

September 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 7:00 p.m.

Mayor Young invited Timothy Mahfos, 6th grader at Tom Hawkins to lead the Pledge of Allegiance.

Pastor Scott McFarland, Journey Christian Church offered the invocation.

There were no actions taken pursuant to AB 2449.

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

Midori Lichtwardt, Interim City Manager presented the Employee of the Month award for September to Raul Lucha, Information and Technology.

Mayor Young announced National Hispanic Heritage Month will be proclaimed at the September 19, 2023 Council meeting.

Mayor Young proclaimed September 9, 2023 as Tracy Connects Day.

Mayor Young presented Certificates of Appointment to new Environmental Sustainability Commissioners Dotty Nygard, Nicolas Sese, Navi Kahlon and James Damasco.

Mayor Young presented Certificates of Appointment to new Youth Advisory Commissioners Sashank Kala, Jasmyn Stickland and Beatrice Amezquita-Javier.

1. CONSENT CALENDAR – Following the removal of consent items 1.B and 1.C by Council Member Evans and Robert Tanner, Item 1.F by Council Member Evans, Items 1.H, 1.K, 1.L, and 1.Q by James Damasco, 1.M by Mayor Pro Tem Davis and James Damasco, and 1.N by Council Member Evans 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 August 15, 2023 Regular Meeting Minutes. – **Minutes were adopted.**
 - 1.D. Adopt a resolution approving the execution of a two-year agreement with ClearGov, Inc. for the licensing of ClearPlans, a digital strategic planning and performance management solution.– **Resolution 2023-169** approved the agreement with ClearGov, Inc.
 - 1.E. Adopt a Resolution authorizing the purchase of six Ford Police Interceptors and one Ford F150 Police Responder replacement vehicle for \$392,211 through National Auto Fleet Group, Inc, an awarded contract company of Sourcewell and

direct the Budget Officer to appropriate the funds in Fund 606.– Resolution 2023-170. authorized the purchase of vehicles.

- 1.G. Adopt a resolution approving (1) Amendment No. 1 to the Master Professional Services Agreement with Blackwater Consulting Engineers, Inc. for water pressure and capacity analyses, and engineering assistance to extend the agreement through December 31, 2024, for a not-to-exceed amount of \$200,000 per calendar year.– Resolution 2023-171 approved the Amendment No. 1 to Master Professional Services Agreement with Blackwater Consulting Engineers, Inc.
- 1.I. Adopt a list of proposed projects for Fiscal Year 2023-2024 funded by SB1: The Road Repair and Accountability Act of 2017.– Resolution 2023-172 adopted the projects for FY 2023-2024.
- 1.J. Adopt a resolution (1) accepting public improvements as complete for Holly Commerce Center for a 12" water line, roadway, drainage, and frontage improvements constructed by Ollix, LLC, a California Limited Liability Company, and assuming responsibility for the future maintenance and repair, (2) authorizing the City Engineer to release performance and payment bonds, (3) authorizing the City Clerk to file the Notice of Completion with the San Joaquin County Recorder's Office, and (4) determining that the recommended actions are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)3.– Resolution 2023-173 accepted the public improvements as completed for Holly Commerce Center.
- 1.O. City Council, by resolution: 1) approve a Professional Services Agreement with HdL Coren & Cone for Property Tax Consulting Services; 2) authorize the Mayor to sign the agreement and, 3) authorize the City Manager to extend the agreement for up to three, three-year terms.– Resolution 2023-174 approved the agreement with HdL Coren & Cone.
- 1.P. The Tracy Homelessness Advisory Committee recommends that City Council adopt a resolution: 1) Authorizing the acceptance of a grant award from San Joaquin County Homelessness Housing Assistance and Prevention Round 3 allocation in the amount of \$251,795 to partially fund operations costs of the Tracy Interim Shelter Site (renamed Phase III and Phase IV of the Temporary Emergency Housing Facility, CIP 71112); and 2) Appropriating \$251,795 of the total grant funds to the Mobility and Housing Department, Homeless Services Division. - Resolution 2023-175 authorized the acceptance of the grant award from the San Joaquin County Homelessness Housing Assistant and Prevention Round 3 allocation.
- 1.R. Adopt the resolution (1) authorizing the Mayor to sign terms and conditions of accepting the grant award from the Airport Improvement Program through the Federal Aviation Administration (FAA) for grant agreement AIP #3-06-0259-025-2023 in the amount of \$162,718 for the design and construction for the Crack Seal and Slurry Seal of the Tee Hangar Taxilanes at the Tracy Municipal Airport, and (2) Appropriating the additional grant funding of \$39,418 to CIP 77593.– Resolution 2023-176 authorized accepting the grant award for the Airport Improvement Program through the Federal Aviation Administration.

