

November 7, 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 7:14 p.m.

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.

Mayor Young led the Pledge of Allegiance.

Pastor Kal Waetzig, Saint Paul's Lutheran Church offered the invocation.

Midori Lichtwardt, Interim City Manager presented Employee of the Month Award for November to Colleen Minnis, Development Services Department.

Mayor Young presented a Proclamation for Sikh American Awareness and Appreciation Month to Jass Sangha.

Mayor Young presented a Proclamation for Diwali – Festival of Lights to Ragesh TV, Bryan Marotta, Senthil Velu, Shreejith Gopalakrishnan, Vaishali Samant, Nidhin Varghese, and Jitendra.

Mayor Young acknowledged Veterans Day – November 11, 2023.

1. CONSENT CALENDAR – Following the removal of Consent Item 1.F by Robert Tanner 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. Approval of October 17, 2023 Closed Session and Regular Meeting Minutes and October 24, 2023 Special Meeting Minutes. – **Minutes were adopted.**
 - 1.B. Staff recommends that the City Council adopt a Resolution authorizing the: (1) acceptance of the Edward Byrne Memorial Justice Assistance Grant of \$14,839, (2) appropriation of the full grant funds to the Police Department operational budget for Fiscal Year 2023/24, and (3) execution by the Mayor of the grant acceptance and requisite certifications and assurances. - **Resolution 2023-218** accepted the Edward Byrne Memorial Justice Assistance Grant and appropriated funds.
 - 1.C. Staff recommends that the City Council adopt the resolution approving a Professional Services Agreement with CHS Consulting, Inc. in a not-to-exceed amount of \$140,243 to complete a Short Range Transit Plan for the Tracer Public Transit System.– **Resolution 2023-219** approved a Professional Services Agreement with CHS Consulting, Inc.

- 1.D. The Tracy Homelessness Advisory Committee recommend that City Council adopt a Resolution: 1) Authorizing the acceptance of a grant award from Health Plan of San Joaquin in the amount of \$595,000 to partially fund the continued operation of the Tracy Interim Shelter Site; and 2) Appropriating the total grant funds to the Mobility and Housing Department, Homeless Services Division budget. – **Resolution 2023-220** authorized the acceptance of the grant award from Health Plan of San Joaquin, and appropriated the total grant funds.
- 1.E. The Tracy Homelessness Advisory Committee recommend that the City Council adopt a Resolution (1) approving Amendment No. 1 to the General Services Agreement (Agreement) with United Fence Services, Inc., to extend the term of the Agreement through December 31, 2024 for the rental of fence panels, stands and safety brackets required at the Temporary Emergency Housing Facility (TEHF). - **Resolution 2023-221** approved Amendment No. 1 to the General Services Agreement with United Fence Services, Inc.
- 1.G. Staff recommends that the City Council, by motion, appoint two students to serve on the Environmental Sustainability Commission. – **Anthony Wahhab and Leah Shoaito were appointed to the Commission.**
- 1.H. Staff recommends that the City Council adopt a Resolution (1) awarding a construction contract to Dirt Dynasty, Inc., of Farmington, California, in the amount of \$2,765,226 for the Traffic Signal Installation and Roadway Widening at Corral Hollow Road and Valpico Road Intersection Project, CIP 72095, (2) approving contingency amount of \$276,523 and an overall project not-to-exceed budget of \$3,629,321, and (3) the Tracy Finance Committee recommends that the City Council authorize the appropriation of \$2,615,202 from Master Plan Traffic Impact Fees, and \$404,482 from Ellis Traffic Fees, to CIP 72095. – **Resolution 2023-222** awarded a construction contract to Dirt Dynasty, Inc., approved the contingency amount, and authorized the appropriation.
- 1.I. Staff recommends that the City Council adopt a resolution: (1) accepting a second award distribution from the State of California Behavioral Health Services Justice Grant in partnership with the San Joaquin County Behavioral Health Services in the amount of \$93,000; (2) Appropriating the grant award of \$93,000 to the Police Department’s operational budget. – **Resolution 2023-223** accepted the second award distribution from the State of California Behavioral Health Services Justice Grant and appropriated the grant award to the Police Department’s operational budget.
- 1.J. Staff recommends that the City Council adopt a resolution approving an amendment to the Lease between the City of Tracy and Giant Properties, LLC, for the Police Annex located at 1325 N. MacArthur Drive, extending the Lease for an additional 10 years with a monthly rent of \$14,338.67, adjusted each year by 3%. – **Resolution 2023-224** approved an amendment to the Lease between the City and Giant Properties, LLC. For the Police Annex.
- 1.K. Staff recommends that the City Council adopt a Resolution authorizing an increase in the Not-to-Exceed Amount for Labor Relations Negotiations and Consulting Services with Liebert Cassidy Whitmore, by \$125,000 for a total Not-to-Exceed Amount of \$225,000. – **Resolution 2023-225** authorized an increase

in the not-to-exceed amount for labor relations negotiations and consulting services with Liebert Cassidy Whitmore.

- 1.F. The Tracy Finance Committee recommends that the City Council adopt a resolution amending the City's Operating and Capital Budget for the Fiscal Year ending June 30, 2024, and authorize the Budget Officer to amend the City's position control roster for FY2023-24.

Robert Tanner pulled the item and stated we are in the first quarter and already asking for major changes and requested the increases be explained.

Felicia Galindo, Budget Officer provided the staff report.

There were no Council comments.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Evans to adopt **Resolution 2023-226** amending the City's Operating and Capital Budget for Fiscal Year ending June 30, 2024, and authorizing the Budget Officer to amend the City's Position Control Roster for FY2023-24. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Robert Tanner stated four cannabis stores have been approved downtown. Originally Council had a plan of four, which was increased to 11 and suggested looking at what the Planning Commission has submitted regarding a plan of how to rule the cannabis stores in the future and get it moved along.

Temo Aguilar, Field Representative for Norcal Carpenters Union requested the City adopt labor standards and prequalification language for future projects. Spoke about labor standards, shared information regarding their apprenticeship program, the need for contractors to provide health care, and the focus of promotion of local workers.

Pastor Lewis Smith, Prayer Temple Christian Center spoke about their building project on Larch Road, have City water but in San Joaquin County and requested help getting water to the property.

Nord Sandstrom, Director of Construction for DaVita Inc. asked for Council's help to get an Offsite Improvement Agreement with the City for their project at 200 Orchard Parkway. Started conversation in February, went to City Attorney's Office in July, and is accruing costs.

Terry Brown shared his concerns regarding the wastewater sewer rate increase and objected to the increase to single family residential and suggested Council have further discussion on this.

Alice English shared concerns regarding the Mayor violating freedom of speech. Ms. English referred to Mr. Tanner's comments and stated it was Mayor Pro Tem that wanted to bring back a moratorium so the City could come up with some zoning and a buffer on cannabis and it was rejected by former Mayor Pro Tem Vargas and Mayor Young.

Don Penning spoke about public safety and shared concerns regarding Chrisman Road, MacArthur, and Tracy Blvd being like racetracks, concerns regarding intersections and

requested taking a look at public safety. Mr. Penning spoke about a stray and feral cat problem in Tracy and asked what support can be provided to help with that issue.

Dotty Nygard welcomed the two students who were appointed to the Environmental Sustainability Commission and stated at the last commission meeting the Urban Forestry Management Plan was discussed and the commission voted to approve the plan to be sent to Council for approval. Ms. Nygard asked about the parklets, approaching three years and have not heard anything discussed.

Karen Moore stated COVID is on the rise, she had got COVID and it was very tough and recommend face masks comes back on.

3. REGULAR AGENDA

- 3.A Staff recommends that the City Council conduct a public hearing and, upon conclusion, adopt a Resolution: 1) adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act, for the Traffic Signal Installation and Roadway Widening at Corral Hollow Road and Linne Road Intersection Project, Capital Improvement Project 72104, and 2) authorizing the City Manager to execute and file the Notice of Determination.

Mayor Young opened the public hearing.

Anju Pillai, Senior Civil Engineer and Alex Jewell, Kimley-Horn provided the staff report and responded to questions.

Council questions followed.

Burnell Shull asked why the City is paying consultants to write the report, shared concerns regarding going from two to four back to two lanes and asked why the City is not doing eminent domain. Corral Hollow is not going to be four lanes all the way through. Still have the same problem at Valpico and Corral Hollow.

Koosun Kim, City Engineer responded to questions.

Tim Silva shared the T intersection at Corral Hollow and Linne Road is dangerous and suggested fixing that intersection when doing the widening of the Delta Mendota and California Aqueduct and have to shut down Corral Hollow for the widening. It is worse than Corral Hollow and Valpico intersection which is a four way stop.

Mike Souza stated there is a plan for expanding all of Corral Hollow Road and shared work that has already been done by Tracy Hills and work that is being done on Corral Hollow Road in partnership with the City. Tracy Hills is funding the lobbyist and engineering firm that have submitted the grant that is being reviewed by Department of Transportation for grant funding.

Leanne Stauss asked shouldn't the roads and infrastructure have been done before houses were built.

Council comments followed.

Mayor Young closed the public hearing.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Bedolla to adopt **Resolution 2023-227** 1) Adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act, for the Traffic Signal Installation and Roadway Widening at Corral Hollow Road and Linne Road Intersection Project, Capital Improvement Project 72104, and 2) Authorizing the City Manager to execute and file the Notice of Determination. Roll call found all in favor; passed and so ordered.

Mayor Young called for a recess at 8:46 p.m.

Mayor Young reconvened the meeting at 9:14 p.m.

- 3.B The Planning Commission recommends that the City Council conduct a public hearing and, upon conclusion, introduce an Ordinance: 1) Certifying, in accordance with the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR), adopting a Mitigation Monitoring and Reporting Program (MMRP), 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; 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 announced there is a request to continue the item from the applicant.

Mayor Young opened the public hearing.

Margo Praus shared concerns regarding air quality, warehouse growth in the County, and the huge impact to truck traffic. Asthma, heart conditions and death rates increase and things must be done before more projects go forward. Time to be looking at zero emission trucks and solar. Need to protect the community, people are at risk.

Eric Parfrey, representing the Sierra Club referred to a letter submitted to Council today and stated if applicants wish to avoid a lawsuit filed by the Sierra Club they should be negotiating with them regarding solar and diesel to all electric fleets. Council should not approve a project without a health risk assessment prepared.

Richard English stated he opposed the project not only for environmental but for the traffic it will bring. How many warehouses are enough, not bringing quality jobs to Tracy and spoke about impacts to Banta.

Vannie Dart stated Prologis built millions of square feet of warehouses behind her house and shared the impacts of the traffic. Prologis is currently working on 3.5 million square feet of warehouse behind her house. Need a hospital and help the homeless. Local law enforcement will not be able to stop trucks, only CHP. Do not annex this land. Warehouses do not bring good jobs; it brings jobs for people that live outside of Tracy. Do not want any more warehouses.

Dan McManis, Banta resident shared his concerns regarding warehouses being built and encroaching on their neighborhood.

Steve Hilton stated he lives within 600 feet of the project and has been a Banta resident for a long time. CHP and Sheriff's Department can't keep up with the traffic. Council does not care about Banta residents. Paradise is supposed to be over and under ramp and on Grant Line there is supposed to be a road to bypass Banta. What comes first people or warehouses.

Burnell Shull stated she is against the project and shared her concerns regarding existing empty warehouses and store fronts. Don't need any more homes or warehouses. Build infrastructure we can use like a hospital. Ms. Shull shared concerns regarding potholes.

Leanne Stauss stated the developer had additional mitigation measures and wanted to table this project once again and shared definition of mitigation. It is not the right choice for Tracy.

Tim Silva stated he was against this project taking up agricultural land and shared his concerns about taking prime agricultural land for industrial.

Dotty Nygard stated the warehouse industry does bring number one revenue because we haven't diversified. Council does have an option to make better decisions and policy. Have not had best practice or standard regulation with this industry. Banta doesn't deserve this. Suggested putting a hold on this, could piggyback off an ordinance from Stockton, and come together with a solution.

Genna McIntosh stated the Banta community does not want this project, the trucks, noise and pollution. Loss of 191 acres of farm land is crazy. Soil is rich and valuable and need to preserve it.

George Condon stated they appreciated comments received and look forward to presenting this project in March. Understand the City would like a mechanism such as a Development Agreement to enforce the enhance measures they have developed for the project so are happy to continue the item to work through a Development Agreement.

Mayor Young announced public comment was received via email from George Condon, Genna McIntosh and letter from Shute Mihaly & Weinberger LLP representing the Sierra Club.

Council Member Bedolla made a motion to not approve the item as is tonight. Mayor Pro Tem Davis seconded the motion.

Council comments followed.

Bijal Patel, City Attorney responded to Council questions and explained the process.

Mike Souza asked if it was a denial of the project, what does it mean and do they have to reapply and go through the EIR process again. On August 15 were asked to come back with additional mitigation and have been working on that. At the last minute were informed by staff that the City would not be able to enforce the extra mitigations proposed unless with a Development Agreement. Should be given the opportunity to continue to a date certain and present to the community. Mr. Souza responded to questions from Council.

Council questions and comments continued.

Mayor Young closed the public hearing.

ACTION: Council Member Bedolla restated his motion to not approve the item as is. Mayor Pro Tem Davis seconded the motion.

Ms. Patel confirmed a yes vote means the project before Council does not move forward and is denied.

Council comments and questions continued.

Roll call vote on Council Member Bedolla's restated motion found Council Members Bedolla, Evans and Mayor Pro Tem Davis in favor; passed and so ordered. Council Member Arriola and Mayor Young opposed.

- 3.C Discuss whether to convert, voluntarily, from an at-large election method to a district-based election method, and upon the conclusion of such discussion, by motion, either (1) direct staff to return to the City Council with implementing actions for such a conversion or (2) determine to take no further actions at this time.

Karin Schnaider, Assistant City Manager provided the staff report.

Council questions and comments followed.

Bijal Patel, City Attorney responded to questions.

Robert Tanner stated the City does not need districts and has always been diversified. Districts fight amongst themselves about where money is spent and does not support Mayor's term going from two years to four years. Voting at large works.

Jose Lupe Chavez stated he was not a fan of district voting, cannot identify the rationale. Districts have capacity to muddle our democracy further. Strong possibility of change could increase voter dilution for our City. Mr. Chavez asked Council to better define the rationale for districts.

Mary Mitracos stated it is an important issue and would be a significant change to how the City is structured and the government runs in over 50 years. Having less representation is not a valid argument. If we go to districts have at least one Council Member be at large and suggested having seven Council Members.

Don Penning asked about level of involvement when issues are in a different district and stated diversity comes from the voters, the system isn't broken and do not want to limit the community. Staying at large can reach all constituents.

Vannie Dart stated districting is bad for the City. Council is working for and representing all of us. Stop dividing our City further. Ms. Dart spoke about the Mayor calling the City racist and now wants to divide the City. Leave our voting system alone. If it is not broken, don't fix it.

Tim Silva stated districting is limiting his ability to vote and has never felt that he was not represented. Mr. Silva sees diversity on our Council and disagreed with limiting his choices to vote for the best candidate to sit on City Council.

Alice English stated there is no reason to go to districting. Ms. English participated in the Board of Supervisors redistricting. There are parts of Tracy that are certain race and that is gerrymandering. Don't want to spend money on something that does not need to be done. Should be focusing on having the Mayor race in the primary so down to two in the general election.

Cynthia Camacho asked if she had a business in one area and a residence in another who does she vote for. If two people run for the same district and one has a relationship with a developer, you see a lot of funding going to that person. Requested staying the way it is and liked being able to call all Council.

Rosario Arulappan stated Tracy is not ready for districting, it would lead to gerrymandering and lines would be drawn to help a party more than another. City is rural not urban and recommended Council focus on developing City roads, shelters, schools, water park as so many things are pending. Spoke about developers giving money to candidates.

Mandar stated we live in a small city and want the entire Council to represent us, should be able to vote for or against all candidates and likes the freedom to continue to exist. Would be a lot of fighting with Council regarding funding certain districts. Trust Council the way it stands today.

Council comments continued.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Evans to take no further actions on this item at this time. Roll call found Council Members Bedolla, Evans and Mayor Pro Tem Davis in favor; passed and so ordered. Council Member Arriola and Mayor Young opposed.

- 3.D. Approve by motion, after discussion, out-of-state travel for designated City Council Members to Atlanta, Georgia for the National League of Cities: City Summit 2023.

Karin Schnaider, Assistant City Manager provided the staff report.

Council questions and comments followed.

There was no public comment.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Evans to approve out-of-state travel for designated City Council Members to Atlanta, Georgia for the National League of Cities: City Summit 2023. Roll call found Council Members Arriola, Evans, Mayor Pro Tem Davis and Mayor Young in favor; passed and so ordered. Council Member Bedolla absent from voting on the item.

- 3.E. Staff recommends that the City Council adopt a Resolution: 1) rescinding Resolution 2023-217 that approved amendments to the Regular Meeting Calendar of the Tracy City Council for 2023 (Calendar); and 2) approving an amended Regular Meeting Calendar of the Tracy City Council for 2023.

Adrienne Richardson, City Clerk provided the staff report.

There was no public comment.

There were no comments from Council.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Evans to adopt **Resolution 2023-228** 1) rescinding Resolution 2023-217 that approved the amended regular meeting calendar of the Tracy City Council for 2023 (calendar); and 2) approving an amended regular meeting calendar. Roll call found all in favor; passed and so ordered.

Mayor Pro Tem Davis left the meeting at 12:10 a.m.

4. ITEMS FROM THE AUDIENCE – None
5. STAFF ITEMS – Midori Lichtwardt, Interim City Manager provided the following update:
 - City offices are closed on Friday in observance of Veterans Day, and the public is invited to participate in A Day of Remembrance at the Tracy War Memorial right here on campus on Saturday at 11:00 a.m.
6. COUNCIL ITEMS – Council Member Bedolla stated he had to excuse himself from the dais prior to the vote on item 3.D and requested to register his vote in favor of the item.

Council Member Bedolla made a motion to move the following two items that would be scheduled for the Finance Committee to go directly to the City Council for consideration and approval at the December 5, 2023, meeting due to the time sensitivity. Council Member Arriola seconded the motion.

1. Actions related to approving the proposed budget for the Multi-Generational Recreation Center CIP 78178 and providing direction to proceed with lease revenue bond Financing for the Multi-Generation Recreational Center Project.

2. Actions related to authorizing the acceptance of \$15,000 from the Library and Literacy Foundation for San Joaquin County to establish the Poet Laureate Program and appropriation of funds to the Cultural Arts Division Budget.

Council Member Arriola stated in the past he had seconded two items for Mayor Pro Tem Davis on a policy for a vacancy tax as well as a sustainable warehouse policy and asked when the items would be coming back to Council.

Karin Schnaider, Assistant City Manager clarified the item was how to address vacancies in buildings – a vacancy policy for commercial buildings. Staff has had some initial meetings and got some direction from the City Attorney but will not be coming back until later in the springtime. The Environmental Sustainability Commission (ESC) is also interested in the warehouse item and has been gathering samples. Staff knows Fontana has one and Stockton is also working with the Attorney General and the Attorney General has reached out to us to be a partner. September 2024 is our current estimated timeline, and that timeline would depend on the feedback from the ESC on that ordinance as they want to be a working partner on that. Staff has also been in contact through our lobbyist with the EPA who have model policies that will be incorporated. That one will be an ordinance and the other one is the vacancy policy.

Council Member Arriola asked for confirmation if the warehouse policy would go through ESC first.

Ms. Schnaider responded it will have to go through Planning Commission and the ESC would like to go through some of the first drafts. Staff will work with them on feedback we receive from the Fontana and Stockton one as well as from going to the Planning Commission. Will be a little longer 6–9-month process because the ESC will be added in and the EPA and Attorney General on model ordinances. The vacant parcel one will be seeking to come back sooner.

Council Member Arriola thanked our local veterans for their service, looked forward to honoring them on Veteran's Day, wished everyone a happy Thanksgiving, and invited everyone to our Heirloom Project ribbon cutting on Thursday at 12:30 p.m. This will be the first commercial carbon capture project in the nation. Project is on Arbor Road. Will have representation from the Governor's and Biden's administration.

Mayor Young announced on Thursday at 11:00 a.m. the JROTC will be having their Veteran's Day ceremony at West High. Mayor Young wished everyone a happy Thanksgiving.

Mayor Young wanted to check on warming center plans because the cold weather is about to hit.

Brian MacDonald, Interim Assistant City Manager responded staff has got a lot of data from the last couple of years on who was using the center so will have a warming center at the normal locations during business hours – City Hall, Library, Transit Station. The need for after-hours was for those unhoused folks. This year we will have a different approach, will have more capacity at the shelter and other opportunities for regional efforts to find shelter for those who need and want shelter. If there is an emergency situation like last year's severe flooding the City would have the ability to utilize our emergency operation center and resources to set up in the community.

Mayor Young thanked staff for the Chamber mixer that the City hosted. Mayor Young stated SJCOG have begun their public outreach for input regarding the annual unmet transit needs assessments and suggested going on line to SJCOG and input will be accepted until December 31, 2023.

Mayor Young wished her son Michael a happy birthday.

7. ADJOURNMENT – Time: 12:20 a.m., Wednesday, November 8, 2023.

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

Mayor Young stated Council had continued the closed session after the regular meeting and asked how to handle that.

Council Member Arriola stated given Mayor Pro Tem Davis is not here it is not appropriate to do an evaluation.

Bijal Patel, City Attorney responded Council took a motion to continue and also a motion to adjourn the closed session. Council can take a motion to continue it to a different date, continue it to December 5 or schedule a special meeting before December 5.

Ms. Patel clarified that because a motion to adjourn the Closed Session had already been made and that meeting will return on December 5, Council did not need to make a motion.

It was Council's consensus for the Closed Session to return on December 5, 2023.

The above agenda was posted at the Tracy City Hall on November 2, 2023. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk