March 3, 2024. Mayor Young seconded the motion.

Ms. Patel reminded Council that the motion must include CEQA.

Council Member Arriola amended his motion to include determining that the Project is categorically exempt from the California Environment Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061(B)(3). Mayor Young accepted the amendment. Roll call found Council Member Arriola, Mayor Pro Tem Davis and Mayor Young in favor; passed and so ordered. Council Member Bedolla and Council Member Evans opposed.

**ACTION:** Council voted on Council Member Bedolla's previous motion which was seconded by Council Member Evans to waive the full reading of the text and introduce an ordinance amending TMC Section 6.36.040 to add clarifying language; and Section 6.36.100 to modify the cannabis business permit renewal requirements; and 2) Determining that the Project is categorically exempt from the California Environment Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061(B)(3). Roll call found all in favor; passed and so ordered.

3.B Staff recommends that the City Council receive an informational report and provide feedback on renaming the Tracy Sports Complex pursuant to the City of Tracy's Naming Public Buildings, Parks and Recreational Facilities Policy

Jolene Jauregui, Recreation Services Manager, provided the staff report.

Conrad Levoit asked how the topic came up to rename the complex. Tracy Sports Complex is a good name, there has to be something behind that.

City Council comments and questions followed.

Mayor Young, Mayor Pro Tem Davis, Council Members Evans, and Bedolla supported keeping the same name. Council Member Arriola was in support of taking it back to the Parks and Community Services Commission.

Mayor Young suggested writing into policy a process so that the Parks and Community Services Commission can weigh in on renaming opportunities.

It was Council's consensus to not rename Tracy Sports Complex and not amend the policy.

Due to the lateness of the hour Council Member Bedolla motioned to continue items 3.C and 3.E to be heard at the very beginning of the meeting on June 6, 2023. Mayor Pro Tem Davis supported the request. Roll call found Council Members Arriola, Bedolla, Mayor Pro Tem Davis and Mayor Young in favor; passed and so ordered. Council Member Evans absent from roll call.

3C. Staff recommends that Council adopt a resolution approving a Joint Community Facilities Agreement with the Jefferson School District relating to the City of

Tracy Community Facilities District No. 2016-1 (Tracy Hills) and approving and authorizing related documents and actions – Continued to June 6, 2023

There was no public comment.

3.E Approve a resolution to adopt amendments to the City Council's A) Code of Conduct and B) Meeting Protocols and Rules of Procedures – Continued to June 6, 2023

There was no public comment.

4. ITEMS FROM THE AUDIENCE – Alice English stated Mr. Williams spoke earlier about crosswalks and hoped an item comes back soon so no one else gets hurt. There has been other instances on 11<sup>th</sup> street. Another gentleman spoke about Valpico and Corral Hollow there was another accident that day. There is no safe left turn from any direction. Time to take action to put a stop sign or have red lights blinking. Ms. English spoke about Valley Link stating there was false narrative, and Measure Y's failure and money wasted on the initiative. Let's make sure what direction Valley Link is going before we go back to TOD.

Alex Monceaux hoped Valley Link never comes to Tracy which allows homeless to move into town. Mr. Monceaux apologized to Council Member Bedolla because he had said Council Member Bedolla had voted differently at a previous meeting. Has a lot of respect for all Council but does not think all Council is pro-business for free market choices. Free market will close most of these. Putting a policy in place to prevent them from opening is not good. Spoke about being pro-business and need to take a different approach.

Adrienne Richardson, City Clerk announced emails were received from the following: Brandon Kanner shared support for the Aquatic Center, Nadine and Bruce Hotchkiss, Judy Hau, David Hudson, Catherine Espitia, and Jenny Wood submitted letters of protest regarding the wastewater rate increase and Karen Moore regarding Oakland's climate, sustainability newsletter.

5. STAFF ITEMS – Michael Rogers, City Manager provided the following updates:
- We are currently accepting bids for the Bessie Avenue Reconstruction Project (between Lowell Ave. & Grant Line Rd.) for demolition and rehabilitation of the roadway surface, sidewalks, driveways, curb ramps, associated utilities, and streetlight installation. The notice is posted on Bid Notices – Construction Projects section of our website: CityOfTracy.org. Bid opening will take place at 2:00 p.m. on May 23, 2023.
  - Mailers with important information about the Wastewater Rate Study, the need to adjust rates for the first time in a decade, and the related public hearing scheduled for June 20<sup>th</sup> at 7:00 p.m. were sent to all impacted customers last week. A media release went out today, will be linked on our homepage, and outreach has begun! We sincerely apologize for the regrettable clerical error made by an external consultant during design that resulted in the misspelling our City's name in the return address. We acknowledge the negative impact this has on our credibility, deeply regret any confusion caused, and take full responsibility for the oversight. Immediate actions have been taken to prevent this from happening in the future. We value your support and trust and appreciate your understanding.

- If you haven't already, please provide feedback about your housing needs by completing our five-minute Housing Element Survey posted on our homepage: [CityOfTracy.org](http://CityOfTracy.org). Three in-person workshops have been scheduled at the Transit Station – the first is May 23<sup>rd</sup> from 6:30-8:30 p.m. Please help yourself to the workshop flyers on the table outside Chambers.
  - Reserve your free tickets now for the May 31<sup>st</sup> State of the City at [www.AtTheGrand.org](http://www.AtTheGrand.org).
  - The newly established Finance Committee will be having their second meeting tomorrow at 7:00 p.m. in Chambers. They will be discussing and providing feedback on the fiscal year 2023-24 proposed City Council budget and receive an update on the new digital budget book.
  - The City/Schools Liaison and Homelessness Advisory Committees will be meeting this Thursday at 1:00 p.m. and 7:00 p.m. respectively – the agendas are posted on our website.
6. COUNCIL ITEMS – Council Member Evans felt it was time to daylight to the residents some things he has been holding back and provided the following timeline. In December 2022 he was sworn in, asked what was keeping the custom shelter containers that were delivered to the emergency housing shelter in December from opening, did not get acceptable or complete answers. January, he asked again and was advised that the City was aware of surface rust and other issues. On January 27, he went to the shelter and built his own punch list of major issues and also noted that the spill containment under the diesel generators was slumped and if spilled would not contain that spill and would have an environmental issue. Called the City Manager from the site and advised him of those and security issues, provided a written report and requested weekly status updates on the custom shelter status. February 10, he visited the shelter again, noted the same issues and again requested weekly status updates for the entire Council. Weekly status updates began on March 3. Council Member Evans shared he received a call from former employee who is a registered engineer and wanted to speak to him about the shelter project. On January 19, a former employee submitted a punch list and extensive video containing deficiencies. The former employee was not in their position as engineer with the City in the planning stage or purchase of containers. Council Member Evans added he recently read the purchase order with the container supplier and was shocked to learn the agreed upon address was on Bricchetto Road. One member of Tracy Homelessness Advisory Committee (THAC) was not aware that we were proceeding with that. That was changed to location we now have on Arbor Road. Takeaways - 1). When he asked about custom containers, deficiencies were known at that time but not conveyed to him, did not get complete answers and felt issues were being hidden from him. 2). There were plans to deliver the custom containers to Bricchetto without consent of either one or two Council Members including one on THAC. 3). Advised staff, specifically City Manager that this City needed to appoint a project manager to oversee the shelter project from beginning to end. The City leadership rejected that advice. The City Manager spent \$600,000 of taxpayer funds on the custom shelters that was promised to open in a matter of weeks. Money was paid before inspecting and accepting delivery. Six months later these are likely a lost cause, may be scraping those containers but hoping wrong and hoped the City can find a way to move beyond where we are at and finally get these things open and get generator power.

Mayor Young asked what is the procedure we would go through for something of concern to have looked at invoices. What is the normal procedure since we have a homelessness committee.

Bijal Patel, City Attorney responded under Council's own rules two Council Members can raise issues of concerns. The Homelessness Advisory Committee has two Council Members appointed to that and it is strongly recommended that no other Council Members participate so that we stay compliant with the Brown Act in terms of not having a quorum present at a standing committee. Members who are not on the committee can voice any concerns during the Council items.

Mayor Young responded if someone came up for public comment on homelessness, she would refer them to the Homelessness Committee and then when it comes to Council deal with issues. If she has a concern regarding homelessness it would be her turn to say it under Council items.

Ms. Patel responded what she heard in that message was communication and other issues and things received between staff and that Council Member.

Council Member Arriola thanked the City Manager for acknowledging the mailer error. Council Member Arriola thanked his colleagues and Council for the One Voice trip and advocating for \$24 million for the bridge reconstruction project at the I-580/Patterson Pass Interchange. Council Member Arriola recognized and honored Memorial Day and hoped everyone would join Council at that ceremony. Council Member Arriola urged Council to take a moment and reflect and focus on prioritizing Council decorum, today was a rough day, hoped we can move forward, may have differences of opinion but let's attempt to maintain decorum as we owe it to our residents.

Mayor Pro Tem Davis shared that she has tried hard to maintain decorum, but many times has felt disrespected, bullied, not heard, things that were implied against integrity, people colluding and has never said anything but tonight felt compelled to say something because it was out of control. If ever a time to approve the Code of Conduct, it needed to be tonight, this is why we need a Code of Conduct, a parliamentarian and order. We are beholden to the rules, code of conducts, ethics and does not respond to shots being made on the dais not because she is weak but because there is an audience and does not want to feel disrespected like she has felt today by the Mayor, this is not the decorum we should be having here. Because we disagree doesn't mean we are corrupt or in a political pocket of someone else and chooses not to say anything about what she has heard about other members of the Council because it is not the forum to do that. Council should be doing the work of the people respectfully no matter if we disagree. Trying to follow Rosenberg's Rules is difficult. Council has not got the work done tonight. Mayor Pro Tem Davis apologized to the public; this was not her best moment, spoke about transparency, there is information the Mayor gets to know and the rest of Council does not, this is a general law city, everybody has the same power to vote, all Council should all be privy to the same information which has not been happening and have mentioned to the City Manager before privately. What Council Member Evans said about the homeless shelter is true, she was with him and they called the City Manager together. As a member of the Tracy Homeless Advisory Committee she only knew about Brichetto from a resident. There are a lot of omissions and believes it is intentional. Mayor Pro Tem Davis stated she did not like the running narrative about our City Attorney and shared support for the City Attorney's role, and also respects Mayor

Young's role even though she has felt disrespected by the Mayor. We need to do better. Not doing anyone favors by not speaking out and she is serving the community she was elected to serve to the best of her ability.

Mayor Pro Tem Davis asked about the manufacturing labs for cannabis and why the City does not separate manufacturing from labs. Why is retail mixed in with labs and manufacturing when they don't have store fronts and is there something we can do about it and how they are defined when it comes to the space. Mr. Monceaux mentioned 600 feet buffer between laboratories that don't have a store front. Council Member Bedolla supported the request.

Ms. Patel responded she is not really sure if that ordinance has additional buffers from business to business, or warehouse to warehouse.

Mayor Pro Tem Davis stated she got a lot of calls and text messages about the misspelling and thanked the City Manager for acknowledging that and hopefully can do better proofreading next time. As a veteran she looks forward to the Memorial Day service every year. Has a report and out of consideration for those who mentioned they do not have social media, it is in print and on line.

Council Member Bedolla stated he concurred the sentiments of the entire Council. We can learn from any day and strive for better.

Council Member Bedolla motioned that the City Council schedule a special meeting at the earliest possible time when a quorum can be present to discuss the subject of the second motion. Council Member Bedolla made a motion directing the City Attorney to return to the City Council at the next special meeting with an ordinance amending section 2.8.80 subsection B of the Tracy Municipal Code to reflect that the City Manager may be removed with the majority vote of the City Council. Mayor Pro Tem Davis seconded the motion.

Ms. Patel stated under Council rules the Mayor, City Manager or majority of City Council can call a special meeting. The first motion would require a majority vote. In order to schedule a special meeting have to vote on whether or not you agree to have a special meeting. Mayor Pro Tem Davis supported the special meeting.

Mayor Young asked for clarity on the original motion and the second motion.

Council Member Bedolla repeated his two-part motion several times for clarity.

Ms. Patel stated only the first motion requires a majority vote which is the scheduling motion. If the special meeting is scheduled by the first motion the second one is scheduled under Council items.

Mayor Pro Tem Davis seconded the special meeting motion.

Council Member Bedolla repeated his motion to schedule a special meeting at the earliest possible time when a quorum can be present. Mayor Pro Tem Davis seconded the motion.

Mayor Young asked for clarification that a special meeting has to be specific about what that meeting is.

Ms. Patel responded Council Member Bedolla's motion is to schedule a meeting to discuss the ordinance and is directing her to come back for Council to consider, to discuss the subject of the second motion.

Roll call found Council Member Bedolla, Council Member Evans, and Mayor Pro Tem Davis in favor of Council Member Bedolla's motion to schedule a special meeting at the earliest possible time when a quorum can be present; passed and so ordered. Council Member Arriola and Mayor Young opposed.

Council Member Bedolla made a motion and seconded by Mayor Pro Tem Davis to direct the City Attorney to return to the City Council at the next special meeting with an ordinance amending Tracy Municipal Code Section 2.8.80 subsection B to reflect that the City Manager may be removed with the majority vote of the City Council. No roll call was needed as it is under Council protocols.

Mayor Young stated procedurally that was still not correct.

Mayor Pro Tem Davis asked what happened to item 3.E.

Ms. Patel responded Council Member Bedolla made a motion to continue items 3.C and 3.E.

Mayor Young stated she was wondering why she did not get an answer from the City Manager, all the answers should have come from staff but came from City Attorney.

Mayor Pro Tem Davis excused herself at 11:43 p.m.

Mayor Young stated it was an unfortunate meeting we had but there is confusion that continues to persist on our Council. Her aim is to be respectful to everyone on Council and staff and the community, apologized for anything that was out of line by her and stands behind her moral and courage and having more information, she meets with City staff it is open. Mayor Young stated she does not have one on ones with the City Attorney, so if there is more information given by her then it is not coming to her. All the information that she gets is coming from the City Manager and staff. There is info she is privy to that comes from the community that contacts her and it is up to Council to be responsive as an elected official to our community.

Mayor Young reported on events and meetings she has attended including the trip to One Voice.

Mayor Young referred to comments made by a former Council Member about priorities and one of the priorities being districts. A number of items have been written over the priorities and want to make sure we are getting back to what Council put together in February so we can tackle each one based on the current structure of government which is City Manager - City Council and has deep concerns about our community and where we are headed. Back in 2018 saw horrible things happen within our community, a City Manager, Police Chief and Assistant City Manager were let go. The Grand Jury weighed in and made recommendations so lines would not be blurred between Council

and our City Manager's office and the Code of Conduct. Since 2018 a lot of agendas have filtered through our community and lines are blurred even worse and taken us to a completely different form of government and our city is at risk. There is an item to get rid of a competent City Manager because despite what has been said tonight, if anyone reads through what was presented, to say the City Manager has to confer with the City Attorney is crippling the City of Tracy. Mayor Young stated for years on Council she has heard a lot of challenges in our Engineering Department, but in the last year all the comments say it is held up in legal. Mayor Young shared concerns regarding a business community person reaching out to the City Manager to meet with him to catch up and the response from the assistant was that before she can make an appointment with the City Manager it has to be approved by the City Attorney's office. Mayor Young spoke about a meeting outside the Police Department after Police Chief Esquivel was let go, her plea to the public was does anyone see what is going on here. Council reports to the people and a lot are upset but don't respond until after the fact. Mayor Young stated she could write a long list of issues in her transparency report that over the last year have been in the realm of the Attorney's Office. There has been backlash on people who have spoken up, businesses that have been silenced, projects that have been delayed or cancelled because of inaction completely from our Attorney's Office. Mayor Young stated she has asked for a review of the Attorney after a year, asked for a report but has not got either one, and in the procedures we cannot question the City Attorney or her staff on anything so therefore she never has to give a report, she determines what happens. Mayor Young made pleas to the community to step up, speak up and stop this atrocity that is already in motion. Because our City Attorney controls three of our Council Members she can do whatever she wants and she has been. She refused to have those meetings that I have called for as Mayor that has not happened.

Council Member Bedolla stated Mayor Young has to stop throwing bombs at Council on the dais and if she does not have a point to make, then the meeting needs to be closed.

Council Member Evans responded it is a disgrace. This is a vendetta and needs to stop.

Council Member Bedolla motioned to adjourn and Council Member Evans seconded the motion.

Mayor Young responded she honored their transparency report and this is her transparency report and is specific to one person who has never given a report.

Council Member Evans responded Mayor Young is personally attacking Council.

Ms. Patel responded she usually doesn't speak up when the Mayor says things but has been in this job for one year and has taken significant abuse publicly from the Mayor, humiliation, degradation, and defamation. Ms. Patel stated she does not believe that there is anything that says she is supposed to give the Mayor a weekly report and is happy to give the Mayor anything she wants, but is not sure of what the Mayor is asking for. A performance evaluation is the will of the body. As a majority Council gets to decide if they want to do an evaluation of the City Manager or City Attorney.

Mayor Young responded she had a second on that and it is in Ms. Patel's contract to have a review every year. Because three Council Members say no then that is why you have brought it to Council.

Ms. Patel responded she is happy to have an employment evaluation. Take a vote right now and schedule it.

Mayor Young responded it is already on the schedule and Ms. Patel has already written it down.

Ms. Patel responded that is not correct procedurally and stated the Mayor asked her directly and she told the Mayor one Council Member cannot do that. If the Mayor wants this to be considered by the Council body, Council can vote on it and she has no control on that.

Mayor Young responded she signed her contract and it says Ms. Patel has to have an annual review.

Ms. Patel responded at the request of the Council body. All Council schedule it. The Mayor can make a request to convene a special closed session. The Attorney makes sure it is compliant with the Brown Act. She has no opposition to that.

Mayor Young called for a special closed session for the City Attorney's review.

Ms. Patel asked Mayor Young if she would like the meeting immediately.

Mayor Young responded to meet immediately to set the parameters of the review.

Council Member Bedolla supported the closed session for the City Attorney review.

7. ADJOURNMENT – Time: 11:59 p.m.

**ACTION:** Motion was made by Council Member Bedolla and seconded by Council Member Arriola to adjourn. Roll call found Council Members Arriola, Bedolla, Evans and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Davis absent.

The above agenda was posted at the Tracy City Hall on May 11, 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