- 1.B. Receive an informational report regarding the Police Department's response to fireworks complaints and official city events during the July 4th weekend.

Council Member Evans stated he had requested 1.C to be a reoccurring quarterly conversation with the Police Department and hoped they could wrap Item 1.C into that as well regarding the 4th of July.

Robert Tanner pulled the item and asked what is going to be done about fireworks that are after the 4th of July. From August 2 to September 2 in his area there have been approximately 9-10 fireworks explosions.

Mario Ysit, Police Lieutenant provided the staff report.

Sekou Millington, Police Chief responded to questions.

ACTION: Motion was made by Council Member Bedolla and seconded by Mayor Pro Tem Davis to accept the informational report regarding the Police Department's response to fireworks complaints and official city events during the July 4th weekend. Roll call found all in favor; passed and so ordered.

- 1.C. Receive an informational report regarding the Police Department's year-to-date part one crime statistics of homicide, rape, robbery, and aggravated assaults.

Council Member Evans pulled the item as he wanted the Police Department to roll this out. It is an item he had requested quarterly as a consent item so the public can have a chance to interface with the Police Department and Council.

Robert Tanner supported a 6-month update and then the annual report rather than doing quarterly. Every quarter would be tying up Police to have to bring back to Council. Mr. Tanner shared concerns about six homicides in the first 6 months. Are these homicides gang related, and if not, what can we do.

Council questions and comments followed.

Sekou Millington, Police Chief responded to questions.

Octavio Lopez, Police Captain provided the staff report.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Evans to accept the informational report regarding the Police Department's year-to-date part one crime statistics of homicide, rape, robbery, and aggravated assaults. Roll call found all in favor; passed and so ordered.

- 1.F. Adopt a resolution (1) approving Amendment No. 1 to the Master Professional Services Agreement (HA20-01) with Harris and Associates for program management services to extend the agreement through September 14, 2025, for a not-to-exceed amount of \$800,000 per fiscal year, and (2) approving Amendment No. 1 to the Master Professional Services Agreement (HA20-02) with Harris and Associates for program management services to extend the agreement through September 14, 2025, for a not-to-exceed amount of \$800,000 per fiscal year.

Council Member Evans pulled the item to state staff had advised him they would take a look at historical costs and give him something for comparison over the last few years on the not to exceed dollar amount so was looking for those costs.

There was no public comment.

Koosun Kim, City Engineer introduced Veronica Child, Management Analyst who provided the staff report and responded to questions.

ACTION: Motion was made by Council Member Evans and seconded by Mayor Pro Tem Davis to adopt **Resolution 2023-177** adopting a Resolution (1) approving Amendment No. 1 to the Master Professional Services Agreement (HA20-01) with Harris and Associates to provide program management services to extend the agreement through September 14, 2025, for a not-to-exceed amount of \$800,000 per fiscal year, and (2) approving Amendment No. 1 to the Master Professional Services Agreement (HA20-02) with Harris and Associates to provide program management services to extend the agreement through September 14, 2025, for a not-to-exceed amount of \$800,000 per fiscal year. Roll call found all in favor; passed and so ordered.

- 1.H. City Council (1) approve a new not-to-exceed project budget of \$175,750 for the Annual Water Valve Replacement Project, CIP 75168, and (2) authorize the City Manager to approve change orders up to the contingency amount of \$66,000, if needed.

James Damasco pulled the item to ask what the impetus was for increasing contingency, was it insufficient planning, what were the unforeseen conditions during construction and which engineers reviewed the PCO amount from the contractor.

Koosun Kim, City Engineer provided the staff report and responded to questions.

ACTION: Motion was made by Council Member Bedolla and seconded by Mayor Pro Tem Davis to adopt **Resolution 2023-178** (1) Approving a new not-to-exceed project budget of \$175,750 for the Annual Water Valve Replacement Project, CIP 75168, and (2) Authorizing the City Manager to approve change orders up to the contingency amount of \$66,000, if needed. Roll call found all in favor; passed and so ordered.

- 1.K. The Tracy Homelessness Advisory Committee recommends that the City Council adopt a resolution (1) making a determination that compliance with standard procurement process is not in the best interest of the City and (2) approving general services agreement with Bicsec Security, Inc. for fire alarm and smoke alarm systems to be installed as part of the site improvements for

the Phase IV Custom Containers at the Temporary Emergency Housing Facility, CIP 71112, at 370 Arbor Avenue.

James Damasco pulled the item to ask questions about the following for the project: City's objections to standard procurement process and potential violations of California Contract Code, lack of anticipation of additional construction, requiring additional trades at a later date, asked if the custom containers are distinct from shipping container dorms and whether the City Manager's office will not repeat past errors, mainly the irresponsible acquisition of shipping container dorms from Custom Containers 915.

Ilene Macintire, Senior Civil Engineer responded to the questions.

Council questions and comments followed.

ACTION: Motion was made by Council Member Bedolla and seconded by Mayor Pro Tem Davis to adopt **Resolution 2023-179** approving, pursuant to Tracy Municipal Code Section 2.20.180(B)(1), General Services Agreements with Bicsec Security, Inc. in a not-to-exceed amount of \$60,000. 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 (1) making a determination that compliance with standard procurement process is not in the best interest of the City and (2) approving general services agreement with Jr. Wagner Fire Protection, Inc., for design and installation of the fire sprinkler system to be installed as part of the site improvements for the Phase IV Custom Containers at the Temporary Emergency Housing Facility, CIP 71112, at 370 West Arbor Avenue.

Mayor Young combined Consent Items 1.L and 1.Q.

Ilene Macintire, Senior Civil Engineers responded to questions.

James Damasco pulled item 1.F to ask who in the City Manager's office was responsible for not anticipating additional activities, did the City Manager's office consult with Development Services prior to making any immediate and emergency actions, and who makes this determination to terminate at earliest date the conditions warrant. Regarding Item 1.Q – What was the delay for Phase 4, who was at fault and what happened to the old containers i.e. the ones he documented as deficient before the City of Tracy fired him.

There were no comments from Council.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Evans to adopt **Resolution 2023-180** approving, pursuant to Tracy Municipal Code Section 2.20.180(B)(1), General Services Agreements with

JR. Wagner Fire Protection, Inc. in a not-to-exceed amount of \$72,000. Roll call found all in favor; passed and so ordered.

- 1.Q. The Tracy Homelessness Advisory Committee recommends that the City Council adopt a resolution by a four-fifths vote (1) making a determination that compliance with standard procurement process is not in the best interest of the City and dispense the bidding requirements for the additional scope of work pursuant to California Public Contract Code Section 22050 and Tracy Municipal Code Section 2.20.270(a) and (2) approving an additional \$135,000 for work to be performed by GradeTech, Inc., and approving an additional \$30,110 for work to be performed by Tennyson Electric, Inc. for the Phase IV infrastructure and (3) approving a contract with a not-to-exceed amount of \$435,000 with Grade Tech, Inc. and approving a contract with a not-to-exceed amount of \$155,110 with Tennyson Electric, Inc.

Item 1.Q was heard with Item 1.L.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Evans to adopt **Resolution 2023-181** (1) Making a determination that compliance with standard procurement process is not in the best interest of the City and dispense the bidding requirements for the additional scope of work pursuant to California Public Contract Code Section 22050 and Tracy Municipal Code Section 2.20.270(a) and; (2) Approving an additional \$135,000 in anticipated work for a total not to exceed amount of \$435,000 for GradeTech, Inc. and expanding the scope of work in the amount of \$30,110 in anticipated work for a total not to exceed amount of \$155,110 for Tennyson Electric Inc. (3) Approving a contract with a not-to-exceed amount of \$435,000 with Grade Tech, Inc, and approving a contract with Tennyson Electric, Inc. with a not-to-exceed amount of \$155,110. Roll call found all in favor; passed and so ordered.

- 1.M. Authorize staff to execute a change order that exceeds the original authorized contingency in the amount of \$92,600 for additional work to the Temporary Traffic Signal at Corral Hollow Road and Valpico Road, CIP 72124, to be completed by Tennyson Electric, Inc., of Livermore, California.

James Damasco pulled the item and stated the intersection needs additional work to be completed, what was missed by Development Services in the initial review of the design and what is the cost of these extensive studies to the City, what does the change order consist of and what does the City define as soft costs. Is the line item for construction management as part of change order, is this for development services staff or consultant.

Alice English shared concerns regarding \$100,000 for a study. What does this consist of, will there be additional lanes. Winters coming and there has been a lot of accidents. When will it happen and why is it so much money when we have equipment there.

Ajay Yvs shared concerns regarding costs. It is unclear what is it going to be used for or if it is going to fix Phase 1. What happened with Phase 1, and who is accountable.

Tim Silva stated the City Engineer brought a presentation to the Transportation Commission in November 2022, gave a timeline and the project was supposed to be finished by December of 2023. Now hearing there are problems This is poor planning and he is concerned why they want to do it in winter.

Koosun Kim, City Engineer provided the staff report and responded to questions.

Council questions and comments followed.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Arriola to adopt **Resolution 2023-182** authorizing staff to execute a change order that exceeds the original authorized contingency in the amount of \$92,600 for additional work to the temporary traffic signal at Corral Hollow Road and Valpico Road, CIP 72124, for work completed by Tennyson Electric, Inc. of Livermore, California. Roll call found all in favor; passed and so ordered.

- 1.N. Adopt a resolution approving a Professional Services Agreement with Griffin Structures for project management services for the Aquatic Center project (CIP 78054) for a total not-to-exceed amount of \$760,200.

Council Member Evans pulled the item to ask if the Professional Services Agreement to procure project management for the project, asked for confirmation that we are still in the planning stages of the Aquatic Center and thanked staff for onboarding project management during planning and initiation. Hold them accountable from beginning to end.

Brian MacDonald, Interim Assistant City Manager responded to questions.

Daniel Helms stated we are a mid-sized city. Would like to see an Aquatics Center. How much of that money could be done by City staff and shared concerns about the high cost.

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

A resident stated he is happy to see progress for this item. Has written to City Council and did get response that the work is in progress. Will be expecting more updates. What does the overall calendar look like and when will the real groundbreaking happen.

James Damasco commended Council for entertaining the possibility of bringing on project management for an important CIP. Mr. Damasco asked if it was also considered wise government practice to take a probationary employee with five weeks of experience and put him in charge of homeless shelter and then fire him after he was set up to fail.

Alice English stated she is happy that it is here, thanked Council Member Evans and Bedolla for hearing the residents that came three times to fight for the amenity. Money will be well spent. Thanked staff for working on this and listening to our Council and residents of Tracy.

Ajay Yvs, Ellis resident asked will the design company look at the existing plan being circulated by Surland, and if yes will it be considered and if not why not. Is there an estimated budget for the project which is going to be shared with the project management and will it be shared with the citizens. Asked how much of budget is being delegated to social media outreach and marketing. Mr. Yvs spoke about public outreach, the project management has mentioned this as part of their work, was confused if public outreach, social media marketing only for preconstruction seems contradictory.

Venkata Pikkili asked if there is anyway the contract can be released to the public and each line item be recorded with due dates.

Rosario Arulappan stated he was happy to see the Aquatic Center project kicking off. Thanked Brian MacDonald for working so closely on this. Want ETA on progress for the public. Have been waiting for 20 years for this project.

Mayor Young left the meeting before voting on the item. Time: 9:07 p.m.

ACTION: Motion was made by Council Member Evans and seconded by Council Member Bedolla to adopt **Resolution 2023-183** approving a Professional Services Agreement with Griffin Structures for Project Management services for the Aquatic Center Project (CIP 78054) for a not-to-exceed amount of \$760,200. Roll call found Council Members Arriola, Bedolla, Evans in favor; passed and so ordered. Mayor Pro Tem Davis and Mayor Young absent.

2. ITEMS FROM THE AUDIENCE – Rosario Arulappan, spoke on behalf of an Ellis resident group and asked the following questions: Why did the City secure a written agreement from Surland when they issued a permit to them. Why did Surland chose the current school construction site which presents numerous obstacles. Why did they not prepare land for the school earlier. Why does Surland shift responsibility to third party vendors rather than taking ownership of their commitments. Shouldn't Surland be required to publish the agreement between them and the vendors. Knowing the school land had issues, what caused Surland prolonged delay. When is completion date for the school. How can Jefferson School District send an email notification to homeowners without consulting with City staff. When does Surland plan to hand over the land to Jefferson School District. Does Surland have any financial obligations for school construction and if so have they fulfilled them. Who is responsible for designing and planning the school. Early this year submitted petition and is concerned about lack of action taken on this matter.

Rosario, Mandar Rage, Prab, Baskir, Ramon, Jenartin, Arshesh, Tim Silva, Ajay, Gaurav Saikai, Kasi, Naga Bilwanth Gangarapu, Phani, Karthik Sundaramurthy, Ramesh, Sonny Singh, Upendra, Aravindh Mahalingam, Venkata Pikkili, Sai Krishna, Chandra, Rakesh, and 11 residents from the Ellis community shared concerns regarding the following:

Surland promising the school at Ellis and not fulfilling their obligations, what is lacking that we have to fight for everything in Tracy. Paying premium taxes for amenities they are not receiving, is there a reason the City is holding on to approving the detention basin, and if it is part of the Avenues separate those items, impacts on children's education and future, requested Council to take action to delay approval of the Avenues until Surland fulfills their commitments towards the school, enforce timeline for Surland to provide the fully prepared land to the Jefferson School District, complete all necessary approvals and encourage close collaboration between the Jefferson School District and City to commence construction once Surland transfers the land, address the misuse of the Ellis POA Board by Surland which is disseminating misinformation to the community and alleviate panic, traffic issues and urged Council to make the school at Ellis a priority.

Robert Tanner stated it seems this City Council does not want members of the public to speak. Previous Mayors allowed people to speak. Need to listen to the citizens.

Hans Van Ligten, Attorney for Tracy Hills Project stated they had a process they went through starting in 2010 and identified all the things needed to do to bring forward the Tracy Hills Project with respect to Phase 1A and now sadly we are not able to do that for you. Have built Phase 1B but don't have the parks in there because we cannot get agreements from City staff to the agenda to build parks. Have same issue on Hillview Project and it is a detriment to those that bought homes. Unable to bring Phase 2 maps and asking Council to fix the problem which has been pending since January.

Daniel Helm stated he keeps hearing people are unhappy with Surland. In the subdivision he grew up in the school was finished before the subdivision. Until school is done do not let them sell a house. Mr. Helm thanked staff for taking care of his overgrown tree hazard concerns.

Rehan Anwar shared concerns regarding a tree on the corner lot by Byron and Lara, homeless, smoking and kids not being secure there and requested attention to this matter to take care of issue.

Alice English referred to the Aquatics Center and stated it is time for Council to give direction to staff to get the \$8 million from Surland. Stop Surland from using our residents and stop using the school as leverage. Ms. English also announced on September 16 at Lincoln Park from 11:00 a.m. to 6:00 p.m. the South Side Community Organization is celebrating Mexican Independence Day and the culture celebration. The parade will start downtown at 10:00 a.m.

VeeBee stated there are great things going on in the City. Over past weekend there was a benefit for mental and behavioral health entities at the Mayor's ball. Beautiful, upbeat event to raise funds. Asked about Attorney Patel having issues with being suspended in the month of July, what happened with her contract.

Adrienne Richardson, City Clerk announced there were 24 emails received regarding the Ellis School issue and Council received the emails and copy provided on the dais.

City Council responded to the public's comments.

3. REGULAR AGENDA

- 3.A Council conduct a public hearing to consider declaring the existence of weeds, rubbish, refuse, and flammable materials on each of the parcels listed in Exhibit "A" to this Agenda Item a public nuisance; hear and consider objections to said declaration and to the potential abatement thereof; and adopt a resolution authorizing the South San Joaquin County Fire Authority ("Authority") staff to abate said nuisances and directing Authority and City staffs to recover the costs of abatement in accordance with the requirements of the Joint Powers Agreement of the South San Joaquin County Fire Authority and the Tracy Municipal Code.

Tim Spears, Fire Marshal provided the staff report and responded to questions.

Mayor Pro Tem Davis opened the public hearing.

Sriniv Guju shared he had received a notice and had taken care of the issue. He got a second notice and cleared the hazard in a different way from disking and requested clarification whether it is acceptable or not.

Mr. Shevtha thanked the Fire Department for proactively working on the problem. Had unprecedented rain last year. Got first notice and addressed it and got a second notice it has to be removed. Would like to work with the Fire Department to make sure no longer a hazard and request more time to address it as exploring other options.

Mayor Pro Tem Davis closed the public hearing.

Fire Marshal Tim Spears clarified that the property for the two speakers was not on the Exhibit A list attached to the agenda item.

Council questions and comments followed.

ACTION: Motion made by Council Member Bedolla and seconded by Council Member Evans to adopt **Resolution 2023-184** 1) declaring the existence of weeds, rubbish, refuse, and flammable material on the parcels listed in Exhibit "A" a public nuisance; 2) authorizing the South San Joaquin County Fire Authority staff to direct its contractor to abate said public nuisance; and 3) authorizing the South San Joaquin County Fire Authority and staff to recover the costs of abatement from the property owners in accordance with the requirements of the Joint Powers Agreement of the South San Joaquin County Fire Authority and the Tracy Municipal Code. Roll call found Council Members Arriola, Bedolla, Evans and Mayor Pro Tem Davis in favor; passed and so ordered. Mayor Young absent.

- 3.B City Council review and discuss the Wastewater Master Plan Update.

Veronica Child, Management Analyst introduced Tim Loper, Carollo Engineers who provided the presentation.

Dotty Nygard asked if there is a possibility to incorporate solar over the Water Treatment Plant to save energy costs and cost to residents.

Council comments followed.

Koosun Kim, City Engineer responded to questions.

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

3.C. City Council review and discuss the Citywide Water System Master Plan Update.

Veronica Child, Management Analyst introduced Elizabeth Drayer, West Yost.

Dotty Nygard stated it is a vital topic subject, trying to understand how we can delicately balance the need of our water supply, and conserve water supply and asked if the City has started a discussion on rainwater capture and educate the community that it is another option to use residentially or commercially.

Koosun Kim, City Engineer responded to questions.

Council comments followed.

ACTION: Motion was made by Council Member Evans and seconded by Council Member Arriola to accept the Citywide Water System Master Plan Update. Roll call found Council Members Arriola, Bedolla, Evans and Mayor Pro Tem Davis in favor; passed and so ordered. Mayor Young absent.

4. ITEMS FROM THE AUDIENCE – Mike Souza shared concerns regarding trying to build parks in Tracy Hills. Have two Parks – Ray Morelos Park and Gene Birk Park. Plans due in April, given agreements to sign which they did and gave back to the City, posted bonds, paid fees, ready to build parks but have not been told why they cannot. Contractors waiting to start park. Have to deliver parks within certain times and asked Council to help deliver parks as they are being held up meeting their commitments.

John Palmer shared his frustration and wanted Council to hold them accountable and Council and staff to be accountable. Proud of partnership built and a product they are proud of. Have 2.5 pages of implementation documents that have been processed since the beginning of this year. If there is something that is deficient, they will cure those deficiencies. Want to build infrastructure, and parks. Need Council's help and direction to staff to work with them.

Midori Lichtwardt, Interim City Manager confirmed staff will work with Tracy Hills to get them answers.

5. STAFF ITEMS – Midori Lichtwardt, Interim City Manager provided the following updates:
- Tracy Chamber’s free Tracy Connects event is this Saturday from 10:00 a.m. - 3:00 p.m. at Lincoln Park.
 - Glenn Moore’s opening reception for his “Through My Viewfinder” exhibit at The Grand from 6:00 p.m. – 8:00 p.m. this Saturday evening.
 - The Grand’s 23-24 season has been announced, Pablo Cruise is the season opener this Saturday - visit AtTheGrand.org for tickets to your next show.
 - Saturday, September 16th is South Side Community Organization’s annual Mexican Independence Day celebration: parade at 10:00 a.m., celebration at Lincoln Park at 11:00 a.m. Head back downtown after for Downtown Tracy’s Wine Stroll, in conjunction with The Grand’s free Artwalk and Fall Open House featuring the Rolando Morales Trio on 7th Street.
 - The Tracy Branch Library is closing for renovations of the adult and teen sections beginning September 18, 2023, but curbside will be available during the closure.
 - The State of the County address, hosted by the Tracy Chamber of Commerce, will be at The Grand on September 19th from 9:00 a.m. – 11:00 a.m. The event is free, but RSVPs are requested: info@tracychamber.org.
6. COUNCIL ITEMS – Council Member Evans thanked Tracy Reach and committee the organizing that was done.

Council Member Evans stated Council received an email from a constituent about a Civil Rights mural that was defaced. Council Member Evans made arrangements and met the person who sent the email and brought local business owner Suzy Spragg, owner of Stained Canvass and she agreed to put her talents to work free of charge for her time. He worked out there also and got it done. It is on Holly and 12th Street – a wall that has been restored. Thank you to our Entrepreneur of the Year.

Council Member Evans stated he had heard from non-profits and organizers that they are seeing exorbitant temporary use permit fees. He did not believe Council had the intent of raising these fees so high and hurting these entities. Numbers he is hearing will preclude many from conducting events. Something like \$35 to \$1,700. It is out of line with other cities. Requested staff to evaluate how we can reduce TUP fees to more reasonable rates and needs to be done expeditiously. Mayor Pro Tem Davis supported the request.

Council Member Evans spoke about business tax, is hearing multiple business owners are being hurt badly. It was on the ballot, know it came from Council but does not know the history. Hearing business owners getting hit with \$22,000 business license fees, these aren’t Walmarts or Amazons. They are small business owners in the community. Looking forward to seeing Finance Committee make some positive headway on that. Needs to be top priority. Council Member Arriola seconded the request.

Council Member Arriola asked for support with agendaizing an item for Tracy Hills Park. Issues with the SIA’s for Tracy Hills or memo with options. Mayor Pro Tem Davis supported a memorandum.

Council Member Arriola stated Mexican Independence Day is coming up and believed some of Council are participating in the parade. Requested Council Member posters and Tracy Swag. Last year gave out footballs and frisbees.

Midori Lichtwardt, Interim City Manager responded it has been done in the past, we probably have swag and will work with staff for posters. It's within the budget until the Council changes the process of how we use the Council budget. It's a nominal expense.

Council Member Arriola stated he has asked staff in the past for Tracy Pride which is the first weekend in October for the flag to be raised but do not believe it is on our annual list and asked for support in requesting the Pride Flag be raised only for the weekend of October 7 to recognize the second annual Tracy Pride. Council Member Arriola clarified it was not part of the annual list and requested for the weekend in October.

Ms. Lichtwardt clarified raising the Pride Flag for the month of June is already an annual reoccurring flag that has been approved by Council and clarified Council Member Arriola's request for support to raise the flag for Tracy Pride for that one weekend in October and then perpetually.

Mayor Pro Tem Davis responded she supports the LGBTQ community, is a parent and an ally but has been very outspoken about her feelings about flags but personally cannot support any flags being raised perpetually.

There was no support for Council Member Arriola's request.

Council Member Arriola invited folks to Wine Stroll on September 16, 2023.

Mayor Pro Tem Davis shared concerns regarding the business tax. Has received a number of business owners expressing concerns regarding the substantial increase in their business tax and sounds like it is not in the spirit of what the Council intended when the ordinance was proposed and supported the other ask for looking into seeing what happened, if there was a mismanagement of a decimal point, but want to make sure we are addressing those concerns and not unintentionally hurting small business owners.

Mayor Pro Tem Davis asked for support for looking into drivers who are being distracted by solicitors who are on the median and walking into moving traffic. Vehicle Code 21954 addresses pedestrians walking into the street with moving vehicles and want to know if it is something staff can look into and stop the people with big signs and people being aggressive, distracted and dangerous. Minimize this behavior.

Ms. Lichtwardt responded if that is a violation of a Vehicle Code or Penal Code that does not need a second and staff will work with the Police Department and get additional information about what can be done proactively to combat this.

Mayor Pro Tem Davis requested support for finding out ways to be more proactive about the trashy appearance of our City. Getting a lot of complaints about it. Talking about power washing streets and benches, unkempt landscaping, sound wall that has been damaged for a long time on Tracy Blvd and hoping for some resolve to that quickly as it looks really bad.

Mayor Pro Tem Davis asked for a memo about policies regarding empty commercial buildings and what other cities are doing to address these building sitting here for years. It is a drain on our economic development. Want to do positive things but feel it is a huge challenge to do some of the things we like to do from an economic development standpoint with all of these empty commercial buildings. Mayor Pro Tem Davis stated she has been asking since she has been on Council about what other cities are doing to deter this kind of behavior where owners are leaving buildings vacant. Council Member Arriola seconded the request.

Mayor Pro Tem Davis stated Mr. Tanner asked if we have received a memo regarding Macy's and have not seen it yet.

7. ADJOURNMENT – Time: 11:28 p.m.

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

The above agenda was posted at the Tracy City Hall on August 31, 2023. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk