

**August 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 7:15 p.m.

There were no actions taken pursuant to AB 2449.

Roll call and Declaration of Conflicts – Council Members Arriola, Bedolla, Evans, Mayor Pro Tem Davis and Mayor Young present. Mayor Young stated she has a conflict with item 3.B and will recuse herself and Mayor Pro Tem Davis would take over the meeting during that item.

Mayor Young led the Pledge of Allegiance.

Deacon Jack Ryan offered the invocation.

Midori Lichtwardt, City Manager presented Employee of the Month Award for August to Miranda Aguilar, Community and Economic Development Department.

1. CONSENT CALENDAR – Following the removal of Consent Item 1.G by Council Member Evans motion was made by Council Member Arriola and seconded by Council Member Evans to adopt the Consent Calendar. Roll call found all in favor; passed and so ordered.
  - 1.A. Adoption of June 25, 2024 Special Meeting Minutes, July 2, 2024 Regular Meeting Minutes and July 9, 2024 Special Meeting Minutes. – **Minutes were adopted.**
  - 1.B. Staff recommends that the City Council adopt a resolution (1) determining that compliance with standard procurement processes is not in the best interest of the City pursuant to Tracy Municipal Code Section 2.20.180(b)(4) and dispensing such requirement for the purchase of specified computer equipment and related services; and (2) approving a Subscriber Services Agreement with the County of San Joaquin to provide certain computer equipment and related services for a total not to exceed amount of \$57,007, for a one year term. – **Resolution 2024-129** determined that compliance with standard procurement process is not in the best interest of the City pursuant to TMC 2.20.180(b)(4) and dispensed such requirement and approved the Subscriber Services Agreement with County of San Joaquin.
  - 1.C. Staff recommends that the City Council adopt a resolution (1) approving a Professional Service Agreement with The Shalleck Collaborative, Inc., of Berkeley, California to provide engineering design services for The Grand Theatre Audio Visual Upgrades Project, for a total not-to-exceed contract amount of \$92,300, and for a term extending from August 20, 2024 to June 30, 2026, and (2) authorizing the City Manager to extend the contract term for one additional year, if needed. – **Resolution 2024-130** approved the Professional Services Agreement with The Shalleck Collaborative, Inc.

- 1.D. Staff recommends that the City Council adopt a resolution authorizing the City Manager to submit a claim to the San Joaquin Council of Governments for Transportation Development Act funds in the amount of \$6,706,900 for Fiscal Year 2023-2024 and to execute the claim and related documents. – **Resolution 2024-131** authorized the submittal of a claim to the San Joaquin Council of Governments for the Transportation Development Act funds.
- 1.E. Staff recommends that the City Council waive the second reading and adopt an Ordinance: (1) amending the zone district of the property at 2660 W. Byron Road (Assessor's Parcel Number 238-050-13) from medium density residential to medium density cluster, and (2) determining that the proposed zoning amendment is categorically exempt from the California Environmental Quality Act pursuant to Guidelines Section 15332. – **Ordinance 1347** was adopted.
- 1.F. Staff recommends that the City Council adopt a Resolution (1) accepting the Federal Aviation Administration's Airport Improvement Program Grant, in the amount of \$126,000; (2) appropriating the full grant amount to a Capital Improvement Project (CIP) 77595 for the Airport Pavement Maintenance Management Plan; and (3) appropriating \$14,000 from the General Fund to CIP 77595, to meet the grant's requisite 10% match requirement. – **Resolution 2024-132** accepted the Federal Aviation Administration's Airport Improvement Program Grant, appropriated funds to CIP 77595 for the Airport Pavement Maintenance Management Plan and appropriated funds from the General Fund to CIP 77595 to match grant's match requirement.
- 1.H. Staff recommends that the City Council adopt a resolution approving a Professional Services Agreement with Griffin Structures for project management services for the Clyde Bland Park BMX Pump Track Project for a total not-to-exceed amount of \$235,500. – **Resolution 2024-133** approved the Professional Services Agreement with Griffin Structures.
- 1.I. Staff recommends that City Council adopt a Resolution authorizing the City Manager to request from the San Joaquin Council of Governments Regional Early Action Planning grant funds 2.0 in the amount of \$1,129,000. – **Resolution 2024-134** authorized the City Manager to request from the San Joaquin Council of Governments Regional Early Action Planning grant funds 2.0.
- 1.J. Staff recommends that the City Council adopt a resolution (1) accepting Landscape Improvements for Retention Basin, Tracy Hills Phase 1B, Tract 4084, (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 2024-135** accepted the landscape improvements for Retention Basin, Tracy Hills Phase 1B, Tract 4084.
- 1.K. Staff recommends that the City Council adopt a resolution: 1) Determining that compliance with the standard procurement processes is not in the best interests of the City pursuant to Tracy Municipal Code 2.20.140(b)(6) and dispensing such requirement for the procurement of janitorial services for the City. (2) Approving a Professional Service Agreement with Madill Enterprises

for janitorial services for an initial term of three months and a total not to exceed amount of \$116,717. – **Resolution 2024-136** determined that compliance with standard procurement process is not in the best interest of the City pursuant to TMC 2.20.140(b)(6) and dispensed such requirement and approved the Professional Services Agreement with Madill Enterprises.

- 1.L. Staff recommends that the City Council adopt a resolution (1) accepting construction of the Tracy Hills Zone 5 Pump Station at the John Jones Water Treatment Plant, constructed by Valentine Corporation of San Rafael, California, as complete, (2) authorizing the City Clerk to file the Notice of Completion with the San Joaquin County Recorder's Office, (3) authorizing the City Engineer to release the bonds and retention payment, and (4) authorize the Director of Finance to release the remaining unused project funds to Lennar Homes of California, LLC. – **Resolution 2024-137** accepted construction of Tracy Hills Zone 5 Pump Station at the John Jones Water Treatment Plant.
- 1.M. Staff recommends that the City Council adopt a resolution 1) determining that compliance with standard procurement processes are not in the best interest of the City pursuant to Tracy Municipal Code 2.20.140(6) and dispensing such requirement for the actions to be taken here, and 2) approving a Professional Service Agreement with Mark Thomas and Company, Inc. of Sacramento, California, for additional services related to the design and approval effort for the Corral Hollow and Linne Road Intersection Improvements, Capital Improvement Project 72104, for a two year term and for a not-to-exceed agreement amount of \$172,672. – **Resolution 2024-138** determined that compliance with standard procurement process is not in the best interest of the City pursuant to TMC 2.20.140(6) and dispensed such requirement and approved the Professional Services Agreement with Mark Thomas and Company, Inc.
- 1.N. Staff recommends that the City Council adopt a resolution 1) determining that compliance with standard procurement processes is not in the best interest of the City pursuant to Tracy Municipal Code 2.20.140(6) and dispensing such requirement for the actions herein, and 2) approving a Professional Services Agreement with CSG Consultants, Inc. for the Fiscal Year 2020-2021 Pavement Rehabilitation, Capital Improvement Project 73178, for an additional scope of work for the project, for a total not-to-exceed amount of \$73,114, with the term commencing retroactively on March 17, 2023, and ending on March 16, 2025. – **Resolution 2024-139** determined that compliance with standard procurement process is not in the best interest of the City pursuant to TMC 2.20.140(6) and dispensed such requirement and approved the Professional Services Agreement with CSG Consultants, Inc.
- 1.G. Receive an informational report regarding the Police Department's response to fireworks complaints and official city events during the July 4th weekend.

Sekou Millington, Police Chief and Octavio Lopez, Police Captain provided the staff report and responded to questions.

Council Member Evans pulled the item to highlight the success. Sacramento County has higher violations and asked if there was anything more to do about values of citations or looking at sensitive areas.

Bijal Patel, City Attorney responded to questions.

Council questions and comments followed.

Nicole Rodriguez with TNT Fireworks thanked the City for supporting the program. The nonprofit organizations understand it is a privilege to sell safe and sane fireworks and it is their biggest fundraiser of the year. The biggest competition they have is the illegal fireworks which take funds out of those organizations. Congratulated Police Department. Could not believe how different this July 4 was.

A resident who has lived in Tracy since 2011 stated she saw no improvement this year. Get debris falling on solar panels and roof. Surrounded by people shooting off illegal fireworks and it is not just 4<sup>th</sup> of July. Shared concerns about explosives being stored in garage. Appreciates the efforts and hopes there can be a resolution.

Conrad Levoit thanked the Police Department and Tracy City Center Association for the well-attended parade, thanked Tracy Chamber of Commerce for the July 4 event and shared support for the fireworks display at Legacy Fields.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Evans to accept the informational report regarding the Police Department's response to fireworks complaints and official city events during the July 4th weekend. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Richard Williams spoke about the loss of his father due to being struck at an uncontrolled crosswalk. Mr. Williams stated he previously submitted a petition and spoke about fatalities of pedestrians crossing the street, getting illuminated crosswalks installed throughout the City and making the streets of Tracy safe for all.

Ari Sarmento shared concerns regarding the funding being asked for and has not been allocated and asked why it has taken so long to do a study, and requested Council to review this issue and provide answers.

Midori Lichtwardt, City Manager responded to Mayor Young's question and stated staff will get an update to Council in a consent or discussion item, whichever is most appropriate.

Deborah Allen stated she was representing neighbors on Oakridge Drive, specifically from Brookview to Glenbriar Circle. There are speeders travelling from Brookview to Glenbriar Circle at a dangerous speed which is a 25 mile per hour zone. Children come from school and walk through Brookview to get to their homes. The mechanical data collected is skewed. Have collected traffic calming study and one person per residence has signed it.

Melissa Watkins shared concerns regarding a neighbor assaulting her and other neighbors and is dangerous. She hears a high pitch, and it hurts her head, and causes her neck to get stiff and the Police Department will not take her seriously. It has been on a nightly basis for two years. They stole all her information.

Vannie Dart stated people are saying the City Attorney gets paid more than our Governors. Her salary should be compared with what another City Attorney's make, not the Governor. Governor is a public servant. People voting should learn that all these attacks by mailers are frivolous and the City Attorney has nothing to do with it and serves the Council. She is not elected and not a public figure and suggested people do their research and don't be fooled by the mailers.

Karen Moore spoke about Diversity, Equity and Inclusion (DEI). We have had DEI failures and successes in this town and explained DEI. Recently there is a lot of static on social media about changes to roads that people in the neighborhood did not know about. Ms. Moore recommended the City look at Attorney General's recommendation for notifying the community.

Amir shared concerns over efforts to remove the City Attorney. Stated \$600,000 spent on containers for the homeless shelter is a misuse of public funds. Failure of the shelter and lack of scrutiny in the Grand Jury Report is just a bias and must be addressed. Report should have contained evidence exonerating those acting in the City's best interests and exposing those manipulating our City for personal gain. The right access to public records is crucial for transparency and accountability and key to public trust.

### 3. REGULAR AGENDA

#### 3.A. Staff recommends that the City Council receive the annual report by the Measure V Resident Oversight Committee presenting its findings regarding the use of Measure V funds.

Sara Castro, Finance Director introduced the item and responded to questions.

Wes Huffman, Chair of the Measure V Residents' Oversight Committee provided the report and responded to questions.

Council comments and questions followed.

Robert Tanner asked why Council is concerned with the Multi-General Recreational Center (MGRC) instead of the Aquatics Center. Mr. Tanner compared the cost of MGRC and the Aquatics Center and asked if \$31 million has already been spent.

Karen Moore stated she is excited for the amenities to be built and when she voted for Measure V, it included a library, money for roads and amenities but seems like everything except amenities is coming out of Measure V. Ms. Moore asked if the independent auditor handles the audit of the report and recommended looking at the Stack Center in Hayward, looking up all other

funding sources other cities are going for, and encouraged Council and staff to go to federal representatives and get more money if needed and use Prop 68.

Michel Bazinet stated the reports estimated lifetime Measure V revenues for \$263 million and that estimate is several years old. Hoped staff will provide a more recent estimate. Council should have the following information: How much money would be received over the life of Measure V, how much is allocated, how much has spent by project and how much is available by project and how much is available at the end of the project.

**ACTION:** Motion was made by Council Member Bedolla and seconded by Council Member Evans to accept the annual report by the Measure V Residents' Oversight Committee regarding the use of Measure V funds. Roll call found all in favor; passed and so ordered.

Mayor Young announced there was one email received from Kati Cauller regarding street light poles for Items from the Audience.

Mayor young recused herself from Item 3.B at 8:37 p.m.

3.B. Staff recommends that the City Council receive an informational report on the status of gaming tables and card rooms, including recent State legislation, and provide comments and/or direction to staff.

Forrest Ebbs, Director of Community and Economic Development provided the staff report.

Council questions and comments followed.

Emmanuel Macalino, Stars Casino owner responded to Council questions.

Karen Moore stated she does not understand why politicians and representatives get in the way of free market, limiting competitions hurts consumers. Representatives are corrupted by lobbyists and money.

Keith Sharpe, Counsel for Stars Casino stated there has always been a moratorium in place and provided history of growth of the casino. There are several cities that have accomplished the two-table increase. The card room is interested in the reasons explained from the owner in getting the two extra tables as soon as possible.

Gabriela Machuca shared support for Stars Casino and increase of gaming tables..

Council comments continued.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Bedolla to accept the informational report on the status of gaming tables and card rooms, including recent State legislation, and provide direction to staff. Roll

call found Council Members Arriola, Bedolla, Evans and Mayor Pro Tem Davis in favor; passed and so ordered. Mayor Young recused herself from the item.

Mayor Young returned to the dais.

4. ITEMS FROM THE AUDIENCE – Mike Schober asked about introducing lights on basketball courts until 10:00 p.m.

Alice English spoke about the Grand Jury recommendations, during items from the audience we have a really bad habit started by the Mayor, there has always been discussion allowed which there shouldn't be. There should be no rebuttal from Council. When there is an agenda item, you have an opportunity to talk about it. The audience only has a limited time. Do rebuttals on your time. Have sat on other committees that do not do that.

5. STAFF ITEMS - None

6. COUNCIL ITEMS – Council Member Arriola requested an update on Cal Cities eCommerce legislation and skip the Finance Committee and go directly to City Council at the next meeting. Council Member Bedolla supported the request.

Council Member Arriola requested a Measure V funding update for any difference that was not in the report. Update on the difference for Finance Committee. Council Member Bedolla supported the request.

Mayor Young asked for the Measure V funding update for any difference that was not in the report to come back to Council also.

Karin Schnaider, Assistant City Manager stated the next Finance Committee meeting is September 24, 2024, in time to post for the October 1, 2024, Council meeting or October 15, 2024, for the Council meeting or go directly to Council.

Council Member Bedolla responded he was ok with going directly to Council.

Council Member Arriola asked for the update in this calendar year. Ms. Schnaider stated the earliest would be October 1, will aim for October.

Council Member Arriola requested an update on the funding allocations on cross walks safety concerns that Council heard from Mr. Williams. Council Member Bedolla supported the request.

Council Member Arriola clarified his request to come back globally, an item related to crosswalk safety. Council Member Bedolla supported the request.

Mayor Young asked will that include anything to do with the grant. That was part of the ask. They requested a grant and the City utilized it for another study and is there anything in motion for actual implementation.

Council Member Arriola asked the update to include funding sources and potential grants. Council Member Bedolla agreed with the request.

Mayor Pro Tem Davis requested updates on items she has requested since she has been on Council. What are we doing about empty commercial buildings, been asking for three and a half years. Where are we on warehouse environmental impact ordinance. Sent email recently regarding crosswalk safety near Monticello School, Sycamore at Windham and is waiting for a response on when the evaluations are going to be done by staff. Council Members Arriola and Evans seconded the request.

Council Member Evans stated he wants to know what is going on with the empty buildings and why we do not have anything on that. Have seconded that request before. Why hasn't it come before Council.

Karin Schnaider, Assistant City Manager responded she will look into that, she does not know the answer right now. On the warehouse item, Mr. Ebbs has been working with the LOCC partnering with Stockton and Fontana about the regulations. As a result, have begun the comparison process and the timeline is winter to bring back the comparisons to some of the Attorney General standards that have been implemented in Stockton and Fontana. Also watching a Bill that may be introduced as early as Friday that may disrupt all those plans. The warehouse is on our agenda and working with LOCC about policies. Cannot speak to the vacant commercial properties, it is in the Economic Development Strategic Plan as a priority. We are aware we have to bring that back. Will bring back information and policies regarding the crosswalks.

Mayor Pro Tem Davis stated this is very specific because a child almost got hit near Monticello School. Cars are not stopping at the stop light. This is something that is urgent and cannot wait. Went by the area and the sun blocks, don't see the stop sign, certainly would not see a child. Sent this out on August 8 and still waiting to find out about an evaluation staff is supposed to be doing. Do not want to see anyone get killed. In regard to the other requests made, she has been on Council almost four years, and think it is unacceptable that it takes this long for an item to come back. Items impact our community.

Council Member Evans stated on that topic, how does Council get visibility on when items are coming back. Getting tired of hearing items getting requested, what do we have to do to raise the status where staff will take action and bring it back.

Midori Lichtwardt, City Manager responded she sets the agenda other than Council directed items. There has been a number of things that have impacted staff's workload and have had to come back to Council that were not anticipated when putting together workplans. It is a matter of prioritizing these things. We do have other business that comes in for example the Grand Jury Report which was not anticipated and can take more than one pass. We will look at our priorities and try to get something back to you on all of these items. Do see Mayor Pro Tem Davis's August 8 crosswalk issue that was sent to her and the Police Chief and it is possible the Police Chief has more information but is not here so cannot provide an update.

Council Member Evans asked if there is a way to get visibility where we can see where things are on a weekly or monthly basis. Some sort of ranking.

Ms. Lichtwardt responded that would be bringing back an update to Council's Strategic Priorities and a separate list of additional asks in addition to the priorities.



Council Member Evans asked can it be a memo or something posted or more ongoing.

Mayor Pro Tem Davis stated she heard it could be given in a memo but have not received anything on these items.

Ms. Lichtwardt responded she would get with staff and either bring back an item or handled in a memo, but think it is something of interest to the entire public and makes sense to bring it back and if Council wants to reprioritize items we can get direction from Council at that time.

Council Member Bedolla asked staff to keep an eye on emails regarding trees that were removed on Bessie. Had a constituent ask when we are doing an inclusionary zoning ordinance or at least that discussion and also setting up soccer goals at some public parks for public use.

Mayor Young congratulated the first YARA graduation. There were 12 graduates that graduated as part of the PAL Program. Across California we had the first female whose name is Genesis so fitting she is the first female across California cohorts, Congratulations to the PAL Program. Congratulations to the Law Office of Jas Dhillon ribbon cutting.

Mayor Young requested support for receiving gift of art to come back as part of donation policy. Council Member Arriola supported the request.

7. ADJOURNMENT: Time: 9:23 p.m.

**ACTION:** Motion was Council Member Bedolla 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 August 15, 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