

MINUTES

January 16, 2024, 7:00 p.m.

CONCURRENT REGULAR MEETING OF THE TRACY CITY COUNCIL AND THE TRACY PUBLIC FINANCING AUTHORITY

City Hall, 333 Civic Center Plaza, Tracy

Web Site: www.cityoftracy.org

Mayor Young called the meeting to order at 7:04 p.m.

Mayor Young announced Council Member Evans will be participating remotely, per his use of the Just Cause exemption under AB 2449.

Mayor Young announced it was a concurrent meeting of the City Council and the Tracy Public Financing Authority. The Authority would be voting on actions related to agenda item 3.B.

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

Timothy Mahfos, Scout Troop 939, Livermore led the Pledge of Allegiance.

Pastor Doug Diestler, Mission City Church offered the invocation.

Brian MacDonald, Interim Assistant City Manager presented Employee of the Month award for January 2024 to Ilene Macintire, Wastewater Treatment Plant.

Brian MacDonald, Interim Assistant City Manager presented Employee of the Year award to Andrea Pedigo, Parks and Recreation Department.

Mayor Young presented Certificate of Appointment to Environmental Sustainability Commissioner Jenny Wood.

Mayor Young proclaimed the month of January as Human Trafficking Prevention Month.

Mayor Young presented a proclamation for Black History Month to Gwendolyn White, President of Tracy African American Association and Olinga Yarber-Alexander, Education Chair and TUSD board member.

Council Member Bedolla requested a moment of Silence for David Cantero Valdez, a Tracy student who lost his life on Friday.

1. CONSENT CALENDAR – Following the removal of Consent Item 1.D by Robert Tanner motion was made by Mayor Pro Tem Davis and seconded by Council Member Arriola to adopt the Consent Calendar. Roll call found all in favor; passed and so ordered.

- 1.A. Adoption of December 19, 2023 Closed Session and Regular Meeting Minutes.– **Minutes were adopted.**
- 1.B. Staff recommends that the City Council adopt a Resolution (1) authorizing submittal of a grant application to the United States Bureau of Reclamation for the FY24-25 Water and Energy Efficiency Grant (Grant) in the amount of \$5,000,000 for a City-wide advanced metering infrastructure installation and meter conversion project; and (2) appropriating \$5,000,000 in City Water Funds, for a 50% Grant match requirement, contingent upon receipt of the Grant.– **Resolution 2024-001** authorized 1) submittal of a grant application to the United States Bureau of Reclamation and 2) appropriating funds in City Water Funds, for a 50% grant match requirement, contingent upon receipt of the grant.
- 1.C. Staff recommends that the City Council approve the selection of the Interstate 580/Corral Hollow Road Interchange project as the City of Tracy 2024 Regional Transportation Project submittal for congressional appropriation requests during San Joaquin Council of Governments' One Voice trip to Washington D.C.– **Resolution 2024-002** approved the selection of the Interstate 580/Corral Hollow Road Interchange project as the City of Tracy 2024 Regional Transportation Project submittal for congressional appropriation requests during SJCOG One Voice trip.
- 1.E. Staff recommends that the City Council adopt a resolution (1) accepting public improvements as complete for MacArthur Drive / Grant Line Road Intersection constructed by Prologis, L.P, a Delaware Limited Partnership, (2) authorizing the City Engineer to release bonds in accordance with the Tracy Municipal Code section 12.36.080, for the public improvements, and (3) authorizing the City Clerk to file the Notice of Completion for improvements with the San Joaquin County Recorder's Office.– **Resolution 2024-003** accepted public improvements completed for MacArthur Drive / Grant Line Road Intersection constructed by Prologis, L.P., authorized the engineer to release bonds, and City Clerk to file Notice of Completion.
- 1.F. Staff recommends that the City Council adopt a resolution (1) finding that DV Electric, Inc. is non-responsive and not responsible; (2) rescinding Resolution No. 2023-131 awarding a construction contract to DV Electric, Inc., for the 384 Arbor Road Main Power Supply Project, CIP 71112; (3) rescinding Resolution No. 2023-132, awarding construction contract to DV Electric, Inc. for the 370 Arbor Road Main Power Supply Project, CIP 71112; (4) rejecting all bids for the 384 Arbor Road Main Power Supply Project, CIP 71112 received May 25, 2023 and the 370 Arbor Road Main Power Supply Project, CIP 71112 received May 17, 2023; and (5) authorizing staff to re-advertise both projects for public bidding.– **Resolution 2024-004** adopted findings that DV Electric, Inc. is non-responsive and not responsible 2) rescinded Resolution 2023-131 awarding construction contract to DV Electric, Inc. for 384 Arbor Road Main Power Supply Project, CIP 71112, 3) rescinded Resolution 2023-132 awarding construction contract to DV Electric, Inc. for 370 Arbor Road Main Power Supply Project. CIP 71112 4) rejected all bids for the 384 Arbor Road Main Power Supply Project, CIP 71112, and 370 Arbor Road Main Power Supply Project, CIP 71112 and 5) authorized staff to readvertise both projects.

- 1.D. Staff Recommends that the Tracy City Council Receive an informational report regarding the Police Department's update on Crime Statistics of Homicide, Rape, Robbery, and Aggravated Assaults. – **Report accepted.**

Robert Tanner pulled the item to ask for an update on an officer who was involved in an auto accident and asked why the Police Department's updates are on consent and not a regular agenda item.

Sekou Millington, Police Chief responded to Mr. Tanner's questions.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Arriola to accept the Police Department's update on Crime Statistics of Homicide, Rape, Robbery, and Aggravated Assaults. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Robert Tanner explained his comment made at the last meeting regarding the Mayor's lone no vote on the cannabis item, and spoke about the Mayor pushing for the MGRC, yet we are going to be losing the Aquatics Center. Mr. Tanner stated he heard there is another lawsuit that would take everything back and means no Aquatic Park. Mr. Tanner asked what is happening with the homeless who did not go to the shelter.

Mayor Young clarified no decisions have been made regarding the Aquatic Center.

Clarence Chan, Attorney representing Tracy resident John Arrington stated he is in the process of filing a lawsuit against the City over waste of taxpayer dollars regarding the City Attorney practicing law without a valid license from July through August 1, 2023, putting the City in a risky situation and based on her agreement, should have been terminated. Mayor Young expressed action that should have been taken but the City Council did not take any action.

Taiyer Raniwala shared concerns regarding late or no garbage pickups and encouraging recycling. Mr. Raniwala stated the Kensington Lane street sign is spelt incorrectly and provided a handout to Council.

Mandar Raje, resident of Ellis asked if Consent Item 1.C means the City is submitting for the SJCOG One Voice trip. Corral Hollow exit from i-580 is horrible, does the submittal include the Corral Hollow expansion and installation of traffic lights, and spoke about Corral Hollow and Valpico intersection traffic light going back to flashing red lights. What is the next action and what is happening with the Aquatic Park.

Karin Schnaider, Assistant City Manager responded to the Mandar Raje's questions regarding Consent Item 1.C.

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 Multi-Generational Recreation Center Project at El Pescadero Park, and 2) authorizing the City Manager to execute and file the Notice of Determination.

Mayor Young opened the public hearing.

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

There was no public comment.

There were no comments from City Council.

Mayor Young closed the public hearing.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Davis to adopt **Resolution 2024-005** 1) adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act, for the Multi-Generational Recreation Center Project 78178 and 2) authorizing the City Manager to execute and file the Notice of Determination. Roll call found all in favor; passed and so ordered.

3.B Staff recommends that the Tracy City Council and the Tracy Public Financing Authority, concurrently, take actions as follows:

Tracy City Council

1) Conduct a public hearing relating to the issuance of lease revenue bonds by the Tracy Public Financing Authority, and upon conclusion of the public hearing
2) Adopt a Resolution: (A) authorizing the issuance and sale of lease revenue bonds in the aggregate principal amount not exceeding \$60,000,000 by the Tracy Public Financing Authority to provide financing for the acquisition and construction of the multi-generational recreation center, improvements to El Pescadero Park and related public improvements, (B) declaring the intention to reimburse expenditures related to such public improvements, (C) rescinding Resolution No. 2022-061, (D) providing for approval of related documents, and (E) directing related actions

Tracy Public Financing Authority

Adopt a Resolution (A) authorizing the issuance and sale of lease revenue bonds to provide financing for the acquisition and construction of the Multi-Generational Recreation Center, improvements to El Pescadero Park and related public improvements, (B) providing for the approval of related documents, and (C) directing related actions.

Mayor Young opened the public hearing.

Sara Cowell, Finance Director provided the staff report.

There was no public comment.

There were no comments from City Council.

Mayor Young closed the public hearing.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Davis to adopt **Resolution 2024-006** (A) authorizing the issuance and sale of lease revenue bonds in the aggregate principal amount not exceeding \$60,000,000 by the Tracy Public Financing Authority to provide financing for the acquisition and construction of the Multi-Generational Recreation Center, improvements to El Pescadero Park and related public improvements, (B) declaring the intention to reimburse expenditures related to such public improvements, (C) rescinding Resolution No. 2022-061, (D) providing for approval of related documents, and (E) directing related actions. Roll call found all Council Members in favor; passed and so ordered.

ACTION: Motion was made by Board Member Arriola and seconded by Board Member Davis to adopt **TPFA Resolution 2024-001** (A) authorizing the issuance and sale of lease revenue bonds to provide financing for the acquisition and construction of the Multi-Generational Recreation Center, improvements to El Pescadero Park and related public improvements, (B) providing for the approval of related documents, and (C) directing related actions. Roll call found all Board Members in favor; passed and so ordered.

3.C Staff recommends that the City Council discuss and, by motion, make appointments of City Councilmembers as representatives on City Council committees and regional and multi-agency committees, boards and commissions.

Adrienne Richardson, City Clerk provided the staff report.

Vannie Dart shared support for Mayor Pro Tem Davis and Council Member Bedolla continuing to serve on the Tracy Homelessness Advisory Committee for 2024. There are no more unhoused neighbors at El Pescadero Park, and they are doing a phenomenal job.

Brian Bagley, Deputy Chief of Operations with South San Joaquin County Fire Authority (SSJCFA) thanked Mayor Pro Tem Davis and Council Member Evans for their phenomenal service on SSJCFA over the past year and Council's support of the Fire Authority. Mr. Bagley stated SSJCFA has a three-year strategic plan and encouraged Council to make two-year terms for Council Members appointed to serve on the JPA. They are not making a political statement, would have a great working relationship with all members of Council.

Alice English supported the previous two speaker's comments and shared support for Council Member Bedolla and Mayor Pro Tem Davis on the Tracy Homelessness Advisory Committee stating they have done a great job considering all the obstacles presented and have accomplished a lot. Ms. English shared concerns regarding Council Member Arriola's time on the Homelessness Committee.

Council Member Arriola objected to the characterization of Ms. English's comments.

Mayor Young responded to Ms. English's comments.

Joseph Jarratt, representing the Tracy Firefighters Association thanked Council for their support of the Fire Department and requested no changes be made to the current makeup of SSJCFA and shared support for Mayor Pro Tem Davis and Council Member Evans on the Fire Authority.

Mayor Young asked Council if they needed to pull any of the appointments from her suggested slate. Mayor Young confirmed the appointments below to the Council committees/boards from her slate that Council did not pull for discussion.

Tracy Finance Committee

Council Member Bedolla
Council Member Arriola

City/Chamber Liaison Committee

Council Member Arriola
Mayor Young (Alternate)

City/School Liaison Committee

Council Member Arriola
Council Member Evans
Mayor Young (Alternate)

Tracy Chamber Governmental Affairs Committee

Mayor Pro Tem Davis
Mayor Young (Alternate)

Altamont Regional Traffic Authority (ARTA) JPA

Mayor Young

City Selection Committee

Mayor Young

Integrated Waste Management Task Force

Council Member Arriola
Council Member Bedolla (Alternate)

LAFCO – No appointments until 2025

League of California Cities, Central Valley Division Executive Committee

Mayor Pro Tem Davis
Council Member Evans (Alternate)

San Joaquin Partnership

Mayor Young
Council Member Arriola (Alternate)

San Joaquin Regional Rail Commission
Mayor Young

Special City Selection Committee, SJVAPCD
Council Member Bedolla
Council Member Evans (Alternate)

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Bedolla to adopt the appointments listed above as stated by Mayor Young. Roll call found all in favor; passed and so ordered.

Council discussed the remaining board/committee appointments listed below from the Mayor's slate (Attachment E to agenda item).

ACTION: Investment Review Committee
Motion was made by Council Member Arriola and seconded by Mayor Young to appoint Council Member Evans and Mayor Pro Tem Davis to serve on the Investment Review Committee. Roll call found all in favor; passed and so ordered.

Tracy Homelessness Advisory Committee (THAC)

Council provided their input regarding assignments to THAC.

Bijal Patel, City Attorney clarified that under the Government Code the Mayor of a General Law City has a mandate to appoint but it is subject to the City Council approval. The Mayor has made a proposal so the Council will need to reject or accept the proposal, there should be a motion and second and vote on the motion.

ACTION: Motion was made by Mayor Young and seconded by Council Member Arriola to appoint Council Member Arriola and Mayor Pro Tem Davis to serve on the Tracy Homelessness Advisory Committee. Roll call found Council Member Arriola and Mayor Young in favor. Council Members Bedolla, Evans and Mayor Pro Tem Davis opposed. Motion failed.

Ms. Patel confirmed the motion failed so the Mayor would have to make another proposal for other appointees and continue through the process until there is a majority vote approving the Mayor's proposed appointees. Until then there would be no members appointed to the committee. There can be no motion to direct the Mayor to appoint anyone directly.

Mayor Young asked Council to reconsider her recommendation.

Council Member Arriola stated the committee is vital to the community and asked Mayor Young to consider alternate appointments to ensure the committee is fulfilled.

Council Member Arriola confirmed he is asking for an alternate motion for members of the committee.

Council Member Arriola withdrew his name from the nomination.

Ms. Patel confirmed there is no alternate motion, the Mayor has the power to appoint.

ACTION: Motion was made by Mayor Young and seconded by Mayor Pro Tem Davis to appoint Mayor Pro Tem Davis and Council Member Bedolla to the Tracy Homelessness Advisory Committee. Roll call found Council Members Bedolla, Evans, Mayor Pro Tem Davis and Mayor Young in favor. Council Member Arriola opposed.

South San Joaquin County Fire Authority (SSJCFA)

Ms. Patel confirmed there are no alternates on the South San Joaquin County Fire Authority.

Council provided their input regarding assignments to SSJCFA.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Evans to appoint Mayor Pro Tem Davis and Council Member Evans to serve on the South San Joaquin County Fire Authority. Roll call found all in favor; passed and so ordered.

Ava Community Energy Authority

Council Member Bedolla stated there is a reoccurring scheduling issue with the Finance Committee meetings and Ava Community Energy Authority meetings.

Karin Schnaider, Assistant City Manager responded staff will be bringing back the Finance Committee by-laws for review.

Due to scheduling conflicts with the Finance Committee meeting and Ava Community Energy Authority, Council decided to cancel the January 17, 2024 Finance Committee meeting and schedule a special Finance Committee meeting.

Council provided their input regarding assignments to Ava Community Energy Authority.

ACTION: Motion was made by Mayor Young and seconded by Council Member Arriola to appoint Council Member Arriola to serve on the Ava Community Energy Authority and Council Member Bedolla as alternate. Roll call found Council Member Arriola and Mayor Young in favor. Council Members Bedolla, Evans and Mayor Pro Tem Davis opposed. Motion failed.

Council comments continued.

Council Member Arriola asked Mayor Young to consider appointing Council Member Bedolla to Ava Community Energy Authority and himself as an alternate because it is important for our City to have a voice on the board.

Mayor Young asked Council Member Bedolla to reconsider allowing Council Member Arriola to serve on Ava Community Energy Authority and Council Member Bedolla be the alternate.

Council comments continued.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Bedolla to appoint Council Member Bedolla to serve on the Ava Community Energy Authority and Council Member Arriola as alternate. Roll call found Council Members Arriola, Bedolla, Evans, Mayor Pro Tem Davis and Mayor Young in favor; passed and so ordered.

San Joaquin Council of Governments (SJCOG)

Council provided their input regarding assignments to San Joaquin Council of Governments.

ACTION: Motion was made by Mayor Young and seconded by Council Member Arriola to appoint Mayor Young to SJCOG and Council Member Bedolla to serve as alternate. Roll call found all in favor; passed and so ordered.

San Joaquin County Water Advisory Commission

Council provided their input regarding assignments to San Joaquin County Water Advisory Commission.

ACTION: Motion was made by Mayor Young and seconded by Council Member Arriola to appoint Council Member Bedolla and staff to be assigned to serve on the San Joaquin County Water Advisory Commission. Roll call found all in favor; passed and so ordered.

Tri-Valley-San Joaquin Valley Regional Rail Authority (Valley Link)

Council provided their input regarding assignments to Tri-Valley-San Joaquin Valley Regional Rail Authority (Valley Link).

Bijal Patel, City Attorney clarified she previously researched the issue and could not find anything in the enabling statute that prohibited the local agency that had a seat on the board to have its own process. Ms. Patel stated she had a discussion with the Counsel for Valley Link and thought he was in agreement but not sure if the Executive Director was in agreement. May need to revisit but if Council seeks to have an alternate Council should make that motion and appoint today and she can continue to work with their attorney to solve the installation.

Council comments continued.

ACTION: Motion was made by Mayor Young and seconded by Council Member Bedolla to appoint Council Member Bedolla to serve on the Tri-Valley-San Joaquin Valley Regional Rail Authority and Mayor Pro Tem Davis as alternate. Roll call found all in favor; passed and so ordered.

- 3.D Staff recommends that the City Council approve a Resolution amending the Policy for Reimbursement for Travel and Expenses for Elected and Council-Appointed Officials to remove City Council pre-approval for out-of-state travel and to specify a lodging rate in the absence of a group rate.

Mariann Stolte, Executive Assistant, City Manager's Office 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 Mayor Pro Tem Davis to adopt **Resolution 2024-007** amending the Policy for Reimbursement for Travel and Expenses for Elected and Council-Appointed Officials to remove City Council pre-approval for out-of-state travel and to specify a lodging rate in the absence of a group rate. Roll call found all in favor; passed and so ordered.

- 3.E Staff recommends that the City Council appoint, by motion, two Council Members and an alternate to serve as a selection subcommittee to interview applicants and fill three (3) term vacancies on the Tracy Parks and Community Services Commission.

Adrienne Richardson, City Clerk provided the staff report.

There was no public comment.

Mayor Young and Council Member Arriola expressed interest in serving on the Council subcommittee.

Council Member Evans nominated himself and Council Member Bedolla to the Council subcommittee.

Council Member Bedolla respectfully declined due to scheduling issues.

Bijal Patel, City Attorney clarified the appointment process and stated looking back at the Government Code and two Attorney Generals opinions, it extends to all committees. One Attorney General opinion is that includes subcommittees of the City Council. The Mayor has power to appoint and then Council can reject or accept it. If Council rejects the appointment, the Mayor would have to consider alternate appointments.

Council Member Arriola suggested Mayor Young, Council Members Evans and himself as alternate.

Council questions and comments continued.

ACTION: Motion was made by Mayor Young and seconded by Council Member Arriola to appoint Mayor Young and Council Member Arriola to serve as a selection subcommittee and Council Member Evans as alternate to interview applicants and fill three term vacancies on the Tracy Parks and Community Services Commission. Roll call found Council Members Arriola, Bedolla, Mayor Pro Tem Davis and Mayor Young in favor; passed and so ordered. Council Member Evans opposed.

Mayor Young left the meeting at 9:45 p.m.

Mayor Pro Tem Davis chaired the remainder of the Council meeting.

3.F Staff recommends that the City Council appoint, by motion, Maxine Lees and Cynthia Reis to serve on the City of Tracy's Arts Commission, for term beginning January 17, 2024 and ending December 31, 2028.

Adrienne Richardson, City Clerk provided the staff report.

Council Member Bedolla, as one of the Council Subcommittee Members briefly shared the applicant interview process.

There was no public comment.

ACTION: Motion was made by Council Member Bedolla and seconded by Mayor Pro Tem Davis to appoint Maxine Lees and Cynthia Reis to serve on the City of Tracy Arts Commission, for a term beginning January 17, 2024 and ending on December 31, 2028 and place Lindsey Humphrey on the eligibility list for 12 months. Roll call found Council Members Arriola, Bedolla, Evans and Mayor Pro Tem Davis in favor; passed and so ordered. Mayor Young absent.

Adrienne Richardson, City Clerk announced public comment was received from Dotty Nygard regarding Item 3.E. There was also a public comment from Jose Chavez regarding Item 3.C.

4. ITEMS FROM THE AUDIENCE – Mary Mitracos spoke about being in court with Surland on Friday, the Judge being unaware that during the 5 ½ years of the lawsuit that the Ellis subdivision has been built out, houses sold which means Surland received a lot of benefit. Surland made it clear they have no intention of paying the \$10 million that they have been offering for 20 years. The Judge declined the City's Attorneys request to make Surland compelled to pay the \$10 million. Ms. Mitracos shared concerns regarding Surland's lawyers lack of concern regarding a lawsuit due to Council not being able muster three votes to sue them and asked Council to continue to sue Surland for the \$10 million they own the City as citizens may end up with neither the money or land.
5. STAFF ITEMS – Midori Lichtwardt, City Manager provided the following updates:
 - The City is currently recruiting for three vacancies on our Parks and Community Services Commission, which meets the first Thursday of the month at 7:00 p.m. Applications are available in the lobby, linked on our website (CityOfTracy.org), or

contact our Clerk's Office for more information: (209) 831-6101. The deadline for the recruitment is 6:00 p.m. this Thursday, January 18th.

- The City is seeking adult volunteers to form teams of 2-4 people to conduct a visual tally of persons experiencing homelessness across our county for the biannual Point-in-Time count on Monday, January 29, 2024 from 5:00 a.m. to 10:00 a.m., meeting outside the Tracy Community Center. There is a flyer posted in the lobby with the details and a QR code to sign up, it has been shared on our [Facebook page](#), and it will also be made available on our City homepage.
6. COUNCIL ITEMS – Council Member Evans stated many attended the Martin Luther King Jr. Breakfast at Kimball High. Great way to celebrate the legacy of Martin Luther King Jr. Hats off for the Breakfast Lions for serving breakfast.
7. ADJOURNMENT – Time: 9:59 p.m.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Bedolla 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 January 11, 2024. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk