

June 20, 2023, 7:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy

Web Site: www.cityoftracy.org

Mayor Young called the meeting to order at 8:05 p.m.

Mayor Young led the Pledge of Allegiance.

Pastor Doug Diestler, Tracy Mission City Church offered the invocation.

There were no actions taken pursuant to AB 2449.

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

1. CONSENT CALENDAR – Following the removal of consent items 1.J and 1.L by Council Member Arriola motion was made by Council Member Arriola and seconded by Mayor Pro Tem Davis to adopt the Consent Calendar. Roll call found all in favor; passed and so ordered
 - 1.A Adopt May 23, 2023 Special Meeting Minutes, May 24, 2023 Closed Session Minutes, May 30, 2023 Closed Session Minutes and June 6, 2023 Closed Session and Regular Meeting Minutes. – **Minutes were adopted.**
 - 1.B City Council 1) approve the execution of a 3-year agreement with Microsoft for software licenses to desktop computers and servers for an annual not to exceed amount of \$194,225; and 2) determine that execution of this agreement, without conducting a competitive selection process, is in the best interests of the City pursuant to Tracy Municipal Code section 2.20.140(b)(6) – **Resolution 2023-108** approve the 3-year agreement with Microsoft for software licenses to desktop computers and servers.
 - 1.C Adopt a Resolution approving Amendment No. 1 to the Professional Services Agreement with 4LEAF, Inc. for construction inspection and plan checking services extending the term of the agreement through June 30, 2025, for a total not-to-exceed amount \$700,000 per fiscal year, pursuant to the terms of the existing agreement. – **Resolution 2023-109** approved Amendment No. 1 to the Professional Services Agreement with 4LEAF, Inc.
 - 1.D Adopt a Resolution (1) approving Amendment No. 1 to the Master Professional Services Agreement with David W. Enke, L.S. (Amendment) for Land Surveying Services and Engineering Assistance for Land Development projects to extend the agreement through June 30, 2024, for a not-to-exceed amount of \$300,000 per year and (2) determine that execution of the Amendment, without conducting a competitive selection process, is in the best interest of the City Council pursuant to Tracy Municipal Code Section 2.20.140(b)(6). - **Resolution 2023-110** approved Amendment No. 1 to the Master Professional Services Agreement with David W. Enke, L.S.

- 1.E. Adopt a Resolution (1) approving Amendment No. 1 to the Master Professional Services Agreement with West Yost & Associates (Amendment) for storm drainage engineering services for Land Development projects to extend the agreement through December 31, 2024, for a not-to-exceed amount of \$200,000 per calendar year and (2) determine that execution of the Amendment, without conducting a competitive selection process, is in the best interests of the City Council pursuant to Tracy Municipal Code Section 2.20.140(b)(6). – **Resolution 2023-111** approved Amendment No. 1 to the Master Professional Services Agreement with West Yost & Associates.
- 1.F. Approve Amendment No. 1 to Offsite Improvement Agreement for NEI PH 3 Mass Grading Storm Drainage to increase the Storm Drainage Fee Credits amount to a total of \$1,040,960.01. – **Resolution 2023-112** approved Amendment No. 1 to Offsite Improvement Agreement for NEI PH 3 Mass Grading Storm Drainage to increase the Storm Drainage Fee Credits.
- 1.G. Approve Amendment No. 1 to Offsite Improvement Agreement for NEI PH 3 Big Bird Street Improvement Plans for Grant Line Road, Chrisman Road, Paradise Road, and Skylark Way to increase the roadway fee credit amount to a total of \$2,809,358.18. – **Resolution 2023-113** approved Amendment No. 1 to Offsite Improvement Agreement for NEI PH 3 Big Bird Street Improvement Plans for Grant Line Road, Chrisman Road, Paradise Road, and Skylark Way.
- 1.H. Adopt a Resolution 1) amending Council Resolution No. 2023-075, adopted on May 2, 2023, to correct typographical errors regarding the project costs for the Police Multipurpose Reality Based Training Facility Project, CIP 71110, and 2) authorizing the City Manager to approve change orders up to the contingency amount of \$470,717, if needed, pursuant to Tracy Municipal Code Section 2.20.090(b). – **Resolution 2023-114** amended Council Resolution No. 2023-075, adopted on May 2, 2023, to correct typographical errors regarding the project costs for the Police Multipurpose Reality Based Training Facility Project.
- 1.I. City Council, by resolution; 1) authorize participation in the CEPPT program, for the prefunding of the City's accrued pension costs; 2) authorize the City Treasurer and Finance Director to, jointly, request disbursements from the trust and 3) authorize the execution of the Prefunding Agreement. – **Resolution 2023-115** authorized participation in the CEPPT program and disbursements from the trust.
- 1.K. Adopt a Resolution: 1) approving the Memorandum of Understanding (MOU) between the City of Tracy and the Tracy Police Managers' Association; 2) approving the MOU between City of Tracy and Tracy Mid-Managers Bargaining Unit; 3) approving the Compensation & Benefit Plan for Confidential Employees Unit; 4) approving the Compensation & Benefit Plan for Department Heads, and 5) authorizing an amendment to the City's Master Salary Schedule to reflect the terms of the MOUs – **Resolution 2023-116** approved the Memorandum of Understanding with the Tracy Police Managers' Association, and Tracy Mid-Managers Bargaining Unit, approved the Compensation & Benefit Plan for Confidential Employees Unit,

approved the Compensation & Benefit Plan for Department Heads and authorized the amendment to the Master Salary Schedule.

- 1.J The Tracy Homelessness Advisory Committee recommends that the City Council adopt a Resolution partially rescinding Resolution No. 2022-121, whereby authorization was given to the City Manager to take immediate and emergency actions to implement interim housing solutions for the City of Tracy's unsheltered, and waived procurement requirements for professional services under Tracy Municipal Code Section 2.20.140(b)(6).

Karin Schnaider, Assistant City Manager provided the staff report.

Council Member Arriola pulled the item to state had issued the City Manager with some authority and asked would each of the decisions return to Tracy Homelessness Advisory Committee or Council.

Council questions followed.

Daniel Helm stated the City has had a homeless problem for some time and understands there are bureaucratic issues that need to be dealt with but asked Council to get something done for the folks that are homeless and the people that are impacted by their issues and problems.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Evans to continue the item until July 5, 2023 special meeting. Roll call found all in favor; passed and so ordered.

- 1.L The City Attorney recommends that the City Council, by motion, deem as moot and not legally permissible to be read again in a second reading that certain Ordinance of the City of Tracy amending Section 2.08.080(b) of the Tracy Municipal Code, to reflect that the City Manager may be removed by a three-fifths (simple majority) vote of the City Council instead of a four-fifths (super majority) vote, which was introduced by a majority of the City Council on May 23, 2023.

Bijal Patel, City Attorney provided the staff report.

Council Member Arriola pulled the item to clarify that while he was in the opposition the majority of Council did move to make a policy change to the four-fifths supermajority requirement to a three-fifths. This item is a reversal of that.

Ms. Patel clarified the specific ordinance as drafted is not legally permissible under the separation agreement the Council approved and the specific terms require that neither party enter into any actions of disparagement and many of the whereas clauses in the ordinance had information related to Mr. Rogers and therefore because that separation agreement is a binding agreement, this specific ordinance cannot be read. However, if anyone on the Council wants to, at a future time, move forward with the same procedural path they can move forward through the proper procedural motions and introduce their own ordinance with different facts and findings.

Ms. Patel confirmed the Tracy Municipal Code that requires a supermajority vote to remove the City Manager has not been changed.

Robert Tanner stated he would like to hear that we go back to supermajority rather than simple majority. Mr. Tanner shared concerns regarding a target on the back of citizens of Tracy with this move, and will cost the City a lot of money.

Council Member Bedolla disagreed with the previous speaker and stated it is not a reversal of anything as the ordinance was not up for second reading.

Daniel Helm stated the super majority was an error to begin with. This motion is moot because the person of issue has already resigned and received money to walk away as done with a Chief of Police and a previous City Manager. Mr. Helm believed a majority of this Council can change the way Council can do business. Simple majority is a great idea. Council has the right to change City policy going forward.

Cheryl Hayes stated with a three-fifths vote Council could get rid of any City Manager current and future and does not feel it applies to previous City Manager, glad it is staying at four-fifth vote and makes her feel like the City Manager was targeted.

Tim Silva supported a three-fifth majority vote for Council. A four-fifth majority would get nothing done. The City Manager resigned and dropped the lawsuit. Some of the past City Managers violated their contracts.

A resident asked how many votes it takes to hire City Manager. Why don't we just stick with simple vote. If it takes three people to hire the City Manager, then it should take three people to let him go.

Council comments followed.

ACTION: Motion was made by Council Member Bedolla and seconded by Council Member Evans to deem as moot and not legally permissible to be read again in a second reading that certain Ordinance of the City of Tracy amending Section 2.08.080(b) of the Tracy Municipal Code, to reflect that the City Manager may be removed by a three-fifths (simple majority) vote of the City Council instead of a four-fifths (super majority) vote, which was introduced by a majority of the City Council on May 23, 2023. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Gabriela Machuca, Johnny's Diner stated they have been trying to relocate their business since July 2022. Project was supposed to be on Planning Commission agenda on May 24 and was removed with no explanation. Project was agendized for June 14 but was cancelled with the excuse of the Chair resigning which should not have affected it because the chair wasn't at the May 24 meeting and at that meeting they approved four cannabis CUP's no problem. Ms. Machuca shared concerns regarding lack of response from May 4 until June 8. Mobile ordinance needs to be changed. Their project is separate, and staff keeps adding conditions.

Susan Heinrich, President of Tracy Community Band shared information about the band and is a volunteer organization. They are without a permanent meeting place, are seeking a place to rehearse, store equipment and perform regular concerts and asked for Council's help.

Dennis Chan, co-owner of Tracy Cannabis Collective stated after five years and \$500,000, working with Tracy's cannabis permitting process has dried up their hard-earned startup capital. With immediately signing of Benefit Agreement they will be able to open and bring tax revenues and most importantly be a positive space where compassion will reverberate in the City of Tracy. Was told would get the signed agreement last week and did not happen and requested a 24-48 timeline and asked for prioritizing the signing of this agreement by Thursday or sooner.

Michele Trew, Co-owner of Tracy Cannabis Collective asked to prioritize the cannabis Benefit Agreement. Hearing people within the City who want cannabis process to be halted indefinitely and making it more difficult and stalling in hopes one of us file a lawsuit and put us on hold. That will not happen. Will band together to make process move forward. Want Benefits Agreement signed as the last step.

Pat Howell stated the population is increasing, our new zones need to represent our needs. While the five Council Members at large were able to meet the needs of our city at 30,000 it is apparent that our newly developed city zones need to be able to represent their needs and concerns regarding their specific area and spoke about changing election of our Council Members to district based format. We must do this for the future of Tracy.

Robin Cole shared concerns regarding the hour delay tonight for the start of the meeting, the parliamentarian is to keep things moving. Ms. Cole spoke about Diversity, Equity and Inclusion (DEI). It is apparent there are issues in Tracy, and shared that on the weekend of Juneteenth a woman came to their stand at the park shaking because she had driven into town and had seen a comment on a trestle that did not show Tracy as diverse, equitable or inclusive.

Rosario Arulappan stated the Boys and Girls Club is doing a good job and asked Council to bring them here to appreciate their work.

Deanna Garcia, Tracy Cannabis Collective stated one more hurdle that Tracy Cannabis Collective does need help with is the Community Benefits Agreement sitting on the City Manager's desk for signature and is praying her workload lightens to be able to get the agreement signed for their doors to be able to open.

Alice English stated she attended the June 8 Transportation Commission meeting and a new engineer explained Valpico and Corral Hollow and signal light and funds stating the funds are already allocated \$11 to \$17 million to widen Corral Hollow from Parkside to Linne. Once the signal light was changed it caused traffic congestion, had 17 accidents, and requested keeping that signal light red until we have proper signal lights and widening of the road.

Burnell Shull asked why Council has to have special meetings on the same night as Council meetings. Our time is as valuable.

3. REGULAR AGENDA

- .3.A City Council conduct a public hearing and upon the conclusion adopt the following: 1) Resolution approving the Engineer's Report regarding the proposed levy and collection of assessments for the Tracy Consolidated Landscape Maintenance District pursuant to the Landscaping and Lighting Act of 1972 for Fiscal Year 2023/2024; and 2) Resolution ordering the levy and collection of assessments within the Tracy Consolidated Landscape Maintenance District for Fiscal Year 2023/2024.

Mayor Young announced the following: For all the resolutions before Council pertaining to Item 3.A, due to conflict of interest the following Council Members will abstain from voting on the following zones: Council Member Bedolla – Zone 7, Council Member Evans – Zone 20, and Mayor Pro Tem Davis and Mayor Young – Zone 15.

Mayor Young opened the public hearing.

Brian MacDonald, Parks and Recreation Director introduced Nilo Velazquez, Management Analyst who provided the staff report and presentation.

Council comments and questions followed.

Mayor Young closed the public hearing.

Barbara stated she is part of LMD and spoke about Kelly Park which she calls a park of weeds, where the sidewalks are uneven. Three years ago she tripped, sued the City and the City fixed all of Orchard Parkway. Two trees have fallen in the park last couple of years and not replaced. Take a look at Kelly Park. Have paid into LMD since 1989, and shared concerns regarding the park maintenance.

A resident wanted to address how we have so many trees planted and they are not maintained and waste of annual flowers that get planted. Plant low maintenance and we don't need a lot of trees.

Rob Battles asked why the City is using substandard building materials at the Tracy Sports Complex on 11th Street. Residents are being taxed for it but what is being put in is not comparable and falling apart immediately. Replaced benches, tables and put in substandard equipment and is broken again.

Council comments followed.

ACTION: Motion was made by Council Member Bedolla and seconded by Mayor Pro Tem Davis to adopt **Resolution 2023-117** approving the Engineer's Report regarding the proposed levy and collection of assessments for the Tracy Consolidated Landscape Maintenance District pursuant to the Landscape and Lighting Act of 1972 for Fiscal Year 2023/2024. Roll call found all in favor; passed and so ordered. Council Member Bedolla abstained from voting on Zone 7, Council Member Evans abstained from voting on Zone 20, and Mayor Pro Tem Davis and Mayor Young abstained from voting on Zone 15.

ACTION: Motion was made by Council Member Bedolla and seconded by Mayor Pro Tem Davis to adopt **Resolution 2023-118** ordering the levy and collection of assessments within the Tracy Consolidated Landscape Maintenance District for Fiscal Year 2023/2024. Roll call found all in favor; passed and so ordered. Council Member Bedolla abstained from voting on Zone 7, Council Member Evans abstained from voting on Zone 20, and Mayor Pro Tem Davis and Mayor Young abstained from voting on Zone 15

3.B City Council conduct a public hearing, and upon conclusion, adopt a Resolution adopting Wastewater Rates effective August 1, 2023 for Fiscal Years 2023-24 through 2027-28.

Mayor Young announced anyone with a written protest should file with the City Clerk and opened the public hearing.

Sara Cowell, Finance Director introduced Steve Gragon, Raftelis who provided the staff report and presentation.

James Jackson, Director of Operations and Utilities responded to questions.

Karin Schnaider, Assistant City Manager responded to questions.

Pat Howell stated it is necessary to complete the maintenance and upgrades on our wastewater facility, keeps City safe and promotes businesses to come to Tracy. Assuming all new residents will be paying this fee. As it is our desire to have a policy of DEI we should provide additional monetary to our low income families and seniors to help them with the additional cost.

Daniel Helm objected to multi-family residences not paying the same amount and not having the same rate increase, and most apartments don't have outside water use. Apartments that don't have a lot of green space, a lot of their water will end up in the waste system so sounds like a subsidy for property owners of multifamily residents which is not reasonable. Tracy is expensive. Recently had three water leaks on City main on the street he lives on and City did great job repairing. Mr. Helm asked if developers who sold a lot of property and made money are paying their fair share for improvements and additions to wastewater, and need to make certain developers are paying their fair share.

Barbara stated you are upping the rate after ten years in August for 40%. Rates should have upped 5 years ago. As a single woman has house with low maintenance yard and low water use. Could support first increase to play catchup but no vote for 2028 for 100% increase from what she is paying today. Asked if there were capital funds to help pay for increase.

Robert Tanner shared concerns regarding garbage rates without offering smaller cans for seniors and water rates and lack of programs for seniors. The City should come up with a list and people can apply and get a discount from

the City. Seniors only do laundry once a week or take a shower every three days. That is how desperate they are and are trying to conserve.

Kathleen Bergthold stated she works with seniors and their fixed income is low but not low enough for low income. By the time they pay all of their bills there is not much left, and asked about the multifamily residential and how the prices went down and individual families went up. Need to do something for those caught just above low income.

Alice English stated these are people on fixed income, and prices have gone up. How can a family of four afford to buy groceries. Shame on Council for not making staff accountable for waiting ten years to raise the prices. Stop putting the burden on people with fixed income and hold staff accountable.

Maurice Francis asked if there was an Engineer's Report five years ago and did that report red flag concerns taking place considering the population is much less than what it is today. If we are still using the same infrastructure built years ago based on the projected population then and using the same treatment plant to treat new waste coming from all the new developments then we are always stressing the equipment, the operations and efficiency of the treatment plant.

Tim Silva stated just because you did not raise over ten years and want to do a 45% increase it is not our fault. Most of you live out of town, so don't have to shoulder the burden. Mr. Silva shared his concerns regarding a rate increase. Do a moderate rate increase and not 100% over the next five years.

James Hawkins stated the consultant proposed two different proposals that were almost identical, would rather go from 34-56 and that be the set number for the next five years. At the end of five years, will have a \$7 million surplus, and is the City then going to lower rates. Raise it once, budget accordingly and follow your plans.

Casey Anderson asked if commercial was doubling and shared concerns about that and robbing Peter to pay Paul. Interesting to see staff raises compared to tax rates. This is why when we see a measure or a bond we don't vote for it.

Burnell Shull stated she doesn't understand the rate increase as a senior, asked the Mayor how she didn't see this coming. Why hasn't the waste management place been maintained and shared concerns regarding potholes and City workers.

Phillip Anderson stated he is interested in how much the City spends on consultants. Frustrated and tired with bait and switch. We will be second highest, higher than Livermore and don't have those same amenities. With all the increases we have nothing to show for it. The City feels poorly managed over the years. Find amicable solutions.

Council questions and comments followed.

Mayor Young asked staff to consider a program not based on age but based on income to have more of a sliding scale, look at LIRA program and a type of sliding scale that fills a wider net to help the community. Council Members agreed.

Mayor Young closed the public hearing.

Adrienne Richardson, City Clerk announced correspondence from 19 residents was submitted with their protest and a copy was provided on the dais.

Mayor Young asked if there were any other written protests to be submitted.

Mayor Young closed the public hearing.

Adrienne Richardson, City Clerk announced there were 521 written protests submitted. There are 25,631 parcels receiving service. Assuming that all protests submitted are valid, a majority protest of 50% plus one has not been achieved.

ACTION: Motion was made by Council Member Bedolla and seconded by Council Member Arriola to adopt **Resolution 2023-119** adopting wastewater rates effective August 1, 2023 for Fiscal Years 2023-24 through 2027-28. Roll call found all in favor; passed and so ordered.

Due to the late hour, Council discussed whether to continue the meeting or move items to a special meeting. Discussion began at 11:29 p.m. and the following motions occurred.

Mayor Pro Tem Davis motioned to continue the meeting.

Council Member Arriola motioned to table items 3.D, 3.E and 3.G to a special meeting to be heard on June 27, 2023.

Mayor Young called for a five-minute recess.

Mayor Young reconvened the meeting.

Council Member Arriola motioned to table items 3.D, 3.E and 3.G to a special meeting to be heard on June 27, 2023, at 7:00 p.m.

Ms. Patel requested making two part motions - conduct a special meeting on a date and have certain items to be heard on that date.

Council Member Arriola motioned to conduct a special meeting on June 27 at 7:00 p.m. and the subject of the special meeting be items 3.D, 3.E and 3.G. Staff can add items as long as the three items are prioritized.

Council Member Evans made a substitute motion to conduct a special meeting and only item 3.G be moved to that meeting. Mayor Pro Tem Davis seconded the motion. If staff wishes to add items to the special meeting, he has no problem with that.

Council Member Evans moved to hear items 3.D and 3.E this evening and continue remaining items to a special meeting on Tuesday, June 27, 2023. Council Member Bedolla seconded the motion.

Council Member Arriola made a substitute motion to open a special meeting next Tuesday, June 27, 2023, at 7:00 p.m. and to hear Items 3.D, 3.E, 3.F, and 3.G. Mayor Young seconded the motion. Roll call vote found Council Members Arriola and Mayor Young in favor. Council Members Bedolla, Evans and Mayor Pro Tem Davis opposed. Motion failed.

Council Member Evans motioned to open and continue Item 3.C, hear items 3.D and 3.E and continue items 3.F and 3.G. to a special meeting on Tuesday, June 27, 2023. Council Member Bedolla seconded the motion. Ms. Patel confirmed with Council Member Evans that as a part of the motion is to schedule a special meeting next Tuesday. Roll call found Council Members Bedolla, Evans and Mayor Pro Tem Davis in favor; passed and so ordered. Council Member Arriola and Mayor Young opposed.

- 3.C. City Council conduct a public hearing and adopt a resolution approving service revisions to the Tracer bus service effective August 1, 2023.

Mayor Young opened the public hearing.

Ed Lovell, Transit Manager provided a brief staff report.

There was no public comment.

ACTION: Motion was made by Council Member Bedolla and seconded by Council Member Evans to continue Item 3.C to a special meeting on June 27, 2023. Roll call found all in favor; passed and so ordered.

- 3.D Adopt a Resolution Accepting the Irrevocable Offer of Dedication of Fee Interest for 16 Acres of Community Park Land for an Aquatic Park (Aquatic Center), generally located at the Intersection of Corral Hollow Road and Summit Drive (Property), from Ellis Village, LLC to the City of Tracy, a Municipal Corporation (City), and directing the City Manager to take Requisite Actions to Effectuate the Acceptance of the Property.

Mayor Pro Tem Davis recused herself from the item due to proximity of real property.

Brian MacDonald, Parks and Recreation Director provided the staff report.

Steve Herum, representing the Surland Group stated at the conclusion of the June 13 meeting with the City Attorney they were asked to prepare a compromise and want to offer it to Council tonight for consideration. The objective of the proposal is to accelerate construction of the Aquatic Center without uncertainties that currently exist. The continued and intense disagreement between the City Attorney's office and Surland has not been positive and it is not contributed to accelerating the Aquatic Center construction

and operation. Surland designed City Hall and the Transit Station and did not receive any benefit. Community asked for their support for the project and there is no benefit. Emphasize this is a package deal and all four elements and Surland and the City must agree to all. Mr. Herum announced their four point package. Need time to work collaboratively with City staff and asked for the matter to be continued until September. If you accept the IOD tonight, creating uncertainty, expanding a dispute and don't have certainty of the land. This compromise expands when the Aquatic Center can start.

Ann Langley stated she was a member of original task force appointed by Council. It is said by some that we don't exist but have been working together for 18 years. If you listen and trust the community they will tell you what they want. Investment in the community that needs to be done to this plan. Don't need it broken into pieces and cherry picked, need it whole and soon.

Allie Lowe stated she was here on behalf of her mother, has petition signatures of aquatic supporters and would continue until we get an Aquatic Center. Please be the Council to get this done.

Sandy Taylor spoke about the Aquatic Task force and an opportunity to accept an offer and spoke about the proposal by Surland. Rise to the occasion, show leadership. Money and land are not enough. Want community driven plan and not start off with new plan.

Rosario Arulappan shared support for the Aquatic Center and stated the builder and City should work together to solve the issues and bring water park to Tracy, and spoke about the Mayor recommending signing the Aquatic Park petition.

Robert Tanner requested Council accept the 16 acres and get the full \$10 million from Surland. Either we take it or lose it is what he is offering tonight. Spoke about the letter sent out about the Aquatic Park. Don't think the Aquatic Park can all be done in one shot at \$65 million. We are money ready for Aquatic Park but we are interested in Multi-Generational facility that has to be done by bonds. Get Aquatic Park done first.

Heidi Yee asked Council to accept the 16 acres tonight. This facility would speak to young and old alike and shared support for the Aquatics Park.

Bran James talked about the money the City loses by not having the facility. Missing out on job and revenue opportunities. Accept the land.

A resident stated there is not much to do in Tracy. Tracy is losing out on opportunities to bring jobs and attraction to homeowners. Do what you need to do to get the land.

Alice English stated we all want the Aquatic Park. People not speaking for all of us. Tracy wants this Council to accept the 16 acres which is on the agenda. Requesting all City Council accept the 16 acres tonight.

Burnell Shull asked how for 18 years Surland has buffaloed the City. If I was told there was going to be an Aquatic Center and 18 years later don't have one,

would find the best lawyer and sue Surland. Asked Council to accept the land and we'll build our own Aquatic Center. Developers have ruined our City.

A resident asked Council to accept the land and not what the Surland Attorney said today. Showed the flyer, this is not what was shown. Leave behind the legacy. Vote to accept the land and do not accept what the attorney told you today.

Tim Silva stated back in 2006 when Les Serpa came up with conceptual design and he would build the Aquatic Park and we would take over the maintenance. Don't trust this company. Have not done what they promised to do. This is not Council's fault, it is Surland's fault. We can accept the 16 acres, thought we had already. They need to build the Aquatic Center.

Michel Bazinet stated the petition you saw is your constituents who want an Aquatic Center. Design was community driven. To think about starting again on design is adding years to the project. Concern we have, land is going to get transferred and Council will not build the community driven design. Respect the design.

Robert Nelson stated go forward with park and build at Ellis, the project is going to be built for young and old.

Hemal Gandhi shared support for the Aquatic Center and requested Surland to release to funds for Aquatic Center and if they don't then City take action and requested Council focus on Aquatic Center and work on revenues and projects that can be helpful. Take it to next level.

Mandar requested Council all vote yes and accept land and the \$10 million belongs to City. Important milestone for moving forward and requested Council to come together and make a decision that supports all of us. Help the project move forward without roadblocks.

Venkata Y asked Council to vote yes on the item, don't see why we are waiting for so long and count on Council to sort out differences. Do not want Council negotiations on this.

A resident stated they would love to have a year-round swim team. Have swim photography job traveling around and see the financial benefit. Tracy could use something like that.

Council comments followed.

ACTION: Motion was made by Council Member Bedolla and seconded by Council Member Evans to adopt a Resolution accepting the Irrevocable Offer of Dedication of Fee Interest for 16 acres of community park land for an Aquatics Park (Aquatic Center), generally located at the intersection of Corral Hollow Road and Summit Drive (Property), from Ellis Village, LLC to the City of Tracy, a Municipal Corporation (City), and Directing the City Manager to take requisite actions to effectuate the acceptance of the property. Roll call found Council Member

Bedolla and Council Member Evans in favor. Mayor Young and Council Member Arriola opposed. Motion failed.

Mayor Pro Tem Davis rejoined the meeting at 1:52 a.m.

3.E. Adopt a Resolution of the City Council of the City of Tracy, California: A) Censuring Mayor Nancy Young for violations of the City of Tracy's Code of Conduct, Meeting Protocols and Rules of Procedure and other laws and B) Imposing a sanction for such violations.

Mayor Young noted that Council has received a copy of a letter from her Attorney today to the entire Council and directed to Mayor Pro Tem Davis, Council Member Bedolla and City Attorney, Bijal Patel. Mayor Young shared her concerns regarding the adopted amended Code of Conduct and the censure process.

Bijal Patel, City Attorney responded to Mayor Young's comments regarding the amended Code of Conduct and censure process.

Council Member Bedolla and Mayor Pro Tem Davis provided the staff report.

Pat Howell shared her concerns regarding the Council censuring the Mayor. Council Members that have less seniority and experience have ignored her requests and recommendations without adequate debate and reasoning and feels she has been unmercifully bullied. Shared concerns regarding Parliamentarian.

Daniel Helm stated he watched the news interview with the Mayor and her comments about racism were inappropriate and not in the best interest of the residents. Mr. Helm referred to examples of prior City staff that were removed stating there was no racism. The Mayor previously reported a hate crime and under investigation her allegations were deemed to be not credible. The now former City Manager was accused by three members of this Council of favoritism, poor performance, had the decency to resign with a payout. Mayor is ineffective and embarrassing and supported censuring the Mayor.

Mayor Young responded to Mr. Helm's comments.

Robert Tanner stated he has not always agreed with the Mayor as she has acted like a dictator, however, racism is racism. It can be minorities against each other and that is what he is seeing here tonight. Censure is another black mark on Tracy and putting another target on the citizens of Tracy.

Melissa Barret, speaking as 3rd Vice President on behalf of the NAACP Stockton branch read a statement. Ms. Barret agreed with Mayor Pro Tem Davis's quote that Council's needs to do better, there are issues in the City of Tracy regarding racism and corruption as seen in confirming statements from a Planning Commission Chair who recently resigned and information shared during the process with City Manager Rogers. Ms. Barret requested clarification on changes made to Code of Conduct made on June 6, and urged Council to reconsider the resolution especially in terms of the sanction.

Sandy Taylor stated it feels like hostile takeover. Tarnishing character of leadership and dividing our community. Respect our Mayor, works hard to bring things to Tracy, is available, listens and advocates for our City. Has conducted herself with the utmost of decorum. Disagree that she was shown disrespect for Council, staff or the community. Strongly suggest look in mirror before throwing stones.

Michel Bazinet stated in the 18 years he has been coming to Council, today is the worst. Generally with this Council there is a lack of professionalism that is shown in trying to censure the Mayor. This is a clear invitation for the Grand Jury to again criticize Tracy City Council for unethical and unprofessional behavior.

Alice English shared her concerns regarding the Mayor and lack of unprofessional, rudeness, violating the Brown Act, colluding, more division, not unity, calling the race card, unethical calling the City Council corrupt and needs to be held accountable. Ms. English further stated she had a right to speak and the Mayor stopped her from talking about it, and supported censuring the Mayor.

James Young spoke about taking Ms. English to court for defamation of character. The people elected the Mayor four times and two times as Mayor so you are the people's choice. The three-two vote always vote the way they have planned to, have private meetings and come with statements already made.

Council Member Evans responded to Mr. Young's comments.

Vee Bee stated Council is overriding the Mayor when she is speaking and turn to the City Attorney with policy that needs to be looked into. Mayor has brought programs, millions of dollars to the City and reelected as Mayor. Looking for legal ways into investigations about things that have been said by all Council.

Laverne Jackson stated Mayor Young from day one has been adamant about bringing the City and Council Members together as Team Tracy. Difficult to build a community when Council Members do not listen to the voice of the people and referred to the nomination of the Mayor Pro Tem. Mayor has integrity. Shared concerns regarding the May 16 Council meeting and any type of censorship against the Mayor.

Bernice Tingle stated the times she has come to the Council meeting has paid attention to obvious division amongst Council. Council could benefit from governance training. The Mayor represents Tracy well. The actions and ways the Mayor is treated and disrespected causes problems with community trust. Need to work together and get along because you are hurting Tracy.

Council comments followed.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Bedolla to adopt **Resolution 2023-120** a resolution of the City Council of the City of Tracy, California: A) Censuring Mayor Nancy Young for violations of the City of Tracy's Code of Conduct, Meeting Protocols and Rules of Procedure and other

laws; and B) Imposing a sanction for such violations. Roll call found Council Members Bedolla, Evans and Mayor Pro Tem Davis in favor; passed and so ordered. Council Member Arriola and Mayor Young opposed.

- 3.F City Council 1) adopt an Urgency Ordinance, pursuant to Government Code, § 36937(d), revising Section 6.04.310 of the Tracy Municipal Code to correct typographical errors regarding business tax categories to take effect immediately upon adoption and 2) introduce an Ordinance revising Section 6.04.310 of the Tracy Municipal Code to correct typographical errors regarding business tax categories. - **Item continued to June 27, 2023 special meeting.**

There was no public comment on item 3.F.

- 3.G City Council (1) receive an informational report regarding the Fiscal Year 2023-2024 and 2024-2025 City Council Strategic Priorities, (2) provide feedback on strategic priority goals and objectives, and (3) by motion, accept the City Council Workshop Report as the February 4 and 5, 2023 Special Meeting Minutes. - **Item continued to June 27, 2023 special meeting.**

There was no public comment on item 3.G.

4. ITEMS FROM THE AUDIENCE – Robert Tanner shared his concerns regarding fireworks going off in Tracy and wished Council would not allow any fireworks in Tracy.

Alice English stated back on March 6 there was a meeting regarding bonds and at that time there was a letter from Surland and Council Member Arriola and Mayor Young denied they did not get the letter from Surland but confirmed that night everyone got the letter and the letter eluded that he had no intention to give the land. PRA was done. He had that information in April so for Mayor to allow their attorney to speak. Misleading to people in audience. What he spoke about was not on record. Who really cares about the people, and who wanted the Aquatic Center without conditions. Asked what happens next regarding land for the Aquatic Center.

Council Member Arriola and Mayor Young objected to the characterization.

Daniel Helm appreciated Council Member Bedolla, Mayor Pro Tem Davis and Council Member Evans actions and agreed it needed to happen. Hoped Mayor Young learns something, and it doesn't happen again. Do not speak ill of the dead.

Gabriela Machuca stated she needs help with her project to be moved forward and help with Tracy Municipal Code mobile food ordinance to be changed.

Midori Lichtwardt, Interim City Manager responded the mobile food ordinance item will be coming back after July and responded to the Mayor that a memo can be sent to Council. Staff has been working with Mr. and Mrs. Machuca and they are scheduled for the next Planning Commission on June 28, 2023.

5. STAFF ITEMS – None

6. COUNCIL ITEMS – Council Member Bedolla stated due to the time sensitivity of the item and since there will be no Tracy Homelessness Advisory Committee meeting scheduled in July, he moved staff bring directly to the Council a resolution approving a procurement contract with Linked Equipment for containers at Arbor Avenue. Mayor Pro Tem Davis seconded the motion.

Bijal Patel, City Attorney clarified at the previous Tracy Homelessness Advisory Committee (THAC) meeting there was an informational item that had different options for THAC to consider and they selected one of those options. However, because there is no meeting of THAC before the Council recess and there is time sensitivity about the procurement to meet the grant deadline they are making a motion to have the actual action item directly to Council on July 5, 2023.

Council Member Arriola wished everyone a happy Juneteenth, happy summer solstice, happy 4th of July and asked staff to evaluate the viability of the Surland proposal. Mayor Young seconded the request.

Mayor Young wished everyone a happy 4th of July, happy Juneteenth and reported on events she attended. Mayor Young announced Lee Nelson from TAAA has passed. Announced July 4 events: Balloon lift off at the park and Breakfast Lions will be cooking pancakes and TCCA will have a parade and at Tracy High School will have a light show. There will be a special meeting on July 5, 2023. It will be the only meeting for the month of July.

7. ADJOURNMENT – Time: 3:45 a.m. Wednesday, June 21, 2023.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Bedolla to adjourn. Roll call found all in favor; passed and so ordered.

The above agenda was posted at the Tracy City Hall on June 16, 2023. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk