

February 6, 2024, 7:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy

Web Site: www.cityoftracy.org

Mayor Young called the meeting to order at 7:33 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. There were no declarations of conflict by City Council.

Pastor Tim Heinrich, Crossroads Baptist Church offered the invocation.

Midori Lichtwardt, City Manager presented Employee of the Month award for February 2024 to Scott Criswell, Police Department.

Mayor Young presented Certificates of Appointment to Tracy Arts Commissioners Cynthia Reis and Maxine Lees.

Mayor Young proclaimed February 17, 2024 as Random Acts of Kindness Day.

1. CONSENT CALENDAR – Following the removal of Consent Item 1.C by Mayor Pro Tem Davis 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 January 16, 2024 Closed Session Minutes and January 16, 2024, Minutes of the Concurrent Regular Meeting of the Tracy City Council and the Tracy Public Financing Authority. – Minutes were adopted.
 - 1.B. Staff recommends that the City Council adopt a resolution approving the Professional Service Agreement (PSA) with BKF Engineers (BKF) for a not-to-exceed amount of \$327,547 to provide professional engineering services in furtherance of Capital Improvement Project (CIP) 72122. – Resolution 2024-008 approved the PSA with BKF Engineers.
 - 1.D. Staff recommends that the City Council adopt a resolution (1) accepting improvements for Plan “C” / SMPA – Elissagaray Infill, Tract 3857 as complete, (2) authorizing the City Engineer to release the Subdivider furnished bonds, and (3) authorizing the City Clerk to file a Notice of Completion with the San Joaquin County Recorder’s Office.– Resolution 2024-009 accepted the improvements for Plan “C” / SMPA –Elissagaray Infill, Tracy 3857.
 - 1.E. 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 authorizing the Budget Officer to amend the City’s position control roster for FY2023-24. - Resolution 2024-010

amended the City's Operating and Capital Budget for the Fiscal Year ending June 30, 2024, and amendment to the City's position control roster for FY2023-24.

- 1.F. The Tracy Finance Committee recommends that the City Council adopt a resolution accepting the City of Tracy's Annual Comprehensive Financial Report (ACFR) for the fiscal year ending June 30, 2023. – **Resolution 2024-011** accepted the City of Tracy's Annual Comprehensive Financial Report for fiscal year ending June 30, 2023.
- 1.C. Staff recommends that the City Council adopt a resolution (1) accepting the construction of the Temporary Traffic Signal at Corral Hollow Road and Valpico Road, pursuant to Capital Improvement Project 72124, completed by Tennyson Electric, Inc.; (2) authorizing the City Clerk to File the Notice of Completion with the San Joaquin County Recorder's Office; (3) authorizing the City Engineer to release the bonds and retention payment in accordance with State law; and (4) authorizing the Finance Department to close the Project.

Mayor Pro Tem Davis pulled the item to ask whether staff is asking to payoff this particular traffic signal that is not working correctly and is that the responsibility of the City or construction worker.

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

Council comments continued.

Tim Heinrich shared concerns regarding the flashing lights and stated he previously came before Council when it was a regular stop light and spoke with the engineers and suggested the split. Mr. Heinrich stated the split will work if given enough time. No notice was given as to why it was put back to a red signal and that has created tremendous frustration. Should test it further and implement other things to stop the U turns.

Tim Silva stated the project was brought to the Transportation Commission in November 2022 and was supposed to be completed by December 2023. There is only one four-way intersection in our community. Why are we having so much trouble and why can't we get it right the first time and shared his concerns regarding the temporary light and confusing the public.

Council comments continued.

ACTION: Motion was made by Council Member Bedolla and seconded by Council Member Evans to adopt **Resolution 2024-012** (1) Accepting the construction for the temporary traffic signal at Corral Hollow Road and Valpico Road, CIP 72124, for work completed by Tennyson Electric, Inc.; (2) Authorizing the City Clerk to file the Notice of Completion with the San Joaquin County Recorder's Office; (3) Authorizing the City Engineer to release the bonds and retention payment in accordance with State Law; and (4) Authorizing the Finance Department to close the project. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Robert Tanner shared concerns regarding language in the City Attorney’s contract regarding loss of license, loss of job yet three Council Members decided to keep the Attorney which means any other contracts with City Attorney and City Manager are no good. Also gave retroactive raise that covered one month when she was not legally an attorney. Have another lawsuit that deals with Aquatic Center and shared concerns regarding getting the MGRC before the Aquatic Center.

Council Member Bedolla disagreed with the characterization and responded to Mr. Tanner’s comments.

Mayor Young responded to Mr. Tanner’s comments regarding the Aquatic Center and MGRC.

Ubbo Coty shared concerns regarding two Council Members taking money from Surland, voting no to accept the land that was owed to the City through a Developer Agreement. It took residents of Ellis to come to Council to change their minds. Stated the Attorney is being attacked because she knows what is going on with developers and encouraged the three Council Members to continue to push for change.

Council Member Arriola objected to the characterization.

Mayor Young also objected to the characterization and responded to Mr. Coty’s comments.

Todd Lieberg spoke about Mary Mitracos’s lawsuit against Surland, and a Tracy Press article which quoted Mr. Serpa of Surland stating the remaining \$8 million they were ready and willing to pay and sited Ms. Mitracos referencing the case saying Surland lawyers stated in Court they are not worried about the City of Tracy suing because they cannot muster three votes. Mr. Lieberg referred to the transcript from the Court and the Surland lawyer is saying Council does not have the three votes and has offered the \$8 million to settle the matter, Surland is admitting they owe \$8 million. Negotiations with Surland have failed, don’t have the 16 acres or the \$8 or \$10 million. Challenged Council to accept the land and look at whether Mayor Pro Tem Davis needs to recuse herself in any breach of contract the City has.

Timothy Heinrich shared as of February 2024 the Tracy Community Concert Band and Jazz Ensemble has officially become the Grand Theatres resident company and thanked Council for their help and the work the Grand Theatre has done to make that happen and extended an invitation to the Tracy Concert Band and Jazz Ensemble with special guest from the Delta Community Band, a Salute to New York on Monday, February 26, 2024 at 7:30 p.m. at the Grand Theatre.

Tim Silva shared concerns regarding it being an election year and the viral hate already in our community, misinformation being spread and provided a flyer that stated Council Members Bedolla, Evans and Mayor Pro Tem Davis raising rates. Mr. Silva stated all Council voted unanimously to raise the rates. Do not know why all Council’s face was not on the flyer. This should not be allowed in the community.

Mayor Young responded to Mr. Silva’s comments and confirmed all Council unanimously voted in favor of the rate increase.

Letitia Moran announced she is the proud owner of the Culture Cannabis Dispensary in Tracy. There has been instances of miscommunications and misinterpretation. On January 4 staff stated the deadline for cannabis business permit application renewal was January 3 as stated in Vicki's email and the fee should have been paid yesterday so the application has been withdrawn. Ms. Moran added that is not what Vicki's email stated. Clarity is needed on this matter, confused about the jurisdiction of pulling application.

Mike Mosley supported Letitia's dispensary. Have similar partnerships with the same investor group. It has been three years and just getting to the point of being able to open. If they are not on top of everyone who is involved, they will lose their multimillion-dollar opportunity.

Mayor Young announced comments were received via email from Andres Martinez regarding California Mortgage Relief Program, Praveen Rachakonda and Keshavamurthi Jayanthi Murugesan regarding making Corral Hollow Elementary School available for Hillview residents.

3. REGULAR AGENDA

- 3.A Staff recommends that the City Council conduct a public hearing, and upon conclusion of the hearing, adopt a Resolution: (1) making the requisite finding pursuant to California Vehicle Code Section 21455.6(a) that an automated red-light photo enforcement system (System) is needed in the City of Tracy, and (2) approving the System to be implemented for up to fifteen traffic intersections throughout the City.

Sekou Millington, Police Chief introduced the item and also Lieutenant Miguel Contreras and Sergeant Brian Wilmshurst who provided the staff report, presentation and responded to questions.

Mayor Young opened the public hearing.

Sergeant Wilmshurst clarified the staff report incorrectly states an intersection of Valpico and 11th Street which do not meet, and the correct intersection should be Lammers and 11th Street.

Mayor Young confirmed the resolution will also be corrected to reflect the correct intersection of Lammers and 11th Street.

Council questions and comments followed.

Robert Tanner asked if it is done by the Police CSO before the citation is sent out, what is the monthly cost to the City before going over limit and does the Police Department envision the City paying out the monthly cost because the people going through the red lights has been reduced. Mr. Tanner stated he does see the need for this, asked if the vision is beyond the 15 intersections and if the City goes out for RFP will it come back to Council so fees can be looked at.

A resident asked if a study was done on whether it would increase rear-ended accidents.

Burnell Shull asked what the fee is going to be, if it is not high enough people do not care and will keep doing the same thing. It is a great idea to have red light cameras, asked if it will get a point off driver's license, and shared experiences.

Tim Silva supported the Police Department making streets safer but shared concerns regarding for profit private contractors enforcing laws, not a sworn officer. The City has a program that monitors stolen vehicles but that goes straight to the Police Department which is a great tool. What is annual budget, is it permanent or temporary. Speeding issues are much bigger than just 15 intersections. Who owns and maintains cameras.

Council questions and comments continued.

Mayor Young closed the public hearing.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Arriola to adopt **Resolution 2024-013** 1) adopting the finding, pursuant to California Vehicle Code Section 21455.6(A), that a red-light photo enforcement system is needed to increase safety at the 15 of the specified intersections; 2) adopt a Resolution approving the automated red-light photo enforcement program for up to 15 traffic specified intersections throughout the City; and 3) finding and determining that automated red-light photo enforcement program is exempt from CEQA. Roll call found all in favor; passed and so ordered.

3.B Staff recommends that the City Council receive the annual informational report regarding the City of Tracy's Senior Services Program for 2023.

Amanda Jensen, Recreation Program Coordinator provided the staff report.

There was no public comment.

Council questions and comments followed.

Council accepted the annual informational report regarding the City of Tracy's Senior Services Program for 2023.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Davis to accept the annual informational report regarding the City of Tracy's Senior Services Program for 2023. Roll call found all in favor; passed and so ordered.

3.C Staff recommends that the City Council receive the annual informational report for the Youth Advisory Commission for the 2023 calendar year and projected goals for calendar year 2024.

Amanda Jensen, Recreation Program Coordinator introduced the Chair Harleen Kaur for the Youth Advisory Commission who provided the staff report.

Council comments and questions followed.

There was no public comment.

ACTION: Motion was made by Council Member Bedolla and seconded by Mayor Pro Tem Davis to accept the annual informational report for the Youth Advisory Commission for the 2023 calendar year and projected goals for calendar year 2024.

3.D Staff Recommends that the City Council adopt a Resolution amending the Tracy Finance Committee Bylaws to change the meeting time and remove certain grant actions from the purview of the Committee.

Sara Cowell, Finance Director provided the staff report.

Council questions and comments followed.

There was no public comment.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Bedolla to adopt **Resolution 2024-014** amending the Tracy Finance Committee bylaws to change the meeting time and remove certain grant actions from the purview of the committee. Roll call found all in favor; passed and so ordered.

3.E Staff recommends that the Mayor appoint, subject to City Council approval, by motion, Scott Arbogast, Linda Jimenez, and Matthew Shrout to serve on the City of Tracy's Parks and Community Services Commission, for term beginning February 7, 2024 and ending January 31, 2028.

Adrienne Richardson, City Clerk provided the staff report.

Council comments followed.

There was no public comment.

ACTION: Motion was made by Mayor Young and seconded by Council Member Arriola to appoint, subject to City Council approval, by motion, Scott Arbogast, Linda Jimenez and Matthew Shrout to serve on the City of Tracy's Parks and Community Services Commission, for a full-term beginning February 7, 2024 and ending January 31, 2028 and place Glen Joseph on the 12 month eligibility list. Roll call found all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – Siva shared concerns regarding the visibility of bott dot lane dividers on Corral Hollow Road after Golden Leaf Lane, and requested

changing to reflectors so vehicle headlights will show drivers the lane separation. Siva also referred to the two lanes after Golden Leaf on Corral Hollow, one lane goes to Wester Pacific Way and other goes straight and suggested a special marking indicating turning to the right and also replacing the bott dots to reflective dots along all of Corral Hollow Road after Golden Leaf Lane.

Midori Lichtwardt, City Manager responded she would work with engineering and traffic team to look at the issue on Corral Hollow Road.

5. STAFF ITEMS – Midori Lichtwardt, City Manager provided the following updates:

- Following the high wind warning and flood watch that were in effect over the weekend, Operations and Utilities team inspected our channel-ways and basins on Monday morning. It was determined that our storm system performed superbly - we did not have any significant standing water in any of the City Parks that are part of our Storm Drainage system. As a reminder for the public, there is no need to report flooding at parks with basins like Plasencia Field, the Sports Complex, and Kenner, Tioga, and El Pescadero parks – they are all designed to fill with water as part of our storm drainage system.
- The Registrar of Voters has installed a permanent ballot drop-box in three locations in the City, including one at the roundabout outside the City Hall Annex, across from the fountain. Beginning today, the public may drop off their ballots at their convenience (24/7). On Election Day, the ballot boxes will be closed and locked at 8:00 p.m. The locations of the other two drop-boxes are: Four Corners Restaurant and the Tracy Elks Lodge. For information regarding voter registration, ballots, and polling locations, please call the Registrar of Voters: (209) 468-8683 or visit website: SJgov.org. We look forward to updating our homepage with the link and sharing more details via social media tomorrow.
- We are currently recruiting for two vacancies on the Planning Commission, and one vacancy on our Measure V Residents' Oversight Committee. Applications are available in the lobby, linked on our website (CityOfTracy.org), or you can call our Clerk's Office for assistance: (209) 831-6101. The deadline for both recruitments is 5:00 p.m. on Friday, February 16, 2024.

6. COUNCIL ITEMS – Mayor Pro Tem Davis stated most of Council knows Jass Sangha who is a Tracyite, humanitarian, businessperson, community advocate and dear friend of hers and has been dealing with cancer. Ms. Sangha was recently appointed as U.S. Brand Ambassador for World Cancer Care and wanted to recognize her with a proclamation for February as Cancer Awareness Month. Council Member Evans supported the request. We could recognize her accomplishment as well as Cancer Prevention Awareness month. It is important for those that suffer from cancer. Jass is a dear friend and asset to this community.

Mayor Young asked for Certificate and Key to the City for Jass Sangha at the February 20, 2024, Council meeting.

Mayor Pro Tem Davis stated she appreciated that as the Mayor has known her for a long time and Jass gives her all for the City and County and huge supporter of Police and Fire and so many have benefited from her kindness and should be recognized for

the person she is and for what she is going through is a time to show support. It is pretty amazing she is the U.S. Brand Ambassador for the World Cancer Care which is in association with the WHO Organization.

Mayor Pro Tem Davis stated she attended the Pit Count and thanked everyone that participated. The Police Department led the conversation, had non uniformed staff there also, had great team of City of Tracy staffers and was encouraging volunteers and very well organized.

Midori Lichtwardt, City Manager stated she spoke to the consultant who was assigned to the City and she gave great praise to the City of Tracy for how well the Pit Count was organized, she has been doing it for 20 years and have never seen anything so organized.

Mayor Pro Tem Davis stated there is a play written by former Council Member Evelyn Tolbert called Tracy Our Town USA and GFWC Tracy Women's Club is putting on the play and the whole community is invited to attend on February 9, 2024, at Journey Church. Benefits go toward Tracy Women's Club which is over 100 years old which give back to a lot of charities. Council Member Bedolla and herself are in the play representing historic Tracyites.

Mayor Pro Tem Davis stated Council got emails and calls about Corral Hollow Elementary School and asked if there is anything the City can do about the questions the residents have about the City's involvement.

Ms. Lichtwardt responded she saw the emails that came through. The School District is deciding which students in which community can attend their schools. We do not have a lot of jurisdiction of the School District assigning schools. Ms. Lichtwardt stated we can develop a response and reach out to the School District to get their official word on it.

Mayor Pro Tem Davis commended staff regarding down trees and chaos from the storms over the weekend.

Mayor Pro Tem Davis asked if Council needs to ask for the Corral Hollow discussion to come back for other considerations for that signal, different solutions for the interim light.

Ms. Lichtwardt responded the City Attorney is saying because it is part of the Environmental Impact Report, staff could bring back an update and discussion for the current interim solution.

Council Member Bedolla supported Mayor Pro Tem Davis's request to bring back discussion for current interim solution for the traffic signal.

Mayor Pro Tem Davis stated she was proud of the Grand Theatre staff. Over the last few weeks, she attended a couple of productions – Shakespeare Reduced Play and Forbidden Broadway. The caliber of productions coming to the Grand Theatre and staff is commendable, the plays are different to what was seen in the past. Kudos to staff at the Grand.

Council Member Bedolla stated this February at Journey Christian Church there is a performance of Tracy Our Town USA and encouraged anyone who wants to learn more

about Tracy to attend. They work with the Tracy Museum, Sam Matthews and other historians. He is playing a part in a scene of Cesar Chavez and Mayor Pro Tem is one of the founding members of the Tracy's Women's Club – Estella Hammett.

Council Member Bedolla thanked Kimball High School Principal Maslyar and TUSD Superintendent Rob Payco and Director of Student Services Jason Noll as today, through an invitation from one of the City Junior Warriors coaches and working with TUSD they invited and allowed all Tracy Junior Warriors players to attend today's freshman and JV and varsity games. Was a great experience and collaborations amongst the two largest agencies in Tracy.

Council Member Arriola gave kudos to Mayor Pro Tem Davis and Council Member Bedolla for Tracy Our Town USA. He was in the original play written by Ms. Tolbert 20 years ago when he was in high school. Tracy has a pretty spicy history and encouraged everyone to check it out. Wished everyone to stay safe in this weather, happy Superbowl and happy Valentine's next week.

Council Member Evans stated they have their tickets for Tracy Our Town USA. Looking forward to seeing Mayor Pro Tem Davis and Council Member Bedolla's acting. As a Director on the Board of the South San Joaquin County Fire Authority he took part in a badge pinning last Wednesday, congratulations to the new recruits and promotions, big attendance and lot of food at the crab feed last Friday, great time supporting cause.

Council Member Evans announced long time Moose member Clark Scott passed away a week ago. He will be and is missed.

Council Member Evans stated there was another email on Rule 20 issue for the construction project on 11th Street and MacArthur regarding undergrounding of utilities and asked if staff was working on that. Think it is a question for UPRR but is being addressed to the City. Need to redirect or give construction company an answer. Council Member Evans confirmed he forwarded the email to Ms. Lichtwardt and wished everyone a safe Superbowl.

Mayor Young requested Council to consider the scope of both the Tracy Finance Committee and Tracy Homelessness Committees to determine scope or whether or not it is viable to continue or consider dissolving as the original missions have been accomplished but for ongoing it seems that potentially delays action, and what was originally set up to be able to reduce a number of options to come to Council has gone away from that. Council is getting the recommendations for the final outcome instead of listening to the input and making decisions from that. It has been about a year. Would like to hear from staff how it affects all the other meetings we have because now they have become standing monthly meetings versus quarterly or as needed. Council Member Arriola seconded the request.

Council Member Bedolla asked if Mayor Young would be interested in looking at the Investment Review Committee.

Ms. Lichtwardt clarified the Investment Review Committee is required.

Ms. Lichtwardt confirmed Mayor Young is requesting discussion and review of bylaws for the Finance and Tracy Homelessness Advisory Committees.

Mayor Young announced the many meetings, events she attended over the past month.

Mayor Young wished her daughter happy birthday and announced on February 15 she will be one of two, along with Rhodesia Ransom from the City of Tracy who will be honored in this years 2024 Susan B. Anthony awards in Stockton. On February 17 – Random Acts of Kindness Day, February 20 – Key to City for Jass Sangha. On February 27 – Key to City for Kay Harris for Black History Month at Central School at 5:00 p.m.

Council Member Bedolla stated he has been in talks with the Government Relations person for San Joaquin Health and provided contact information to staff and asked staff if they are comfortable reaching out to them as they are interested in expanding and establishing increased health care services in Tracy until we get that second hospital.

7. ADJOURNMENT – Time: 11:05 p.m.

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

The above agenda was posted at the Tracy City Hall on February 2, 2024. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk