

June 27, 2023, 7:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy

Web Site: www.cityoftracy.org

1. Mayor Young called the meeting to order at 7:16 p.m.
2. There were no actions taken pursuant to AB 2449.
3. Roll call found Council Members Arriola, Bedolla, Evans, Mayor Pro Tem Davis and Mayor Young present.
4. ITEMS FROM THE AUDIENCE – Gabriela Rodriguez Machuca shared that she submitted her comments via email and clarified that it was intended for the City Council and City Manager, it was in response to documents that had been made public via an agenda publication by the Planning Commission.

Daniel Helm apologized for a comment he made at a previous meeting that the Mayor should be muzzled stating it was never his intent to compare the Mayor to a canine. Mr. Helm also expressed his support for offering the Interim City Manager Midori Lichtwardt the job of City Manager since she has in numerous occasions stepped up and taken charge.

Community Member expressed frustration that at the last Council meeting the attorney representing Surland produced conditions for the City to accept and how the Mayors behavior and favoritism to certain parties is exactly why the Mayor should be censured.

Rosario Arulappan shared that the Tracy residents want item 3D from the June 20th agenda to come back and shared there were Council Members that received campaign funds and this is a direct conflict of interest, reminded Council Members that if they vote against the will of the people the people will not support their future political ambitions.

Six Community Members expressed disappointment in the Council and requested that Council bring back agenda item 3D from the June 20th meeting and requested a special meeting to exclusively discuss the aquatic park and accept the 16 acres of land.

Tim Silva expressed disappointment regarding the increase in wastewater rates stating constituents will feel the pain on this and not the City and was hoping that the City would take a hit on their rating and this increase should have been done in a more moderate way.

Don Penning expressed that the collective leadership needs to be better managed starting with the Mayor and urged the Mayor to be the leader that group and community needs to be able to manage difficult situations.

Fourteen Community Members expressed disappointment in the Council and requested that Council bring back agenda item 3D from the June 20th meeting and requested a special meeting to exclusively discuss the aquatic park and accept the 16 acres of land.

James Damasco expressed that the Mayor shamelessly attempted to play divisive race politics at both May Council meetings and stated that this censure was necessary to preserve the unity and integrity of the community and shared that the Mayor was elected by 10% of the City population and used her position to sow seeds of discord and exploit racial tension for political gain and such actions are unethical and the City deserves leaders who prioritize inclusivity, harmony and progress for all.

Two Community Members expressed disappointment in the Council and requested that Council bring back agenda item 3D from the June 20th meeting and requested a special meeting to exclusively discuss the aquatic park and accept the 16 acres of land.

Alice English expressed that Council broke the protocol, the Brown Act and the Code of Conduct and against the advice of the City Attorney the Mayor allowed the attorney from Surland to continue speaking on an item that was not on the agenda and that they are not acting on good faith, shared that those items relating to the aquatic center should be brought back.

Sandy Taylor shared that the City has created barriers and the City Attorney has ignored requests from Surland along with Council Members Bedolla and Evans to schedule meetings. Ms. Taylor shared that she has witnessed Council Members Bedolla, Evans and Mayor Pro Tem Davis create a toxic work environment for staff and that they have maligned the intentions of Mayor Young.

Council Member Bedolla clarified that he has met with Surland representatives on numerous occasions.

Sandy Taylor was allowed to continue with her comment and stated that Council Members Bedolla and Evans have slandered Mayor Young and Council Member Arriola publicly.

Council Member Evans called a point of order and stated that he disagrees with the disinformation and that Mayor Young selectively allows personal attacks. Council Member Evans stated to Mr. Serpa that he did not find it appropriate to meet with him until he complied with the court order and stands by that decision.

Michel Bazinet shared that he attended the Ellis event where Council Members Evans and Bedolla were present and stated that there are four items that are open for negotiations between the City and Surland. Mr. Bazinet urged the City to accept the vision for the aquatic center and the completed designs and not start over.

Council Member Evans called a point of order as a mischaracterization of facts as to what happened at the Ellis event.

Rahul Reddy expressed disappointment in the Council and requested that Council bring back agenda item 3D from the June 20th meeting and requested a special meeting to exclusively discuss the aquatic park and accept the 16 acres of land.

Steve DeBorba expressed that when he moved to Ellis that they were promised an aquatic park that was coming soon and requested that Council bring back agenda item

3D from the June 20th meeting and requested a special meeting to discuss the aquatic park.

5. DISCUSSION ITEMS

5.A Continuation of the public hearing to adopt a resolution approving service revisions to the Tracer bus service effective August 1, 2023.

Mayor Young opened public hearing.

Ed Lovell, Transit Manager provided the staff report.

Council comments and questions followed.

Community Member shared that he is excited about this bus service to Ellis especially since he is a commuter that utilizes the ACE train, thanked Rosario Arulappan for his work with the Council and City representatives to get this project.

Rosario Arulappan shared that the Tracer bus service will be a great benefit to Ellis homeowners and those that park at the ACE train station and that this is needed in the southern part of Tracy considering the growth that is taking place in that area.

Community Member shared his excitement for this pilot program considering that there is no public transport in that area currently and also requested that the service be extended to other schools in the community so that it makes it easier for the parents, asked questions about the fares and requested simplification of the fare schedule.

Community Member asked if additional road design expansion and stop signs and bike lanes have been considered.

Alice English expressed gratitude to staff and commissioners for their work on this project and urged Council to approve this plan.

Community Member expressed concerns regarding the stop sign near the ACE train and asked if there will be an additional extension and repairs to the road and requested that the new bus routes become permanent.

Tim Silva thanked City staff, Transportation Commission, and SJCOG for the diligent work on this project and would like to see this project expanded to more stops at Tracy Hills and Ellis become permanent and hopes that service quality is maintained.

Rahul Reddy expressed appreciation for those that worked on getting this done for the residents that live in south Tracy, also requested that Corral Hollow and Lammers Road extension be expedited to help ease the traffic burden.

Mayor Young closed the public hearing.

Council questions and comments continued.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Arriola to adopt **Resolution 2023-121** approving service revisions to the Tracer Bus System effective August 1, 2023. Roll call found all in favor; passed and so ordered.

5.B 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.

Karin Schnaider, Assistant City Manager provided the staff report.

Council questions and comments followed.

Necy Lopez, Deputy City Clerk reads the title of the urgency ordinance.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Davis to adopt an Urgency Ordinance revising Section 6.04.310 of the Tracy Municipal Code to correct typographical errors regarding Business Tax Categories. Roll call found all in favor; passed and so ordered.

Necy Lopez, Deputy City Clerk reads the title of the proposed ordinance.

ACTION: Motion was made by Council Member Bedolla and seconded by Mayor Pro Tem Davis to introduce an Ordinance revising Section 6.04.310 of the Tracy Municipal Code to correct typographical errors regarding Business Tax Categories. Roll call found all in favor; passed and so ordered.

5.C 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.

Vanessa Carrera, Assistant to the City Manager provided the staff report.

Council questions and comments followed.

Tim Silva expressed that City of Tracy needs a better way to get information to the public especially when there are those that do not use technology and requested that there be non-digital platforms for the public to get their information.

Gabriela Rodriguez Machuca expressed her frustration regarding the business retention plan and as a business owner feels that the City is not doing a good job in that, regarding the TOD, when will that be coming back to Council, is Measure V for the aquatic center and it would be helpful if the Council could explain to the

community what is going on or preventing the Measure V amenities in becoming a reality. Requested that there be a booth at the farmers market so that community members can ask questions and learn more about what is happening in Tracy.

Council comments and questions continued.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Bedolla to receive the informational report regarding the Fiscal Year 2023-2024 and 2024-2025 City Council Strategic Priorities and accept the City Council Workshop Report as the February 4 and 5, 2023 Special Meeting Minutes. Roll call found all in favor; passed and so ordered.

6. COUNCIL ITEMS – Council Member Arriola thanked City Attorney Bijal Patel for the confidential memo regarding district elections and asked for support to agendize that the City voluntarily converting to election district to take effect for the 2024 elections, Mayor Young supported and wished everyone a happy and safe 4th of July.

Council Member Evans thanked Ellis residents that came forward in support of the aquatic center and congratulated them on how organized they were, shared that he will continue fighting for them because they deserve the aquatic center.

Council Member Evans stated that he will get the aquatic center built for the people of Ellis and that it was his intent to build in Ellis, is open to looking elsewhere in the City for other land options.

Council Member Bedolla shared that before exploring for other opportunities for the aquatic park requested support for the City Attorney bring to Council as the first item on the July 5th agenda, the resolution to accept the IOD from Surland Communities for the 16-acres of community parkland for an aquatic park, Council Member Evans supported as long as it comes back with discussion regarding other options.

Mayor Young requested further clarification. City Attorney Bijal Patel clarified the motion that Council Member Arriola had made at a prior meeting and clarified that since this is an item that is pending litigation, findings will be discussed in a closed session meeting. Ms. Patel restated and shared that the City does not believe that the acceptance of the land is not part of the pending litigation even though that was the proposal that was on the table and since there was a split vote, a motion can be made to bring the same item back for consideration.

Council Member Evans requested that Council Member Bedolla restate his request, Council Member Bedolla stated that it was to bring back the same resolution from the prior meeting.

Council Member Evans asked if the hope is to have a different outcome than before, shared that he misunderstood the request but continues to support Council Member Bedolla's request.

Mayor Young stated that the staff does not have the bandwidth to bring item back, City Attorney Bijal Patel clarified that it was not regarding the item that was already heard at

the previous meeting but that any additional analysis would require more time for staff to work on.

Council Member Arriola asked for clarification that the motion that he had made on the prior meeting will be coming back along with the item that Council Member Bedolla is requesting to come back.

Council Member Bedolla clarified that he is requesting support to consider accepting the IOD one last time before exploring the City's option on how to deliver the aquatic park for the community and finds appropriate that the closed session item that will be coming forth on July 5th will assist on making a better decision regarding the 16-acres.

Mayor Young stated that in scheduling these two items together will give the presumption that negotiations are going to fail. Council Member Bedolla disagreed and stated the closed session would be first and if Council has enough information to accept the 16-acres then it would be voted upon in a public meeting. Mayor Young continued to state that it would be perceived that there is not a good faith effort on the City's part.

City Attorney Bijal Patel clarified that the belief is that these are two separate items and that the developer has bundled them in a settlement proposal but that does not prevent Council from deciding to keep them unbundled and shared that it could be a lengthy negotiations process considering that the proposal presented by the developer is not easy to digest or negotiate.

Council Member Evans shared that his intent is to get this moving as quickly as possible and wants to start looking at options and is willing to look at options that will lead to success and the only option that he sees is Surland out of the equation.

Council Member Bedolla shared that he would like this item to come back in July. Mayor Young stated that this item can go until August since there is no urgency because in her opinion it is not showing good faith negotiations and that it is not taking into consideration the motion that was previously made. City Attorney Bijal Patel shared that she has been working with outside counsel regarding the item that was presented at the last meeting. Mayor Young expressed her concerns about the complexity of the item. Ms. Patel shared that the item can be agendaized and then the item can be pulled if Council is not prepared to discuss the item. Mayor Young suggested that items be heard separately and stated that Council agrees that the aquatic park should be built the disagreement is how to proceed.

Assistant City Manager Karin Schnaider clarified that the item that Council Member Bedolla and Council Member Evans seconded, is requesting item 3D be republished as it was presented on June 20, 2023, with no other analysis added, Council Member Bedolla confirmed. Ms. Schnaider also confirmed with a motion that was made during a previous meeting by Mayor Pro Tem Davis and that was seconded by Council Member Evans, that there is another discussion coming back to discuss other locations with a goal date of potentially being August or September.

Ms. Schnaider verified with Mayor Pro Tem Davis as the motion maker if that timeframe was acceptable. Mayor Pro Tem Davis confirmed that the timeframe presented was acceptable but is dependent on the motions that will be coming first. Mayor Young asked

for clarification that Ellis is not part of the discussion. Ms. Schnaider confirmed that staff is gathering all City owned potential properties to bring back and that is how it was asked and that is what will be brought to Council.

Mayor Young asked if the motion previously made by Mayor Pro Tem Davis included Ellis, considering a potential conflict of interest. Mayor Pro Tem Davis clarified that her motion stated that it was looking for alternatives, not including Ellis considering that she is unable to speak on Ellis and that motion was made based on the letter that was sent and that is why the motion was made based on City owned properties. Parks and Recreation Director Brian MacDonald clarified that the motion from Mayor Pro Tem Davis stated was for staff to research alternative sites on City owned land to locate the aquatic center using a P3 model and on April 4 there was an additional motion made by Council Member Bedolla and seconded by Council Member Evans to include Legacy Fields and confirmed that Ellis would not be considered in that item.

Mayor Young stated that in the past Legacy Fields had been looked at and it was deemed that it was not a place to build and after a two-year diversion, wants to make sure that if there are any changes from the research that took place in the past, because staff should have that information already.

Parks and Recreation Director Brian MacDonald responded further analysis and engineering analysis would require further direction from Council. Mayor Young shared that this information should already be available and is unsure as to why it would need support since it should be something standard. Interim City Manager Midori Lichtwardt shared that Mr. MacDonald has a plan to bring an item back on August 15 and that the staff report will include historical information to give context and ask Council for direction.

Mayor Pro Tem Davis asked if workshops are recorded and if they are not can they be recorded in the future. Assistant City Manager Karin Schnaider clarified if Mayor Pro Tem was referring to the strategic workshop and shared that if they are offsite, they are not recorded. Interim City Manager Midori Lichtwardt shared that the workshops are not recorded via video or audio and that the workshop was presented by a consultant, the consultant provided a report that was adopted as minutes. Council Member Arriola verified that the report provided had been adopted earlier in this meeting as the minutes for the Strategic Workshop.

Mayor Pro Tem Davis requested that in the future Council consider holding those meetings in a space that can be recorded given the magnitude of information presented so that it is known what is said and by whom. Council Member Bedolla supported and requested that all workshops be done in chambers so that there is the ability to record.

Mayor Pro Tem Davis shared that by recording the meetings it would be important for Council to have the ability to go back and review. Interim City Manager Midori Lichtwardt shared that it would be a workshop rather than a retreat and expressed that although it is a public meeting, a retreat allows for more candid discussions but if it is the Council's desire to change that it can be discussed.

Mayor Young stated that if staff brings retreat discussion back to Council within a few weeks rather than months that it is easier for Council to remember what was discussed and that it should be codified much closer to date of retreat.

Mayor Young welcomed this year's City's 25 summer youth interns and shared that she would like to expand the Early Workforce Development Program to college students.

Interim City Manager, Midori Lichtwardt wished everyone a safe and sane 4th of July,

- Fireworks go on sale on June 28, please visit the City website or social media posts for details, fireworks booth locations and safety guidelines.
- Cooling Centers will be activated and open during business hours since temperatures are reported to be over 100 degrees. On Sunday, the Transit Station will be on standby, if temperatures are forecast to be 100 degrees and over, the Transit Station will be open from 12 p.m. to 6 p.m., the library will be open from 12 p.m. to 5 p.m. On July 4th the Transit station will be closed for the holiday unless temperatures are forecast to reach 100 degrees.
- There will be a 4th of July drone show at Tracy High School, instead of the traditional fireworks show, Chamber of Commerce is headlining this event. There will be breakfast in the park, balloon lift off, and a parade in the morning.

7. ADJOURNMENT – Time: 11:11 p.m.

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

The above agenda was posted at the Tracy City Hall on June 22, 2023. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk