

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

April 30, 2024, 5:00 p.m.

Tracy City Hall, 333 Civic Center Plaza, Tracy, CA.

1. Mayor Young called the meeting to order at 5:01 p.m.
2. There were no actions taken pursuant to AB 2449.
3. Roll call found Council Members Arriola, Bedolla, Evans, Mayor Pro Tem Davis and Mayor Young present. There was no declaration of conflicts by City Council.
4. Midori Lichtwardt, City Manager presented Employee of the Month Award to Stacey Perrien, Maintenance Worker – Utilities.

Mayor Young presented Proclamation for Lyme Disease Awareness Month to Samantha Heinrich.

Mayor Young proclaimed May as Neurofibromatosis Awareness Month.

Mayor Young presented a Proclamation for National Public Works Week to David Murphy, Assistant Director – Operations.

5. Items from the audience – Robert Tanner wanted to know if Council was aware that the Salvation Army who is running the shelter are bringing in homeless individuals from out of town and called for an investigation regarding this issue.

Alice English thanked the Ripon, Escalon, Lathrop and South County Fire that assisted with the fire near the Banta Inn. Ms. English stated that the Mayor has no right to interrupt the speaker, prohibit freedom of speech, and no right to have people escorted out of the meeting.

Mayor Young responded to Ms. English's comments.

6. CONSENT ITEMS: 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.
 - 6.A. Approval of April 16, 2024, Closed Session, Special Meeting and Regular Meeting Minutes, and April 23, 2024, Special Meeting and Closed Session Minutes. – **Minutes were approved.**
 - 6.B. The Tracy Finance Committee recommends that the City Council adopt a resolution authorizing the execution of an agreement to commit to the purchase of two replacement fire apparatus for the cost of \$2,297,696 to be paid upon the date of delivery, estimated to be 32 months later. - **Resolution 2024-063**
 - 6.C. By Motion, Authorize the City Attorney to Respond to the Formal Notice of Brown Act Violation/ Cease and Desist from Burnell Shull dated April 16, 2024. – **City Attorney authorized to transmit notice to Burnell Shull.**

7. DISCUSSION ITEMS.

Mayor Pro Tem Davis shared that she would be recusing herself from Item 7.A due to proximity of real property at 5:29 p.m.

- 7.A. The Tracy Parks & Community Services Commission recommends that the City Council, for the Aquatic Center Capital Improvement Project 78054 (Project), by motion, take the following actions: 1) reject the use of Developer's Design Development Plans; and 2) authorize staff to plan the Project with Base Program – Option B with a \$55 million project budget for the ultimate City-led development of the Project.

Richard Joaquin, Parks Planning & Development Manager, Jolene Jauregui, Interim Parks and Recreation Director and Brian MacDonald, Interim Public Works Director provided the staff report and presentation.

Todd Lieberg, Chairperson for the Parks and Recreation Commission, spoke on behalf of the commission, shared history of the project, and the role of the Parks and Recreation Commission. Mr. Lieberg stated that after multiple meetings with the swim community, community at large and Council the Parks Commission voted to approve Option B and encouraged Council to follow suit.

Council questions followed.

John Hughes, consultant from Griffith Structures responded to Council questions.

Council questions continued.

Dan Randall shared his experience consulting with other cities and distress over the cost, what staff is offering and asking the citizens of Tracy to accept a lower class of facility, expressed that the full promised amenities can be done for far less than \$165 million.

Rosario Arulappan represented a group of community members, shared the project that Surland is presenting is great if they would be paying the \$165 million, expressed concerns regarding the Surland proposal that includes a bar. Mr. Arulappan expressed support for Option B that staff presented and shared information regarding Mitracos vs. Surland lawsuit, history of the Ellis Community, the promise of an Aquatic Center, and the distrust that the community now has for the developer and requested that the City plans be accepted and that the Aquatic Center be built for the Citizens of Tracy.

Robert Tanner shared that the past Planning Commission removed the cabana and bar option because alcohol and water will have an increase in emergency medical services, suggested that the park be used year-round by adding an indoor pool and eliminating the lazy river.

Community Member thanked staff for the clear options presented, recommended that Council vote for Option B, and asked if the option of a lazy river and indoor pool can still be added within the \$55 million.

Leah Austin requested Council to move forward with the community design approach for the Aquatic Center, called for a review of how the Measure V funds are prioritizing allocation of funds for amenities, urged Council to reject the recommendation presented and vote for the community design plan.

Community Member expressed concerns regarding design and that the Tracy people deserve to have the best aquatic park and asked that a police station be included as part of the plan for the aquatic park.

Community Member shared the experience of living in a community with an Aquatic Center, supported an expansion on Option B, asked how much of the developer plans can be incorporated, and requested that staff come back with real numbers and not conceptual numbers.

Community Member shared support for Option B and requested that the project be expedited because the community has waited too long for this amenity.

Community Member shared support for Option B and stated a City led project helps better the community.

Community Member shared that the City deserves something that it can be proud of, stop the delays because that drives up the prices, look into how the facility can be run year-round, and options that would make the park self-sustainable.

Community Member shared that there was a promise that was made when the residents purchased their homes and would like a decision and action taken, feels let down by this process, the length of the process that it took to get here, expressed support for Option B, and that an additional \$100 million will take away from other needed amenities.

Frank Morellis shared that this needs to move forward and give the stakeholder direction to get this passed for many families to benefit from right away.

Community Member shared his excitement that things are moving and does not understand why there is extended discussion especially if the land and money are available, asked what happens if Council does not support and if that cause further delays.

Brian Young expressed frustration on the lack of amenities, the additional travel to use amenities at other cities, and that an Aquatic Center will be a great outlet for the youth. Mr. Young read a letter from Regan Martin that expressed support for the Aquatic Center.

Sandy Taylor expressed support for Surland and about membership of the 2005 Aquatic Center Taskforce, finds the City's plan is offensive, urged Council to move forward with the community designed Aquatic Center, and to stop excluding the developers and the community members that disagree with Council.

Danielle shared that the population of Tracy has grown, and the plan presented by the City is not considering future City growth, and shared experience at the Aquatic Center in Livermore.

Community Member asked how the options were prioritized for Option B, asked that an indoor pool be included for year-round utilization of the Aquatic Center.

Chris Long from Surland, shared organizational background and relationship with the City in the building of the Transit Center and City Hall. Mr. Long stated that Surland is committed to pay the remaining balance of \$8 million if the City accepts that as final payment and shared that cost estimates are overstated and would like to sit with the City in good faith to find a resolution to outstanding issues.

Council Member Bedolla asked questions and Mr. Long responded.

Ann Langley shared that she is a member of the Aquatics Taskforce, staff keeps referring to Surland Plans when in fact these plans are the citizen plans and asked that the City collaborate and invest in the community to build for future growth.

Vannie Dart asked that Council vote wisely since this is taxpayer dollars, asked that Council vote on Option B, and save money for the addition of Police Officers and another precinct.

Roy Hawkins shared that he is a member of the City Council appointed Aquatic Taskforce, that was never disbanded, staff and Council refuse to meet with the taskforce and shared that the City needs an Aquatic Center and not a swim center.

Alice English shared information from past Council meetings, asked Council to not be irresponsible with taxpayer money, this is the future of Tracy, Surland has yet to live up to what they promised, urged Council not to make the mistakes that have been made in the past, and shared that Council Member Arriola has received election donations from Surland that is why he will not vote against the developer.

Council Member Arriola objected to the characterization and clarified that he voted to sue Surland for the funds owed.

G. Jacob asked where the funds shortfall would come from if the developer supported plan is approved, and urged Council to vote for Option B.

Michel Bazinet stated he finds the City to be hypocritical in the difference between the acceptance of the Multigenerational Center and the Aquatic Center, and supports the developer led project for the Aquatic Center.

Dustin Smith-Salinas stated there seems to be too many questions for this project regarding the financial impact and expressed that it is irresponsible for the City to approve this without a plan.

Ubbo Coty expressed disappointment that the City has the land, funds, more changes are being proposed without a plan, and expressed concerns with potential delays, and concerns regarding the location of the proposed location and its proximity to the airport.

Community Member expressed support for Option B, stated the lack of amenities forces families to go outside of Tracy, shared concerns regarding inflation, and urged Council to start now.

Ajay Yvs urged Council to approve Option B and asked that it be done sooner rather than later.

Gabriella Rodriguez Machuca asked about the actual funds that are needed, why the closed session meeting is being held after this meeting, and how can a decision be made considering that there are so many unanswered questions regarding this project, and asked why it can't be done in phases.

Jose Chavez urged City Council to approve Option B, shared that this is not intended to be a resort or county amenity but an amenity for the residents of Tracy.

Community Member shared that Council has decided to ignore what the community wants, seems that the City is looking to build a glorified motel pool, that it will not be as nice as the Great Wolf Resort, and supports a resort style center.

Council comments continued.

Council Member Bedolla motioned to reject the use of the developers design development plans and authorize staff to plan the project with elements of the 2020 conceptual plan and return to City Council with concept for further consideration and discussion, Council Member Evans seconded the motion.

Council comments and questions continued.

Council Member Arriola made a substitute motion to authorize staff to plan the project with 2020 previously approved City Council program priorities and to include potential phase options.

Council Member Bedolla asked Council Member Evans if he would accept a friendly amendment to move on with the elements of the 2020 conceptual plan. To strike to reject the plans.

Council discussion continued.

Mayor Young made a friendly amendment in the motion – adding other options. Council Member Bedolla restated his motion to reject the plans and go with the elements of the 2020 conceptual plans.

Council Member Arriola clarified his did not include portion one, only included the second portion but it was 2020 plans with consideration of phasing.

Ms. Patel clarified that the City does not own the developer plans and the procurement process will not be piggybacking on someone else's plan.

Council comments and questions continued.

Council Member Bedolla restated his motion to authorize staff to plan the project with the elements of the 2020 conceptual plan and return to City Council with a concept for further discussion and to reflect Council's comments today.

Council Member Evans made an alternative motion which is exactly that (Council Member Bedolla's motion) except want a base design at the \$55 million and with inclusive of alternates that meet the 2020 program priorities.

Council questions and discussion continued.

Council Member Bedolla restated his motion to authorize staff to plan the project with elements of the 2020 conceptual plan and return to City Council with a concept for an all-encompassing discussion in consideration of every Member's comments tonight. Council Member Arriola and Evans seconded.

Council questions and discussion continued.

Council Member Bedolla restated his motion again to authorize staff to plan the project with the elements of the 2020 conceptual plan and return to City Council with a concept for further discussion.

Mayor Young stated within three months.

Council Member Bedolla responded as soon as possible.

ACTION: Motion was made by Council Member Bedolla and seconded by Council Member Evans to authorize staff to plan the project with the elements of the 2020 conceptual plan and return to City Council with a concept for further discussion. Roll call found Council Members Arriola, Bedolla, Evans and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Davis absent.

Mayor Pro Tem Davis rejoined the meeting at 9:47 p.m.

8. Council Items and Comments – Council Member Arriola, wished his Council colleagues safe travels to the One Voice trip and Happy Mother's Day to all.

Mayor Young wished a Happy Mother's Day, shared Earth Day activities and gave Dotty Nygard a key to the City for all her work in the community.

9. Adjournment – Time: 9:48 p.m.

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

The above agenda was posted at the Tracy City Hall on April 26, 2024. The above are action minutes. A recording is available at the office of the City Clerk.

ATTEST:

Mayor

City Clerk