

SUPPLEMENTAL AGENDA
Agenda modified to reflect remote participation location



TRACY CITY COUNCIL
REGULAR MEETING AGENDA

Tuesday, June 18, 2024, 7:00 P.M.

A quorum of the Tracy City Council will be in attendance at:
Tracy City Hall Chambers, 333 Civic Center Plaza, Tracy CA. 95376
Web Site: www.cityoftracy.org

And

Council Member Bedolla will be attending remotely at the following location:
Bellagio Hotel, Hotel Lobby
3600 S. Las Vegas Blvd
Las Vegas, NV 89109

THIS MEETING WILL BE OPEN TO THE PUBLIC FOR IN-PERSON AND REMOTE PARTICIPATION PURSUANT TO GOVERNMENT CODE SECTION 54953(e).

MEMBERS OF THE PUBLIC MAY PARTICIPATE REMOTELY IN THE MEETING VIA THE FOLLOWING METHOD:

As always, the public may view the City Council meetings live on the City of Tracy's website at CityofTracy.org or on Comcast Channel 26/AT&T U-verse Channel 99. To view from the City's website, open the "Government" menu at the top of the City's homepage and select "[City Council Meeting Videos](#)" under the "City Council" section.

If you only wish to watch the meeting and do not wish to address the Council, the City requests that you stream the meeting through the City's website or watch on Channel 26.

Remote Public Comment:

During the upcoming City Council meeting public comment will be accepted via the options listed below. If you would like to comment remotely, please follow the protocols below:

- *Comments via:*
 - **Online by visiting** <https://cityoftracyevents.webex.com> and using the following **Event Number: 2551 675 0362** and **Event Password: TracyCC**
 - **If you would like to participate in the public comment anonymously**, you may submit your comment in WebEx by typing "Anonymous" when prompted to provide a First and Last Name and inserting Anonymous@example.com when prompted to provide an email address.
 - **Join by phone by dialing +1-408-418-9388, enter 25516750362 #8722922# Press *3** to raise the hand icon to speak on an item.

- *Protocols for commenting via WebEx:*
 - *If you wish to comment on the "Consent Calendar", "Items from the Audience/Public Comment" or "Regular Agenda" portions of the agenda:*
 - 1) *Listen for the Mayor to open that portion of the agenda for discussion, then raise your hand to speak by clicking on the Hand icon on the Participants panel to the right of your screen.*
 - 2) *If you no longer wish to comment, you may lower your hand by clicking on the Hand icon again.*

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- *Comments for the “Consent Calendar” “Items from the Agenda/Public Comment” or “Regular Agenda” portions of the agenda will be accepted until the public comment for that item is closed.*
- *Comments received on Webex outside of the comment periods outlined above will not be included in the record.*

Americans With Disabilities Act - The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in Council meetings. Persons requiring assistance or auxiliary aids should call City Hall (209/831-6105) 24 hours prior to the meeting.

Addressing the Council on Items on the Agenda - The Brown Act provides that every regular Council meeting shall provide an opportunity for the public to address the Council on any item within its jurisdiction before or during the Council's consideration of the item, provided no action shall be taken on any item not on the agenda. To facilitate the orderly process of public comment and to assist the Council to conduct its business as efficiently as possible, members of the public wishing to address the Council are requested to, but not required to, hand a speaker card, which includes the speaker's name or other identifying designation and address to the City Clerk prior to the agenda item being called. Generally, once the City Council begins its consideration of an item, no more speaker cards will be accepted. An individual's failure to present a speaker card or state their name shall not preclude the individual from addressing the Council. Each citizen will be allowed a maximum of five minutes for input or testimony. In the event there are 15 or more individuals wishing to speak regarding any agenda item including the “Items from the Audience/Public Comment” portion of the agenda and regular items, the maximum amount of time allowed per speaker will be three minutes. When speaking under a specific agenda item, each speaker should avoid repetition of the remarks of the prior speakers. To promote time efficiency and an orderly meeting, the Presiding Officer may request that a spokesperson be designated to represent similar views. A designated spokesperson shall have 10 minutes to speak. At the Presiding Officer's discretion, additional time may be granted. The City Clerk shall be the timekeeper.

Consent Calendar - All items listed on the Consent Calendar are considered routine and/or consistent with previous City Council direction. One motion, a second, and a roll call vote may enact the items listed on the Consent Calendar. No separate discussion of Consent Calendar items shall take place unless a member of the City Council, City staff or the public request discussion on a specific item.

Addressing the Council on Items not on the Agenda – The Brown Act prohibits discussion or action on items not on the posted agenda. The City Council's Meeting Protocols and Rules of Procedure provide that in the interest of allowing Council to have adequate time to address the agenda items of business, “Items from the Audience/Public Comment” following the Consent Calendar will be limited to 15-minutes maximum period. “Items from the Audience/Public Comment” listed near the end of the agenda will not have a maximum time limit. A five-minute maximum time limit per speaker will apply to all individuals speaking during “Items from the Audience/Public Comment”. For non-agendized items, Council Members may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to Council. When members of the public address the Council, they should be as specific as possible about their concerns. If several members of the public comment on the same issue an effort should be made to avoid repetition of views already expressed.

Notice - A 90 day limit is set by law for filing challenges in the Superior Court to certain City administrative decisions and orders when those decisions or orders require: (1) a hearing by law, (2) the receipt of evidence, and (3) the exercise of discretion. The 90 day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge a City Council action in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised during the public hearing, or raised in written correspondence delivered to the City Council prior to or at the public hearing.

Full copies of the agenda are available on the City's website: www.cityoftracy.org

Date Posted: June 14, 2024

CALL TO ORDER

ACTIONS, BY MOTION, OF CITY COUNCIL PURSUANT TO AB 2449, IF ANY

ROLL CALL AND DECLARATION OF CONFLICTS

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS

ORDER OF BUSINESS

1. CONSENT CALENDAR

- 1.A Adoption of June 4, 2024 Special Meeting, Regular Meeting, and Closed Session Meeting Minutes.
- 1.B Staff recommends that the City Council adopt a Resolution: 1) approving a Subdivision Improvement Agreement between the City and Lennar Homes of California, LLC for the construction of the 1st Neighborhood Park in Tracy Hills Phase 2 in Tract 4136; and 2) authorizing the City Clerk to file the Agreement with the Office of the San Joaquin County Recorder.
- 1.C Staff recommends that City Council adopt a Resolution: 1) approving a Master Professional Services Agreement with Associated Right of Way Services, Inc. to provide On-Call Right-of-Way Acquisition Services for the Engineering Division, for an initial term of three years, for a not to exceed amount of \$300,000 per fiscal year, and 2) authorizing the City Manager to administratively extend the length of the contract for up to two additional years.
- 1.D Staff recommends that the City Council 1) declare certain vehicles and equipment as surplus pursuant to Tracy Municipal Code Section 2.20.310, and 2) approve the sale of such surplus property at public auction to the highest bidder.
- 1.E Staff recommends that City Council adopt a Resolution approving a General Services Agreement with Karbonous, Inc., a California Corporation, for Tertiary Filters Media Replenishment at the City's Wastewater Treatment Plant in a not-to-exceed amount of \$217,052 for a one-year term.
- 1.F Staff recommends that the City Council adopt a Resolution (1) accepting as complete the construction of the Ammonia Storage- Feed Systems at the Park & Ride Well No. 6 and the Ball Park Well No. 7, Capital Improvement Project 75162, completed by TNT Industrial Contractors, Inc. of Sacramento, California, (2) authorizing the City Clerk to file the Notice of Completion with the San Joaquin County Recorder's Office, and (3) authorizing the City Engineer to release the bonds and retention payment.
- 1.G Staff recommends that the City Council adopt a resolution (1) accepting the public improvements for Tracy Hills Phase 1B Park hereinafter known as Gene Birk Park, constructed by Lennar Homes of California, LLC, and assuming all future operations and maintenance, (2) authorizing the City Clerk to file the Notice of Completion for Gene Birk Park with the San Joaquin County Recorder's Office, and (3) authorizing the City Engineer to release the Gene Birk Park improvement security in accordance with the terms of the Subdivision Improvement Agreement.

- 1.H Staff recommends that the City Council adopt the following resolutions: 1) approving an On-Call Professional Services List, for Land Surveying Services, for five years, and 2) authorizing the A) execution of a Master Professional Services Agreement with David W. Enke, L.S., to provide Land Surveying Services for an initial term of three years for a not to exceed amount of \$300,000 per fiscal year, and B) City Manager to administratively extend the length of the contract for up to two years.
- 1.I Staff recommends that City Council adopt the following Resolutions: 1) approving an On-Call Professional Services List, for Material Testing Services, for five years, and 2) authorizing the A) execution of a Master Professional Services Agreements with BSK Associates, and Terracon Consultants, Inc., each, to provide Material Testing Services for an initial term of three years for a not-to-exceed annual amount of \$200,000, and B) City Manager to administratively extend the length of the contract for up to two years.
- 1.J Staff recommends that City Council adopt Resolutions: 1) approving an on-call list, for three years, of qualified consultants for environmental review services and planning assistance; and 2) authorizing the execution of six separate Master Professional Service Agreements with such qualified consultants, each for an initial term of three years and a not-to-exceed annual amount of \$500,000.
2. ITEMS FROM THE AUDIENCE
3. REGULAR AGENDA
 - 3.A. Staff recommends that the City Council conduct a public hearing and upon conclusion adopt a resolution ordering the levy and collection of assessments within the Tracy Consolidated Landscape Maintenance District for Fiscal Year 2024/2025.
 - 3.B Staff recommends that the City Council discuss options to amend Chapter 6.04 (Business Taxes) of the Tracy Municipal Code and direct staff to return with a future ordinance 1) amending Chapter 6.04 to provide a temporary fifty percent rate reduction and industry specific amendments, or 2) through some other method of amending Chapter 6.04.
4. ITEMS FROM THE AUDIENCE
5. STAFF ITEMS
6. COUNCIL ITEMS
7. ADJOURNMENT

Posting Date: June 14, 2024

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