

April 2, 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 7:05 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. Council Member Evans announced out of an abundance of caution he would be recusing himself from Consent Item 1.H.

Pastor Kevin James, New Creation Bible Fellowship offered the invocation.

Karin Schnaider, Assistant City Manager presented the Employee of the Month Award to Juan Lopez, Utilities Division.

Mayor Young presented Certificates of Congratulations to Montessori Elementary and Middle School First Place Winners of the 2024 San Joaquin County Science Olympiad Competition.

Mayor Young presented a proclamation for National Public Safety Telecommunications Week to Michele Elmore and Shaina Marquez, Police Department Dispatchers.

Mayor Young presented a proclamation for Sexual Assault Awareness Month to Elizabeth Sanchez, Prevail Director of Community Engagement and Diana Poe, Housing Coordinator.

Mayor Young presented a proclamation for Arts, Culture, and Creativity Month to Tracy Arts Commissioner Cynthia Reis and Cultural Arts Manager, Anna Cross.

Mayor Young presented a proclamation for the Grand Theatre Centennial to Anna Cross, Cultural Arts Manager.

1. CONSENT CALENDAR – 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. Council Member Evans abstained from voting on Consent Item 1.H.
 - 1.A. Adoption of March 19, 2024 Closed Session Meeting and Regular Meeting Minutes.- **Minutes were adopted.**
 - 1.B. The Environmental Sustainability Commission recommends that the City Council adopt a resolution approving the proposed City-Wide Urban Forest Management Plan, to appropriately guide City resources in the planting and maintenance of City Trees. – **Resolution 2024-043** approved the City-Wide Urban Forest Management Plan.

- 1.C. Staff recommends that the City Council receive the 2023 Water Loss Audit Report. – Report accepted.
- 1.D. Staff recommends that the City Council adopt a Resolution, pursuant to Tracy Municipal Code Section 4.12.1190(d) approving the following public alcohol special event permits for events on public property in 2024: (1) Downtown Block Parties (May 3, June 7, July 12, August 2, and September 6); (2) Tracy African American Association (Juneteenth Festival on June 8); (3) Grassroots Resource Connections International (Tracy Jazz and Blues Festival on June 29-30); (4) Blues, Brews, and BBQ (October 5); (5) Girls Night Out – Witches and Broomsticks (October 18); (6) Tracy City Center Association Events (Taps on Tenth on April 6, Downtown Tracy Wine Stroll on August 17, and Car Show with Clutch Burners on September 28); and (7) South Side Community Organization Event (September 14). – **Resolution 2024-044** adopted the public alcohol special event permits for various 2024 events.
- 1.E. Staff recommends that the City Council adopt a Resolution (1) approving a General Services Agreement with ADT Commercial, LLC, utilizing OMNIA Partners cooperative purchasing agreement to lease two mobile security units in the amount of \$59,771 annually for an initial 12-month term; and (2) authorizing the City Manager to administratively extend the Agreement for up to four (4) additional 12-month terms. – **Resolution 2024-045** approved a General Service Agreement with ADT Commercial, LLC.
- 1.F. The Tracy Homelessness Advisory Committee recommend that the City Council adopt a Resolution approving Amendment No. 1 to the General Services Agreement with SC Commercial LLC, DBA SC Fuels at the Temporary Emergency Housing Facility, CIP 71112, at 370 Arbor Avenue, to amend the scope of work to include the installation and rental of a 500-gallon auxiliary fuel tank for generator #3 for a monthly rental and monitoring fee of \$265. – **Resolution 2024-046** approved Amendment No. 1 to the General Services Agreement with SC Commercial LLC, DBA SC Fuels.
- 1.G. The Tracy Homelessness Advisory Committee recommend that the City Council adopt a resolution (1) determining that compliance with the standard procurement process is not in the best interest of the City pursuant to California Public Contract Code Section 20301 and Tracy Municipal Code Section 2.20.180(b)(4), and (2) approving a Purchase Agreement with Nelco Electrical Supply, Inc., in the amount of \$392,792.45, for the purchase of electrical equipment required for permanent power supplies. – **Resolution 2024-047** determined that compliance with the standard procurement process is not in the best interest of the City pursuant to California Public Contract Code Section 20301 and Tracy Municipal Code Section 2.20.180(b)(4), and approved a Purchase Agreement with Nelco Electrical Supply, Inc.

- 1.H. Staff recommends that the City Council adopt two Resolutions approving amendments to two related Professional Services Agreements with CH2M HILL Engineers, Inc. for Design Services for the “Urban and Multi-benefit Drought Relief Grant-funded Recycled Water System Expansion Project,” Capital Improvement Plan Number 74168, as follows: (1) adopt a resolution approving Amendment No. 1 to the Professional Services Agreement for Pipeline Design Services to reduce the scope of work, extend the term to February 21, 2026 with an administrative option to extend one year, to decrease the total compensation under the Agreement by \$294,990, to a Not-to-Exceed amount of \$1,565,010; and (2) adopt a resolution approving Amendment No. 1 to the Professional Services Agreement with CH2M HILL Engineers, Inc., for Lammers Road Pump Station Design Services, to modify the scope of work, extend the term to February 21, 2026 with an administrative option to extend one year, and increase the total compensation under the PSA by \$294,990, to a Not-to-Exceed amount of \$1,534,990.

Resolution 2024-048 approved Amendment No. 1 to the Professional Services Agreement with CH2M HILL Engineers, Inc. for pipeline design services for the Recycled Water System Expansion Project, CIP 74168, to reduce the scope of work, extend the term to February 21, 2026 with an administrative option to extend one year, and decrease the total compensation by \$294,990, to a not-to-exceed amount of \$1,565,010.

Resolution 2024-049 approved Amendment No. 1 to the Professional Services Agreement with CH2M HILL Engineers, Inc., for Pump Station design services for the Recycled Water System Expansion Project (Project), CIP 74168, to increase the scope of work, extend the term to February 21, 2026 with an administrative option to extend one additional year, and increase the total compensation by \$294,990 to a not-to-exceed amount of \$1,534,990.

Council Member Evans abstained from voting on Consent Item 1.H.

- 1.I. Staff recommends that the City Council adopt a resolution 1) approving the Concession Agreement with Tracy City Center Association commencing May 1, 2024, and expiring December 31, 2024; and 2) authorizing the City Manager to grant extensions in two-year increments with a maximum of five (5) years pursuant to the terms of the agreement. – Resolution 2024-050 approved the Concession Agreement with Tracy City Center Association.
- 1.J. Staff recommends that the City Council adopt a resolution 1) approving the Concession Agreement with Children’s Dance Theatre of Tracy for a three-month period commencing April 15, 2024, and expiring June 30, 2024; and 2) authorizing the City Manager to grant extensions in two-year increments for a maximum term of four (4) years. – Resolution 2024-051 approved the Concession Agreement with Children’s Dance Theatre of Tracy.

- 1.K The Tracy Finance Committee recommends that the City Council adopt a Resolution: 1) Authorizing the acceptance of a grant award from the California Department of Health Care Services in partnership with the San Joaquin County Behavioral Health Services and related actions; 2) Appropriating the grant award of \$336,350.00 to the Police Department's operational budget. – **Resolution 2024-052** authorized the acceptance of a grant award from the California Department of Health Care Services in partnership with the San Joaquin County Behavioral Health Services, appropriated the grant award to the Police Department's operational budget.
- 1.L. The Tracy Homelessness Advisory Committee recommend that the City Council adopt a Resolution (1) determining that compliance with the standard procurement process is not in the best interest of the City pursuant to California Public Contract Code Section 20301 and Tracy Municipal Code Section 2.20.180(b)(4) for entering into two agreements with PowerGen, Inc. for the rental and maintenance of diesel generators required at the Temporary Emergency Housing Facility; (2) approving an interim General Services Agreement with PowerGen, Inc. for nine (9) months effective July 1, 2023 through March 31, 2024 with a not-to exceed amount to \$617,539.47; (3) approving a new General Services Agreement with PowerGen, Inc. with a not to exceed amount of \$657,253.70 with an initial term from April 1, 2024 through June 30, 2025; and (4) authorizing the City Manager to extend the Agreement up to one additional year, subject to the not-to-exceed amount. – **Resolution 2024-053** determined that compliance with the standard procurement process is not in the best interest of the City pursuant to California Public Contract Code Section 20301 and Tracy Municipal Code Section 2.20.180(b)(4) for entering into an interim General Services Agreement and a new General Services Agreement with PowerGen, Inc.

Mayor Young briefly left the meeting at 7:42 p.m.

Mayor Pro Tem Davis continued with the meeting.

2. ITEMS FROM THE AUDIENCE – Mary Mitracos asked Council not to back down from the lawsuit with Surland and stated more than ten years ago in exchange for a contractual obligation of goods and services received among those were sewer capacity, water hookups and time. Time was granted time and time again and Surland liked to say it was at the City's request but don't believe it. They have recommitted that same \$10 million that they are going to donate that for the Aquatic Center, they owe that, they want that to be their contribution to the swim center. The same thing is true of the 16 acres, they owe that, it is contractual. Please collect.

Rosario Arulappan stated it finally appears we may have the Aquatic Center and spoke about Surland narrating stories narrated that there was no guarantee the City would use the land as a water park. It makes sense that Surland would prefer to build more million-dollar homes than build an amenity that cost them money although it was a commitment made to the City. Mr. Arulappan provided a timeline of meetings in 2023 regarding the acceptance of the land, residents coming to Council and putting pressure on the two remaining Council members to accept the land, an organized citizen Tracy group going after the City Attorney attempting to disqualify her from the administrative matter that occurred at the July 5 meeting, spoke about delay tactics by Surland and requested Council to take proper action and bring back the Aquatic Center.

Robert Tanner shared concerns regarding the Mayor's behavior at the last meeting. This has been the worst three years. The first year the Mayor eased into it and then became the dictator. This is like an unscripted reality show. Council needs to get their act together.

Joey Chavez spoke about the Presidential Volunteer Service Award would be a great program for City of Tracy to become certified for. Any age can be eligible for the award but the youth demographic between 14-18 would be a good group to target. Seventy-five to 250 hours need to be completed and can receive a signed certificate by the President in addition to a medal showing the service completed to an organization. In order to become a certified organization, the City Manager would have to file a form online which indicates the City will verify the volunteer hours, pay the nominal cost of these awards and shipping and take an e-course annually to ensure we remain certified.

Robert shared his concerns regarding the last Council meeting stating two Council Members overstepped their boundaries speaking at the same time while the Mayor was speaking and a member of the public was on the microphone at the same time as though it was coordinated, attacking the Mayor and violating the Brown Act. Robert shared support for Mayor Young.

Mayor Young returned to the dais at 7:52 p.m.

Raymond Guerrero, representing people from the shelter stated people were in a frenzy because they were told they have to move vehicles out of the parking lot within two days. Any vehicles that aren't fixed or registered are going to be towed. The shelter was supposed to be a place to help the homeless and the last thing a person who is homeless needs to be burdened with is how to pay for getting their vehicle fixed or registered so they can park in a dirt lot. Need more time to come up with a solution. Cannot afford to store it.

3. REGULAR AGENDA

- 3.A. Staff recommends that the City Council conduct a public hearing to consider a report of the final costs for the abatement of weeds, rubbish, refuse, and flammable materials on designated parcels, and upon conclusion, approve such report and assessment of such costs in accordance with Tracy Municipal Code Section 4.12.320.

Mayor Young opened the public hearing.

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

Michelle spoke several times during the item on behalf of the property owner and stated she has taken care of the property. Every year it has been landscaped and have gone to the City and Fire Department and showed them the job that was completed, and everything was fine so do not know where the bill is from after five months. Rudy, the neighbor does the land each year for both parcels. Has been done for 302 W. Mt. Diablo and 280 W. Mt. Diablo. Pictures were provided to the Council for reference.

Rudy stated he has been cutting grass for both properties every year and following the same process. The pictures shared are from September 2023. Did get notices from the Fire Department and appreciated the heads up. Since the grass is already cut, not sure what more they can do. We do not understand what work was done by the vendor because they did not get an itemized bill. Got a bill last March with no breakdown, \$9,200.00 for about an acre, it was shocking. There were other options in fire season to mitigate also. Are committed to maintaining to the level the Fire Department requires. However, this bill is huge and causing hardship.

Robert Tanner stated over the years we have had this process and when owners are being invoiced it goes as a lien on the property. Owner has opportunity to pay or wait until the property sells. Asked about the current balance of the lien account for this type of issue, does it go to the General Fund or back to the Fire Department, how much is balance of liens is waiting to be reimbursed. There have been some properties over the years who have been charged and have not sold and citizens need to know what that balance is of future income.

Council questions and comments followed.

Bijal Patel, City Attorney explained the Tracy Municipal Codes (TMC) required two-step process. First step is for Council to make a decision that an abatement is required based on the information that is provided in the hearings and an Order of Abatement is issued. Those two hearings happened on September 5 and September 19, 2023. Ms. Patel explained the noticing requirements pursuant to the TMC. At this point it is no longer an issue whether abatement should occur because that was already ordered and a final decision that is already done. What Council is concerned about is whether or not the charges for the property owners are appropriate.

Council comments continued.

Mayor Pro Tem Davis moved that Council postpone the consideration of the item pending the before and after pictures and more time to get clarity on the issues Council is hearing. Maybe 30-60 days for clarity.

Ms. Patel responded it is within Council's purview to continue the item and ask for additional documentation from the vendor that performed the work and perhaps the Finance Department staff. It is important to continue to a date certain. Next meeting is April 16 but if more time is needed the following regular meeting is May 21, 2024.

Council questions and comments continued.

Michelle, speaking on behalf of the property owners responded to questions.

Mayor Pro Tem Davis asked Council to consider postponing the item because of the sticker shock but someone did do a service at the request of the City so someone does have to get paid. It is a matter of showing the rationale of the billing. Do you have pictures and breakdown of services provided and how is the vendor verifying the cost.

Council Member Evans would like to see comp bids also. Especially for future, would like to ensure – if disked and cleared can anyone be used but then the City does it they have to be licensed and insured and costs more. Would like to ensure we are being reasonable.

Ms. Patel responded staff will work internally to figure out what our procurement process was in selecting this contract. The work has already been completed and will try to identify based on the pictures and what the cost was and figure out if there are other vendors. We are a public agency so our price will be higher.

Fire Marshal Spears added an RFP was done and this contractor was given the requirements and was the only contractor that bid on the Request for Proposal.

Fire Marshal Spears stated he will reach out to the contractor for before and after pictures, dates and cost breakdown on services and comp bids.

Mayor Young added the vendor should have a unit acre that would be a part of the RFP and also comparable to other smaller abatement done to give us something to work with. Come back on May 21, 2024.

The property owner shared more information regarding the property and stated he is leaving for India on April 10 and returning after two months. Michelle will represent the property owner.

ACTION: Motion was made by Mayor Pro Tem Davis and Council Member Evans to continue the hearing until Tuesday, May 21, 2024 pending documentation and can make a decision at that time. Roll call found all in favor; passed and so ordered.

3.B Staff recommends that the City Council:

- (1) Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the approval of the general plan amendment, rezoning, and development review permit for construction of 110 units of very low-income senior housing consisting of two buildings and site improvements on a 1.94-acre portion of an overall 6.85-acre site, located at 301 West Street, APN 235-420-16 (Project), in accordance with the California Environmental Quality Act, based on the findings, pursuant to Public Resources Code Sections § 21064.5 and 21080(C);
- (2) Adopt a Resolution approving a general plan map amendment from residential medium to residential high for a 1.94-acre portion of an overall 6.85-acre site, located at 301 West Street, Assessor's Parcel Number 235-420-16 (Application Number GPA22- 0008);
- (3) Introduce an Ordinance approving a rezone from medium density residential zone to high density residential zone for a 1.94- acre portion of an overall 6.85-acre site, located at 301 West Street, Assessor's Parcel Number 235-420-16 (Application Number R22-0005); and
- (4) Adopt a Resolution approving a development review permit and a density bonus for the Project (Application Number D22-0043).

The applicant is Artifex West, Inc. for the Housing Authority County of San Joaquin.

Mayor Young opened the public hearing.

Kenny Lipich, Interim Senior Planner provided the staff report.

Peter Ragsdale, Director of Housing Authority of San Joaquin County stated they are excited to bring the project to Tracy. Have had robust conversations with Planning and could have an early 2025 start. Mr. Ragsdale responded to Council questions.

Council questions and comments followed.

Mayor Young closed the public hearing.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Davis to adopt **Resolution 2024-054** 1) Adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the approval of the General Plan Amendment, rezoning, and Development Review Permit for construction of 110 units of very low-income senior housing consisting of two buildings and site improvements on a 1.94-acre portion of an overall 6.85-acre site, located at 301 West Street, APN 235-420-16 (Project), in accordance with the California Environmental Quality Act, based on the findings, pursuant to Public Resources Code Sections § 21064.5 AND 21080(C); 2) Approving a General Plan Map Amendment from Residential Medium to Residential High for a 1.94-acre portion of an overall 6.85-acre site, located at 301 West Street, Assessor's Parcel Number 235-420-16 (Application Number GPA22-0008); and 3) Approving a Development Review Permit with a Density Bonus for the Project (Application Number D22-0043). Roll call found all in favor; passed and so ordered.

Adrienne Richardson, City Clerk read the title of the proposed ordinance.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Davis to introduce an ordinance of the City of Tracy amending the Zoning Map from Medium Density Residential to High Density Residential for a 1.94-acre portion of an overall 6.85-acre site located at 301 West Street, Assessor's Parcel Number 235-420-16 (Application Number R23-0005). Roll call found all in favor; passed and so ordered.

3.C Staff recommends that the City Council discuss and adopt, by motion, proposed talking points for the City Council's meetings with the various federal agencies and legislators that will occur during the 2024 Federal Lobbying Trip in Washington, DC from April 9-11, 2024.

Karin Schnaider, Assistant City Manager provided the staff report.

Council questions and comments followed.

Andrew Christensen stated it is a great opportunity to ask for federal funding for these projects Tracy needs. A lot will overlap between different agencies. Spoke about rails to trails. See a lot of people along the rails. He goes along the rails as not being bombarded by noise and cars. Tie projects together like trails and

paths on the railroad corridor. Nature Park is a great thing. Tracy does not have a lot of wide-open space and taking steps forward to reverse environmental destruction of this valley is a great step in the right direction.

Council comments followed.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Davis to adopt the proposed talking points for the City Council's meetings with the various federal agencies and legislators that will occur during the 2024 Federal Lobbying Trip in Washington, DC from April 9-11, 2024. Roll call found all in favor; passed and so ordered.

3.D Consider and Determine, by Motion, Response to Notice of Brown Act Violation and Request to Cure or Correct and Cease and Desist from Steve Nicolaou dated March 5, 2024.

Bijal Patel, City Attorney recused herself from the item.

John Natalizio, BBK Law provided the staff report.

Council Member Arriola asked for confirmation that Council has received multiple demand letters from Mr. Nicolaou and one was related to discussions of salary but this one is essentially related to having legal counsel present during closed session.

Mr. Natalizio confirmed that is correct.

There was no public comment.

Council questions and comments followed.

Mayor Young made a statement: As Council Members and Mayor were not notified that our counsel was not able to practice law at that particular time, as a technicality because someone else was there is not good enough for her because she felt Council should have been notified and should have been acting in accordance with that.

Council Member Bedolla asked Mr. Natalizio that based on the Mayor's comments did he stand by the letter he wrote that Council was covered by legal counsel.

Mr. Natalizio responded yes and he understands the Mayor's position as well and yes and clarified the language in 54956.9 which references legal counsel and is not specific to City Attorney, general counsel, it is just legal counsel. As is common practice, public agencies will retain special counsel for specific matters and the Brown Act is intending to include legal counsels generally that are retained and not just for example a specially appointed City Attorney in this instance. Ms. Patel's license status with the California Bar does not affect his opinion as to the validity of the fact that the City did have its legal counsel present which was Mr. Siegel.

Council Member Bedolla asked if the point we are at it is just a matter of difference of opinion if we are talking about the legal facts.

Mr. Natalizio responded if the Mayor has a fundamental difference of opinion in reading that provision, she is entitled to that opinion to the extent that she disagrees with him. He stands by his interpretation. Ms. Patel was present by the fact that she was the appointed City Attorney of the City and she being an official, an employee and a necessary party to the Closed Session was also fully capable of being present in the Closed Session as well without abrogating rights afforded under the Brown Act.

Mayor Young stated this particular item was for two specific things and as you have already represented Mr. Natalizio as far as that it was no harm to the City for having had the participation by our current counsel even though we were unaware she was not licensed at the time.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Evans to adopt the response to Notice of Brown Act Violation and Request to Cure or Correct and Cease and Desist from Steve Nicolaou dated March 5, 2024. Roll call found Council Members Arriola, Bedolla, Evans, and Mayor Pro Tem Davis in favor; passed and so ordered. Mayor Young opposed.

Council Member Bedolla left the meeting at 10:00 p.m.

3.E Staff recommends that the City Council receive an informational report regarding the City of Tracy Police Department's Annual Report for 2023.

Sekou Millington, Police Chief provided the staff report and presentation and introduced the command staff.

Captain Luis Mejia spoke about the 2023 accomplishments for Bureau of Operations.

Captain Octavio Lopez spoke about the 2023 accomplishments for Bureau of Investigations.

Brittany Pasquale, Animal Services Supervisor spoke about the 2023 accomplishments for the Bureau of Support Services.

Lieutenant Scott Muir spoke about the 2023 accomplishments for the Professional Standards and Training Division.

Council questions followed.

Robert Tanner stated Tracy has the best Police force in California. The Flock license plate reader is paying for itself, hoped more UAS go up on the 4th of July. Mr. Tanner asked the following questions: How many UAS does the Police have, does the person running the UAS have to be a Police Officer or PAL, what is the cost of one UAS, what happened to the previous program of having a sitting

District Attorney in the Police Department to speed up the process and when will there be a Police substation in south Tracy, it is needed now.

Mike Shober asked why there were no white-collar crime statistics in the report. For someone who might be a victim of ID theft or embezzlement, do not see statistics.

Alice English shared support for the first responders. Tracy was on the news as an example for other cities regarding the license plate readers. Hope we have more motorcycle Police Officers out there especially at Valpico and Tracy Blvd. Substation has not been brought up on the agenda for funding.

Conrad Levoit stated we have an outstanding Police Department. And thanked the Police Department from the community standpoint. Mr. Levoit spoke about red light runners – people disobeying the integrity of the stop light, and encouraged community to participate with coffee with a cop. Thanked Council for support of Tracy Crime Stoppers and will continue to reach out to the community for assistance when called upon and spoke about the business team who reaches out to all the businesses – talking to the business owners one on one and the Chamber.

Council questions and comments followed.

ACTION: City Council accepted the informational report regarding the City of Tracy Police Department's Annual Report for 2023. Council Member Bedolla absent.

3.F. The Tracy Finance Committee recommends that the City Council adopt a resolution approving the Capital Improvement Projects Prioritization Policy.

Sara Cowell, Finance Director provided the staff report.

Council questions and comments followed.

Council Member Evans suggested under Priority 1-A. – Change language to read: Corrects or *prevents* a condition dangerous to public health or safety. Council Member Arriola supported the request.

Mayor Young asked for clarification on what “P” stands for in CIP, Capital Improvement Project or Capital Improvement Plan. Needs to be consistent.

There was no public comment.

Mayor Pro Tem Davis stated she understands that the Council can reprioritize if they chose. Councils change things, gets lost in interpretation and does not see anything about that in the resolution. Things have been taken off priority lists before. Would hate to say this is our formal policy but there is nothing in the resolution that the Council may choose to reprioritize at any time. Would like to see it in the resolution to feel comfortable adopting it. Council Member Evans stated if it is not stated he agrees.

Bijal Patel, City Attorney responded what you are asking for is flexibility in the policy. The resolution is a one-time action that is adopting the policy but it is really the policy that moves forward so perhaps that language can be imbedded into the policy.

Mayor Pro Tem Davis agreed.

Council Member Arriola suggested that as you look at the policy, Attachment A, if we could include that as a bunch of listed considerations, maybe a last one could be added as City Council considerations.

Karin Schnaider, Assistant City Manager responded what Mayor Pro Tem Davis is asking for is saying they can automatically say we think this is a Priority 2, and want authorization to reprioritize something on your own merits.

Ms. Schnaider added under the Purpose Section 1 of the policy, recommended adding a sentence the City Council may still assign prioritization of capital projects, based on motion of a majority – something along those lines. Council Member Arriola supported that amendment.

Ms. Schnaider continued where it belongs, after conferring with the City Attorney, is somewhere near the end of Section 1 under Purpose. Explain what the policy was done and is not intended to be binding to these only. If she can wordsmith that a little, staff understands the intention. Mayor Pro Tem Davis agreed.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Davis to adopt Resolution **2024-055** approving the Capital Improvement Projects Prioritization Policy as amended. Roll call found Council Members Arriola, Evans, Mayor Pro Tem Davis and Mayor Young in favor; passed and so ordered. Council Member Bedolla absent.

4. ITEMS FROM THE AUDIENCE – A Tracy resident asked if there is a food budget for the Emergency Homeless Shelter. On Easter they were served bread, butter and water and asked if Council has heard the count of food poisoning out there. No one ever gets back to her. Why are they eating leftovers four days a week. Isn't there a Homeless Manager supposed to be at the shelter.
5. STAFF ITEMS – Kimberly Murdaugh, Interim Assistant City Manager stated at the Tracy Homeless Advisory Committee meeting staff was asked to return to Council with an informational item on the City's ongoing efforts regarding the encampment cleanups. That item will return to City Council on the April 16, 2024, Council meeting.

Karin Schnaider, Assistant City Manager provided the following announcements:

- Join us for Rollin' Rec at Greymont Park tomorrow from 2:30-5:00 p.m. for free arts and crafts, games, and sports.
- Our Parks and Rec Summer Activity Guide is now available, and registration begins at 8:00 a.m. on Monday, April 8th.
- Our Youth Advisory Commission is recruiting for both youth and adult commissioners - please visit their page on our website for more information and to apply: CityOfTracy.org. The deadline is April 26, 2024.
- The Finance Committee is conducting a workshop on the City's new business tax structure tomorrow at 6:00 p.m. in Council Chambers.

- The City needs help to name two new Tracy Hills parks! The Park Nomination form is available on our website and the deadline for submittal is April 25, 2024.

Mayor Young stated part of the request Ms. Schnaider spoke about was about different clubs, organizations like TAAA and Southside, other organizations to reach out to for youth. They have youth components and raising scholarships to make sure they are aware as they have expressed interest in applying for the adult position.

6. COUNCIL ITEMS – Mayor Pro Tem Davis stated she was pleased to join Mayor and staff to welcome students from Memuro, Japan and attend the Sayonara dinner that was held last week. Great meeting the exchange students and nice to hear how happy they were to visit some of the places that their exchange parents took them between Tracy, the Bay Area and the valley.

Mayor Pro Tem Davis stated she attended the first ever Holi event in Tracy put on by the Tracy Reach team at Lincoln Park and is known as festival of color spreading peace and joy. Also supported SK Vineyards who held a women's empowerment networking event. Congratulated Skyview Aviation who put on a wonderful mixer. It is Tracy's only flight school and met a young female pilot and talked to them about flying commercial in the next year or so.

Council Member Arriola reported on his attendance at NLC and various projects and announced he was elected to Executive Board of the National LGBTQ Caucus. Council Member Arriola wished safe travels to his Council colleagues to the federal lobbying trip next week.

Council Member Evans echoed the sentiment from Mayor Pro Tem Davis regarding the Sayonara event with exchange students from our sister city, the Holi event and the Chamber event at Skyview Aviation. Tracy has a great community and so many opportunities to engage with them.

Council Member Evans asked if Council will be getting an update on the Housing Element soon. It has been a few months since we submitted to the state.

Ms. Schnaider responded the responses received were of a technical nature and staff is working on answers at this time and believe that it will not be returning to City Council and will be able to return it directly to HCD with those comments. Had two meetings with HCD and no material changes to the plan, just further analysis to prove those sites were viable and expect to return it with that analysis to HCD for the next set of reviews.

Council Member Evans stated Kristina Darling came in at the earlier meeting regarding some interim solutions while we are waiting for the full build out of the animal shelter. Was there an action on that and takeaway from staff.

Ms. Schnaider responded what she heard was Council would like that item to return with discussion with a first and second from Mayor Young and Mayor Pro Tem Davis and will work with the Police Chief for a date.

Council Member Evans stated another member of the public mentioned the Presidential Volunteer Service Award. Sounds like a good opportunity for our City and asked if it was something the City can do.

Kimberly Murdaugh, Interim Assistant City Manager stated the Human Resources team is already researching the program and will be presenting it to the City Manager upon her return next week.

Mayor Young added to her report that she has already submitted, there are links to check out agendas if interested. Mayor Young reminded all young high school students that the deadline is coming up on April 15, 2024, at 3:00 p.m. for the Mayor's Summer Youth Internship Program. It will be from June 17 through July 25, 2024. It is a great way to learn about government service, is paid and is a way to have a level of independence which our youth need.

7. ADJOURNMENT – Time: 11:39 p.m.

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

The above agenda was posted at the Tracy City Hall on March 28, 2024. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk