

June 4, 2024, 7:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy

Web Site: [www.cityoftracy.org](http://www.cityoftracy.org)

Mayor Young called the meeting to order at 7:40 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.

Mayor Young led the Pledge of Allegiance.

Pastor Doug Diestler, Tracy Mission City Church offered the invocation.

Midori Lichtwardt, City Manager presented Employee of the Month award for June to Wayne Bogart, Public Works.

Mayor Young presented Certificates of Recognition to Earth Day Challenge winners.

Mayor Young presented a Certificate of Appointment to Measure V Residents' Oversight Committee Member Glen Tony Rock Maria Joseph.

Mayor Young presented Juneteenth Day Proclamation to Gwendolyn White and Olinga Alexander, Tracy African American Association.

1. CONSENT CALENDAR – Following the removal of Consent Items 1.B by Mayor Young, 1.G by Alice English and 1.E 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 all in favor; passed and so ordered.
  - 1.A. Adoption of May 21, 2024 Special Meeting and Regular Meeting Minutes. – **Minutes were approved.**
  - 1.C. Staff recommends that the City Council adopt a Resolution (1) authorizing designation of the City Manager and Assistant City Manager to execute future documents required by the California Governor's Office of Emergency Services for state and federal disaster funding assistance for a period of three (3) years; (2) authorizing the Assistant City Manager to execute the Project Assurances For Federal Assistance. – **Resolution 2024-079** authorized the designation of the City Manager and Assistant City Manager to execute future documents required by the California Governor's Office of Emergency Services for state and federal disaster funding assistance.
  - 1.D. Adopt a Resolution: 1) Calling and giving notice to hold a General Municipal Election on Tuesday, November 5, 2024, for the election of certain officers pursuant to the California Elections Code; 2) Requesting the Board of

Supervisors of San Joaquin County to consolidate the City of Tracy's General Municipal Election with the Statewide General Election to be held on November 5, 2024; 3) Requesting the services of the San Joaquin County Registrar of Voters (Registrar); and 4) Authorizing the payment of costs for such services, for the amount of actual costs incurred. – **Resolution 2024-080** called and gave notice to hold a General Municipal Election on Tuesday, November 5, 2024 2) Requested the Board of Supervisors of San Joaquin County to consolidate the City of Tracy's General Municipal Election with the Statewide General Election 3) Requested the services of the San Joaquin County Registrar of Voters; and 4) authorized the payment of costs for such services.

- 1.F. Staff recommends that the City Council adopt a Resolution (1) accepting Landscape Improvements for Retention Basin, Tracy Hills Phase 1A, Tract 3878, (2) authorizing the City Engineer to accept a One Year Warranty bond, and (3) authorizing the City Clerk to file the Notice of Completion with the San Joaquin County Recorder's Office. – **Resolution 2024-081** accepted Landscape Improvements for Retention Basin, Tracy Hills Phase 1A, Tracy 3878.
- 1.H. Staff recommends that the City Council adopt a Resolution authorizing the following amendments to the City's Classification and Compensation Plan and Master Salary Schedule: (1) Add the classifications of Communications Coordinator, Deputy Police Chief, Planning Manager, and Senior Animal Services Officer. – **Resolution 2024-082** authorized the amendments to the City's Classification and Compensation Plan and Master Salary Schedule.
- 1.I. Staff recommends that the City Council adopt a Resolution accepting a list of proposed projects for Fiscal Year 2024-2025 funded by California Senate Bill 1: The Road Repair and Accountability Act of 2017. – **Resolution 2024-083** accepted a list of proposed projects for Fiscal Year 2024-2025 funded by California Senate Bill 1: The Road Repair and Accountability Act of 2017.
- 1.J. Staff recommends that the City Council adopt a Resolution approving an On-Call Professional Services list, for five years, for Roadway and Utility Design Services consisting of: Bellecci & Associate Inc., BKF Engineers, CSG Consultants, Inc., Kimley-Horn and Associates, Inc., Kjeldsen, Sinnock, and Neudeck, Inc., Mark Thomas & Company, Inc., Mott MacDonald Group, Inc., SNG & Associates, Inc., and West Yost & Associates, Inc. – **Resolution 2024-084** approved an On-Call Professional Services list, for five years, for Roadway and Utility Design Services.
- 1.K. Staff recommends that the City Council adopt a Resolution awarding a construction contract to O.C. Jones & Sons, Inc. of Berkeley, California, in the amount of \$42,587,374 for the Interstate 580/Patterson Pass Road/International Parkway Diverging Diamond Interchange Improvements Project (CIP 73147), Federal Project Number ACSB1IM-580-1 (982)E. – **Resolution 2024-085** awarded a construction contract to O.C. Jones & Sons, Inc. for the Interstate 580/Patterson Pass Road/International Parkway Diverging Diamond Interchange Improvements (CIP 73147).

- 1.B. Staff recommends that the City Council accept the Tracy Homelessness Advisory Committee's informational update on efforts pertaining to the Tracy Homelessness Strategic Plan.

Mayor Young pulled the item for discussion.

Virginia Carney, Homeless Services Manager provided the staff report and responded to questions.

Kimberly Murdaugh, Interim Assistant City Manager responded to questions.

Council comments followed.

Robert Tanner asked about bus usage at the shelter. If usage goes down he recommended the bus service be stopped for the shelter.

Ubbo Coty commended Mayor Pro Tem Davis for her work on the Homeless Shelter. Mr. Coty spoke about mailers going out, it is a disgrace, ugly and nasty politics and would be appropriate if other Council Members denounce it as well.

A speaker commended all the work being done and asked if there are temporary places for homeless during extreme weather.

Alice English stated there is a lot of misinformation and shared concerns regarding Council Member Arriola saying he was following Constitutional Law. Mayor Pro Tem Davis has been fighting for policy to clear the parks and help the homeless. The Constitutional Law has not changed. Will continue to support the two Council Members who have been supporting policies in Tracy. Don't be misled by flyers. They are planting the seed.

Council Member Arriola objected to some of the comments. He is a lawyer and denounced any of the information from the flyers and commended this Tracy Homelessness Advisory Committee (THAC).

Council comments followed.

**ACTION:** Motion was made by Mayor Young and seconded by Council Member Bedolla to accept the Tracy Homelessness Advisory Committee's informational update on efforts pertaining to the Tracy Homelessness Strategic Plan. Roll call found all in favor; passed and so ordered.

- 1.E. Staff Recommends that the Tracy City Council receive an informational report regarding the City of Tracy Police Department's update on Crime Statistics of Homicide, Rape, Robbery, and Aggravated Assaults. –

Robert Tanner pulled the item to ask why crime has gone up and asked about the report timeframe.

Sekou Millington, Police Chief and Luis Mejia, Police Captain responded to Mr. Tanner's questions.

Council comments followed.

**ACTION:** Motion was made by Council Member Bedolla and seconded by Council Member Evans to receive the informational report regarding the City of Tracy Police Department's update on Crime Statistics of Homicide, Rape, Robbery, and Aggravated Assaults. Roll call found all in favor; passed and so ordered.

- 1.G. Staff recommends that the City Council adopt a Resolution approving Amendment No. 2 to the Professional Services Agreement with MTM Transit, LLC to (1) extend the contract term for one additional year, from July 1, 2024 through June 30, 2025, and (2) Increase the total contract price for the one-year extension from \$4,216,849.87 to \$4,511,558.21 resulting from an increase in base wages.

Alice English pulled the item and spoke about the comparison of salaries between cities. Be more transparent and bring numbers from San Joaquin County.

There were no comments from City Council.

**ACTION:** Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Davis to adopt **Resolution 2024-086** approving Amendment No. 2 to the Professional Services Agreement with MTM Transit, LLC to (1) Extend the contract term for one additional year from July 1, 2024 through June 30, 2025, and (2) increase the total contract price for the one year extension from \$4,216,849.87 to \$4,511,588.21 resulting from an increase in base wages. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Manki addressed Council about Tracy Hills Phase 1 and the Corral fire which exposed many shortcomings in disaster plan. Need a fire abatement wall around community. It is not there because of aesthetics. Asked Council to stop further development until wall is built. Lammers exit is Phase 2 and not allow residents to go to City side and many years in the making. Asking for multiple exits toward the City.

Mayor Young left the dais.

A resident stated the builder has been disingenuous. They are building another way out but it is toward what was on fire. The exit they need should be east towards the City. Lammers does extend but it is gated off. There is one way out of Tracy Hills no matter what they are telling you. Also, there are problems with Tracy Hills Blvd. It is a trap. It is poorly designed and cannot believe it was allowed to be built this way.

A resident said there was no evacuation order. There is one single lane and if by chance Police Department issued an evacuation order at night, the single lane would be blocked. The school is coming and if anything happens the whole community will rush to that single exit. The emergency road does not work. Need a proper road and asked Council to help them, it will be a big safety concern. Make it a priority. Make an exit on I-580 and on Lammers.

A resident stated we had a nightmare on Sunday and need Council's help to get a wall. Builder does not cooperate. Council needs to stop the development until we get security measures in place. Google shows there is an exit at Lammers. Couldn't exit Lammers Road exit.

Stephanie Peno stated in homes and restaurants two points of exit are required but a community with thousands of residents has only one way in and out. Asking for a useable, paved and unlocked open road for residents to have as a second exit. Asking for a fire abatement barrier along I-580 not only from fires but also vehicles ploughing into the community. Corral fire is a huge wake up call. If wind blowing in different direction, it would have been a disastrous result. Need dates, details, actions and decisions and results. Concerned elected officials are putting needs of developers first.

Mahameed commended the Fire Department and the City who risked their lives. Need prevention. Community is poorly designed. Behind Tracy Hills Road is a mud road behind development. Start working on it and provide a passage. Should be a paved road. Spoke about Lammers exit towards I-205, make exit to I-580. Give at least three exits, and have a wall.

A resident stated in case of an evacuation order were told Police are coming and going to open private entrance. But it should be open already, no one should come and open it. Asking for safe exit and safety measures.

A resident asked Council to visit the Tracy Hills Community and get an idea of how close the fire was to the community. Evacuation plans are not good and need to be revised and asked the plan to be made as soon as possible. Issue is one exit and one entry.

A resident stated evacuation plans are needed. Emergency exit does not have any signs. Have to rely on GPS. In those scenarios residents are in a panic. Asking to put a sign directing where they can go in those situations.

A resident expressed concern regarding Corral fire and gave heartfelt thanks to the Fire Departments for helping save everyone. There is only one entry/exit in Tracy Hills. What is the contingency plan. New homes also being built and also going to be built on the other side of I-580. Daily commute is a big challenge and requested City conduct a drill and open emergency exit. Have meeting with Tracy Hills resident on the recent fire. Time to open South Lammers exit.

Vijay shared appreciation for the Fire Department.

A resident submitted a petition to Council regarding a disaster recovery plan and development of Tracy Hills Phase 1.

Niki Sharma stated the importance of asking for the north Lammers exit is because one side is freeway, and the other side is aqueduct. There is no way out. Tracy Hills Blvd is single lane. Need that exit.

Kristina stated she previously spoke about the Animal Shelter and someone was supposed to contact her but did not. Shared concerns regarding stray dogs and the need for more kennels at the Animal Shelter. Started Tracy Dog Girls Rescue. Need to help the shelter expand.

A resident who fosters dogs shared concerns regarding stray dogs and the shelter and open kennels. No kennels should be open. Telling people to drop the dog back where they found it is unacceptable. City needs to step it up. Build houses, people come and so do pets so who will take accountability.

Robert Tanner stated a flyer received in the mail does not tell whole story. It shows that Council Member Bedolla and Mayor Pro Tem Davis awarded the \$2.6 million to the Salvation Army but it was approved by all five Council Members. Had bad temporary housing taken away and cost over \$600,000 at that time. It is not just these two people on this flyer, was done by a 5-0 vote. The address on the flyer reminded him of the same address that the people from the Aquatics Park are using. Think they are going after progress with Homeless Shelter and MGRC.

Ubbo Koty stated he saw some Council Members doing their part during the fire. Did not see Mr. Arriola at fire site or Facebook. San Joaquin County Supervisor was on Facebook and helping with updates. Kudos to those that helped out.

Council Member Arriola objected to the characterization; he posted many updates on social media.

Jose Lopez on behalf of Tracy Hills Community shared his real-life experience of grandmother falling and not getting help. Took ambulance over 20 minutes to get to her. Today received a call from a good friend who lost his family and home in Maui fire. If something would have gone wrong would be stuck like him with no home and dealing with insurances and unable to find a job. Now we are aware what happens when everything goes right but who will be there when everything goes wrong.

A resident requested Council to come and see Tracy Hills. Will try and organize a meeting this week so they can view the community. Rhere was absolute chaos in the community. Needs to be better communication. People are self-evacuating with no evacuation order.

Alice English thanked the Tracy residents that are here. The miscommunication was incorrect with the news. Instead of saying the hills of Tracy, they said Tracy Hills. Shared her concerns regarding the Corral fire. Power went out. There wa a line of traffic all the way from Tracy Hills past Valpico. Ms. English reminded the Mayor that funds from Measure B and Measure V are not for her personal use. Not here to pay for her to go to galas.

Fire Chief Bradley shared information regarding the Corral fire and evacuations at Tracy Hills. Never an imminent threat to Tracy Hills. Understand messaging was a challenge and are working on that.

Ajith Subramoni echoed all the comments. Have had a really harrowing time to see the hills burning. Some of us evacuated much early because it would have been a lot of chaos. Approach road is one way. Need an abatement wall to save them from fires. Need another exit to I-580. Appreciate Fire Department and all of the other public service during this crisis. Shared concerns regarding roads and evacuation problems and being a safe environment.

Jonathan Hirschberg stated his family saw a wall of fire from their window and were panicking but heard from a friend it was a controlled burn. We should have had better

communication in general with residents. Said there were no evacuation orders for the area. Agreed with putting up a wall to prevent fire from reaching the community. Have to account for winds and security is needed. There has been a four way stop sign at Valpico and Corral Hollow for a long time. Need a wider road and traffic light.

Anonymous shared concerns regarding Tracy Hills area and requested the City to not accept this community until they build a wall.

A resident stated the people who evacuated early got stuck on Valpico and Corral Hollow. Really need that Lammers Road open and shared her concerns regarding the traffic.

Cynthia Reis thanked City Council for always being engaging and interactive when there is anything like the Corral fire and publishing on social media. Council Member Arriola posted a minimum of eight postings regarding evacuation orders and updates.

A resident of Tracy Hills shared his concerns regarding the Corral fire, evacuation plan and the single entry and exit point. There is no fire prevention.

Mayor Young returned to the dais at 9:34 p.m.

### 3. REGULAR AGENDA

#### 3.A. Staff recommends that the City Council receive the annual informational report of the Tracy Arts Commission for the 2023 calendar year and projected goals for calendar year 2024.

William Wilson, Cultural Arts Supervisor provided the staff report and introduced Cynthia Reis, Tracy Arts Commission Chair who provided the presentation.

Council questions and comments followed.

There was no public comment.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Bedolla to receive the annual informational report of the Tracy Arts Commission. Roll call found all in favor; passed and so ordered.

#### 3.B. Adopt an urgency ordinance making findings and establishing a temporary moratorium pursuant to Government Code 65858 on the processing of business tax under Chapter 6.04 of the Tracy Municipal Code, to take effect immediately upon adoption.

Council Member Arriola and Karin Schnaider, Assistant City Manager provided the staff report.

There was no public comment.

Council questions and comments followed.

**ACTION:** Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Davis to adopt **Urgency Ordinance 1345** making findings and establishing a temporary moratorium pursuant to Government Code 65858 on the processing of business tax under Chapter 6.04 of the Tracy Municipal Code, to take effect immediately upon adoption. Roll call found all in favor; passed and so ordered.

- 3.C. Staff requests that the City Council discuss and provide direction to staff whether to return to a future meeting with: 1) an ordinance amending Chapter 2.04.060 of the Tracy Municipal Code modifying the monthly salary of the Mayor and/or Councilmembers; and 2) a resolution amending the monthly salary of the City Treasurer.

Karin Schnaider, Assistant City Manager provided the staff report.

Robert Tanner stated Council is overpaid and do not care about seniors, hiked the water and sewer rates. \$1,900 is too much. \$22,000 plus a year – no to increase. Increase it only an extra \$100.00. People want to see what Council can do. It has been recommended only \$100 difference between Mayor and City Council.

Alice English echoed the same sentiment as Mr. Tanner. Remembers when the water rates were increased and shared concerns about various price and rate increases. Someone that truly cares will not run for money. This is a choice you all made. Be good stewards to our City.

Council questions and comments followed.

**ACTION:** Motion was made by Council Member Bedolla and seconded by Mayor Young to return with a first reading that amends the Tracy Municipal Code (TMC 2.04.060) to reflect the Mayor's monthly salary as \$2,100 compensation and City Councilmembers' as \$1,900 monthly salary compensation; and 2) return with a resolution that reflects an amendment to the City of Tracy's Elected City Treasurer monthly salary compensation to \$1,900. Roll call found Council Members Arriola, Bedolla and Mayor Young in favor; passed and so ordered. Council Member Evans and Mayor Pro Tem Davis opposed.

Mayor Young left the meeting at 10:38 p.m.

4. ITEMS FROM THE AUDIENCE - Siva Yerruboyina spoke about Tracy Hills community needing a sound wall which may help to control the fires. Work with City and Developer to get the wall and asked for Council's help.

Venky stated he had discussions with the Fire Chief about communication and evacuation. Need preventative measures and better communication. Need a sound wall. Shared concerns about traffic on the freeway. It is tumbleweed season and could catch fire and go to other side. Figure out way to build the wall. Invited Council to come to Tracy Hills to see for themselves.

Alice English spoke about a sound wall being confused for a fire wall. Had there been an evacuation Police would have done traffic control. There is a procedure they follow. They are having a meeting with residents in Tracy Hills to talk about emergency steps.



5. STAFF ITEMS – Midori Lichtwardt, City Manager thanked the Fire Authority, Police Department, County OES, multi jurisdictions that crossed over for the Corral fire. It was fortunate not a single life was lost. We are sorry for the house that was not able to be saved but we had minor injuries. Tremendous effort pulling together resources to help keep the community safe. It revealed some vulnerabilities we will have an opportunity to address. There is a meeting being scheduled on Friday with staff. Had an internal meeting on Monday.
6. COUNCIL ITEMS – Council Member Evans shared praise for first responders – South San Joaquin County Fire Authority (SSJCFA) did amazing job, Tracy Police Department had enormous part in ensuring people were safe, other first responder agencies that teamed with our folks. There were risks taken by all, were injuries and did lose a house. There were adverse effects to this fire. Thanked everyone that rose to the challenge.

Council Member Evans thanked those that came from Tracy Hills tonight. Need more people coming into chambers and voicing opinions and making sure to be heard. Got to get in front of your elected officials. Council is here to help the community and public safety is number one. Tried to distribute updates as best he could. Saw a lot of positive stories and hope we get through the lessons learned.

Council Member Arriola thanked SSJCFA, Cal Fire, Alameda County Fire Department, Police Department, County OES, local staff. It is amazing to see the work done together. It was a scary situation, and we were all being contacted by constituents. Thank you to our Tracy Hills residents and look forward to addressing Tracy Hills residents and our vulnerabilities.

Council Member Bedolla made a correction to a comment he made at the prior special meeting: By the end of mid-summer Tracy Hills Phase 1 and Phase 2 will have a total of two paved entrances and exits. The connection of South Lammers Road to Tracy Hills is a few years out.

Council Member Bedolla shared he is a second generation that has built homes in Tracy Hills. His father built the models. He visited Tracy Hills yesterday and saw the communications that came out from Seabreeze Management from their HOA, and pointed out there are three possible ways to exit the community and one is Tracy Hills Drive and the emergency vehicle access route that has to be opened by emergency services as well as the maintenance access route. There may be portions of the maintenance access route that is accessible to vehicles specifically where there are construction trailers finishing up active construction sites. There are metal poles that are secured by padlocks that the residents don't have the code for that are preventing access to the maintenance route. There are legitimate concerns. Since 2020 he brought up there is only one paved road. Emergency showed cracks in the system. Should have a general discussion and evaluation of the concerns and options brought up by the public including a notification system. Want staff to be aware the residents are not going to go away about this and should have the discussion sooner or later. Council Member Evans supported the request.

Council Member Bedolla echoed the comments his colleagues said and City management. There were private property owners who provide their land to Cal Fire for staging effort.

Council Member Bedolla asked about the comments made about Animal Shelter and stated there should be discussion regarding concerns about shelter expansion and a conversation about transitioning to no kill shelter.

Council Member Bedolla clarified he is seeking a general discussion that there is one paved entrance at Tracy Hills at this time, the concerns brought up today about the fire and including the notification system. The OES transposed something that caused a lot of chaos.

Council Member Evans asked how we ensure public safety at Tracy Hills. If there is direction needed that Council could give, he is 100% behind this. Whatever the forum is fine.

Midori Lichtwardt, City Manager asked if a debrief of actions with an opportunity for Council to provide direction to staff for future action.

Council Member Evans stated it would be a conversation of staff, elected officials, developers, first responders.

Ms. Lichtwardt responded the first conversations will be with staff and staff from County OES that had jurisdiction over the communication and bring something back to Council. It may be a two-part step, separating out policy and operations. Council wants to be able to weigh in.

Council Member Evans responded if there is funding needed, Council can weigh in.

Mayor Pro Tem Davis commended SSJCFA and everyone who was a part of OES team, Tracy Police Department, Cal Fire, Office of Emergency Services staff, community members who volunteered, and Council Members who shared messaging about what we were receiving from OES. Want to assure the community that safety is our number one priority, and we will do everything in our power to keep our residents safe. Extended gratitude to SSJCFA in particular because they worked long hours to contain the fire and not reach Tracy Hills. Mayor Pro Tem Davis stated she went to Larch Community Center, the evacuation site. Commended Fire Chief. Recognized vulnerabilities but have confidence that our OES is handling it. No lives lost. Heart goes out to family who lost home.

Mayor Pro Tem Davis echoed sentiments of Council Member Bedolla regarding animals. Hoping something can be done to give support to those that are passionate in helping animals on the street and requested a second to talk about real solutions for unhoused animals and fosters. Council Member Bedolla supported the request.

Karin Schnaider, Assistant City Manager confirmed that a report from the Police Department will be coming to Council on July 2, 2024.

Mayor Pro Tem Davis stated she was proud of Tracy Hills residents who came in and spoke up and expressed their needs. Will accept invitation to visit the Tracy Hills community.

Mayor Pro Tem Davis announced the following: Attended the 100 year anniversary of Festa Holy Ghost. Congratulated them on beautiful parade and celebration. There was a family fun day at the Tracy Airport. The aerobatics contest enjoyed its 3<sup>rd</sup> year here. The

guys from IAC38 were kind enough to invite the City to Byron for their annual dinner and recognized the City for holding that contest.

Mayor Pro Tem Davis stated one of our nonprofits in conjunction with Corporal Charles Palmer II Troop support was recognized as nonprofit of the year for the 13<sup>th</sup> District by Carlos Villapudua. Congratulated them for that recognition. Do a lot of great work for the military.

7. ADJOURNMENT – Time: 11:10 p.m.

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

The above agenda was posted at the Tracy City Hall on May 30, 2024. The above are action minutes. A recording is available at the office of the City Clerk.

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Mayor

ATTEST:

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City Clerk