

September 3, 2024, 7:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy

Web Site: www.cityoftracy.org

Mayor Pro Tem Davis called the meeting to order at 7:01 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 present. There was no declaration of conflicts. Mayor Young absent.

Mayor Pro Tem Davis led the Pledge of Allegiance.

Pastor Scott McFarland from Journey Christian Church offered the invocation.

Midori Lichtwardt, City Manager presented Employee of the Month Award for September to Nick Romo, Innovation and Technology Department.

Mayor Pro Tem Davis and Council Member Bedolla presented Proclamation for National Hispanic Heritage Month to Southside Community Organization and MEChA.

1. CONSENT CALENDAR – Item 1.I was pulled by Council Member Evans and item 1.J was pulled by Mayor Pro Tem Davis.
 - 1.A. Approval of August 13, 2024 Special Meeting Minutes, August 20, 2024 Special Meeting Minutes, August 20, 2024, Regular Meeting Minutes and August 20, 2024, Closed Session Meeting Minutes. – **Minutes were adopted.**
 - 1.B. Staff recommends that the City Council adopt a resolution (1) accepting the construction improvements for The Grand Theatre Center for the Performing Arts, completed by Best Contracting Services, Inc., (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 improvement security and retention payment in accordance with the Project Contract and Tracy Municipal Code Section 12.36.080. – **Resolution 2024-142**
 - 1.C. Staff recommends that the City Council adopt a resolution: approving a Professional Service Agreement with Nickerson Investigative Services, a sole proprietor, to conduct pre-employment background investigations to meet the Commission on Peace Officer Standards and Training for a three(3)-year term and a total not to exceed amount of \$150,000. – **Resolution 2024-143**
 - 1.D. Staff recommends that the City Council adopt a resolution: (1) determining that strict compliance with the bidding process is not in the best interest of the City pursuant to Tracy Municipal Code Section 2.20.180(b)(4) and dispensing such requirements for the actions herein; and (2) approving a Master Service Agreement with Axon Enterprise, Inc. for the purchase, training, usage, and on-going maintenance of the Police Department's specified equipment and

software services for a term of five years and for a total not-to-exceed amount of \$2,500,000. – Resolution 2024-144

- 1.E. Staff recommends that the City Council adopt a resolution: (1) determining that compliance with standard procurement processes is not in the best interests of the City pursuant to Tracy Municipal Code 2.20.180 (b)(4) and dispensing such requirement for the actions herein, and; (2) approving a Service Agreement with Motorola Solutions, Inc. for police communications maintenance with a total not to exceed amount of \$120,000 and for the term of 12 months effective retroactively from July 1, 2024. – Resolution 2024-145
- 1.F. Staff recommends that the City Council adopt a Resolution approving a Professional Service Agreement with CDW Government LLC, utilizing OMNIA Partners cooperative purchase agreement for Information Technology Solutions and Services, for a not to exceed amount of \$915,000 annually, for a term of four years. – Resolution 2024-146
- 1.G. Staff recommends that the City Council adopt a resolution (1) accepting offsite improvements for USLP Tracy Distribution Center as complete and assuming all future operations and maintenance, (2) authorizing the City Engineer to release improvement security in accordance with the Offsite Improvement Agreement, (3) authorizing the City Clerk to file the Notice of Completion with the San Joaquin County Recorder's Office, and (4) authorizing the City Clerk to accept (A) a fee dedication of land widening Grant Line Road (B) a public utility easement along Grant Line Road and (C) an emergency vehicle access easement, and file them with the San Joaquin County Recorder's Office. – Resolution 2024-147
- 1.H. Staff recommends that the City Council adopt a Resolution authorizing amendments to the City's Personnel Rules and Regulations to comply with recent legal updates, integrate best practices, address operational requirements, and enhance clarity. – Resolution 2024-148
- 1.I. Staff recommends that the City Council adopt a Resolution: 1) approving the award of the Mayor's Community Youth Support Network Reconnecting Our Youth grants for Fiscal Year 2024-2025 in the total amount of \$175,000 to six non-profit organizations; and 2) authorizing the execution of the funding agreements for each grant. – Resolution 2024-149

Katy Akre, Recreation Program Coordinator and Brian MacDonald Director of Parks and Recreation and Community Services Department provided Council with an overview of the outreach and selection processes.

Dotty Nygard, Director of Tracy Earth Project shared that the non-profit industry fills the gaps or voids between the City and businesses, would like non-profits recognized as businesses, would like to see non-profit organizations register with the Chamber of Commerce and be listed on the Chamber directory, agreed that more work can be done to capture all the non-profits that are serving the community.

Jarrold Lakey, Owner of Jay's Gourmet and Game On, The Lakey's Youth Foundation shared the resources and activities that they provide the youth and community, shared that they did not receive any information regarding the opportunity to participate in the Mayor's Community Youth Support

Network Reconnecting Our Youth grants and requested that the process be reopened so that they can have the opportunity to apply.

- 1.J. Staff recommends that the City Council adopt a Resolution (1) transferring \$54,746 from the Edgar Thoming Park Improvement Capital Improvement Project (CIP) 78191 to the City Hall Memorial Flag Poles Project (CIP 78192) to increase the budget, (2) awarding a construction contract to GCJ, Inc. of Stockton, California for CIP 78192 in the amount of \$148,085, and (3) authorizing the City Manager to approve change orders up to the contingency amount of \$14,808, if needed, pursuant to Tracy Municipal Code Section 2.20.090(b). – **Resolution 2024-150**

Mayor Pro Tem Davis pulled the item.

Bruce Cleaver, President of the Tracy War Memorial Association shared historical information and urged Council to approve the additional funds needed to finalize this project and get it completed by November 8, 2024, in time for Veterans Day.

- 1.K. Staff recommends that the City Council adopt a resolution: (1) accepting the construction of the Sewer Connection at Lincoln and 11th Street Project by Tracy Grading & Paving, Inc., of Tracy, California as complete; (2) approving a retroactive increase of \$37,000 to the contingency amount for the Project; (3) authorizing the City Clerk to file the Notice of Completion with the San Joaquin County Recorder's Office, and (4) authorizing the City Engineer to release the bonds and retention payment. – **Resolution 2024-151**
- 1.L. Staff recommends that the City Council adopt a resolution approving and authorizing the execution of a Cooperative Agreement with the California Department of Transportation for the Project Initiation Document Phase of the Interstate 580/Corral Hollow Interchange Project, Capital Improvement Project 73198, for a total not-to-exceed amount \$130,000. – **Resolution 2024-152**
- 1.M. Staff recommends that the City Council adopt a resolution (1) appropriating \$340,000 from South San Joaquin County Fire Authority for the construction of the Fire Training Facility at the NEI Reservoir, (2) awarding a construction contract to GradeTech Inc. of Livermore, California, in the amount of \$3,441,656.01, (3) authorizing the City Manager to approve change orders up to the contingency amount of \$172,083, if needed, and (4) approving a total not-to-exceed Project budget of \$3,805,780.01. – **Resolution 2024-153**

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

2. ITEMS FROM THE AUDIENCE – Robert Tanner expressed his concerns regarding letters to the editor about the City Council, joke among San Joaquin County, reminded the community that elections are coming and urged Council to get their act together for the citizens of Tracy.

Alice English announced that there will be a meeting on September 17, 2024 starting at 8:30 a.m. at the Tracy Transit Station for the mobile food vendor ordinance and urged that three Council Members stand up for what is right and continue standing on their principles and integrity, noted that it is the same individuals that speak on behalf of developers.

Vannie Dart congratulated Mayor Pro Tem Davis for facilitating a harmonious and productive meeting, expressed frustration with the Mayor and her behavior and lack of professionalism, frustration with the aquatic park, the school and the dog park. Urged Council to hurry and get these amenities built and reminded Council that the developers do not run the City.

Dotty Nygard expressed gratitude for Tracy Earth Project being selected for the Mayor's Community Youth Support Network Reconnecting Our Youth grant and that this award was on the same night as the Hispanic Heritage Month and Mexican Independence, thanked Council Members Bedolla and Arriola for representing the Mexican culture, hopes to maintain the success of the bike program for many years to come and shared some of the successes that the participants of this program had.

3. REGULAR AGENDA

3.A. Staff recommends that the City Council receive an update on the League of California Cities City Manager's Sales Tax Working Group: E-Commerce Policy Recommendations.

Karin Schnaider, Assistant City Manager provided the staff report and responded to questions.

Council comments and questions followed.

There were no public comments.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Bedolla to Accept the update on the League of California Cities City Manager's Sales Tax Working Group: E-Commerce Policy Recommendations. Roll call found Council Members Arriola, Bedolla, Evans, Mayor Pro Tem Davis in favor; passed and so ordered. Mayor Young absent.

4. ITEMS FROM THE AUDIENCE – Alice English expressed gratitude for the proclamation that was presented to the Southside Community Organization, expressed support for all first responders but expressed disappointment regarding a less than favorable interaction between a Tracy Police Officer and one of the members running the St. Bernard Fair.

5. STAFF ITEMS - Midori Lichtwardt City Manager shared:

- September 12, 2024, from 9:30 a.m. to 10:30 a.m. at McDonald Park for the Stroll with Patrol Officers and Badges for Books event.
- September 17, 2024, there will be a groundbreaking event for the Multi-Generational Recreation Center at 4:00 p.m.

6. COUNCIL ITEMS – Council Member Evans expressed gratitude to colleagues for working well cohesively, efficiently, regardless of the narrative that is out there, and that the four at the dais work well together.

Council Member Arriola thanked Council for Proclaiming the Hispanic Heritage Month and wished everyone a Happy Mexican Independence Day and looks forward to celebrating at the parade the Southside Community Organization sponsors.

Mayor Pro Tem Davis expressed concerns for the students in Tracy Hills and the walking distance for these children to get to school, requested support to see if the City can help in the interim until the School District can get their transportation systems in place, asked if there was a way that a Tracer Bus could be provided in the interim; Council Member Evans supported.

Karin Schnaider Assistant City Manager shared that Jefferson School District would have to be contacted and analysis would need to take place regarding transportation regulations, the soonest that it can be presented to Council would be the second meeting in October.

Mayor Pro Tem Davis expressed concerns regarding the timeline and requested that staff bring back the analysis as soon as possible but no later than the second meeting in October.

Mayor Pro Tem Davis wished everyone Happy Mexican Independence Day and invited community to the Southside Community Organization's parade and celebration at Lincoln Park on September 14, 2024.

Council Member Bedolla shared that from September 15 to October 15, 2024 is Hispanic Heritage Month and expressed gratitude to Fatima, Kelly and the administrators that represented MEChA.

Mayor Pro Tem Davis commended City staff on addressing the concerns of a community member and completing the crosswalk painting on being done so quickly.

7. ADJOURNMENT: Time: 8:19 p.m.

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

The above agenda was posted at the Tracy City Hall on August 29, 2024. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk