

March 5, 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 7:00 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. City Council had no declarations of conflict.

Sheik Basem, Tracy Islamic Center offered the invocation.

Karin Schnaider, Assistant City Manager presented Employee of the Month Award for March to Sheryl Tapia, Police Department.

Mayor Young presented Certificates of Recognition to D.A.R.E. graduating students from Discovery, New Jerusalem, Delta Charter, George Kelly, Hirsh, West Valley Christian Academy, Freiler, and Villalovoz schools.

Mayor Young presented Certificates of Recognition for Women's History Month to Lisa Aguilera, Kathy Bergthold, Dr. Cynthia Chess, Dr. Kaylin Dell'aringa, Nila Dhugga, Param Gill, Susan Hawkins, Jolene Jauregui-Correll, Gail Lagasca, Midori Lichtwardt, Mary McGill, Stacey Mortensen, Diane Nguyen, Cathrine Oclassen, Dr. Catalina Pina, Rhodesia Ransom, Adrienne Richardson, Brittani Ryan, Mercedes Silveira, Cheryl Steensma, Maria Valenzuela, Veronica Vargas, Eva Villalovoz, Dr. Clara Voss, Kelly Wilson.

1. CONSENT CALENDAR – Following the removal of Consent Item 1.B 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 Council Members Arriola, Evans, Mayor Pro Tem Davis and Mayor Young in favor; passed and so ordered. Council Member Bedolla absent from the vote.
 - 1.A. Adoption of February 20, 2024 Closed Session and Regular Meeting Minutes. – **Minutes were adopted.**
 - 1.C. City Council adopt a Resolution authorizing: 1) Amendments to the City's Classification and Compensation Plan and Master Salary Schedule to add the classification of Assistant Director of Parks, Recreation and Community Services; 2) Amendments to existing classifications to reflect minor modifications related to the reorganization; and 3) Reallocation of one vacant Director of Mobility and Housing to one Assistant Director of Parks, Recreation and Community Services, one vacant Senior Account Clerk to Accounting Technician, one vacant Engineering Technician II to Administrative Technician and one filled Administrative Assistant to Administrative Technician and reclassification of the incumbent. – **Resolution 2024-025 approved**

amendments to the Classification and Compensation Plan and Master Salary Schedule.

- 1.D. City Council adopt a Resolution approving a Professional Services Agreement with West Yost Associates, Inc. for Construction Management Services for the Recycled Water Expansion Project, CIP 74168, for a total not-to-exceed amount of \$2,591,159. – Resolution 2024-026 approved the Professional Services Agreement with West Yost Associates, Inc.
- 1.E. City Council adopt a resolution 1) authorizing the acceptance of additional grant funds in the amount of \$35,000 from the Grand Foundation for Fiscal Year 2023-24, and 2) appropriating such funds to the Cultural Arts Division budget. – Resolution 2024-027 authorized the acceptance of additional grant funds from the Grand Foundation for Fiscal Year 2023-24 and appropriating funds to Cultural Arts Division budget.
- 1.F. The Tracy Homelessness Advisory Committee recommends that the City Council adopt a Resolution approving Amendment No. 1 to the General Services Agreement with B.I.C. Sec Security, Inc. for installation of the Phase IV Custom Container Fire Alarm System at the Temporary Emergency Housing Facility, CIP 71112, at 370 Arbor Avenue, to amend the scope of work and increase the total compensation by \$7,491.34 for a total Not-To-Exceed amount of \$66,887.68. – Resolution 2024-028 approved Amendment No. 1 to the General Services Agreement with B.I.C. Sec Security, Inc.
- 1.G. City Council adopt a Resolution: (1) Approving Juan Lopez, dba Amistad Associates (Amistad Associates), to serve as the mutually agreed upon facilitator for the City Manager performance evaluations, as reflected in Task Order 1 of the proposed Master Professional Services Agreement with Amistad Associates; (2) Approving Amistad Associates to serve as the mutually agreed upon facilitator for the City Attorney performance evaluations, as reflected in Task Order 2 of the proposed Master Professional Services Agreement with Amistad Associates; (3) Designating Amistad Associates as the City Council's "designated representative" under Government Code Section 54957.6 in future negotiations of compensation and benefits with, each, the City Manager and City Attorney; and (4) Authorizing the City Manager to execute a Master Professional Services Agreement with Amistad Associates in a total not-to-exceed amount of \$25,000 for a nine-month term. – Resolution 2024-029 approved Juan Lopez, dba Amistad Associates to serve as mutually agreed upon facilitator for the City Manager performance evaluations and City Attorney performance evaluations.
- 1.H. City Council adopt a Resolution 1) Ratifying the Conveyance and Disbursement of Public Fire Safety Fee Provisions of the February 20, 2018 South County Fire Authority Dissolution Agreement with respect to Fire Facilities in Overlapping Jurisdictions; and 2) Authorizing the City Manager and City Attorney to effectuate the conveyance actions previously authorized by Resolution 2022-013. – Resolution 2024-030 ratified the Conveyance and Disbursement of Public Fire Safety Fee Provisions of the February 20, 2018 South County Fire Authority Dissolution Agreement and authorized the

City Manager and City Attorney to effectuate the conveyance actions previously authorized.

- 1.B. Utilities Division staff recommend that City Council adopt a resolution approving a Professional Services Agreement with Black and Veatch Corporation for the 2024 Water Rate and Revenue Study with a total not-to-exceed amount of \$128,500.

Robert Tanner pulled the item to make the Council aware there is still a State declared drought, shared his concerns regarding wastewater, garbage and potential water rate increases adding that people on fixed incomes and others can't afford big increases and need to be conscious of that. Trees and lawns are dying because of the rate increases we already have.

Council comments followed.

ACTION: Motion was made by Council Member Bedolla and seconded by Council Member Arriola to adopt **Resolution 2024-031** authorizing a Professional Services Agreement with Black and Veatch Corporation for the 2024 water rate and revenue study with a total not-to-exceed amount of \$128,500. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Robert Tanner praised staff for listening and their quick response to repairing potholes at a crosswalk he had previously mentioned at Lowell and Tracy Blvd and are working Grant Line and the ADA ramps.

Abdul Wahid spoke about issues regarding insurance claims that are coming in from people taking pictures from the sky. Mr. Wahid stated he went to Public Works and was told by the directors there is not enough funds. Spoke about insurance rates going up, trees getting out of control and shared his renter received a letter from the City stating he can remove the tree which he did but got a complaint from the Police Department that he has broken the rules. Are there miscommunications or is there a breakdown. The City is not proactive.

Jay Lakey announced their office probation of 501C (3) nonprofit organization Game On, Lakey Youth Foundation to make positive impact within Tracy and the San Joaquin County to address the needs of underserved youth by elevating the financial barriers that hinder the participation in sports and other recreational activities. Mr. Lakey shared information regarding Game On, Lakey Youth Foundation, and his latest endeavor - the gourmet initiative which is designed to mentor high school students who are interested in pursuing careers in the culinary arts and entrepreneur field.

Emanuel Macalino, Stars Casino thanked Council for their attendance at their grand opening celebration on Naglee Road. Has been five months since they contacted the City about increasing table games, spoke about adding two additional tables to their facility and asked Council to consider the request and facilitate the process.

Robyn spoke about the lack of movement forward with the Aquatic Center, it will make money and asked when residents can expect to see forward movement.

Alice English announced on March 22 WSB of San Joaquin is having their Annual Conference, the organization is about supporting women in business, leadership, education and community and shared the trailblazer speakers at the conference. On March 23, Tracy Women's Club, volunteers from all walks of life who support good organizations and nonprofits are having their Annual Tea Fundraiser on Saturday at 2:00 p.m.

Dan Randall spoke about the Aquatic Center and contract law and resolving disputes between both parties. Don't have to rely on courts to do it for them. Council has not entertained the outreach from the developer to reach an agreement and implored Council to deal with this issue.

Council Member Evans disagreed with the characterizations and statements.

3. REGULAR AGENDA

- 3.A. City Council conduct a public hearing, and upon conclusion, adopt a Resolution: 1) approving the Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) Award Allocation Recommendations provided in Attachment B hereto; 2) approving the appropriation to the City of Tracy Economic Development Division of the total CDBG and HOME Investment Partnership Program (HOME) Awarding funds to be determined by San Joaquin County; 3) approving the allocation of the County-approved CDBG and HOME Award funds to the Subrecipients in accordance with Award Allocation Recommendations provided in Attachment B hereto; and 4) authorizing the City Manager, or her designee, to sign the CDBG Subrecipient Agreements and other implementing documents.

Mayor Young opened the public hearing.

Joseph Viorge-Koide, Economic Development Administrative Technician provided the staff report and presentation.

Council comments and questions followed.

There were no public comments.

Mayor Young closed the public hearing.

ACTION: Motion was made by Council Member Bedolla and seconded by Mayor Pro Tem Davis to adopt **Resolution 2024-032** approving 1) the Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) award allocation recommendations, 2) the appropriation to the City of Tracy Economic Development Division of the total CDBG and Home Investment Partnership Program (HOME) Program Funds to be determined by San Joaquin County, 3) the allocation of the County-approved CDBG and Home Award Funds to the subrecipients in accordance with award allocation recommendations provided in attachment 1, and authorizing the City Manager, or her designee, to sign the CDBG Subrecipient Agreements and other implementing documents. Roll call found all in favor; passed and so ordered.

- 3.B. Receive information from the South San Joaquin County Fire Authority regarding ambulance availability and response times and desire to purchase and operate ambulances and related equipment.

Karin Schnaider, Assistant City Manager introduced the item.

Randall Bradley, Fire Chief provided the staff report and responded to questions.

Robert Tanner spoke about his experience with AMR after the Christmas parade and the charges. His insurance only allowed him to pay \$265. Surprised that Tracy does not have its own ambulance service, should have had it a while ago as have a population of close to 100,000. Mr. Tanner recommended two ambulances and having our own system in place. What is missing in the report is the response times of first engine and EMS for a one-year period.

Alice English stated it is good to hear AMR is willing to work with us and seeing life in Tracy is important. Agreed with Mr. Tanner, the County and Tracy is growing. Public safety and quality of life is important. Need an ambulance possibly two and encouraged Council to accept the report and go forward.

Council questions and comments followed.

Ms. Schnaider clarified staff received a request from two board members to bring the item back, at this point there is no ask for Council, have commitment from the Fire Chief to return when the contracts are ready to be evaluated.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Evans to receive information from the South San Joaquin County Fire Authority regarding ambulance availability and response times and desire to purchase and operate ambulances and related equipment. Roll call found all in favor; passed and so ordered.

- 3.C. Discuss options for amending the Council Policy Establishing a Selection Process for Appointments to City Advisory Bodies adopted by Resolution 2021-200 and direct staff to return with an option that fully complies with Government Code Section 40605.

Kimberly Murdaugh, Interim Assistant City Manager provided the staff report.

Council questions and comments followed.

Vannie Dart stated three options giving the Mayor to appoint is a dictatorship for one person having too much power and Mayor serving on the subcommittee is a conflict of interest. All Council should interview candidates, provide input and make recommendations. Why do we have the other four Council Members if the Mayor can appoint and serve on the subcommittee. Ms. Dart asked Council to adopt and support Option 3. All should have a burden of accountability.

Don Penning stated if the process is broken, he supports fixing it, but is lacking confidence there will be a majority vote on which option is going to be chosen.

There is going to be disagreements but that falls in line with a majority vote. Looking for swift action because two positions are expiring at the end of March.

Tim Silva did not like any options. Need to stand firm, the system we have today functions well, and have not heard citizens complain. First two he disagrees with as is a dictatorship and gives the Mayor too much authority. When all have a say, it is more representation. Having to come to a meeting to be grilled in front of Council at a public meeting will deter people from applying. What we have right now works well and disagreed with the law the State is mandating.

Ubbo Coty stated the item is more important than people realize, allowing the Mayor to have full vote, and supported Option 3. Planning Commission appointments are coming up soon and they are some of the consequential appointments in the City of Tracy. The Mayor has a short time left on Council and if we don't do the third option, in her remaining time she could make some of the most consequential appointments for the next four years.

Bijal Patel, City Attorney responded to questions.

Karin Schnaider, Assistant City Manager responded to questions.

Council questions and comments continued.

Ms. Patel suggested seeing if there is consensus on a specific option and along with that come back with further legal analysis not just by her but our independent attorney so they can also give legal analysis on what their opinion is on whether or not the proposed option is consistent with not only the specific state law but the Attorney General's interpretation of the state law so Council would have all that information before making that consideration. Need to narrow down a specific option so we know what we are coming back with as a proposal and will include the requested legal analysis on that proposal in the staff report.

Ms. Schnaider summarized Council's consensus on the options:

Council Member Evans – Option 3.B but open to 3.A

Mayor Pro Tem Davis – Flexible for Option 3.A or 3.B

Council Member Bedolla – Option 3.A

Council Member Arriola – Prefer Option 1 and second Option 3.B

Mayor Young did not think Option 3 would be viable for the community.

Ms. Schnaider added based on Council's consensus to narrow the analysis down to 3.A and 3.B with a majority leaning towards 3.B, in our analysis staff will look at those cities that are using this practice and the legal team will make sure we are legally viable. There will be further discussion at the next meeting and will see if it can be wrapped up at the following meeting for adoption on Consent.

Ms. Schnaider confirmed the terms of two Planning Commissioners will expire at the end of March, but there will still be a majority on the commission. Interviews could occur first or second meeting in April.

Ms. Patel stated if the item is brought back on March 19, 2024, staff could give Council the option to select Option 3.A or 3.B with an analysis on both along with

a legal analysis, and if Council reaches a consensus on either Option 3.A or 3.B, the option would be adopted so it would be an action item on March 19.

Ms. Murdaugh added staff will be returning with looking at the viability for either Option 3A and 3B and will gather the policy for 67% of the responding agencies that had that process and provide the actual language.

Ms. Patel clarified we will be putting that all as part of the staff report with respect to Option 3 and the spreadsheet that has the Cities that follow process 3 whether it is A or B, will provide the language of their ordinances and policies and have additional legal analysis on the options.

Mayor Pro Tem Davis stated she has a hard stop at 11:00 p.m. and will need to leave.

4. ITEMS FROM THE AUDIENCE – Tim Silva spoke about a comment the Mayor made and stated he is not telling anyone to break the law at 40 or 50 miles an hour when it should be 30. We are talking about civil law and whether we are in the framework of civil law tonight on how we present ourselves, how we elect our commissioners because we are a government by the people for the people, not a government for the dictator by the dictator. Mr. Silva felt that this state law is putting most of the power one person's hands where they get to select a committee and appoint whoever the committee picks.

Vannie Dart stated it is sad to listen to the Mayor fight just to get the power to appoint someone. We have Veterans on the streets and potholes, but Mayor wants to spend money to do an analysis that is already done. Staff got the analysis and research go with that, why do we have to do it again.

Mayor Pro Tem Davis left the meeting at 11:04 p.m.

Richard Williams spoke about pedestrian safety stating on February 20 he called in asking someone to contact Mr. Kim to respond to his request for information concerning his lack of support for luminating crosswalks but has not received information from Mr. Kim. What is the status of obtaining a consultation and a \$60,000 grant has been awarded out of 2023 Safe Streets and Roads for All Grant. He would like that to be concluded before 2024 submission so can get implementation of luminated cross walks. Mr. Williams requested Council review memorandums to City Council (particularly February 14, 2022) where an issue of safety crosswalks was brought up July 18, 2017 and in this report there was funding granted for \$230,000 to make improvements on 11th Street and F Street and only thing done was painting of crosswalk. Only \$25,000 used, where did the remaining funds go. City of Tracy is not moving fast enough and needs to take stronger action.

5. STAFF ITEMS – Karin Schnaider, Assistant City Manager reported on the following:
 - The City will be hosting the San Joaquin County Continuum of Care's General Member Meeting right here in Council Chambers this Thursday at 11:00 a.m. They will be discussing our county's Homeless Housing, Assistance, and Prevention Grant Application, so anyone interested in that and updates from their various committees is welcome to participate.
 - For our country lovers: tickets are still available to see The Wildcards at The Grand this Saturday at 8:00 p.m.

- For our seniors: you are invited to join us at The Grand for Senior Tuesdays next Tuesday at 11 a.m., and the Lolly Hansen Senior Center for their Shamrock Rock event on Friday, March 15th from 11:00 a.m. – 2:00 p.m.
 - For everyone who likes to laugh: join us next Thursday, March 14th at The Grand for The Comedy Zone with Tom Thakkar, who you may have seen on The Tonight Show with Jimmy Fallon.
 - For the kiddos – Register NOW for our Spring Egg Splash at Joe Wilson Pool on Saturday, March 23rd at 12:30 p.m. – hop on over to TracyArtsAndRec.com.
6. COUNCIL ITEMS – Council Member Evans stated he has been hearing concerns regarding illegal use of ADA parking spaces and witnessed it himself. As parking becomes more of a premium in our growing City we will see more of this and would like to bring a conversation with the Police Department to discuss opportunities to increase enforcement. We have a lot of volunteers that have the ability to write parking tickets and do a tremendous service and want to know if we can enhance that or other options to ensure our less mobile residents have places to park to access things in our City.

Mayor Young asked when the Police Department's Annual Report is coming back.

Karin Schnaider, Assistant City Manager responded it will be coming back in April.

Council Member Evans stated he would like to discuss that issue and how do we get that before Council for a specific item. Council Member Bedolla supported the request.

Council Member Evans stated he received an email from Carol Ponsaran who is a homeschooling mom who would like to set up a tour of City Hall for a home school tour.

Ms. Schnaider responded that request was received in Council's email box and was passed on to staff and both the City Manager's Office and Human Resources are collaborating on that project.

Council Member Evans requested bringing back to Council an Economic Development update on the overall department, process development, how we are resetting plans to bring in new businesses, enhancing processes for setting up a business in Tracy as well as doing better for our existing businesses and asked if staff has an Economic Development update coming back to Council soon.

Kimberly Murdaugh, Interim Assistant City Manager responded we have an Economic Development Strategic Plan in place right now and is excited about Economic Development staff attending an upcoming retail outreach conference at the end of this month and can bring an update of the outcomes of their outreach efforts and the strategic plan in May. Council Member Evans was agreeable to that, and Council Member Arriola seconded the request.

Council Member Evans stated he saw the email regarding the City accomplishments update that went out and it is great that was sent out, was part of greater City update which is something we recommended to the City Manager. Appreciate staff listening and implementing that and liked how Midori introduced herself as the new City Manager also. Would like to see future accomplishments be its own item. People would be more prone to pay attention to it if its own social media post and email. Lot of great accomplishments and trajectories that we are seeing the City moving in the right

direction and whatever we can do to give the community visibility. Overall, it was fantastic.

Council Member Arriola congratulated Tracy High's Mock Trial for winning first place for the third time in a row for the San Joaquin County Mock Trial Competition and Jessica Navarro from West High who won Mock Trial Court Room Journalist Award.

Council Member Arriola stated he looked forward to seeing his Council colleagues at the National League of Cities next week and wished everyone a happy Saint Patrick's Day.

Mayor Young acknowledged the City Clerk's birthday.

Council Member Bedolla stated while he does support the conversation about how we can explore Americans for Disabilities, he shared an update that Ms. Sosoto was connected with Sergeant Richards and Chief Millington has directed staff to do windshield inspections for disability placards when time permits for ADA violations accordingly.

7. ADJOURNMENT – Time: 11:18 p.m.

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

The above agenda was posted at the Tracy City Hall on February 29, 2024. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk