

June 6, 2023, 7:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy

Web Site: www.cityoftracy.org

Mayor Pro Tem Davis called the meeting to order at 7:10 p.m.

Mayor Pro Tem Davis led the Pledge of Allegiance.

Pastor Scott McFarland, Journey Christian Church offered the invocation.

There were no actions taken pursuant to AB 2449.

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

Midori Lichtwardt, Interim City Manager presented Employee of the Month award for June 2023 to Kenny Lipich, Development Services Department.

Mayor Pro Tem Davis recognized DARE students.

Mayor Pro Tem Davis presented a Certificate of Appointment to new Parks and Community Services Commissioner to Matthew Shrout.

Mayor Pro Tem Davis presented a proclamation for Juneteenth Day to Gwendolyn White, President of Tracy African American Association.

Council Member Arriola presented a proclamation for LGBTQ Pride Month 2023 to Andrea Juarez-Smith and William Muetzenberg, and Tracy Pride.

It was Council's consensus to move regular agenda item 3.D to the beginning of the regular meeting.

1. CONSENT CALENDAR – Following the removal of consent items 1.B, 1.F and 1.J by James Damasco and 1.H by Council Member Bedolla motion was made by Council Member Arriola and seconded by Council Member Bedolla to adopt the Consent Calendar. Roll call found Council Members Arriola, Bedolla, Evans and Mayor Pro Tem Davis in favor; passed and so ordered. Mayor Young absent.
 - 1.A Adoption of May 16, 2023 Closed Session, Special Meeting and Regular Meeting Minutes – Minutes were adopted.
 - 1.C Adopt a Resolution authorizing the purchase of equipment in the amount of \$242,000 through Sourcewell cooperative purchasing agreements to maintain and operate Legacy Fields. – Resolution 2023-091 authorized the purchase of equipment through Sourcewell cooperative purchasing agreements.

- 1.D Adopt a resolution 1) approving a Professional Services Agreement with Faster, LLC for a total not to exceed the amount of \$295,600 for a term of five years to convert the City of Tracy's current fleet asset software to web-based software and determining that it is in the best interest of the City to dispense procurement requirements for the Agreement pursuant to Tracy Municipal Code Section 2.20.140 (b)(6) and 2) authorize the City Manager to make any minor amendments and contract extensions upon recommendation from the Operations & Utilities Director. – **Resolution 2023-092** approved the Professional Services Agreement with Faster, LLC., and authorize the City Manager to make minor amendments and contract extensions.
- 1.E. Adopt a resolution authorizing the purchase of a replacement crack seal machine from Crafcoc, Inc. through Sourcewell cooperative purchasing agreement #080521 for the amount of \$101,590. – **Resolution 2023-093** authorized the purchase of a replacement crack seal machine from Crafcoc, Inc. through Sourcewell cooperative purchasing agreement.
- 1.G. Adopt the following: 1) Resolution initiating proceedings for the annual levy of assessments and approving the preliminary Engineer's Report for the Tracy Consolidated Landscape Maintenance District pursuant to the provisions of the Landscape and Lighting Act of 1972 for Fiscal Year 2023/2024; and 2) Subject to approval of Item 1, Resolution declaring the City of Tracy's intention to levy annual assessments for the Tracy Consolidated Landscape Maintenance District for Fiscal Year 2023/2024 and setting a public hearing on June 20, 2023, at 7 p.m. to consider the same in accordance with the Landscape and Lighting Act of 1972. – **Resolution 2023-094** initiated the proceedings for the annual levy of assessments and approved the preliminary Engineer's Report for the TCLMD. **Resolution 2023-095** declared the City's intention to levy annual assessments for the TCLMD for FY 2023/2024 and setting the public hearing.
- 1.I. Staff recommends that the City Council a) Dispense the procurement requirements for this Agreement pursuant to Tracy Municipal Code Section 2.20.140(b)(6). b) 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 – **Resolution 2023-096** dispensed with the procurement requirements and renewed a Small Government Enterprise Licensing Agreement and the purchase of Geographic Information System software licenses through Environmental Systems Research Institute, Inc.
- 1.K Staff recommends that the City Council authorize the City of Tracy to continue participation in the San Joaquin County Urban County Consortium and Urban County Cooperation Agreement for the Federal Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) program funding for fiscal years 2024-2026 – **Resolution 2023-097** authorized the to continue participation in the San Joaquin County Urban County Consortium and Urban County Cooperation Agreement for CDBG and HOME investment Partnership program.

- 1.B Adopt a resolution (1) accepting the construction for the Temporary Emergency Housing Project on Arbor Avenue, Phase 1, and the preparation work for the modular and container units, Phases 3 & 4, 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. – **Resolution 2023-098**

James Damasco pulled the item and shared he was hired by the City briefly in November 2022 and was made Acting Project Manager of CIP 71112 – Temporary Housing Project on Arbor Avenue. In January 2023 he documented and reported deficiencies in the shipping containers and the next day he was fired and was told due to culture clash and is preparing numerous Public Record Act requests.

There was no Council comment.

- 1.F Adopt a resolution awarding a construction contract to Tracy Grading & Paving, Inc., of Tracy, California, for the Bessie Avenue Reconstruction Project – CIP 73192, 74166, and 75164, with a not-to-exceed project budget of \$5,464,884. – **Resolution 2023-099**

James Damasco pulled the item but had no comments.

Tim Silva stated he was in support of getting Bessie Road fixed as soon as possible and spoke about conditions ambulances endure on that road as the back entrance to Tracy Hospital.

There were no comments from Council.

- 1.J. Staff recommends the City Council approve a Voluntary Agreement with Prologis, L.P. a Delaware Limited Partnership for the construction of a turnaround and installation of an automated fire-access gate on the City portion of Hansen Road, in response to the County's decision to limit access to their portion of Hansen Road. – **Resolution 2023-100**

James Damasco pulled the item but had no comments.

Alice Wilcox stated she was shocked the item was off the agenda. Mayor Pro Tem Davis clarified the item is on tonight's agenda for approval.

Karen Moore asked if there will be an opening for pedestrian traffic, for bicyclists, or runners or anyone trying to get through that gate or is all connectivity cut off with this gate.

Koosun Kim, City Engineer responded to questions.

There were no comments from Council.

ACTION: Motion was made by Council Member Bedolla and seconded by Council Member Arriola to adopt Consent Items 1.B (**Resolution 2023-098**), 1.F (**Resolution 2023-099**) and 1.J (**Resolution 2023-100**). Roll call found Council Members Arriola, Bedolla, Evans and Mayor Pro Tem Davis in favor; passed and so ordered. Mayor Young absent.

- 1.H. Waive the second reading and adopt an ordinance of the City of Tracy: 1) Amending Tracy Municipal Code Sections: (A) 6.36.040 to add clarifying language; (B) 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; and (C) 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 Member Bedolla stated at the last meeting he did not support Section B and wanted to remain consistent. He will be voting yes but has reservations regarding Section B.

There was no public comment.

ACTION: Motion was made by Council Member Bedolla and seconded by Council Member Arriola to adopt **Ordinance 1338** as written in its entirety, an ordinance of the City of Tracy: 1) Amending Tracy Municipal Code Sections: (A) 6.36.040 to add clarifying language; (B) 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; and (C) 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 Council Members Arriola, Bedolla, Evans and Mayor Pro Tem Davis in favor; passed and so ordered. Mayor Young absent.

2. ITEMS FROM THE AUDIENCE – Karen Moore stated because those on the dais have different genders, religions, races that we are diverse but that is not how Diversity, Equity and Inclusion (DEI) works; women are fighting to get equal pay; unemployment is higher for different groups. Ms. Moore also stated continuing to gate the city tells her we are not thinking about equity and inclusion for people who rely on wheelchairs and bikes to get around, hopes Council revisits getting that training, is speaking out for the disabled and asked that every gate in town has access.

Richard Williams stated on May 2 he came to Council regarding a grant for the City to submit for safer pedestrians regarding crosswalks, Council approved it but has not seen it on consent calendar. Requested to be on Transportation Committee agenda but did not make the agenda for this coming Thursday. As of right now missed four opportunities for this grant to help with submission and gaining information. Deadline is July 10. Need to do something so that the citizens of Tracy can be safer. His family will not relent making this happen in the memory of their father.

Gabriela Rodriguez Machuca requested the mobile food ordinance 10.08.3193 be brought back to Council to help mobile food trucks work in Tracy. Provided a timeline and nothing has happened yet. Ms. Machuca stated she has been working on a project since September, want to relocate business downtown and faced enormous hurdles in writing and verbally. Shared frustration regarding communication with City staff and email threads to the City were unanswered.

Midori Lichtwardt, Interim City Manager clarified staff has been working with Ms. Machuca and she is meeting with her this week. There has been confusion on next steps and what the project being put forward is, how it will impact the mobile food ordinance and hoped to get that resolved quickly and make that call to either bring it back or resolve her issues to get her business up and going and confirmed Ms. Machuca's project and the mobile food ordinance are entwined.

Robert Tanner stated three members of this Council put a target on the back of Tracy citizens for their attitudes and how they handled the current City Manager leaving. The ordinance that was written contains personal items that will be there for the life of the ordinance, was surprised it was allowed, City of Attorney is supposed to review before becoming law and should have been in closed session. The comment that was made about the Grand Jury – that they didn't mean to make it permanent is unconscionable. There are all kinds of racism even within their own races. We had one member who never voted to hire the City Manager and seems like he got what he wanted.

Robin Cole stated we are in the middle of a revolution of local governance of California and spoke about switching to district elections stating all but one member of our Council lives south of 11th Street. This leaves some residents with little representation and puts Tracy at risk of a lawsuit. The City Manager that was supporting it is no longer here. The School District is moving to districts. Do the right thing, bring to Council to move Tracy to representative districts, the current consolidated power is currently in the newer higher income areas and that is wrong.

Pat Howell stated at the last Tracy Homelessness Advisory Committee meeting the report was complete and informative - reminded citizens that repetition in reporting allows us to compare the program's effectiveness to previous reports. In rebuttal of objections to the use of taxpayer dollars for the homeless, money used for these programs are designated specially for dealing with homelessness and will not be available for other uses. In rebuttal to objections to government interference in dealing with our homeless problem it was because of the outcry of our citizens, nationally, statewide and locally that the government had to step in. Staff needs our support to continue their efforts improving the conditions of the homeless population and shared appreciation for the work staff is doing.

June Yasemsky stated unfortunately three members of our Council are gaslighting us. Spoke about Michael Rogers hiring DEI consultants and shared reasons why local governments hire DEI consultants. There are Council members that would like you to believe their ethnicity race excludes them from participating in discriminatory practices, but the most dangerous and unfair practices are supported by the very people these practices target. Spoke about DEI and changing to districts. Have goal to redistribute some of the City's political power. DEI represents visionary thinking.

Cheryl Hayes stated she has volunteered with TCCC since 2018. TCCC worked tirelessly during COVID to come up with ways to help our unhoused citizens. Still have a

vested interest in the homeless situation. Without efforts of TCCC CEO Bubba Paris we would not have any shelter at all and shared some of Bubba Paris's efforts to locating, negotiating pricing and securing funding to move modular housing to Tracy site. We are finding a way to communicate about the corruption in City government.

Juana Dement expressed concern regarding not being able to have the opportunity to speak at the meeting on May 30 via Webex and felt her first amendment rights were violated. Ms. Dement stated very few people understand the process for terminating City hired employees, only Council knows what really happens when letting someone go. There was a lot of gaslighting going on by the opposition when the City Police Chief was dismissed, and not by the Council but let go by the City Manager and Council cannot get involved. Gaslighting happens on both sides of the spectrum. In favor of looking forward to a plan for districting the City of Tracy. One day we will get sued.

A resident stated the Council and City Manager form of government is designed to ensure the City Manager is accountable to City Council. City Manager is responsible for carrying the policies. Our City Attorney assures our city runs smoothly. Make the Aquatic Park a reality and find out why it is delayed. Council can address the homelessness, improving public safety and roads and sidewalk, promoting the economy to attract new business.

Don Penning stated there is a lot of finger pointing going on. A lot stems from the Mayor who is not grasping the position of leadership and is not taking the opportunity to get the synergy that is needed in her position. It is ok to not agree on everything, but as a leader to come to a consensus to use team as a synergy instead of pitting one member against another. Starts at top and will work its way down.

Alice English spoke about a petition by Surland that is supposed to be coming to Council on June 20. It is misleading as City and staff has been working very hard to get the Aquatics Park done. Surland is delaying the project by trying to sue the City twice and failed. Asked developer to separate the Development Agreement from the pool and he did not want to as it is all about RGAs. Have Surland give the City the \$9.2 Million he owes and the 16 acres so we can go forward. Give us money and get out.

Dotty Nygard stated she heard from Council that they are here for the people and represent their constituents but have witnessed majority voices being ignored in this Chamber. Witnessed Mayor being denied funding, and now our city is facing a huge severance package and possible litigation because there is a fear on the dais to address equity and districts. There is a power grip on our City. Districts have enormous say in how we respect the representation in our community. Three Council Members live in close proximity to each other, and they would have to run risk of campaigning against each other with districts. Businesses and residents have lost trust in our city. Shame on us for allowing our leadership to repeat itself and be epicenter of chaos.

Council Member Bedolla clarified the four Council Members on the dais live in the north, south, east, and west side of Tracy.

Tim Silva stated once again the misguided haters are trying to lead you down the wrong path in trying to say our Council terminated our City Manager. Tracy Press says he resigned and dropped lawsuit against City. The City Council did not terminate him, he resigned. Council questioned his ethics and job performance and with that he decided to

resign. Shared support for a three majority vote. If you have to have a supermajority vote nothing will get done. City Council is doing a great job.

Burnell Shull stated no one fired the City Manager, he resigned. Think of his salary per month and the \$600,000 he has cost us; we are getting by cheap. Spoke about blame being put on the City Attorney, she is doing a good job trying to find the end of the mess we are in. Mayor needs to be replaced; she is too busy collecting money from developers. Staff and Council are doing a good job. You have to look out for the people and that is what you are doing.

3. REGULAR AGENDA

DEVIATION

- 3.D. Staff recommends that the City Council receive the annual informational report for the Youth Advisory Commission for the 2022 calendar year.

DeAnna Pombo, Youth and Teen Coordinator introduced Alexis McAdams and Archit Bhattacharya, Youth Advisory Commissioners who presented the Youth Advisory Commission annual information report for 2022 and responded to questions.

Kimberly Range stated when looking at activities Juneteenth coming up and asked if the Black Student Union has been contacted to participate on the committee.

Council questions and comments followed.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Bedolla to accept the annual information report of the Youth Advisory Commission for the 2022 calendar year. Roll call found Council Members Arriola, Bedolla, Evans and Mayor Pro Tem Davis in favor; passed and so ordered. Mayor Young absent.

- 3.A 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.

Sara Cowell, Finance Director provided the staff report.

Mike Souza stated it is mechanism to help finance all infrastructure to put into Tracy Hills, spoke about progress for building schools, and process of funding schools with the goal of having the school open when it is 50% full. Already paid \$32 million to Jefferson School District. Costs were higher than anticipated. By doing this JCFA allows them to use some of the bond money to help reimburse them for payments made to Jefferson School District for infrastructures. It depends on interest rates how much money will

come back for the sale of bonds. Mr. Souza also responded to Council questions.

Council comments and questions followed.

There was no public comment.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Bedolla to adopt **Resolution 2023-101** 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. Roll call found Council Members Arriola, Bedolla, Evans and Mayor Pro Tem Davis in favor; passed and so ordered. Mayor Young absent.

3.B Approve a resolution to adopt amendments to the City Council's A) Code of Conduct and B) Meeting Protocols and Rules of Procedures.

Bijal Patel, City Attorney provided the staff report and presentation.

Council asked clarifying questions.

Cheryl Hayes stated this was a rushed thing, and what is being handed out to the public is not what we are seeing on the screen. How are the community members able to address the Code of Conduct if you are not sharing all the information. Requested taking the item off the agenda item tonight and represent it at the next meeting when it is not rushed.

Mayor Pro Tem Davis asked if the Mayor's comments had been made available to the public. Adrienne Richardson, City Clerk responded they have not.

Ms. Patel clarified the Mayor sent separate comments to the members of the body so do not get shared with the public and was unaware the Mayor would not be participating in the meeting. They were very detailed notes. Mayor asked to provide Council with copies but not necessarily comments that would be shared with the audience.

Juana Dement stated the process is not rushed has been going on a long time and stated the censuring policy is not correct. A person that brings the censuring motion cannot be made to pay for cost of mediation, as written now to censure has to go through the City Manager and they are not an attorney. Concerns her that we give unilateral authority – and already without looking at the rules to govern yourself could see a Mayor who refused a motion on the floor. If Council gives the City Manager direction on an item, how can that person who hasn't been elected pull something when there is a motion on the floor. Be very careful, the Mayor is violating that and that is what a censure policy is for.

Tim Silva stated the Mayor continues to act in the same manner former Council Members were acting towards a Mayor and doesn't like it because they don't agree with her. Don't need all the policies to govern Council. Have ethics training and laws. There is a good Council up here right now, no arguing, and healthy debate. Fine line between debating and arguing and the Mayor does not know that line and is very argumentative. If no one is held accountable why have the policies.

Alice English stated glad this item is here and shared concerns about the Mayor's behavior when she does not get her way. Glad to see including a parliamentarian. We have three Council Members that care about our City and want to go forward. Not happy with homeless progress, street repairs, no amenities. Council was elected to do the job and not just for developers.

James Damasco stated he stands firmly in favor of passage of the resolution to adopt the changes in question to the Code of Conduct. With regard to the elimination of Section 2.2.9 – could not think of a better Mayor from whom to revoke any unnecessary power and assert this based on Mayor's bullying of City Attorney on May 16, 2023. Mr. Damasco spoke about democracy over republic and the Mayor claiming moral high ground and suggested rewatching consent items from May 16, 2023.

Council comments and questions followed.

Ms. Patel addressed concerns and listed proposed edits on the floor:

Code of Conduct edits:

Section 1.4 – adding 3rd bullet point after approvals it would say as to form and legality.

Section 2.2.1 – Not delete *Pro Tem*

Section 2.2.2 – Remove the addition of *for a one-year term*.

Section 3.6.1 – Suggested deleting all of it except the following: A request for censure of a member of the City Council may be submitted pursuant to Section 4.3. of meeting protocols which is agenda setting process. Keep the last sentence in that paragraph which says it is the intent of the City Council that a request for censure be used only for significant and or repeated violations of the Code of Conduct and not a means to address politically or personally motivated disagreements amongst City Council Members.

Section 3.6.2 – Should stay. The court did not address sanctions. To the extent you want to have additional guidance to how to sanction, is appropriate.

Section 3.6.3. – Should stay.

That is the proposed edits on Section 3.6 to make it aligned with recent rulings.

Meeting Protocols:

Section 2.5 – The change made conforms with the law. The Brown Act requires a legislative body to post an agenda containing a brief description of each item. The agenda belongs to the legislative body. Suggested removing the edit proposed and instead add after the word may where it

says the City Manager sets the Council agenda and once published may *request that the City Council by majority vote withdraw an item.*

Section 2.8 – Believed her interpretation is consistent with what the outside Counsel has said also which is because it doesn't specify it is advisory because Council has adopted the Rosenberg's Rules and under that the Chair makes the final decision. The City Attorney is the parliamentarian, Council would defer to her and ask for her opinion on procedural questions but it is up to Council and the Chair if they agree. If Council disagree they will have to overrule the Chair's decision. Would not add anything to clarify unless Council wants to change it.

Section 3.4.5 – Language is overbroad. In the rare instance that there is an instance where the Council does not want the City Attorney there if talking disciplinary issues or personnel matters related to the City Attorney, Council does not want the City Attorney in Closed Session. Suggested: *Shall attend all closed sessions except those involving disciplinary or personnel matters related to the City Attorney.*

Council questions and comments continued.

Motion was made by Council Member Arriola to adopt a Resolution approving amendments to the City Council's A) Code of Conduct and B) Meeting Protocols and Rules of Procedures with the amendments as stated by the City Attorney related to Code of Conduct Sections 1.4, 2.2.1, 2.2.2, 3.6 and Meeting Protocols as defined by the City Attorney to Sections 2.5, 2.8 and requested amendment to 3.4.5 with language saying amend language to allow a majority of City Council to excuse the City Attorney from attending closed session.

Council discussion continued.

Ms. Patel stated her new proposal for Meeting Protocols Section 3.4.5: *City Attorney shall attend all closed sessions unless excused by a majority vote of the Council as related to personnel evaluations or disciplinary matters related to the City Attorney.*

Council discussion continued.

Council Member Arriola confirmed Section 2.8 language would remain the same as described by Ms. Patel.

ACTION: Council Member Arriola restated his motion to adopt **Resolution 2023-102** amending the City Council's A) Code of Conduct and B) Meeting Protocols and Rules of Procedures with the following amendments: Code of Conduct Sections 1.4, 2.2.1, 2.2.2, and 3.6 as defined by the City Attorney and to Meeting Protocols and Sections 2.5 and 3.4.5 as defined by the City Attorney. Council Member Evans seconded the motion. Roll call found Council Members Arriola, Bedolla, Evans and Mayor Pro Tem Davis in favor; passed and so ordered. Mayor Young absent.

Ms. Bijal thanked Council and City Management team.

- 3.C. Conduct a public hearing, and upon conclusion, adopt the following: 1) Resolution approving new positions for an annual aggregate cost of \$1,375,165 and authorizing the Budget Officer to amend the City's Position Control Roster for FY 2023/24; 2) Resolution adopting the City of Tracy Fiscal Years (FY) 2023/24 Annual Operating and Capital Budget, reflecting additional positions approved through Resolution XXX; 3) Resolution adopting Committed Fund Balances (GASB 54) for Fiscal Year ending June 30, 2023 in compliance with Statement 54 of the Governmental Accounting Standards Board; and 4) Resolution establishing Fiscal Year 2023/24 appropriations limit pursuant to Article XIII B of the California State Constitution.

Mayor Pro Tem Davis opened the public hearing.

Felicia Galindo, Budget Officer provided the staff report and presentation.

Council asked clarifying questions.

Tim Silva stated it is a sound fiscal year budget and asked for more funding for roadways and bikeways. Mr. Silva spoke about bike lanes where lines are gone, and there is a bad one west of Corral Hollow on Lowell Ave. Also need signage. The airport needs a full-time maintenance worker, two part time does not do it as the Airport is growing. Would serve Skyview better.

Council questions and comments followed.

Mayor Pro Tem Davis closed the public hearing.

ACTION: Motion was made by Council Member Bedolla and seconded by Council Member Evans to adopt **Resolution 2023-103** approving new positions for an annual aggregate cost of \$1,375,165 and authorizing the Budget Officer to amend the City's Position Control Roster for FY2023-24. Roll call found Council Members Arriola, Bedolla, Evans and Mayor Pro Tem Davis in favor; passed and so order. Mayor Young absent.

ACTION: Motion was made by Council Member Bedolla and seconded by Council Member Evans to adopt **Resolution 2023-104** adopting the City of Tracy Fiscal Year (FY) 2023/24 Annual Operating and Capital Budget, reflecting additional positions approved through Resolution 2023-103. Roll call found Council Members Arriola, Bedolla, Evans and Mayor Pro Tem Davis in favor; passed and so ordered. Mayor Young absent.

ACTION: Motion was made by Council Member Bedolla and seconded by Council Member Arriola to adopt **Resolution 2023-105** of the City Council of the City of Tracy approving Committed Fund Balances for Fiscal Year ending June 30, 2023 in compliance with Statement 54 of the Governmental Accounting Standards Board. Roll call found Council Members Arriola, Bedolla, Evans and Mayor Pro Tem Davis in favor; passed and so ordered. Mayor Young absent.

ACTION: Motion was made by Council Member Bedolla and seconded by Council Member Arriola to adopt **Resolution 2023-106** establishing Fiscal Year 2023/24 appropriations limit (GANN) pursuant to Article XIII B of the California State

Constitution. Roll call found Council Members Arriola, Bedolla, Evans and Mayor Pro Tem Davis in favor; passed and so ordered. Mayor Young absent.

- 3.E Staff recommends that the City Council appoint, by motion, a subcommittee of two Councilmembers, and an alternate, to interview the five (5) adult applicants to fill five (5) of the seven (7) vacancies on the City of Tracy Environmental Sustainability Commission.

Adrienne Richardson, City Clerk provided the staff report.

William Muetzenberg on behalf of Public Health Advocates (PHA) thanked Council for creating the commission and recognized the communities' efforts with advocates like Dotty Nygard. Shared information regarding PHA. Mr. Muetzenberg recommended whoever serves on the Council subcommittee to interview applicants select applicants that are dedicated to climate justice and resilience to serve on the commission. We must ensure the City of Tracy does its part and must incorporate climate resilience.

Council Member Arriola volunteered to serve on the subcommittee.

Council Member Evans proposed Mayor Pro Tem Davis and Council Member Arriola to serve on the committee. Council Member Bedolla supported and volunteered to be alternate.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Bedolla to appoint Council Member Arriola and Mayor Pro Tem Davis as a two-member Council subcommittee and Council Member Bedolla as alternate, to interview the five (5) adult applicants to fill five (5) adult applicants to fill five (5) of the seven (7) vacancies on the City of Tracy Environmental Sustainability Commission. Roll call found Council Members Arriola, Bedolla, Evans and Mayor Pro Tem Davis in favor; passed and so ordered. Mayor Young absent.

- 3.F. Staff recommends that the City Council appoint, by motion, a subcommittee of two Councilmembers, and an alternate, to interview applicants to serve on the San Joaquin County Commission on Aging.

Council Member Evans nominated himself.

Council Member Arriola proposed Mayor Young serve on the Council subcommittee.

Mayor Pro Tem Davis volunteered to be the alternate.

ACTION: Motion was made by Council Member Evans and seconded by Council Member Bedolla to appoint Mayor Young and Council Member Evans as two-member subcommittee of two Council Members, and Mayor Pro Tem Davis as alternate, to interview applicants to fill one term vacancy on the San Joaquin County Commission on Aging. Roll call found Council Members Arriola, Bedolla, Evans

and Mayor Pro Tem Davis in favor; passed and so ordered. Mayor Young absent.

- 3.G Approve an At-Will Employment Agreement between Ms. Lichtwardt and the City of Tracy for an interim bi-weekly salary of \$11,020.62, for a term that ends when the City Council appoints a permanent City Manager.

JoAnn Weberg, Human Resources Manager provided the staff report.

Alice English hoped Council makes the right decision and accepts Ms. Lichtwardt's contract and stated she has handled herself professionally and never crossed the line. Happy to see we are going forward with our City and positive changes.

Council comments followed.

ACTION: Motion was made by Council Member Bedolla and seconded by Council Member Evans to adopt **Resolution 2023-107** to approve an at-will Employment Agreement between Ms. Lichtwardt and the City of Tracy for an interim bi-weekly salary of \$11,020.62, for a term that ends when the City Council appoints a permanent City Manager. Roll call found Council Members Arriola, Bedolla, Evans and Mayor Pro Tem Davis in favor; passed and so ordered. Mayor Young absent.

4. ITEMS FROM THE AUDIENCE – Gabriela Machuca requested clarification regarding her project – the current Director of DS has been trying to move our project forward. Believed the hurdles and confusion is within the Planning Department. Hopes to be able to work with City Manager and City Attorney to set the record straight so she can get help to move the project forward. Shared concerns regarding some employees.

Tim Silva thanked staff for reiterating his request for help needed at the Airport. Thanked City staff, Council, Chapter 38 for the Norcal Aerobatics Championships at the Airport. This is the second year. Lot of attendance and vendors and twice as many aerobatics as last year. Last year had the Western Nationals. Pushed really hard to have events at the Airport.

Alice English spoke about the 3-2, three Council Members did not sign up for power but to serve the City. The 3-2 want to move the City forward. Information was withheld from our Council. Ms. English shared concerns regarding the custom containers. Spoke about freedom of speech, hoped everyone is united to make it better. We should be pristine and have more amenities. Have had lack of leadership, because of the Mayor's behavior people are paying more attention to Tracy, and spoke about crime in Tracy.

Council Member Arriola objected to some of the comments made especially related to public safety when he is a Deputy District Attorney.

5. STAFF ITEMS – Bijal Patel, City Attorney reported on her attendance at the California League of Cities annual City Attorney's Conference in Monterey.

Ms. Patel stated there has been repeated and prolific circulation over social media of a false narrative about her. It is time to set the record straight. The false narrative alleges that she was racially discriminatory because “she refused the City from displaying the Pan African Flag on City property”. She cannot disclose what she advised Council. City has an adopted flag policy. Also note this item was considered by Council on January 30, 2023 and was approved by Resolution 2023-018. Resolution 2021-008 approved the display of the Pan African flag for a very explicit and narrow period of February 1 to March 1, 2021 so hopefully that helps clarify that false narrative. The situation is saddening to her on many fronts. These attacks on her character are grossly inconsistent with the reality, it is a joke. Ms. Patel stated she is African nationality, was born in Africa and have a generation of family born in Africa. Don't judge a book by its cover, learn to know who we all are. If you see a meeting of my extended family, it is like a meeting of the United Nations. Has travelled about 30 countries in the world, is a world citizen and attacking her is racially discriminatory. It is really sad.

Midori Lichtwardt, Interim City Manager announced the following:

- Rollin' Rec, our free, pop-up mobile recreation program, will be out at Alden Park tomorrow from 9:00 a.m. to 12:00 p.m.. Check our website calendar for all upcoming dates and locations: www.cityoftracy.org.
- Tickets are available for The Comedy Zone at The Grand Theatre on Thursday, June 8th at 7:00 p.m: www.atthegrand.org.
- Our second Block Party of the season is this Friday at Front Street Plaza at 6:00 p.m. – join us for some country music from the Country Cougars band! Block parties are free and family-friendly.
- City offices will be closed on Monday, June 19th in observance of the Juneteenth holiday
- Joe Wilson Pool is now open for the season! Please join us for open swim from 7:00 – 8:00 p.m., and watch “The Bad Guys” at 8 PM at first our Dive-In Movie event of the season on Friday, June 16. The entry fee is \$5 (free to children 0-2 years old)

6. COUNCIL ITEMS – Council Member Arriola thanked Council for navigating the potentially contentious item with the amendment to the Code of Conduct and Protocols. Wished everyone happy Pride, acknowledged the Pride Month flag raising on June 1st., wished everyone a happy Juneteenth and happy Father's Day, and asked staff when districts was coming back before Council.

Bijal Patel, City Attorney stated she will be sending a confidential memo out this week.

Council Member Arriola announced he has been invited to State Capital on Thursday on behalf of the Day of Portugal and Azores to receive a resolution from the state senate. Been invited to dinner with the Vice President of the Azores, Dr. Artur Lima. Council Member Arriola recognized the passing of Superintendent Dr. Franco. He was a huge leader in the community. Growing up here he was someone he saw on campus all the time and had an opportunity to interact with him when he was on the School Board and send condolences to his family.

Council Member Evans acknowledged Ms. Patel's statements and thanked her for her service to our City and for enduring some of the same false accusations that Council Members have also endured. Thanked Council for this meeting, stating the four Council

Members can collaborate and get business done for the City. Would hate to think we would have a panel of five people who agree on everything, the City deserves Council getting things done and working through issues. Council Member Evans reported on all the events he attended over the weekend and shared he assisted County District Attorney Ron Freitas in presenting two \$25,000 checks at the PAL Donut Dash 5K, one to Tracy Police Activities League and the other to DARE. In Ron Freitas's words the money came out of the hands of drug dealers and into the hands of the community where it belongs and thanked him for his no nonsense approach to fighting crime.

Council Member Evans stated a few meetings back met with Police Department (PD) and talked about bringing a representative of the PD into Council Chambers once a month to talk about violent crime, about the prior month and year to date and crimes we are seeing, what we are doing differently, approaches we will see in the future and what PD needs from Council. Wants to have interaction until we see a turnaround in violent crime. Mayor Pro Tem Davis supported the request.

Midori Lichtwardt, Interim City Manager asked if we could do it quarterly as we have packed agendas.

Council Member Evans responded we are seeing a spike especially in violent crime. Keep it to a short agenda item. Open to ideas. We try limit it to 20-30 minutes but do it monthly.

Ms. Lichtwardt proposed bringing one back, see how it works out and be flexible would be helpful to our workload. Will work with the Police Chief to see if we can get something to Council before we go on recess.

Council Member Evans stated Richard Williams was in chambers and thought that was coming back through Transportation Commission and asked staff to look at the status of that item.

Ms. Lichtwardt responded she spoke with Mr. Williams and Transportation Advisory Commissioner Silva and confirmed with staff that we have already been in the process of applying for that grant along with others.

Council Member Bedolla stated on May 25 four or five Southwest Park School teachers took a field trip with classes of 20 students each to MacDonald Park and thanked the Police Department (PD), specifically Office Gustavos Cisneros. PD made sure it was a safe place and thanked Brian MacDonald and Parks Department for making sure the splash pad was working. Council Member Bedolla reported on events he attended in Tracy during the weekend and thanked Johnnies Diner and other food trucks for their participation.

Mayor Pro Tem Davis expressed the same sentiments as her colleagues of how the meeting could have been super contentious, but it was not and appreciated how respectful Council was and worked together, negotiated and ended up with something we can all be happy with and hopefully the public can as well. Mayor Pro Tem Davis acknowledged Ms. Patel for sharing her story and how she has been impacted and it is important for people to hear all her truth. There is a false narrative out there, it is not fair but comes with the territory. Thanked Ms. Patel for being brave enough to share her story. Mayor Pro Tem Davis reported on the events she has attend over the past week

and also thanked Ron Freitas for the donation to DARE and PAL. Loved the quote from District Attorney taking from the bad guy to the good guy. Will have report on July 5 for May and June. Wished everyone happy Pride Month, and happy Father's Day, happy Juneteenth.

7. ADJOURNMENT – Time: 11:16 p.m.

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

The above agenda was posted at the Tracy City Hall on June 1, 2023. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk