

July 5, 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 7:19 p.m.

Mayor Young led the Pledge of Allegiance.

Pastor Paul Brown, Victory Christian 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.

Karin Schnaider, Assistant City Manager presented Employee of the Month award for July to Heather Kooreman, Development Services Department.

Mayor Young presented a Proclamation for Parks and Recreation Month to Brian MacDonald, Interim Assistant City Manager.

1. CONSENT CALENDAR – Following the removal of consent items 1.D by Robert Tanner, 1.D, 1.F and 1.K by Gabriela Machuca and 1.D, 1.G, 1.H, 1.I, and 1.L by James Damasco 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 Adoption of June 20, 2023 Closed Session and Regular Meeting Minutes – Minutes were adopted.
 - 1.B. Adopt a Resolution approving the City of Tracy's Updated Transit Division Title VI Program.– Resolution 2023-122 approved the Updated Transit Division Title VI Program.
 - 1.C. Adopt a resolution approving Amendment No. 1 to the Professional Services Agreement with AECOM Technical Services, Inc. to Extend the Term of the Agreement.– Resolution 2023-123 approved Amendment No. 1 to the Professional Services Agreement with AECOM Technical Services, Inc.
 - 1.E. Adopt a Resolution approving the purchase of equipment to maintain Legacy Fields in the amount of \$194,300.– Resolution 2023-124 approved the purchase of equipment to maintain Legacy Fields.
 - 1.J Adopt a Resolution: 1) approving the MOU between City of Tracy and Tracy General Teamsters Local No. 439, IBT; 2) approving the MOU between City of Tracy and Tracy Technical and Support Services Employee Association; and 3) authorizing an amendment to the City's Master Salary Schedule to reflect the terms of the MOUs.– Resolution 2023-125 approved the MOU with the General Teamsters Local No. 439, IBT, and the MOU with the Tracy

Technical Support Services Employee Association and authorized the amendment to the City's Master Salary Schedule.

- 1.M Adopt a resolution approving an Offsite Improvement Agreement between the City and Lennar Homes of California, LLC for the Lammers Road Undercrossing Improvements at Interstate 580 that are required as part of the Conditions of Approval for Tracy Hills Phase 1B Vesting Tentative Subdivision Map. – **Resolution 2023-126** approved the Offsite Improvement Agreement with Lennar Homes.
- 1.D. Adopt a resolution approving a Professional Services Agreement with Gilbane Building Company for construction management services for the new Tracy Multi-Generational Recreation Center and Park Improvements at El Pescadero Park (CIP 78178) for a total not-to-exceed amount of \$3,433,900.

Robert Tanner, Gabriela Machuca and James Damasco pulled the item.

Richard Joaquin, Parks Planning and Development Manager provided the staff report and responded to questions.

Robert Tanner asked why the City is rushing ahead of the Aquatic Center, should delay at least a year and concentrate on the Aquatics Park.

Gabriela Machuca asked who will be the point person for the construction project as the City does not have a Development Director and hopes it will be Brian MacDonald.

James Damasco asked about the following: Who was the 4th firm that did not receive an invite to the interview, was a stamped engineer with experience with both inspection and construction management (CM) for California State Parks on the interview panel, what did the panel ask the candidate firms regarding QA and QC and distinction between QA and QC, what roles would the three onsite personnel have on a day-to-day basis, how important was it to select a Tracy resident, and do you think it is hypocritical to brag that the City is enlisting a consultant that lives in Tracy when the City recently fired a stamped engineer with both California State Parks Inspection and CM experience who lives in the City of Tracy.

Brian MacDonald, Interim Assistant City Manager and Karin Schnaider, Acting City Manager responded to Mr. Damasco's questions.

A resident shared concerns about where the homeless will go from the park when building the rec center.

Burnell Shull stated she has seen things she did not want to see at El Pescadero Park and no one seems to care. What is going to stop the people from going to the construction to take wood to keep warm. Why not get people out of there before commencing construction. Who is going to take care of the people who are going to our parks and setting up tents.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Arriola to adopt **Resolution 2023-127** approving a Professional Services Agreement with Gilbane Building Company for construction management services for the new Tracy Multi-Generational Recreation Center and Park Improvements at El Pescadero Park (CIP 78178) for a total not-to-exceed amount of \$3,433,900. Roll call found all in favor; passed and so ordered.

- 1.F. Adopt a separate resolution approving a Professional Services Agreement, for an initial term of one year, with an administrative option to extend annually, for an additional three years, to provide On-call Landscape Architectural, Landscape Plan Check, Landscape Inspection and Project Management Services, with the following consultants and not to exceed amounts: 1) a Resolution Approving a Professional Services Agreement with Callander Associates for a not to exceed amount of \$300,000 annually for an initial one-year term, with an administrative option to extend, annually, for three additional years (total not to exceed amount of \$1,200,000) to provide on-call landscape architectural, plan check, inspection, and project management services; and 2) a Resolution Approving a Professional Services Agreement with O'Dell Engineering for a not to exceed amount of \$600,000 annually for an initial one-year term, with an administrative option to extend, annually, for three additional years (total not to exceed amount of \$2,400,000) to provide on-call landscape architectural, plan check, inspection, and project management services. –

Gabriela Machuca pulled the item to ask if Parks and Recs will be the point person and oversee the money. Don't have a Development Director.

Richard Joaquin, Parks Planning and Development Manager provided the staff report and responded to questions.

There were no Council comments.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Evans to adopt the following: **Resolution 2023-128** approving a Professional Services Agreement with Callander Associates for a not to exceed amount of \$300,000 annually for an initial one year term, with an administrative option to extend, annually, for three additional years (total not to exceed amount of \$1,200,000) to provide on-call landscape architectural, plan check, inspection and project management services. **Resolution 2023-129** approving a Professional Services Agreement with O'Dell Engineering for a not to exceed amount of \$600,000 annually for an initial one year term, with an administrative option to extend, annually, for three additional years (total not to exceed amount of \$2,400,000) to provide on-call landscape architectural, plan check, inspection, and project management services. Roll call found all in favor; passed and so ordered.

Consent Items 1.G, 1.H and 1.I were heard together.

- 1.G. The Tracy Homelessness Advisory Committee recommends that the City Council adopt a Resolution (1) awarding a construction contract to Arnaudo Construction, Inc., of Tracy, California in the amount of \$1,359,560 for the 384 Arbor Road

Sewer Lift Station and Holding Tank, CIP 71112, (2) approving a project not-to-exceed budget of \$1,699,450, and (3) authorizing the City Manager to approve change orders up to the contingency amount of \$135,956, if needed, pursuant to Tracy Municipal Code Section 2.20.090(b). – **Resolution 2023-130.**

- 1.H The Tracy Homelessness Advisory Committee recommends that the City Council adopt a Resolution (1) awarding a construction contract to DV Electric Company, Inc., of San Jose, California (DV), in the amount of \$373,745 for the 384 Arbor Road Main Power Supply, CIP 71112, (2) exercising, under Section 14 of the bid documents, City's right to waive, as immaterial bid irregularities, delays by DV in strictly meeting posted deadlines for requisite federal paperwork to document its Small Business Enterprise qualification, (3) approving a project not-to-exceed budget of \$467,182, and (4) authorizing the City Manager to approve change orders up to the contingency amount of \$37,375, if needed, pursuant to Tracy Municipal Code Section 2.20.090(b). – **Resolution 2023-131.**
- 1.I The Tracy Homelessness Advisory Committee recommends that the City Council adopt a Resolution (1) awarding a construction contract to DV Electric Company, Inc., of San Jose, California (DV) in the amount of \$208,660 for the 370 Arbor Road Main Power Supply, CIP 71112, (2) exercising, under Section 14 of the bid documents, the City's right to waive, as immaterial bid irregularities, delays by DV in strictly meeting posted deadlines for requisite federal paperwork to document its Small Business Enterprise qualification, (3) approving a project not-to-exceed budget of \$260,825, and (4) authorizing the City Manager to approve change orders up to the contingency amount of \$20,866 if needed, pursuant to Tracy Municipal Code Section 2.20.090(b). – **Resolution 2023-132.**

James Damasco asked the following questions for Item 1.G - Why was there delay in the staff report in the background and legislative history section between April 19, 2022, and Summer 2023. The staff report stated that this allows the City to coordinate lead times for electrical and lift station project completion with overall Phase 2 project completion - why did Development Services chose to do it this way when it seems inefficient and poor allocation of staff's man hours. Why was this not bid until 28 of April. Was this problem not on Development Services radar back in December. Why was a staff report submitted to Council without an engineers estimate included. Is it because something is being hidden.

James Damasco asked the follow questions for Items 1.H and 1.I – What is the distinction between items 1.H and 1.I. Why were these not bid and awarded earlier. When was the first time it was known we would need to bring in this much electrical hardware.

Robert Tanner referred to items 1.H and 1.I and stated a vendor missed paperwork and due dates and vendor was dropped and another took over. Why do we want to do DV Electric Co. Inc., when they have missed some of the dates and deadlines for federal paperwork to be documented as a small business qualification. All our problems with the homeless issue have been with the Advisory Committee.

Ilene Macintire, Senior Civil Engineer responded to questions on Consent Items 1.G, 1.H and 1.I.

There were no Council comments.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Bedolla to adopt the following resolutions:

Consent Items 1.G – Adopt **Resolution 2023-130** awarding a construction Contract to Arnaudo Construction, Inc, of Tracy, California in the amount of \$1,359,560 for the 384 Arbor Road Sewer Lift Station and Holding Tank, CIP 71112, approving a project not-to-exceed budget of \$1,699,450, and authorizing the City Manager to approve change orders up to the contingency amount of \$135,956, if needed, pursuant to Tracy Municipal Code Section 2.20.090(b).

Consent Item 1.H – Adopt **Resolution 2023-131** awarding a Construction Contract to DV Electric Company Inc., of San Jose, California in the amount of \$373,745 for the 384 Arbor Road Main Power Supply, exercising, under Section 14 of the bid documents, City's right to waive as immaterial bid irregularities, delays by DV Electric Company in strictly meeting posted deadlines for requisite federal paperwork to document its Small Business Enterprise Qualification, approving a project not-to-exceed budget of \$467,182, and authorizing the City Manager to approve change orders up to the contingency amount of \$37,375, if needed, pursuant to Tracy Municipal Code Section 2.20.090(b).

Consent Item 1.I – Adopt **Resolution 2023-132** awarding a Construction Contract to DV Electric Company Inc., of San Jose, California in the amount of \$208,660 for the 370 Arbor Road Main Power Supply, exercising, under Section 14 of the bid documents, the City's right to waive as immaterial bid irregularities, delays by DV Electric Company in strictly meeting posted deadlines for requisite federal paperwork to document its Small Business Enterprise Qualification, approving a project not-to-exceed budget of \$260,825, and authorizing the City Manager to approve change orders up to the contingency amount of \$20,866, if needed, pursuant to Tracy Municipal Code Section 2.20.090(b).

Roll call found all in favor; passed and so ordered.

- 1.K Adopt a separate resolution approving a Professional Services Agreement, for an initial term of one year, with an administrative option to extend annually, for an additional two years, to provide On-Call Plan Check and Inspection Services, with the following consultants and not-to-exceed amounts: 1) Structech Engineering for a not-to-exceed amount of \$350,000 annually (total not-to-exceed amount of \$1,050,000); 2) 4leaf, Inc. for a not-to-exceed amount of \$800,000 annually (total not-to-exceed amount of \$2,400,000); 3) Bureau Veritas for a not-to-exceed amount of \$600,000 annually (total not-to-exceed amount of \$1,800,000); 4) True North Compliance Services for a not-to-exceed amount of \$450,000 annually (total not-to-exceed amount of \$1,350,000); and 5) NV5 for a not-to-exceed amount of \$300,000 annually (total not-to-exceed amount of \$900,000).

Gabriela Machuca pulled the item to say there is no Development Director and it is a lot of money and asked who will be overseeing it, and asked why can't the City keep a Development Director employed.

Chris Morgan, City Building Official responded to questions.

There were no Council comments.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Arriola to adopt **Resolution 2023-133** approving a Professional Services Agreement with Structech Engineering for an initial term of one year, with an administrative option to extend annually, for an additional two years, to provide on-call plan check services, for a not-to-exceed amount of \$350,000 annually (total not-to-exceed amount of \$1,050,000). **Resolution 2023-134** approving a Professional Services Agreement with 4LEAF, Inc. for an initial term of one year, with an administrative option to extend annually, for an additional two years, to provide on-call plan check and inspection services, for a not-to-exceed amount of \$800,000 annually (total not-to-exceed amount of \$2,400,000). **Resolution 2023-135** approving a Professional Services Agreement with Bureau Veritas for an initial term of one year, with an administrative option to extend annually, for an additional two years, to provide on-call plan check and inspection services, for a not-to-exceed amount of \$600,000 annually (total not-to-exceed amount of \$1,800,000). **Resolution 2023-136** approving a Professional Services Agreement with True North Compliance Services for an initial term of one year, with an administrative option to extend annually, for an additional two years, to provide on-call plan check and inspection services, for a not-to-exceed amount of \$450,000 annually (total not-to-exceed amount of \$1,350,000). **Resolution 2023-137** approving a Professional Services Agreement with NV5 for an initial term of one year, with an administrative option to extend annually, for an additional two years, to provide on-call plan check and inspection services, for a not-to-exceed amount of \$300,000 annually (total not-to-exceed amount of \$900,000). Roll call found all in favor; passed and so ordered.

- 1.L The Tracy Homelessness Advisory Committee recommends that the City Council adopt a Resolution ratifying, pursuant to Tracy Municipal Code Section 2.20.180(B)(1), various procurement contracts for goods and general services agreements executed by the City Manager to implement Emergency Interim Housing solutions for the unsheltered.

James Damasco asked how much diesel per month is the City spending, how many generators are on site, how many fencing panels are being rented, how many non-panel fences rented, and how many times have you erected fence only to have it taken down later due to poor planning.

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

There were no Council comments.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Evans to adopt **Resolution 2023-138** ratifying, pursuant to Tracy Municipal Code Section 2.20.180(B)(1), various procurement contracts for goods and general services executed by the City Manager to implement interim housing solutions to address the declared shelter crisis. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Gabriela Machua requested Council bring back the Mobile Food Ordinance and amendments to the ordinance.

Diego Bedolla spoke about the 4th of July Parade stating Council Member Arriola ordered two of his associates to harass Council Member Bedolla as he was giving away baseball cards to children and they harassed several children. A report was filed with the Tracy Police along with witness statement the two were trying to deliver a piece of paper on behalf of Council Member Arriola and called for Council Member Arriola to resign from his role on Council.

Council Member Arriola objected to the characterization, was attempting to have legal service issued for a cease-and-desist order for legal action that Council Member Bedolla has made against him personally.

Yvonne Martell shared concerns regarding the many potholes that are damaging cars and asked what is being done about the potholes.

Marla, resident of Ellis asked when Western Park is going to happen. City officials did not show up for the required safety inspections and approval. Shared concerns regarding no mailboxes at Western Park and having to travel 15 miles round trip to collect their mail for last 1.5 years from USPS located at Commercial Drive. Why is the City allowing conception of new homes without having the basic amenities in the first place. The school at Ellis is supposed to be in June 2021 but do not know when it will happen.

Roheb stated the Western Park in Ellis was supposed to be open last September, what is the delay. City is being blamed for the delay and urged the City to take action and open park as soon as possible.

A resident of Ellis stated she is a parent of a special needs son, and there is nothing in Tracy for special needs and requested Council take into consideration the needs of the special needs kids while planning the Multi-Gen and asked for inclusion playground.

Rosario spoke about Council Member Arriola receiving campaign funds from the developer during the previous election, endorsing the petition that is going around currently and appears to be a conflict of interest, and asked City Attorney to provide a legal opinion whether there are grounds to prevent Council Member Arriola from voting on item 3.A due to conflict of interest because he got funds from the same company and endorse the petition.

Council Member Arriola objected to the characterization stating he did not endorse a petition and is in compliance with all donation requirements.

Robert Tanner stated Council does not care about seniors. Insisting that seniors who are only \$10 outside that dollar amount that PG&E says are still seniors on fixed income and yet Council raised trash and sewer rates. Council did not care about cannabis stores downtown, ignored the Planning Commission rules, and went from four to eleven.

Ragu shared concerns regarding Western Park and mailboxes not being open at Ellis after 18 months. Requested Council look into this and get it done.

Alice English stated she was sorry about what happened to Council Member Bedolla adding it has happened to her in front of City Hall. Caution Democrats, if go along with what they say it is fine but if you don't, they violate your rights. Had to file a Police report.

Brent shared he resides at Emerson House in Transitional House for men and thanked Council, staff, TCCC and Emerson House for giving him an opportunity to be clean and sober. Brent asked while people remain at El Pescadero Park can the City put up a canopy or a carport, maybe three benches to supply a little more dignity to them and our town.

Mattie Quinney stated she was appalled and shared concerns regarding the posting of personal phone numbers of Mayor Young or Council Member Arriola on social media by Council Member Bedolla to call them at home to pressure them to change their votes. Spoke about joining forces on Council to keep our city in gridlock. Suggested all Council Members go under oath so the truth can come out. Needs to be investigated.

Council Member Bedolla responded he has everything documented and will be turning into court.

Council Member Arriola objected to the characterization.

Mayor Young objected also.

James Damasco shared light on the federal reserve, monetary policy, regulating banking sector, risky practices and local government bearing the brunt.

Venu Matta asked for an update on Ellis Town and Country Park. Website states it is ongoing. Will it be ready anytime soon.

Venkat Mantiraju spoke about the Aquatic Park, when is it going to start. More communities coming up. Being at the central location is vital and asked Council to consider the Aquatic Park.

Cynthia Camacho stated the money Council Member Arriola received from the developer is a conflict of interest for any Council Member. Wish none of our Council Members received money from developers because it looks bad. Regarding Council Member Bedolla giving the Mayor and Council Member Arriola's phone numbers, it says on the Mayor's number to call her personal number. Have left emails and messages and never gets a call back.

3. REGULAR AGENDA

Mayor Pro Tem Davis recused herself from Item 3.A due to proximity of real property.

3.A 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.

Brian MacDonald, Interim Assistant City Manager provided the staff report.

Council comments and questions followed.

Mandar Raje requested Council to vote yes on the item and spoke about misinformation on item out there.

Chris Long stated the community development plans which represent the design development package are ready to prepare construction docs and go to bid and that would advance the project faster than anything. Supports the community driven plan.

Rosario Arulappan, speaking on behalf of a group, requested Council accept the 16-acre land and \$8 million and construct the water park at Ellis. Spoke about Council Members receiving campaign money from Surland being a conflict of interest. Back in 2005 a subcommittee was formed by City to work on water park project, was dissolved over time with only a few members continuing their involvement with Surland claiming to be original subcommittee. How is it possible for them to use the City formed subcommittee and mislead the community with inaccurate information. The land should be granted first. Strongly advocate for the land, and asked Surland to pay \$9 million and donate land without any conditions. Spoke about delays with water park. The City has taken over the construction and 80% of cost is covered by our tax contribution. The City has every right to seek public input on design. Need to penalize Surland due to the delay. Form committee to investigate the so-called task force which was dissolved a long time ago. Who is financing the task force and why are they giving the public the wrong information.

Diego Bedolla supported trying to have the Aquatic Center built, spoke about Mayor Young and Council Member Arriola receiving funds from developer, put money where mouth is, we want this park, let's get it built.

Yvonne Martell stated she is a 37-year resident and asked is this water park going to be for all the citizens in Tracy, she is totally against this and does not trust them.

Robert Tanner stated there was a groundbreaking, but nothing was built. Council Member Arriola and Mayor Young said they can't be bought, but the

appearance is that they are taking money from Surland and they bought your vote. Vote yes and get it going. Been over 20 years of trying to get this built.

A resident from Ellis stated they want the Aquatic Park at Ellis. Council Members are saying no because it will delay, but saying no will delay and requested Council say yes to the land.

Malla supported Council saying yes to agenda item 3.A and accept the land.

A resident stated 16 acres of land and \$10 million rightfully belong to City of Tracy and urged Council to accept the 16 acres of land and cease giving any more permits to the developer until they fulfil their promises to the City.

Prab stated staff recommends Council accept the 16-acre land and \$8 million. Have taken a lot of input from the people for the past 16 years and asked Council to consider the recommendation. Show us why you would vote no. Vote yes and take land.

A resident stated people cannot be waiting, they elected Council to get services to them and not supposed to be working for the corporates. Vote yes and get the Aquatic Center to Tracy.

Ragu requested Council to vote yes on Item 3.A and accept the 16-acre land and the \$8 million.

Ram requested Council vote yes for acquiring 16 acres of land and the amount from Surland, a promise that has been pending for more than a decade. Trust staff and attorney, that is why they are here and believe in the recommendation.

Suma urged Council to say yes and accept the land.

Arvin spoke about getting an Aquatic Park and getting amenities.

Brandon Kanner stated the goal for Council after decades of delay is to build an Aquatic Center quickly. Accept the land and the design and allow us to look forward to future.

Roy Hawkins stated past Council's have all blessed the community driven design plans and now it is this Council's chance to complete the offered package and build this beautiful facility that will put Tracy on the map.

A resident of Ellis urged the acceptance of land for the Aquatics Center at Ellis, and requested a yes vote in the best interest of Tracy residents and good faith.

Rahul requested Council accept the 16-acre land as recommended by staff, have respect for their recommendations. Say yes and do not delay.

Ravi, Ellis resident requested Council vote yes on getting the Aquatic Park, a shame it has been discussed for 20 years and make sure there is no litigation.

A resident requested Council vote yes on item 3.A, accept 16 acres and \$8 million.

Sarisha, Ellis resident requested all Council to accept land so Aquatic Park can be built as soon as possible. Tracy needs life and if it is water park that starts life, lets do that.

Molly Lowe stated her daughter attended the last meeting and she has seen 19- and 20-year-olds run things better than Council. Council's job to work together for citizens and not future aspirations. Need more options for Aquatic Center for all ages. Give City time to work with Surland to accept the Tracy conceptual plan at the same time.

Alice English stated Surland has gotten their RGA's and building permits for years but not fighting for Aquatic Center. The plans and design have nothing to do with accepting the land. Everyone wants the Aquatic Center. If you say no, tell them we are going somewhere else, we are still going to get an Aquatic Park. Stay with the plan, accept the 16 acres.

Sandy Taylor stated she can't believe that Council are unwilling to allow the City and Surland time to work out moving forward on the Aquatic Center. What difference will a couple of months make. Hard time understanding why Council would not want to accept and build what your community has designed.

Vinitha Narayanan, Ellis resident stated the community is divided due to recent conversations. Led to believe all Council Members are in favor of building an Aquatic Center, if so why are things not moving forward. Spoke about Council appointed Measure V Committee Member is advising against petition and pushing community members to pressure Council to vote yes.

Ragesh requested all Council Members unite, put differences aside, make things happen and continue work on getting an Aquatic Center at Ellis rather than moving to another location.

Raquel Fairfield requested Council accept the land and money and move forward. Everything is set for this current land. Surland continues to get what they want and nobody else is getting what they want.

Narendra requested voting yes on Aquatics Park. Lost trust with Surland.

Ajay requested Council vote yes to build Aquatic Park.

Venu Matta urged Council to accept land and get money from Surland. Been delayed for decades.

Senthil Kumar requested Council to vote yes on item 3.A, accept the land and get the Aquatic Park built and thanked staff for their recommendations.

Praveen requested Council work for the people and vote yes on item 3.A, accept the 16-acres and the \$8 million.

Conrad Levoit stated valued citizens are pleading to Council to move forward. It doesn't look or feel good to have an indecisive decision-making leadership. Believe strongly that Council has heard the people.

Victoria requested Mayor Young and Council Member Arriola accept the land and vote yes. Council are the leaders chosen to represent, serve and listen to the people.

Maral asked Council to vote no. Contrary to neighbors in Ellis she believes opportunity to move forward faster. Everyone's sentiment is clear, we all want the Aquatic Park. Have not seen enough evidence or plan from the City to move this plan forward quicker than what is in place. Spoke about misinformation being spread that if City taking the land it will move at an accelerated rate.

A resident hoped the Council Members who voted no on the item at the June 20, 2023, meeting got all their questions answered and vote yes on item 3.A.

Glen Tony requested Council vote yes and accept the land and get the \$8 million.

Michel Bazinet stated the design is completed with input from community and urged Council to reject IOD until there is a firm commitment to build the Aquatic Center as designed with community input.

A Tracy Hills resident urged Council to vote yes for obtaining the land.

Ritwick requested Council vote yes for 3.A and get the land and the money to move ahead.

Manish requested Council vote yes to accept 16-acres of land and \$8 million and reminded Council they are working for community members and not developers.

Sunil requested Council put Tracy residents first and vote yes and build Aquatic Park in Ellis.

Luis stated there has been a heavy campaign from Tracy Hills and Ellis residents urging Council to vote yes. Wanted to bring light that Tracy doesn't necessarily have a good track record of bringing good recreation and amenities to the magnitude to what the water park would need. How soon thereafter if the Council vote yes will the Aquatic Park come to fruition.

Steve stated they use the Aquatic Park as a sales tool to get people to buy and like to know who is putting up the posters that the Aquatic Park is coming as it has been 20 years. Can understand why people are upset.

Satesh stated keep promise, do good for Tracy by getting the Aquatic Park.

Ragu stated the Aquatic Park is a must and asked Council to say yes and start building the park.

Naveen stated one of the reasons he purchased in Ellis is because the Aquatic Park was going to be built in 2023. Past is past and now is the time to make a difference and asked Council to say yes on the item.

Carlos requested Council vote in favor of the Aquatic Center. As a young person there is not a lot of things for us to do. The Aquatic Center will be good to bring us together and have a safe place to interact and be beneficial for Tracy.

Ramkumar requested Council vote yes to accept the land and the money without any delay.

Munesh stated they purchased a house here because an Aquatic Center is coming and urged Council to vote yes and accept the 16-acres of land and \$8 million.

Amir spoke about Council Member Bedolla being victimized and harassed by Council Member Arriola. We must denounce violence, intimidation, mistreatment and stand together to support. Must hold Council accountable. Recommended Council vote yes on item 3.A.

Srikanth Ramaraju asked Council to vote yes and accept 16-acres of land and money.

Ramesh asked Council to vote yes on item 3.A and listen to the community.

Mayor Young called a break at 10:49 p.m.

Mayor Young reconvened the meeting at 11:01 p.m.

Council agreed to hear Items 3.C, 3.D and 3.F and move Items 3.B and 3.E to another date.

Council comments followed.

ACTION: Motion was made by Council Member Bedolla and seconded by Council Member Evans to adopt **Resolution 2023-139** 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

Members Arriola, Bedolla, Evans and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Davis absent.

- 3.B Staff recommends that City Council review and discuss the Citywide Water System Master Plan Update. - **Item was continued to the next possible time.**

There was no public comment.

- 3.E. City Council appoint, by motion, one member, to the Tracy Finance Committee to fulfill the remainder of the annual term, pursuant to the City Council's appointment procedures. - **Item 3.E was moved to August 15, 2023.**

There was no public comment.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Bedolla to move item 3.B to be continued to the next possible date and Item 3.E to the August 15, 2023, Council Meeting.

- 3.C. The Tracy Homelessness Advisory Committee recommends that the City Council 1) adopt a Resolution approving, pursuant to Tracy Municipal Code Section 2.20.180(B)(1), contracts for goods and general services agreements executed by the City Manager to implement Emergency Interim Housing solutions for the unsheltered with Link Equipment, LLC., and 2) adopt a Resolution approving a Purchase Agreement for Goods with Linked Equipment, LLC., for the purchase of eight pre-manufactured custom container structures in an amount not to exceed \$682,440 to be installed as part of Phase 4 of the interim improvements at the Temporary Emergency Housing Facility Project at 370 W. Arbor Avenue.

Adriana Castaneda, Director of Mobility and Housing provided the staff report.

Cynthia Camacho asked about the life expectancy of the containers if the City were to purchase those containers. The \$600,000 we lost from the first containers we received, the staff member or whoever was responsible for using that money should be made accountable. A lot of money will be utilized for the containers and if the containers don't have a life expectancy for more than 20 years the money could be utilized somewhere else in a better capacity.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Bedolla to adopt **Resolution 2023-140** approving, pursuant to Tracy Municipal Code Section 2.20.180(B)(1), various procurement contracts for goods and general services executed by the City Manager to implement interim housing solutions to address the declared shelter crisis and approving a purchase agreement for goods with Linked Equipment, LLC for the purchase of eight pre-manufactured custom container structures in an amount not-to-exceed \$682,440 to be installed as part of Phase 4 of the interim improvements at the temporary emergency housing facility at 370 W. Arbor Avenue. Roll call found all in favor; passed and so ordered.

- 3.D 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.

There was no public comment.

There were no comments from Council.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Bedolla to adopt **Resolution 2023-141** 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). Roll call found all in favor; passed and so ordered.

- 3.F City Council appoint Wayne Templeton to serve on the San Joaquin County Commission on Aging.

Adrienne Richardson, City Clerk provided the staff report.

Council subcommittee members consisting of Council Member Evans and Mayor Young announced their selection to the San Joaquin County Commission on Aging.

ACTION: Motion was made by Council Member Evans and seconded by Mayor Young to reappoint Wayne Templeton to serve on the San Joaquin County Commission on Aging. Roll call found all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – Diego Bedolla stated he appreciated today's action by Council as a whole. It is a special thing for the community that will benefit 100,000 residents. Thanked Council for listening and in particular Council Member Bedolla for rallying the community and advocating for transparency for our elected officials. Change happened.

5. STAFF ITEMS – Karin Schnaider, Assistant City Manager provided the following updates:
- South County Fire responded to only eight more calls for service than their usual average of 30 per day. Nine of the 38 calls they responded to were small fires with limited property damage.
 - Tracy PD reported 236 calls regarding fireworks. Of those, 121 were from yesterday and early this morning. 97.87% of the 911 calls yesterday were answered in under 10 seconds. Will be a more comprehensive report usually comes out in September on citations and other issues.

- The drone show was this weekend and also the downtown parade.
 - The Parks and Community Services Commission meeting scheduled for tomorrow night has been canceled, the next meeting is scheduled for Thursday, August 3rd.
 - Invited the public to the 80's Block Party on July 7 at 6:00 p.m. featuring the band "Color Me Badd."
 - The City's next free E-Waste Recycling event is this Saturday in the north parking lot of City Hall from 9:00 a.m. until 1:00 p.m.
 - The Grand is featuring a "Traces in Time, Reflections on Memory and Identity" exhibit in the Grand gallery and the public is invited for the Artist's Gallery Talk this Saturday, July 8 from 12-1:30 p.m., with Pancho Jimenez.
 - Rollin' Rec, our free, pop-up mobile recreation program, will be out at Lincoln Park on Monday from 9:00 a.m. to 12:00 p.m. Check our website calendar for all upcoming dates and locations: www.cityoftracy.org.
 - Unfortunately, Joe Wilson Pool has been closed for unexpected emergency repairs. In the meantime, the Parks & Recreation Department will be hosting Recreational Swim at Kimball High School Pool (3200 Jaguar Run) this Friday through Sunday. Two Recreational Swim sessions will be offered: 12:30 p.m. to 3:00 p.m. and 3:15 p.m. to 5:45 p.m. There is a \$3 entry fee, kids 0-2 years are free, and Recreational Swim passes are accepted.
 - Please join us for a hybrid virtual/in-person public information meeting here at City Hall on Tuesday, July 11th at 6:00 p.m. about upcoming construction on Bessie Avenue between Lowell Avenue and Grant Line Road. The meeting will be recorded and made available after if you cannot participate live. Check our website calendar for details and updates!
 - We are currently recruiting two vacancies on the Planning Commission, one vacancy on the Arts Commission, and four vacancies on the Building Board of Appeals - please visit our website: CityOfTracy.org, or contact the Clerk's office to learn more and apply: (209) 831-6101.
 - We look forward to seeing everyone for National Night Out on August 1st, and our next regular City Council meeting will not be until August 15th!
6. COUNCIL ITEMS – Council Member Bedolla asked as there is no Tracy Homelessness Advisory Committee (THAC) meeting in July that Council direct the City Manager to bring to the August 15 Council meeting a resolution rejecting all bids received on October 2022 for site improvements for the Tracy Emergency Housing Facility and authorize staff to readvertise this project. Mayor Pro Tem Davis seconded the request.

Mayor Pro Tem Davis thanked Council for working together in a civil way to get something major done for the Ellis community. Proud of Council Members Bedolla and Evans for advocating for the citizens of Tracy and making sure Ellis residents get the Aquatic Center that they have been promised for a long time and is happy to see this Council is going to move that forward. Very proud of this Council at this moment.

Mayor Pro Tem Davis asked about the signal light at Valpico. Have been seeing a lot of near miss accidents there, know it is temporary signal, but how long is it supposed to be left flashing red, people do not know how to use a four way stop with flashing light. Almost got hit too. Scared someone will lose their life at the four way stop – urgent matter that we get it back to working so people know where to go or go to stop signs. Cannot let it linger like this.

Council Member Evans stated regarding the Aquatics Center at Ellis, he was very proud of the folks at Ellis, hoped they stay organized and continued doing good for your community. Enjoyed the 4th of July Parade and team Evans took 3rd place in the decorated vehicle. The illegal fireworks display was again out of control. Looking forward to receiving a report from PD on how many fines were levied, how much they were and would like the report to include week prior and week after – in two-week time frame. Asked when housing element is coming back to Council as we are running out of time to get this done.

Ms. Schnaider responded it is coming back on August 15, 2023.

Council Member Evans asked that the City do some outreach or survey regarding the drone show to see what the community thinks as a whole and if it should be continued. Have heard mixed things. Seen comments and pictures on social media.

Brian MacDonald, Interim Assistant City Manager responded staff will reach out to the Chamber. Thought the Chamber was going to reach out to the public. The City has a contract with the Chamber to do this event and in that contract, there is an annual evaluation of whether it is successful and if not, come up with something else next year.

Council Member Evans stated at the last meeting were discussing City priorities and talked with Mr. Dean about an annual compliance audit on Development Agreements that is required by the State pursuant to Section 65865.1 of the California Government Code. Was not aware of it until that meeting. Reading through the Code found it interesting that the code seeks to find if an applicant or successor has complied with the Developer Agreement, wasn't clear to him in the conversation whether we are doing that and this is the issue we often see in the City of Tracy where developers are not meeting their obligations. Council Member Evans asked for support to ask staff to give Council a report on how many times in the last 20 years this audit has been done and filed with the state for the City of Tracy. Would like City Council to provide direction on this. Mayor Pro Tem Davis supported the request.

Council Member Arriola wished everyone a happy legislative break and stay safe out there.

Mayor Young spoke about the following 4th of July events: Thanked TCCA for the parade downtown and Tracy Chamber for the hot air balloon. The first drone show was at Tracy High. It was interesting and different. Positive thing was it kept people focused and what they would create based on the song. Ravioli and Sparkles were there to entertain. Mayor Young asked when the food truck ordinance will be coming back. It goes back years and directly impacts someone now with the continuity of their business. Need to be more expeditious in following through.

Karin Schnaider, Assistant City Manager responded she is hearing from City Attorney it is a few months away. Can research and send an email to Council. Believe there is an existing ordinance and the need to get back to Council on the public outreach and what changes need to occur in that ordinance.

Mayor Young stated we need to revisit the new business tax. The costs are astoundingly high and agree with the many people who are writing in that it is unacceptable. Council has the opportunity to adjust what is reasonable. One business

license from a small business downtown went from \$100 to over \$800. One of the bigger businesses normal license is a little over \$2,000 but their calculations came out to \$400,000. Percentages are really high. Affecting small and large businesses. Would like Council to look at what we are charging our businesses.

Mayor Pro Tem Davis asked if it could be a mathematical error. Willing to support the request if there is real basis that we have made a mistake if the percentages are too high or a little more information if staff knows.

Ms. Schnaider referred to the two businesses and have been contacted by them and one is a retail location downtown and again retail is .01% and is based on their gross receipts. For it to be \$800 they are bringing in \$1.5 million dollars and Council defined small as businesses under \$500,000 gross receipts. The larger one is a very large landowner and the rent they bring.

Mayor Young said some things have huge mark ups and some don't. Some are small businesses and if we are looking at gross, may have \$800,000 but your cost of sales, your goods could be \$600,000 and it is not really true, it is not apples to apples.

Ms. Schnaider responded under State California Law under the constitution municipalities can only do it based on gross receipts. We cannot consider net or expenses that they are doing so the categories that were produced in the business tax of the different categories and rate were based on businesses that typically have a higher gross margin than others. So those that are landowners typically have a higher gross receipt and have the highest tax. Council created a carve out for warehousing because the intent was to look at warehousing and the \$2,000 before was a flat amount, it was the maximum the business was required to pay under the 1984 tax. The structure will have a bell curve and the majority of the businesses still receive a reduction or a lower tax under this tax structure. Until we see more data and start getting the data you will have the individual businesses to consider but those were the things that were discussed when we passed the tax with Council. Want to remind Council some of the discussions already took place and can share the FAQ on the website.

Mayor Pro Tem Davis stated she would prefer to wait for data.

Mayor Young stated as for a report that shows all that, even to go from \$200 to \$800 is 400% and don't think that is acceptable for any business and especially if it goes from \$2,000 to \$400,000 as far as doing business in Tracy especially if they have been here many years as that company has been. They are not just landowners, they produce a product that goes around the country. Mayor Young added she would be greatly disturbed if she was a business and had to pay \$400,000 for business license renewal. If Council can get a detailed report to look at to be able to respond to our customers. It is not business friendly.

Ms. Schnaider suggested staff ask the Finance Committee and they can look at this as they are the ones that originally proposed the business tax. Will talk to Finance Director about bringing back to the Finance Committee to talk in detail and see if this is something they would like to elevate to the Council. Can't give you individual businesses but can give you the bell curve. Per the current bylaws it will go to Finance Committee and Finance Committee can have that item moved up and you can read it through the Finance Committee information. It will go first to the Finance Committee.

Mayor Young announced the next regular Council meeting is August 15, 2023, will be on legislative break during July. National Night Out is August 1 and is coordinated with Tracy Police Department and registration is still open if you wish to be included.

7. ADJOURNMENT – Time: 12:12 a.m. Thursday, July 6, 2023.

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

The above agenda was posted at the Tracy City Hall on June 29, 2023. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk