

April 16, 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 8:32 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.

Priest Atul Batra, Sant Nirankari Mission offered the invocation.

Mayor Young deviated from agenda for an announcement from staff. Midori Lichtwardt, City Manager shared that item 3.B will not be heard.

Bijal Patel, City Attorney clarified that the item is completely pulled but since it was agendized, the public has an opportunity to speak on that item under the Items of the Audience

Mayor Young proclaimed May 2 as National Month of Prayer.

Mayor Young presented a proclamation for National Bike to Work Week to Dotty Nygard from Tracy Bike Life Youth Program.

Mayor Young presented a proclamation for Older Americans Month to Henry Koertzen, Senior Center Volunteer.

Mayor Young presented a proclamation for National Volunteer Week to Jerry Green, Athletics Volunteer.

Mayor Young presented a proclamation for Building Safety Month to Christopher Morgan, Building Official.

Mayor Young proclaimed Asian American and Pacific Islander Heritage Month.

Mayor Young presented a proclamation for the Earth Day to Dotty Nygard from Tracy Earth Project.

1. CONSENT CALENDAR – Following the removal of Consent Item 1.C, 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 April 2, 2024 Special Meeting and Regular Meeting Minutes.- Minutes were adopted.

- 1.B. Staff recommends that the City Council adopt a resolution approving a leave of absence for Transportation Advisory Commissioner Maurice Francis for the months of April and May 2024. – Resolution 2024-056
- 1.D. Staff recommends that the City Council adopt a Resolution authorizing the purchase order for one Atlas Copco PAS F88 mobile dewatering pump from Holland Pump Company through a competitively bid Sourcwell Cooperative Agreement in the amount of \$97,392.50 for the John Jones Water Treatment Plant; and 2) declaring the existing mobile dewatering pump as surplus and approving its disposition pursuant to Tracy Municipal Code Section 2.20.310. – Resolution 2024-057
- 1.E. Staff recommends that the City Council adopt a resolution (1) accepting improvements for Corral Hollow Road Widening as complete, (2) authorizing the City Engineer to release the bonds furnished by the developer, and (3) authorizing the City Clerk to file the Notice of Completion with the San Joaquin County Recorder's Office. – Resolution 2024-058
- 1.F. Staff recommends that the City Council adopt a resolution (1) Approving the City's Annual Military Equipment Report (2) Adopting findings required under Government Code Section 7071(e)(2) for each item of military equipment identified in such report; and (3) Approving the renewal of City Ordinance 1327 authorizing the continued use of specified military equipment as required by Government Code Section 7071(e)(2). – Resolution 2024-059
- 1.G. Staff recommends that the City Council accept the Tracy Homelessness Advisory Committee's informational report regarding the ongoing progress of the Tracy Police Department's Homeless Outreach Team (Familiar Faces) and response to Homeless Encampments. - Council accepted report.
- 1.H. Staff recommends that the City Council adopt a resolution: (1) making findings under Tracy Municipal Code Section 2.20.180(B)(4) that strict compliance with the bidding process is not in the best interest of the City;(2) approving a General Service Agreement with American Traffic Solutions, Inc., a Kansas corporation doing business as Verra Mobility, to implement the City's automated red -light photo enforcement program for up to 15 traffic intersections throughout the City for a five-year term and annual not-to-exceed amount of \$63,000.00; and (3) authorizing the City Manager to administratively extend the agreement for up to two additional five-year terms. - Resolution 2024-060
- 1.I. Staff recommends that the City Council waive the second reading and adopt 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 R23-0005). – Ordinance 1344

- 1.C. Staff recommends that the City Council adopt a Resolution 1) accepting a donation of 342 trees from Google LLC, valued at \$76,093, in accordance with the City's Donation Policy adopted by Resolution 2021-108; and 2) authorizing the City Manager to sign the acceptance letter.

Pete Mitracos from the Tracy Tree Foundation expressed gratitude to staff and Council for the efforts in providing trees and for the environmental work that is done throughout the City and shared that if there were more trees the community would do better as a community in providing shade and environmental, and economic benefit. Commended Council and staff for the grant, hoped for more grants in the future and requested an increase in the tree budget by \$2 Million.

Bill Stewart expressed concerns regarding the upkeep and trimming of existing trees throughout the City and shared that he has yet to receive a call back regarding tree trimming.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Davis to approve **Resolution 2024-061**, accepting a donation of 342 trees from Google LLC, valued at \$76,093 in accordance with the City's donation policy adopted by Resolution 2021-108; and authorizing the City Manager to sign the donation acceptance letter. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Dan McManus, represented the Banta Community Members shared his concerns regarding Item 3.B. Asked about the late notification for the Council meeting, considering that something that affects the Banta Community and requested ample notification be given so that people can attend Council meetings if this item comes up. Mr. McManus expressed frustration over the promotion of Earth Day and yet looking to reduce agricultural land by building warehouses.

Council Member Bedolla shared that community members can sign-up online to get the meeting agendas once they are published.

Karin Schnaider, Assistant City Manager clarified what Item 3.B would have encompassed and that the applicant requested that this item be withdrawn.

Mr. McManus expressed frustration over the lack of notification from the City.

Frank Marty thanked Council for stepping up for Tracy, expressed concern over the number of warehouses and how that affected traffic in Banta and how there is an increase in traffic violations and speeding.

Community Member expressed concerns that at the March 19th Council meeting, the facilitator of the meeting had requested that a community member be expelled, requested that the Mayor resign and allow Mayor Pro Tem Davis to continue finishing the term. Expressed frustration at the behavior that was displayed by some Council Members. Urged the community to vote in November.

Council Member Arriola called for a point of order and objected to the characterization.

Mayor Young also objected to the mischaracterization.

Leanne Stoss shared her frustration regarding Item 3.B since that item had already been shot down and shared that Council's duty is to look out for the residents of Tracy and requested that Council stop allowing the building of warehouses.

Vannie Dart expressed that she is glad that Item 3.B had been pulled and asked for further clarification on the CEQA item.

Bijal Patel, City Attorney shared that the item was regarding a policy question and not a project evaluation and with this particular item CEQA was not required but clarified that if this item came back as a project implementation it will require CEQA.

Ms. Dart shared that her security cameras have captured crime, lewd acts and drugs at the warehouse parking lots.

Robert Tanner asked what is going on with the First Amendment and questioned the vote taken at the closed session. Stated that the perception of the elimination or reduction of the First Amendment rights is prevalent and expressed concern for the length of the Council Meetings and the reduction of time for the public to speak.

Burnell Shull shared a letter with Council, City Manager, City Attorney and Deputy City Clerk regarding the meeting on March 19th and expressed concerns over Brown Act violations and her intent to formally file a notice of Brown Act Violation and Cease and Desist.

Steve Hilton expressed concerns regarding the traffic that comes from the warehouses and how there was a plan at one point to redirect traffic. Mr. Hilton also shared his concern for orchards being removed, thanked the three Council Members that voted against more warehouses and stated the other two Council Members that voted in favor did not listen to the community.

Community Member stated that what happened at the last meeting was a premeditated ploy against the Mayor and that Council violated the Brown Act for not following the Grand Jury ruling to have a super majority vote, and that the alignment with the City Attorney to disobey the Grand Jury and use a 3-2 vote. Shared support for the Mayor and urged the people of Tracy to vote for the Council Members that will hold the City Attorney accountable.

Community Members shared concerns regarding the condition of the skate park in the Edgewood neighborhood, pavement has large cracks throughout and that it is in no condition to skate and requested that the pavement repairs be prioritized before a serious injury takes place.

Cruz Fairfield shared his experience regarding the roads near the warehouses and the safety concerns with increased traffic, the environmental impacts, and expressed his disappointment in the cutting of the trees at El Pescadero Park.

Adriana Castro shared that the current warehouses has increased commuter traffic and the County coming to build a new bypass but that it comes through Banta. Asked if Tracy brought the warehouses, why traffic impact was not also looked at. Regarding the

decision to take farmland, and that one acre of corn removes eight tons of greenhouse gases.

Cybil Spikes expressed her concerns regarding traffic and the warehouses. Ms. Spikes shared that Tracy is a great place to raise a family but the number of warehouses being built needs to stop.

Patty Marty, a Banta resident shared her concerns regarding the warehouses and how it impacts Banta, and that the City needs to take better care of the streets around the warehouses. Also expressed concerns over the infrastructure that is required to support the traffic flow, and requested more information on what is going to prior planned infrastructure changes and asked that Tracy take accountability for their city.

Mike Schober shared that there are six months left with this Council and requested that people on both sides need to stop with the negativity that makes the City look bad, regardless of how people feel about the Mayor, she was elected and if you do not like her that is why there are elections. Urged the community and Council to get along and stop the negativity.

3. REGULAR AGENDA

- 3.A. Staff recommends that City Council adopt a resolution (1) approving the Citywide Water System Master Plan Update, (2) approving the Citywide Public Safety Master Plan Update, (3) approving the Citywide Public Facilities Master Plan Update, and (4) determining that the updates are exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15183.

Lauren Gonzales, Management Analyst introduced the following:

Elizabeth Drayer, consultant from West Yost and Associates presented the Water Master Plan Update.

Bruce Playle and Prescott Nichols, consultants from Indigo Hammond and Playle Architects presented the Public Safety Master Plan Update.

Matthew Evans, consultant from KPA Group presented the Public Facilities Master Plan Update.

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

Council questions and comments followed.

Cruz Fairfield requested a breakdown of the \$24.9 million dollars that are allotted for the Police Department. Prescott Nichols, consultant from Indigo Hammond and Playle Architects provided clarification.

ACTION: Motion was made by Council Member Bedolla and seconded by Mayor Pro Tem Davis to adopt **Resolution 2024-062** (1) approving the Citywide Water System Master Plan Update, (2) approving the Citywide Public Safety Master Plan Update, (3) approving the Citywide Public Facilities Master Plan Update, and (4)

determining that the updates are exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15183. Roll call found all in favor; passed and so ordered.

3.B Staff recommends that the City Council:

- 1) Determine that the authorizing initial negotiation of a development agreement is categorically exempt from the California Environment Quality Act, pursuant to CEQA Guidelines Section 15061(b)(3);
- 2) Authorize staff to negotiate a Development Agreement with the Tracy Alliance group, by and through Dermody Properties, related to property at the northeast corner of Grant Line and Paradise Roads.

Item was pulled from the agenda due to the applicant withdrawing the item. Bijal Patel, City Attorney clarified that since it was an agenda item, the public can still comment on this under Items of the Audience.

4. ITEMS FROM THE AUDIENCE – Rosario Arulappan shared concerns regarding trucks and traffic, continued damage to roads and air quality and expressed frustration at the lack of attraction to business without infrastructure and the lack of progress with the aquatic center. Mr. Arulappan urged Council not to make the same mistakes as they did with Ellis.

Karen Moore thanked Council Member Arriola and Mayor Pro Tem Davis for asking the questions that she also had regarding Item 3.A.

5. STAFF ITEMS – Midori Lichtwardt, City Manager announced the following:
- Thursday's Homelessness Advisory Committee Meeting has been canceled, but a Special Meeting has been rescheduled for May 14, as well as our May 7 Regular Council Meeting – the next regular meeting is scheduled for May 21.
 - Join us for Rollin' Rec at Clyde Bland Park tomorrow from 2:30-5:30 p.m. for free arts and crafts, games, and sports.
 - Seniors 50 and better are invited to dance with us at Lolly Hansen Senior Center tomorrow from 4-7 p.m. for their Disco Fever event.
 - Stroll with Patrol at West Valley Mall is also happening tomorrow at 4:30 p.m. Stop by to visit with our Tracy Police Officers.
 - Our Youth Advisory Commission is still 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.
 - We need your 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.

Karin Schnaider, Assistant City Manager shared that the regularly scheduled Finance Committee has been cancelled a Special Meeting has been rescheduled for April 29, 2024.

Council Member Bedolla left at 10:45 p.m.

6. COUNCIL ITEMS – Mayor Pro Tem Davis shared that she attended the Tracy Federal Lobbying Trip, thanked staff and Council colleagues, and highlighted the committees and Congress representatives that they met with.

Mayor Pro Tem Davis requested support for rescinding resolution 2016-115 which establishes the revised procedures and requirements for the consideration for Development Agreements, Council Member Evans supported the request.

Mayor Pro Tem Davis stated she attended several Community Events and commended the Knights of Columbus for their crab feed fundraiser, congratulated the opening of Speers Barbecue at the Tracy Golf Course, congratulated TCCA for Taps on Tenth, and participated in the Holla Mohalla celebration with the Sikh Community.

Council Member Arriola shared that his work with Mayor Pro Tem and Council Member Bedolla was fruitful and positive, wished Council colleagues safe travel for their upcoming One Voice Trip. Happy Earth Day and will be celebrating with the Tracy Earth Project on April 27.

Council Member Evans attended the same events as Mayor Pro Tem Davis and urged the community to attend more community events.

Mayor Young shared events from the Washington D.C. trip and partnered with Mayor Pro Tem Davis and Council Member Bedolla and expressed teamwork along with the Lobbyist, Karin Schnaider, Assistant City Manager and Sara Cowell, Finance Director and will also be attending the first day of the Cal Cities Summit Leadership.

7. ADJOURNMENT – Time: 10:58 p.m.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Arriola 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 was not present.

The above agenda was posted at the Tracy City Hall on April 11, 2024. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk