

**February 20, 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 7:09 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. There were no declaration of conflicts by City Council.

Pastor Kal Waetzig, Saint Paul's Lutheran Church offered the invocation.

Mayor Young proclaimed March as Women's History Month and International Women's Day.

Mayor Young presented a proclamation for National Cancer Prevention Month to Jass Sangha.

Mayor Young presented a Certificate of Recognition to Jass Sangha for being appointed as Brand Ambassador for World Cancer Care U.S.A.

Mayor Young presented a Key to the City and Certificate to Jass Sangha.

Mayor Young presented Certificates of Appointment to Parks and Community Services Commissioners Linda Jimenez, Matthew Shrout and Scott Arbogast.

1. CONSENT CALENDAR – Following the removal of Consent Item 1.E by Jerrod Lakey 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 February 6, 2024 Closed Session and Regular Meeting Minutes and February 8, 2024 Special Meeting Minutes. – **Minutes were adopted.**
  - 1.B. Staff recommends that the City Council adopt a Resolution approving Amendment No. 2 to the General Services Agreement with United Fence Services, Inc. to (1) expand the scope-of-work to include El Pescadero Park; and (2) increase the not-to-exceed amount by \$50,000, for a new total of \$250,000.– **Resolution 2024-015** approved Amendment No. 2 to the General Services Agreement.
  - 1.C. Staff recommends that the City Council adopt a resolution approving a Professional Services Agreement with Nuvis Landscape Architecture for a not-to-exceed amount of \$250,000 annually for an initial four (4) month term, with an administrative option to extend, annually, for three additional years (total not-to-exceed amount of \$1,000,000) to provide on-call landscape architectural, plan check, inspection, and project management services.– **Resolution 2024-016** approved a Professional Services Agreement with Nuvis Landscape Architecture.

- 1.D. Staff recommends that the City Council adopt a resolution (1) accepting the construction of Legacy Fields Sports Complex, Phase 1E, CIP 78185, for work completed by Suarez & Munoz Construction Inc., of Hayward, 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 in accordance with State Law.- **Resolution 2024-017** accepted the construction of Legacy Fields Sports complex, Phase 1E, CIP 78185 completed by Suarez & Munoz Construction Inc.
- 1.F. Staff recommends that the City Council 1) adopt the resolution approving a Professional Services Agreement with Advanced Chemical Transport, LLC., dba ACTenviro in a not-to-exceed amount of \$98,000 annually to perform biohazard materials clean-up/removal and soil remediation related to homeless encampments on City of Tracy property and 2) authorize the City Manager to extend the agreement up to an additional three (3) years. – **Resolution 2024-018** adopted a Professional Services Agreement with Advanced Chemical Transport, LLC dba ACTenviro.
- 1.G. Staff recommends that the City Council 1) adopt a resolution approving a General Services Agreement with Meister Sealcoat & Supplies, LLC dba SealMaster for a total not-to-exceed amount of \$800,000 annually; 2) authorize the City Manager to extend the length of the contract for up to an additional three (3) years pursuant to the terms of the agreement. – **Resolution 2024-019** approved the General Services Agreement with Meister Sealcoat & Supplies, LLC dba SealMaster.
- 1.H. Staff recommends that the City Council 1) adopt a resolution approving a General Services Agreement with Trip Stop Sidewalk Repair, Inc. in a not-to-exceed amount of \$150,000 annually to perform sidewalk repair and concrete cutting services for the Operations and Utilities Department and 2) authorize the City Manager to extend the agreement up to an additional three (3) years. – **Resolution 2024-020** approved the General Services Agreement with Trip Stop Sidewalk Repair, Inc.
- 1.I. Staff recommends that the City Council adopt a resolution (1) accepting the construction for the Annual Water Valve Replacement Project, FY 22-23, CIP 75168, for work completed by Tracy Grading and Paving, Inc., of Tracy, 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 in accordance with State law. – **Resolution 2024-021** accepted the construction for the Annual Water Valve Replacement Project, FY 22-23, CIP 75168 for work completed by Tracy Grading and Paving, Inc.
- 1.J. Staff recommends that, for the residential development project commonly known as Tracy Lakes, the City Council adopt a Resolution: 1) terminating the Tract 3917 Deferred Improvement Agreement recorded October 21, 2021; 2) approving an Offsite Improvement Agreement for Offsite Recycled Water Improvements; 3) approving an Offsite Improvement Agreement for Valpico Road

Phase 2; 4) approving an Offsite Improvement Agreement for Valpico Road Landscaping Improvements; and 5) approving the Final Subdivision Maps for Tracy Lakes Phase 2 Tracts 4157, 4158, 4159, 4160, and 4161. – **Resolution 2024-022** adopted terminating the Tract 3917 Deferred Improvement Agreement recorded on October 21, 2021, approved an Offsite Improvement Agreement for Offsite Recycled Water Improvements, approved an Offsite Improvement Agreement for Valpico Road Phase 2, approved an Offsite Improvement Agreement for Valpico Road Landscaping Improvements, and approved the Final Subdivision Maps for Tracy Lakes Phase 2 Tracts 4157, 4158, 4159, 4160 and 4161.

- 1.E. Staff recommends that the City Council adopt a resolution 1) approving the Concession Agreement with Jay’s Gourmet Ltd. Liability Co., LLC, for providing concession services at Tracy Sports Complex and Legacy Fields Sports Complex for a one-year period commencing February 21, 2024, and expiring February 21, 2025; 2) authorizing the Mayor to sign the Concession Agreement; and 3) authorizing the City Manager to grant extensions in two-year increments for a maximum term of five years.

Stella and Jerrod Lakey thanked the community for support received and Parks and Recreation for awarding the contract to Jay’s Gourmet.

There were no Council comments.

**ACTION:** Motion was made by Mayor Pro Tem Davis and seconded by Council Member Arriola to adopt **Resolution 2024-023** 1) Authorizing the approval of a Concession Agreement with Jay’s Gourmet Ltd. Liability Co., LLC, for providing concession services at Tracy Sports Complex and Legacy Fields Sports Complex for a one-year period commencing February 28, 2024, and expiring February 28, 2025; 2) Authorizing the Mayor to sign the Concession Agreement; 3) Authorizing the City Manager to grant extensions in two-year increments for a maximum term of five years. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Robert Tanner shared concerns regarding sink holes, parts of the City sinking especially on 10<sup>th</sup> Street between Tracy Blvd and A Street, potholes all over 11<sup>th</sup> Street east and west bound, and the center of Tracy Blvd and 11<sup>th</sup> Street, and the crosswalk at Tracy Blvd and Lowell. The crosswalk is sinking and a person in a wheelchair got caught in the dinner plate sized pothole. There is a new law in the State - AB413. The Police Department is supposed to give warnings and next year citations, cannot park within 20 feet of a crosswalk. Downtown there are parking spaces within 3-4 feet or less of a crosswalk and need to restructure parking spaces.

Karin Schnaider, Assistant City Manager provided an update on the information that is available on the City’s website regarding road conditions.

Jake LaPoint shared his concerns regarding Tracy being a disappointment. Young people and families should have things to do, the mall consists of shoe stores and unoccupied spaces. Downtown businesses need to be more diverse. Livermore is livelier and shared concerns regarding the Tracy Outlets, would like to see more Asian, Italian and more ethnic restaurants in town and stated Tracy is an empty ghost town.

Loray Davis spoke about a smear postcard against Mayor Nancy Young received in the mail, responded to the comments made in the postcard, shared her support for Nancy Young and concerns regarding Supervisor Rickman.

Conrad Levoit congratulated the award of the concessions contract to Jay's Gourmet and shared support for Jass Sangha.

### 3. REGULAR AGENDA

- 3.A Staff recommends that the City Council conduct a public hearing and, upon conclusion, adopt a Resolution: 1) adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act, for the Gretchen Talley Park Phase 3 Expansion Project, and 2) authorizing the City Manager to execute and file the Notice of Determination.

Mayor Young opened the public hearing.

Richard Joaquin, Parks Planning & Development Manager provided the staff report and responded to questions.

Josh Smith, De Novo Planning provided information on the environmental analysis that was completed on the project and responded to questions.

Council questions and comments continued.

James Young stated there are always delays on projects, start out at one price and by the time it is done it has tripled. Is there a way to expedite that process to keep the cost from going up. The same thing happened with Legacy Fields.

Mayor Young closed the public hearing.

**ACTION:** Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Davis to adopt **Resolution 2024-024** 1) adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act, for the Gretchen Talley Park Phase 3, Capital Improvement Project 78170, and 2) authorizing the City Manager to execute and file the Notice of Determination. Roll call found all in favor; passed and so ordered.

- 3.B Receive the annual report of the Parks and Community Services Commission for Fiscal Year 2022-2023

Jolene Jauregui-Correll, Interim Parks & Recreation Director introduced Parks and Community Services Commissioner Matthew Shrout who provided the annual report for Fiscal Year 2022-2023 and responded to questions.

Richard Joaquin, Parks Planning & Development Manager responded to questions regarding the BMX track.

There was no public comment.

Council questions and comments followed.

**ACTION:** Motion was made by Mayor Pro Tem Davis and seconded by Council Member Evans to accept the annual report of the Parks and Community Services Commission for Fiscal Year 2022-2023. Roll call found all in favor; passed and so ordered.

3.C Staff recommends that the City Council receive the annual informational report regarding the City Transportation Advisory Commission.

Ed Lovell, Transit Manager introduced Transportation Advisory Commissioner Sharanjit Dhillon who provided the annual information report and responded to questions.

Council comments and questions followed.

Maurice Francis highlighted the transit service implemented through feedback from residents and various events. Mr. Francis shared the positive changes regarding implementing bus routes such as to the Homeless Shelter, getting students to school and people to the ACE train because of public feedback received.

Richard Williams would like to see study completed for safety in regards to crosswalks.

**ACTION:** Motion was made by Mayor Pro Tem Davis and seconded by Council Member Arriola to accept the annual informational report regarding the City Transportation Advisory Commission. Roll call found all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – Burnell Shull shared concerns about the condition of chain link fencing downtown and the torn canvass at vacant areas such as Central and 10<sup>th</sup> Street and 11<sup>th</sup> and Central and asked Council to do something about it.

Midori Lichtwardt, City Manager confirmed staff will look at the issue tomorrow and what can be and will be addressed.

5. STAFF ITEMS – Midori Lichtwardt, City Manager provided the following updates:

- Reported on the LOCC City Manager's Conference training that she and Assistant City Manager Karin Schnaider had attended in Hollywood and shared information regarding various lectures and talks.
- Over the weekend the City's Random Acts of Kindness social post got more than 1,400 views on Facebook. Our very own Matt Kopinski, Tony Prichard, Jonathan Jocson, and Bobby Ruiz were caught in a Random Act of Kindness when they paused work on an out-of-service traffic signal and stepped out into the crosswalk to ensure a bicyclist made it safely through the intersection.
- No significant damage reported from the storm.

- The City is currently recruiting for two adult vacancies and 11 youth (9-12<sup>th</sup> graders) commissioners on the Youth Advisory Commission. Links to the applications are available on our website (CityOfTracy.org) and Tracy Parks and Rec's social media platforms. The deadline for the recruitment is April 26, 2024.
- Save the Date for the Legacy Fields Phase 1E Ribbon Cutting Ceremony before our next regular Council meeting: Tuesday, March 5, 2024 at 4:00 p.m.

6. COUNCIL ITEMS – Council Member Evans congratulated Jass Sangha on her Ambassadorship and her community giving has been noticed for many years and was pleased to see her recognized tonight.

Council Member Bedolla asked would a letter to the California Public Utilities Commission opposing the PG&E rate increases fall within current legislative authority.

Karin Schnaider, Assistant City Manager responded staff can compare it to legislative policy. Our rates are from Ava Community Energy (Ava) so how the PG&E rates affect Tracy will have to be evaluated. PEG fees that get attached to every utility bill and the transmission line fees may have also gone up and can make a statement about that but our actual wattage rates are set by Ava.

Council Member Bedolla responded Ava discounts but also increase as they are pegged to PG&E's rates and asked for support for a draft letter to come before Council to go to the office of the Public Advisor with CPUC. Both Council Member Arriola and Mayor Pro Tem Davis supported the request.

Ms. Schnaider clarified that it does not need to come back to Council unless that is an actual request. If a letter is drafted, unless it does not comply with Council's legislative platform, if it is in compliance it would go through the normal process of having the Mayor sign it on Council's behalf. If there is any question, staff will bring it back as a staff report to get Council's direction.

Mayor Pro Tem Davis stated we all know our community and region are growing and have had critical issues with ambulance service and asked for support to have the JPA, which she and Council Member Evans serve on, talk about the City of Tracy establishing ambulance service in the City to help with response times for emergencies. We have 20–30-minute delays in our response at times for emergencies, have had some very close calls over 2017 and at least one death. Public safety is a very high priority. Council Member Evans supported the request.

Midori Lichtwardt, City Manager confirmed it would be an informational and discussion item.

Mayor Pro Tem Davis asked for discussion about community cleanliness which she has brought up multiple times in the past and believes the City needs some type of regular routine for sidewalks, garbage cans and benches getting power washed and maintained. Very unsightly and unclean and getting complaints about how trashy the City looks. Mayor Pro Tem Davis suggested coming up with a clean campaign and commit as a city to make more of an effort for some unattractive, unclean places, especially in our downtown.

Ms. Schnaider responded Council did add budget for those services a couple of years ago, it is part of key performance indicators so should put into the budget report and bring back as part of the budget discussion.

Mayor Pro Tem Davis responded that would be helpful but what is being done on a regular basis to keep our City clean. It appears the City is declining in its appearance due to lack of cleanliness, not sure if it is a budgetary issue or lack of maintenance and is not inclined to support just a budgetary issue but looking at something more consistent as to what can we do to be clean.

Mayor Young asked if it was possible to have a thorough report on how we are addressing and what can we address and where the shortfalls are so Council have answers also and maybe suggestions on how we get community involvement to make sure we are keeping things clean.

Ms. Schnaider responded she will work with the City Manager to address that and bring a staff report back.

Mayor Pro Tem Davis stated there is a big rant and rave about waste management inconsistency not getting their garbage picked up, or garbage being picked up but not recycling or cans being left on the ground. Sometimes there are complaints that lids can be left open a little and they refused to take it. Mayor Pro Tem Davis asked what is happening with waste management so Council can intelligently respond to community members who don't understand what they can be doing, what our responsibility is or ensuring they are getting their services they are paying for consistently.

Ms. Schnaider responded staff did a recent info item that went out to the public, has seen the uptick in those rants and raves and will work with staff to bring back an information item and an update on SB1383. It is a good time to give a solid waste update and what our current contract says, paying for services and how the community can report those instances to the City.

Mayor Pro Tem Davis asked about the stucco wall on North Tracy Blvd with the contraption that is serving as a barrier, how is it going to be addressed, it is a real blight on our community and would like to see the City be proactive about taking care of it as it has been many months.

Ms. Schnaider responded it is on her to do list to work with Code Enforcement as it is private property.

Mayor Young wished Sheena Stephens a happy birthday.

Mayor Young asked when the Economic Development Strategic Plan is coming back to Council.

Kimberly Murdaugh, Interim Assistant City Manager responded staff is working on a date to bring the plan back to Council.

Mayor Young stated it is always a revolving door of suggestions from the community as to what we can have and their observations. Suggested considering having an ongoing

item that gives a report, maybe informational to keep Council and the community up to date and be able to weigh in.

Ms. Murdaugh responded earlier we talked about vacant buildings and receiving an update and will communicate with the Economic Development Manager and will discuss when we can bring an update back to Council.

Mayor Young asked for a City accomplishment update. Sent a copy of what Manteca posted on LinkedIn and their accomplishments. It shows pride and gives updates on County and School District things. The City is doing things all the time, but people have no clue that any progress has been made. Mayor Pro Tem Davis supported the request.

Ms. Lichtwardt responded we do not need a second for the request as Carissa Lucas, PIO has put something together and need to tweak the format and get it out on a quarterly basis and end of year.

Mayor Young reported on various meetings, award ceremonies and events she has attended and announced tomorrow, February 21<sup>st</sup> Menchies will be having their annual Art Show Contest at 6:00 p.m.

7. ADJOURNMENT – Time: 9:21 p.m.

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

The above agenda was posted at the Tracy City Hall on February 16, 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