

August 15, 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 7:00 p.m.

Mayor Young led the Pledge of Allegiance.

Pastor Tim Heinrich, Crossroads Baptist 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 August to Joseph Viorge-Koide, Mobility and Housing.

Mayor Young presented a Certificate of Recognition to outgoing Planning Commissioner Cliff Hudson.

Mayor Young presented a Proclamation for American Muslim Appreciation and Awareness Month to Solyman Ebadi, Council on American-Islamic Relations.

1. CONSENT CALENDAR – Following the removal of consent items 1.I and 1.R by Dotty Nygard 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 27, 2023 Closed Session Minutes and June 27, 2023 Special Meeting Minutes, July 5, 2023 Closed Session Minutes and July 5, 2023 Special Meeting Minutes, August 1, 2023 Special Meeting Minutes, and August 7, 2023 Closed Session Minutes. – **Minutes were adopted.**
 - 1.B. The Tracy Homelessness Advisory Committee recommends that the City Council adopt a Resolution approving a two-year general services agreement with SC Commercial, LLC dba SC Fuels, in a not to exceed amount of \$500,000, for on-demand mobile fueling of diesel fuel at 370 W. Arbor Avenue, Tracy, CA 95304. – **Resolution 2023-143** approved a General Services Agreement with SC Commercial, LLC dba SC Fuels.
 - 1.C. Waive the second reading and adopt an Ordinance revising Section 6.04.310 of the Tracy Municipal Code to correct typographical errors regarding business tax categories. – **Ordinance 1340** was adopted.
 - 1.D. Adopt a Resolution appointing eight students and two adults to fill vacancies on the Youth Advisory Commission, based upon the selection panel's recommendations. – **Resolution 2023-144** appointed eight students and two adults to fill vacancies on the Youth Advisory Commission.

- 1.E. Adopt separate resolutions 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 engineering support services related to the water and wastewater treatment plants, with the following consultants and not to exceed amounts: 1) Carollo Engineers, Inc. for a not to exceed amount of \$300,000 annually (total not to exceed amount of \$900,000); 2) Black Water Consulting Engineers, Inc. for a not to exceed amount of \$300,000 annually (total not to exceed amount of \$900,000) – Resolution 2023-145 approved the Professional Services agreement with Carollo Engineers, Inc. Resolution 2023-146 approved the Professional Services Agreement with Black Water Consulting Engineers.
- 1.F. Adopt a Resolution approving a one-year agreement with Jet Mulch, Inc. for playground wood fiber and mulch installation, with a not-to-exceed amount of \$50,000 per fiscal year (\$250,000 in total) and authorizing the City Manager to grant up to four, one-year extensions. – Resolution 2023-147 approved an agreement with Jet Mulch, Inc.
- 1.G. Adopt a resolution approving the execution of Amendment No. 1 to the Cooperative Agreement for Construction with the California Department of Transportation for the I-580/Patterson Pass Road Interchange Project (CIP 73147). – Resolution 2023-148 approved Amendment No. 1 to the Cooperative Agreement.
- 1.H. Approve the submission of a claim to the San Joaquin Council of Governments for Transportation Development Act funds in the amount of \$11,651,948 for Fiscal Year 2022-2023 and authorize the City Manager or designee to execute the claim. – Resolution 2023-149 approved the submission of a claim to the San Joaquin Council of Governments for the Transportation Development Act Funds.
- 1.J. Adopt a resolution (1) rejecting all bids for the Temporary Emergency Housing Project on Arbor Road, Site Improvements Construction Package 2, CIP 71112, received October 19, 2022, and (2) authorizing staff to re-advertise the project. – Resolution 2023-150 rejected all bids and authorized staff to re-advertise the project.
- 1.K. Adopt a resolution to (1) accept the construction for the Improvements at Grant Line Road and MacArthur Drive Intersection Project, CIP 72121, for work completed by DV Electric, Co., of San Jose, California, (2) authorize the City Clerk to File the Notice of Completion with the San Joaquin County Recorder's Office, (3) authorize the City Engineer to release the bonds and retention payment, and (4) authorize the Finance Department to close the Project. – Resolution 2023-151 accepted the construction improvements, authorized the Clerk to file Notice of Completion with the County, authorized the City Engineer to release bonds and retention payment, and authorized the Finance Department to close the project.

- 1.L. Adopt a resolution: (1) Accepting the Board of State of Community Corrections Officers Wellness and Mental Health Grant in the amount of \$73,718; (2) Appropriating the grant funding of \$73,718 to the Police Department's operational budget; (3) Approving a Professional Services Agreement (PSA) with Sigma Wellness, LLC (Sigma) for advanced preventative medical screenings for Tracy Police Department's first responders, for a term of 12 months, with a not-to-exceed amount of \$105,000; and (4) Determining that waiving the competitive bidding process to award the PSA to Sigma is in the best interest of the City, pursuant to 2.20.140(b)(6) of the Tracy Municipal Code. – **Resolution 2023-152** accepted the grant, appropriated the grant funding, and approved the agreement with Sigma.
- 1.M. Adopt a resolution (1) awarding a construction contract to Tennyson Electric, LLC of Livermore, California in the amount of \$436,168 for the Streetlight Installation Project (CIP 72125), (2) approving a project not-to-exceed budget of \$528,402, (3) appropriating \$38,150 from the Gas Tax Fund (F245) to fund the Project, and (4) authorizing the City Manager to approve change orders up to the contingency amount of \$43,617, if needed, pursuant to Tracy Municipal Code Section 2.20.090(b). – **Resolution 2023-153** awarded the construction contract, approved the project not-to-exceed amount, appropriated funds to the project and authorized the City Manager to approve change orders up to the contingency amount.
- 1.N. Approve a Resolution adopting the Fiscal Year 2023-2024 and 2024-2025 City Council Strategic Priorities. – **Resolution 2023-154** adopted the Council Strategic Priorities.
- 1.O. Adopt a Resolution authorizing the purchase of equipment from ABI Attachments, Inc. to maintain and operate Legacy Fields in the amount of \$122,000. – **Resolution 2023-155** authorized the purchase of the equipment.
- 1.P. Adopt a resolution approving the Offsite Improvement Agreement between the City and Lennar Homes of California, LLC, for public improvements required as part of the Conditions of Approval, for the Tracy Hills Phase 2 Zone 5 Water Main Improvements. – **Resolution 2023-156** approved the Offsite Improvement Agreement.
- 1.Q. Adopt six Resolutions approving General Services Agreements, each for two (2) year terms, with an administrative option to extend for an additional year, to supply and deliver certain chemicals necessary in the treatment process of water and wastewater, with the following vendors, for the specified amounts: (1) Hill Brothers Chemical Company (not to exceed amount of \$250,000 annually); (2) Polydyne, Inc. (not to exceed amount of \$1,500,000 annually); (3) Pioneer Americas, LLC (not to exceed amount of \$2,500,000 annually); (4) HASA, Inc. (not to exceed amount of \$100,000 annually); (5) Sterling Water Technologies, LLC (not to exceed amount of \$250,000 annually); and (6) Thatcher Company of California, Inc. (not to exceed amount of \$1,500,000 annually). – **Resolution 2023-157** approved the General Services Agreement with Hill Brothers Chemical Company. **Resolution 2023-158** approved the General Services Agreement with Polydyne, Inc. **Resolution 2023-159** approved the General Services Agreement with Pioneer Americas, LLC. **Resolution 2023-160** approved the

General Services Agreement with HASA, Inc. **Resolution 2023-161** approved the General Services Agreement with Sterling Water Technologies, LLC., and **Resolution 2023-162** approved the General Services Agreement with Thatcher Company of California, Inc.

- 1.S. Adopt a resolution approving the First Amendment to the Subdivision Improvement Agreement for Western Park and Orchard Park (Parks) in the Ellis Specific Plan area to allocate credit and security amounts as between the Parks and reflect adjustments due to the voided Master Program Improvements and Reimbursement Agreement and authorize the City Clerk to file the First Amendment with the San Joaquin County Recorder's Office. – Resolution 2023-163 approved the First Amendment to the Subdivision Improvement Agreement for Western Park and Orchard Park in the Ellis Specific Plan.
- 1.T. Adopt a resolution (1) accepting improvements for Western Park within Ellis Town and Country, Tract 4007 subdivision, constructed by LS-Tracy, LLC, and accepting future maintenance and repair; and (2) authorizing the City Clerk to file the Notice of Completion for Western Park and record said notice with the San Joaquin County Recorder's Office; and (3) authorizing the City Engineer to release the Western Park improvement security in accordance with the terms of the Subdivision Improvement Agreement, as amended. – Resolution 2023-164 accepted improvements for Western Park within Ellis Town and Country, Tract 4007.
- 1.U City Council (1) determine that waiving a competitive bidding process is in the best interest of the City, Pursuant to Tracy Municipal Code Section 2.20.140(B)(6); and (2) adopt a resolution approving (A) Amendment No. 1 to the Master Professional Services Agreement with West Yost & Associates for water pressure and capacity analyses and engineering services to extend the agreement, by an additional 18 months, through December 31, 2024, and increase compensation, from \$200,000 per calendar year to a not-to-exceed amount of \$300,000 per calendar year, and (B) Amendment No. 1 to the Master Professional Services Agreement with Wood Rodgers for storm drainage engineering services to extend the agreement, by an additional 18 months, through December 31, 2024, and increase compensation from \$200,000 per calendar year to a not-to-exceed amount of \$300,000 per calendar year. – Resolution 2023-165 determined the waiving of the competitive bidding process and approved Amendment No. 1 to the Master Professional Services Agreement with West Yost & Associate, and Amendment No. 1 to the Master Professional Services Agreement with Wood Rogers.
- 1.I. Staff recommends that the City Council authorize a Professional Services Agreement with West Coast Arborists, Inc. for the 2023-2024 Tree Maintenance Program, for an initial two years with authority for the City Manager to execute agreement extensions for an additional five years, with a not-to-exceed amount of \$2,587,176 annually.

Dotty Nygard pulled the item to ask for a memo on how much funding the City is putting aside for tree planting. Have over \$700,000 budget for our urban forest and part of that is specified for tree maintenance and removal. Trees are valuable for shade, cool our streets and provide clean air for the community.

Dave Murphy, Assistant Director of Operations responded to questions.

Robert Tanner spoke about West Coast Arborists still negotiating labor contract issues, and asked what affect that will have for the City of Tracy. Does the City need to increase staff to help cover that or hire another third party.

Daniel Helm shared concerns about driving down Central Avenue and not being able to see the stop signs because the trees have gotten beefy which creates a hazard. People blow through stop signs. Cannot see the markings.

Tim Silva shared he had been working with Dr. Khan, a terra scientist who has come up with program which manages forests and coral reefs and wants to introduce this program to help manage our urban forest in Tracy. Mr. Silva stated he would like to see the program instituted in Tracy.

ACTION: Motion was made by Council Member Bedolla and seconded by Council Member Arriola to adopt **Resolution 2023-166** authorizing a Professional Services Agreement with West Coast Arborists, Inc., for the 2023-2024 tree maintenance program, for an initial two years with authority for the City Manager to execute agreement extensions for an additional five years, with a not-to-exceed amount of \$2,587,176 annually. Roll call found all in favor; passed and so ordered.

- 1.R. City Council 1) authorize the purchase of three (3) 29-foot low floor buses for Tracer fixed route service for a total of \$2,175,000 from Gillig, LLC through the California Association for Coordinated Transportation/Morongo Basin Transit Authority Purchasing Cooperative Contract #18-01, pursuant to Tracy Municipal Code section 2.20.210; 2) approve a contingency amount of \$75,000 for change orders necessary resulting during production; and 3) appropriate an additional \$250,000 to Capital Improvement Project 77590 for the additional costs. –

Dotty Nygard pulled the item to ask if the City is looking at an electric fleet which is going to be mandated in the future to make sure we are meeting our California target, is the City going to have cleaner energy and electrification.

Tim Silva stated the need for the three new buses is because of expanded route services to Ellis and Tracy Hills and the homeless on Arbor Road. The City is addressing the State mandate to go toward electric busing but that is down the road. Don't have the infrastructure for electric buses and asked Council to approve the item and purchase the buses.

Ed Lovell, Transit Manager responded to questions.

There were no comments from Council.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Davis to adopt **Resolution 2023-167** authorizing the purchase of three (3) 29-foot low floor buses for Tracer Fixed Route Service for a total of \$2,175,000 from Gillig, LLC through the California Association for Coordinated Transportation/Morongo Basin Transit Authority Purchasing Cooperative Contract #18-01, pursuant to Tracy Municipal Code Section

2.20.210; approving a contingency amount of \$75,000 for change orders necessary resulting during production; appropriating an additional \$250,000 to CIP 77590 for additional costs. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Daniel Helm spoke about the City being in the media and social media criticizing an employee and believes the employee has rights to due process as well as privacy which was violated and the Mayor has put the City at risk. Mr. Helm requested Council seek outside Counsel to see if a violation did occur and if it did, censure the Mayor again.

Mayor Young disagreed with the speaker; it was out there by consumer alert.

Jenny Lasker spoke about the cat overpopulation problem in the City. Cats keep reproducing and the problem is growing too much for local rescue and asked Council for help to combat the problem.

Chanell Watkins spoke about a cat problem in Tracy, solutions if groups can get together as rescues are at the limit and the shelter not having enough space. Need more resources and grants for rescues. If Shelter is getting money, they should be first that people call but individuals out there are getting calls and asked for help.

Kristi Vergez manages lounge in West Valley Bowl shared for the last four years they have had a rib cook off to raise funds for Wreaths Across America. This year was faced with a situation which would have prevented them from having that event. Thanked Mayor Pro Tem Davis and any other City officials or employees that helped come up with a solution. Event is on September 30 at the West Valley Bowl parking lot at noon.

Robert Tanner stated the contract with the City Attorney is useless and referred to Section 6.B, item number 2. City Attorney should have been terminated. Contract is not abided by.

Karen Moore felt the same way as the previous speaker regarding the City Attorney. If Council does not enforce the contract provision, then you have no contract. The City Attorney has connected herself to powerful people.

Patricia Howell shared concerns about recent Council actions, forcing the City Manager to resign by creating a hostile workplace while he was on medical leave, not censuring Council Member Bedolla for putting personal phone numbers of this Council on Facebook. Ms. Howell spoke about the City Attorney breaching her employment contract, acting unethically and a majority of the Council refusing to enforce the contract.

Linda Jimenez shared concerns regarding City Attorney not completing continuing legal education and the condition to hold active license status and submit documentation per rules of State Bar of California. Attorney Patel did not comply with law to be recertified and violated the oath which can result in suspension from practicing law and deliberately deceived Council and City. Ms. Jimenez requested the Attorney be removed.

Robin Cole stated in early August we learned through a media report that the City Attorney was practicing law without licensing. A meeting was held in public, and she was not here. The Mayor is wrongly accused of pulling in media and has attempted to explain

the media raised a consumer alert. Council Members Bedolla, Evans and Mayor Pro Tem Davis and City Attorney have demonstrated their character and find it lacking.

Vannie Dart shared concerns regarding Mayor Young harassing the City Attorney, Mayor voting in interest of developers, airing dirty laundry, supported the City Attorney for standing up to developers, making accountable, do not need more houses and warehouses, asked Mayor to put her energy into building a hospital and not dirty politics.

Kelly, volunteer with saving feral in Tracy, stated she has been working with Animal Rescue of Tracy trapping and doing TNR and spoke about feeding and fixing cats. Cannot do this anymore, the community needs to step up and take care of community cats. People are poisoning our community cats and pets.

Vee Bee referred to a speaker stating chopping off the Mayor's head is uncalled for.

Linda spoke about the feral cat problem and lack of affordable spay and neuter resources. Have initiative called Central Valley TNR project but there is only so much they can do so would like to welcome collaborative opportunities.

Melinda shared she works at the Homeless Shelter and found out that Citynet is not going to put in a bid for the contract next year and stated she is here to find out if any other organization put in a bid, and what is going to happen. Are the people going to be on the street. Can Council communicate as soon as possible.

Mayor Young confirmed with staff there will be a Tracy Homelessness Committee meeting on Thursday, August 17, 2023.

Council Member Bedolla confirmed with staff that this will not turn into a situation that is happening in Stockton.

Rosario thanked Council for Western Park. Need to know how USPS mail will be handled with the homeowners. Has seen flyers from Tracy Concerned Citizens of Aquatic Center which is not approved by the City, spoke about the Mayor harassing the City Attorney publicly even though it is an administrative matter, going to social forum, and special meeting does not look good. Mayor did not need to trash City Attorney in public media.

Mayor Young responded to the previous speakers comments.

Alice English stated she keeps hearing about 3-2, it was a closed session meeting, and the public is not privileged on what goes on behind closed doors. This is an attack on the City Attorney without the facts. Ms. English shared she has a lot of PRA's against the City Manager that is public record and spoke about the City Attorney doing her job and have developers that have their way for many years, Council Members who are paid by developers and a member attacking the City Attorney several times.

Sandy Taylor stated she had hoped Council would do the right thing on August 7 but no reportable action says it all. Citizens should be concerned with the precedent the majority Council set and spoke about the City Attorney breaking the law - California Business and Professions. Ms. Taylor spoke about Council Members Bedolla, Evans and Mayor Pro Tem Davis losing touch with reality and making decisions that defy common sense and basic logic. The community, Bar and Civil Grand Jury are listening.

Roy Hawkins stated on August 7 Ms. Patel was interviewed by KCRA and stated she did not think she was violating, was working with bar to resolve the penal issue. She committed a crime by practicing law with an inactive license. Compliance period was January 2020 to January of 2023 and deadline was February 1, 2023. The Bar Association had five months grace period to report her license to become inactive.

A resident spoke about the City Attorney sabotaging herself and creating her own problem. Found an example of this behavior and read out a quote regarding self-sabotage. The City needs to place our trust in a City Attorney who is ready and able to work for positive outcomes and hold themselves accountable.

3. REGULAR AGENDA

- 3.A The Planning Commission recommends that the City Council conduct a public hearing and, upon conclusion, introduce an Ordinance: 1) Certifying an Environmental Impact Report, Adopting a Mitigation Monitoring and Reporting Program, and making findings of fact and a statement of overriding considerations for the annexation and future development of industrial buildings on the 191.18-acre property located at the northeast corner of Grant Line and Paradise Roads (Assessor's Parcel Numbers 213-170-14, -24, -25, -26, -27, And -48, collectively, the "Property") in accordance with the California Environmental Quality Act; 2) Amending the Northeast Industrial ("NEI") Specific Plan to add the Property to the NEI Specific Plan Area with a land use designation of light industrial (SPA22-0003); 3) Approving the rezoning of the Property to NEI Specific Plan Zone (AP20-0003); and 4) Approving the submittal of a petition to the San Joaquin County Local Agency Formation Commission for annexation of the Property to the City of Tracy.

Mayor Young opened the public hearing.

Victoria Lombardo, Senior Planner provided the staff report, presentation and responded to questions.

Fredrik Venter, Traffic Consultant provided information regarding traffic analysis and responded to questions.

Council questions followed.

George Condon, Dermody Properties provided a presentation regarding the Tracy Alliance project and responded to questions.

Council questions followed.

Mary Bean and Phil Ault, First Carbon solutions responded to questions.

Naomi de la Torre shared support for the project and shared her dad is in the Laborers Union and his union job provides great opportunities such as health benefits. Ms. de la Torre spoke about the benefits of union jobs.

Diego Hernandez, Laborer Local 73 supported the Tracy Alliance Project and shared the benefits of the project and the value of their relationship with Dermody Properties.

Raul Hernandez, representing various union trades stated he is an advocate for the Tracy Alliance Project and shared the benefits for the unions and community, career opportunities and urged Council to support the project.

Jason Lindsey, District Council of Iron Workers shared support for the Tracy Alliance Project, spoke about the benefits of jobs and wages and asked Council to vote for the project.

David Coria, Union Sheetmetal Worker shared support for the Tracy Alliance Project, working locally, and growing.

Liz Sutton, Sheetmetal Workers 1014 spoke as advocate for high quality union jobs, shared support for the Tracy Alliance Project and asked Council to approve the project.

Eric Parfrey, on behalf of the Sierra Club provided a 53-page letter from their Attorney that was emailed to Council. In that letter is a response to the City's responses to their Attorney's comments from an April letter. Also included was an opinion from the State Attorney General's office regarding health risk assessment requirements for a case down in Southern California which directly relates to the failure of the EIR to address health risk assessments for phases 2 and 3 of this project. Mr. Parfrey spoke about the impacts to the unincorporated City of Banta and shared concerns regarding the EIR stating it is deeply flawed, having settlement agreements with other cities, attempted to negotiate with the applicant but failed and suggested putting pause on the warehouse projects until the City adopts a warehouse ordinance. If a majority of this Council approves the Tracy Alliance Project without more adequate mitigation measures that are now proposed the Sierra Club will be forced to consider litigation.

Margo Praus, Chair of local Sierra Group spoke about warehouse development exploding in the county, air quality failing, and trucks adding to pollution. The Alliance Project will impose a burden on Banta and they will not receive the benefits. At minimum use California Attorney General standards report in warehousing best practices and hoped Council does not pass this project as it stands now.

Geraldo De La Luz shared support for the project and shared his reality regarding losing his son and the difficulty to sustain a home after that, commutes and minimizes his time trying to fix his family and requested Council vote to pass the project.

Michael Mark, Sheetmetal Workers Local 104 shared support for the project. Need to create jobs, these local construction jobs will help your community. Dermody has been a great partner, have done so many mitigation efforts, in the end we have to build something for your community.

Manuel Zapata stated Council spoke about bringing jobs to Tracy and that translates to retail and fast food and that dooms a lot of people that live in Tracy and have to go over the Altamont to work in the same warehouse jobs that get denied here. Need to bring the jobs here and want to see it built by local residents and see it go union.

Karen Moore supported union workers and stated the pay is bad in this area and is why people commute. Ms. Moore shared after a few years of living in Tracy she is now asthmatic for life, and asthmatic cases are above national average specifically for Banta, and spoke about Banta being disadvantaged because of air quality, environmental issues. Want great union paying jobs, a healthy community, but one does not have to negate the other.

Genna McIntosh, Banta resident asked Council to vote no on the project and stated Banta will not see revenue from this project. The School District will lose money from loss of property tax revenue from loss of land, local jobs will be short lived and Banta will be left with the traffic and pollution.

Patricia Speer, Banta resident urged Council to not approve the project and spoke about the benefits of being a teamster but no reason to put residents at risk. Felt the representative for the project danced around issues regarding air quality. Banta residents don't get to vote for the Tracy Council but can be so impacted by Council's vote.

Dr. Mary Kenefich, League of Woman Voters of San Joaquin County stated she was in receipt of a letter from the League which details the project representing less than admirable values relative to the human population of Banta. Ms. Kenefich is sympathetic to unions and is not anti-labor but they will be employed for 3-4 months but Banta will be destroyed forever.

Vannie Dart opposed annexation of 191 acres. Tracy is known as the triangle city surrounded by agriculture land, and these agriculture parcels have been annexed for warehouses with no improvement to the infrastructure. Already have warehouses and some are sitting empty. Need to preserve our heritage and agriculture. Warehouses bring jobs to people that live out of Tracy. Commercial trucks do not follow traffic laws.

Leann Staus stated quality of life continues to decline due to carelessness of developers. If approved, it will make an existing logistic nightmare bigger. How is it fair to farmer workers. Would Council want something of this magnitude in their back yard, don't the residents deserve the right to say so.

Daniel Helm asked why Tesla and Gillig aren't in Tracy. A tremendous amount of housing has been built but have not created sustainable head of household jobs. Warehouse jobs are ok but don't hold a lot of growth. A previous speaker stated that 75% of this project is going to be manufacturing. Those are the kind of jobs we need, it reduces traffic. Need to bring head of household jobs to Tracy and approves of the project.

Alice English read a statement from Richard English stating after watching a Planning Commission meeting he was disappointed with union and

representatives that spoke. The union workers that live in Tracy should be fighting for long term jobs. This will not improve quality of life but will increase more carbon footprint in our valley. Support unions but cannot support annexing land for warehousing and industrial. Yellow Freight closed and more empty warehouses. Do not approve this project.

Tim Silva stated warehousing has 110% turnover rate. Warehouse workers don't have the benefits that union workers do. Don't need another warehouse in Tracy. See lots of empty warehouses. Orchard Supply is empty and Yellow Freight is belly up. Need manufacturing jobs, need to produce commodities and not move commodities.

Dotty Nygard shared she is a strong union nurse and in full support of union jobs. Do support warehouse growth, it is our revenue producer. Oppose unfettered warehouse growth, not meeting standards. The Attorney General has best practices for warehouse growth which sets standards meeting a lot of the mitigation measures for environmental impacts. Requested putting a pause on the project, write an ordinance that meet standards that will address all of the mitigation measures to ensure they do not jeopardize the health and quality of life for the community of Tracy.

Council comments and questions continued.

It was Council's consensus for staff to bring back a warehouse standard policy for Council consideration.

Karin Schnaider, Assistant City Manager provided a timeline for the request for an ordinance and or policy related to warehousing. The Environmental Sustainability Committee's first meeting is in September. Staff is already starting meetings with EPA and she is co-partnering with California League of Cities on EPA laws for warehousing as it relates to work she is doing on City Manager working group. Timeline is six months to write it up, get it drafted and goes through the 60-90 days via Planning Commission and other things. Probably a nine months timeline before going into effect. Besides for the LAFCo process the applicant is ready to go on phase 1.

Council comments and questions continued.

Mayor Young called a recess at 11:23 p.m.

Mayor Young reconvened the meeting at 11:31 p.m.

Mayor Young closed the public hearing.

ACTION: Motion made by Council Member Bedolla and seconded by Mayor Pro Tem Davis to continue the item to November 7, 2023, so that the applicant can work with staff to explore establishing further mitigation measures in respect to the comments that were made today by members of the public and Council including but not limited to air particulate pollution and traffic in the area. Roll call found Council Members Bedolla, Evans, Mayor Pro Tem Davis and Mayor Young in favor; passed and so ordered. Council Member Arriola opposed.

Motion was made by Council Member Arriola and seconded by Mayor Young to continue Items 3.B and 3.C to the September 5, 2023, meeting due to the late hour. Roll call found all in favor; passed and so ordered.

3.B City Council review and discuss the Wastewater Master Plan Update. – **Item continued to September 5, 2023**

There was no public comment.

3.C. City Council review and discuss the Citywide Water System Master Plan Update. - **Item continued to September 5, 2023**

There was no public comment.

It was Council consensus to forgo Items from the Audience, Staff Items and Council Items due to the lateness of the hour.

3.D. City Council, by motion, designate a voting delegate and up to two alternate voting delegates for the League of California Cities (CalCities) 2023 Annual Conference Business Meeting.

Karin Schnaider, Assistant City Manager provided the staff report.

There was no public comment.

Council Member Arriola nominated Mayor Pro Tem Davis as voting delegate and Mayor Young and Council Member Arriola as alternates.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Evans to adopt **Resolution 2023-168** designating Mayor Pro Tem Davis as voting delegate and Mayor Young and Council Member Arriola as alternate voting delegates for the League of California Cities (CalCities) 2023 Annual Conference Business Meeting. Roll call found all in favor; passed and so ordered.

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.

Sara Cowell, Finance Director 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 Evans to appoint Council Member Bedolla to the Tracy Finance Committee to

fulfill the remainder of the annual term, pursuant to the City Council's appointment procedures. Roll call found all in favor; passed and so ordered.

3.F City Council, by motion, appoint five adult City residents to serve on the Environmental Sustainability Commission.

Adrienne Richardson, City Clerk provided the staff report.

The Council subcommittee consisting of Mayor Pro Tem Davis and Council Member Arriola announced their recommendations to the Environmental Sustainability Commission.

Council questions and comments followed.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Davis to appoint Dotty Nygard, Antonio Acosta and Nicolas Sese to serve 4-year terms that begin on August 16, 2023 and end on December 31, 2027 and Navi Kahlon and James Damasco to serve 2-year terms that begin August 16, 2023 and end December 31, 2025, and add Jenny Wood to the eligibility list for the Environment Sustainability Commission. Roll call found all in favor; passed and so ordered.

3.G City Council appoint, by separate motions, subcommittees of two Councilmembers, and an alternate, to interview applicants to fill the following: 1) four vacancies on the Board of Appeals, 2) one vacancy on the Measure V Residents' Oversight Committee, 3) two vacancies of the Planning Commission, and 4) one vacancy on the Tracy Arts Commission.

Adrienne Richardson, City Clerk provided the staff report.

Council Member Evans proposed the following appointments as subcommittees to interview applicants:

Board of Appeals - Council Member Evans and Council Member Bedolla
Measure V Residents' Oversight Committee - Council Member Bedolla and Mayor Pro Tem Davis

Planning Commission - Council Member Evans and Mayor Pro Tem Davis
Tracy Arts Commission – Council Member Arriola and Mayor Pro Tem Davis

Council discussion followed.

There was no public comment.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Arriola to appoint Council Member Evans and Council Member Bedolla as a two-member Council subcommittee and Council Member Arriola as alternate, to interview applicants to fill four vacancies on the Board of Appeals. Roll call found all in favor; passed and so ordered.

ACTION: Motion was made by Council Member Evans and seconded by Mayor Pro Tem Davis to appoint Council Member Bedolla and Mayor Pro Tem Davis as a two-member Council subcommittee and Council Member Arriola as alternate, to

interview applicants to fill one vacancy on the Measure V Residents' Oversight Committee. Roll call found all in favor; passed and so ordered.

Motion was made by Mayor Young and seconded by Council Member Arriola to appoint Council Member Arriola and Mayor Pro Tem Davis to the Council subcommittee to interview applicants for the Planning Commission and Council Member Evans as the alternate.

Council discussion continued.

ACTION: Motion was made by Council Member Bedolla and seconded by Mayor Pro Tem Davis to appoint Council Member Evans and Mayor Pro Tem Davis as a two-member Council subcommittee and Council Member Arriola as alternate, to interview applicants to fill two vacancies on the Planning Commission. 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.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Arriola to appoint Council Member Arriola and Council Member Bedolla as a two-member Council subcommittee and Mayor Pro Tem Davis as alternate, to interview applicants to fill one vacancy on the Tracy Arts Commission. Roll call found all in favor; passed and so ordered.

Mayor Young announced the City Attorney and City Manager evaluations have been postponed to tentatively October 17, 2023, Closed Session meeting.

4. ITEMS FROM THE AUDIENCE – None
5. STAFF ITEMS – None
6. COUNCIL ITEMS – None
7. ADJOURNMENT – Time: 12:17 a.m., Wednesday, August 16, 2023.

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 August 10, 2023. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk