

**September 17, 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 7:00 p.m.

There were no actions taken pursuant to AB 2449.

Roll call and Declaration of Conflicts – Council Members Arriola, Evans, Mayor Pro Tem Davis and Mayor Young present. Council Member Bedolla absent at roll call. Mayor Pro Tem Davis announced she will have a conflict with Item 3.F.

Council Member Bedolla arrived at 7:02 p.m.

Mayor Young led the Pledge of Allegiance.

Paster Kal Waetzig, St Paul's Lutheran Church offered the invocation.

Mayor Young proclaimed September 21, 2024, as Tracy Connects Day.

1. CONSENT CALENDAR – Motion 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. Approval of August 27, 2024 Special Meeting Minutes, September 3, 2024, Closed Session Meeting Minutes and September 3, 2024 Regular Meeting Minutes. – **Minutes were adopted.**
  - 1.B. Staff recommends that the City Council adopt a resolution approving a Professional Services Agreement with Raftelis Financial Consultants, Inc for a total not-to-exceed amount of \$529,800 over a three-year contract for project management support to select and implement a Computerized Maintenance Management System software. – **Resolution 2024-154** approved the Professional Services Agreement with Raftelis Financial Consultants, Inc.
  - 1.C. Staff recommends that City Council adopt a resolution 1) approving and authorizing the execution of a Lease Agreement with Arnaudo Bros. Transport, Inc., a California Corporation, with a term of ten years and initial annual rent in the amount of \$57,600, adjusted at a three percent increase annually. – **Resolution 2024-155** authorized the Lease Agreement with Arnaudo Bros. Transport, Inc.
  - 1.D. Staff recommends that the City Council adopt a resolution 1) approving a Master Professional Service Agreement for Roadway Design Services with Mark Thomas & Company, Inc. for an initial term of three years and for a total not-to-exceed amount of \$600,000 per fiscal year, and 2) authorizing two administrative options to extend for one-year term each. – **Resolution 2024-156** approved a Master Services Agreement with Mark Thomas & Company, Inc.

2. ITEMS FROM THE AUDIENCE – Melissa Watkins stated the problem she spoke about at a previous meeting is just as bad, nothing has been done and expressed concerns regarding neighbors gang stalking her, using weapons, doing harm to her and her neighbor across the street, dealing with it every night for two years and urged Council to call in someone from outside of the Police Department (PD) to deal with this matter. Ms. Watkins clarified that PD is not causing her harm.

Magdalena Durm shared concerns regarding blight between Holly and Parker and mentioned the following issues on her street: Porches used as storage, storage on driveways, vehicles not operable, front yards used for parking cars, units having replaced grass with concrete to use for parking.

Robert Tanner stated this Council has been pointing fingers at each other. It is disruptive to the entire City. Council is not getting things done and denies responsibility about what is going on.

Mandar Raje thanked Council, staff, Fire and Police Departments for coming to National Night Out and asked for updates on the following issues: Delays of the Ellis Elementary School. 2) Ellis Dog Park – heard dog park is ready and City will do inspection in July but has been delayed. When will that be open for the community. 3) Corral Hollow Widening Project – have not seen progress, and asked if there was any widening happening on Corral Hollow next to the freeway.

Karin Schnaider, Assistant City Manager responded to the previous caller's questions.

Mayor Young requested staff to come back soon to Council with an update on the Ellis Elementary School, Ellis Dog Park and Corral Hollow Widening Project. Staff can let Council know when it is reasonable to bring it back. Mayor Pro Tem Davis seconded the request.

Midori Lichtwardt, City Manager stated staff will bring back an informational item later in October with updates on the Ellis Elementary School, Ellis Dog Park and Corral Hollow Widening Project.

### 3. REGULAR AGENDA

#### 3.A. Staff recommends that the City Council:

1. Conduct a hearing on the Resolutions of Necessity (RON) to authorize the acquisition of abutter's rights and access thereto from two properties already the subject of eminent domain actions for the I-580/Patterson Road Interchange Project (CIP 73147) and to make the required findings for these two properties owned by and located at:
  1. ARP Minimart Corporation – 25775 Patterson Pass Road (Assessor's Parcel Number 209-100-040) (Minimart); and
  2. Harminder Kaur; Rajwinder Kaur; Gupreet Singh; Charnit Singh and Ramandeep Kaur, Trustees – 25883 S. Patterson Pass Road (Assessor's Parcel Number 209-100-280) (Kaur et al).
2. Adopt RONs for Minimart and Kaur et al., Finding that the Public Interest, Convenience and Necessity Require the Acquisition of Certain Property Interests for the Project, Authorizing the Acquisition Thereof, and Directing the City Attorney to File Eminent Domain Proceedings.

Mayor Young opened the public hearing.

Sharat Bandugula, Senior Civil Engineer and Bijal Patel, City Attorney provided the staff report and responded to questions.

Koosun Kim, City Engineer responded to questions.

Council comments and questions followed.

Robert Tanner asked if under this type of eminent domain, was any money given to the property owner and what is the estimate in total.

Council comments continued.

Mayor Young closed the public hearing.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Evans to adopt **Resolution 2024-157** approving a Resolution of Necessity of the City Council of the City of Tracy finding that the public interest, convenience and necessity require the acquisition of certain property interests for the public project (I-580/Patterson Pass Road Interchange Project, CIP 73147), authorizing the acquisition thereof, and directing the City Attorney to file eminent domain proceedings – (ARP Mini Mart, APN 209-100-040). Roll call found all in favor; passed and so ordered.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Evans to adopt **Resolution 2024-158** approving a Resolution of Necessity of the City Council of the City of Tracy finding that the public interest, convenience and necessity require the acquisition of certain property interests for the public project (I-580/Patterson Pass Road Interchange Project, CIP 73147), authorizing the acquisition thereof, and directing the City Attorney to file eminent domain proceedings – (Harminder Kaur; Rajwinder Kaur; Gupreet Singh; Charnit Singh and Ramandeep Kaur, Trustees Assessor's Parcel Number 209-100-280). Roll call found all in favor; passed and so ordered.

- 3.B. Staff recommends that the City Council conduct a public hearing, and upon conclusion, introduce an ordinance amending Tracy Municipal Code Section 10.08.2356 to provide an alternative to the current 120-foot width lot standard in the Community Recreation Support Services Zoning District.

Mayor Young opened the public hearing.

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

Mike Souza, representing the property owner gave a brief history and shared information regarding why they wish to make the change.

Council questions and comments followed.

Mayor Young closed the public hearing.

Adrienne Richardson, City Clerk read the title of the proposed ordinance.

**ACTION:** Motion was made by Council Member Bedolla and seconded by Mayor Pro Tem Davis to introduce an ordinance amending Tracy Municipal Code Section 10.08.2356 to provide an alternative to the current 120-foot width standard in the Community Recreation Support Services Zoning District. Roll call found all in favor; passed and so ordered.

Mayor Young announced that Council Member Bedolla had arrived at 7:02 p.m. and asked if he had any conflicts of interest on the agenda items.

Council Member Bedolla responded he had no conflicts of interest.

3.C Staff recommends that City Council take the following actions: 1) Adopt an Urgency Ordinance, pursuant to Government Code, § 36937(d): (A) rescinding Urgency Ordinance 1346 that established a moratorium on the processing of business taxes under Section 6.04.310 of the Tracy Municipal Code (TMC) and (B) adopting amendments to Chapter 6.04 of the TMC reflecting revised business tax rates and categories; and 2) Introduce an Ordinance amending Chapter 6.04 of the TMC to reflect revised business tax rates and categories.

Mayor Young opened the public hearing.

Sara Castro, Finance Director provided the staff report.

Robert Tanner stated with the sunset provision, it will put it back on the businesses in three years and urged Council to remove the three-year sunset provision, so it remains permanent. Will bring in more than \$3 million in 2025, 2026 and 2027.

Deanna Garcia referred to cannabis and asked what it would mean for her retail company. Her business license has not been able to be renewed. Trying to get clarification if this is the item that is holding up the license to be renewed. To hold a bank account all licenses need to be active and is causing chaos.

Council comments and questions followed.

Mayor Young closed the public hearing.

Adrienne Richardson, City Clerk read the title of the Urgency Ordinance.

**ACTION:** Motion was made by Mayor Pro Tem Davis and seconded by Council Member Bedolla to waive the reading of the full text and adopt **Urgency Ordinance 1348** (A) rescinding Urgency Ordinance 1346 that established a moratorium on the processing of Business Taxes under Section 6.04.310 of Tracy Municipal Code (TMC) and (B) adopting amendments to Chapter 6.04 of the TMC reflecting revised Business Tax Rates and Categories. Roll call found all in favor; passed and so ordered.

Council discussion continued.

City Clerk read the title of the proposed ordinance.

**ACTION:** Motion was made by Council Member Bedolla and seconded by Council Member Evans to waive the reading of the full text and introduce proposed Ordinance amending Chapter 6.04 of the Tracy Municipal Code to reflect revised Business Tax and Categories with a seven-year sunset of June 2031 and Council to provide input two years before end of the sunset. Roll call found all in favor; passed and so ordered.

- 3.D. Staff recommends that the City Council take the following actions for the League of California Cities 2024 Annual Conference Business meeting: 1) Designate, by motion, a voting delegate and up to two alternate voting delegates; and 2) Discuss General Resolution No. 1 and determine, by motion, how to authorize the appointed delegate to vote.

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 Council Member Bedolla to designate Council Member Bedolla as voting delegate and Council Member Arriola as 1st alternate voting delegate and Mayor Young as 2<sup>nd</sup> alternate voting delegate. Roll call found all in favor; passed and so ordered.

Council discussion continued.

**ACTION:** Motion was made by Mayor Pro Tem Davis and seconded by Council Member Evans to authorize the appointed voting delegates to vote in support of California League of Cities Resolution No. 1: Fair and Equal Treatment of All Governmental Officials at All Levels. Roll call found Council Members Bedolla, Evans, Mayor Pro Tem Davis and Mayor Young in favor; passed and so ordered. Council Member Arriola absent from roll call.

Mayor Young called a recess at 9:20 p.m.

Mayor Young reconvened the meeting at 9:29 p.m.

- 3.E 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 2.20.180(b)(4) and dispensing such requirements for actions herein; and (2) approving a Master Service Agreement with Flock Group, Inc. for the purchase, installation, operation, and maintenance of new and existing equipment and technology for a five-year term and for a total not-to-exceed amount of \$1,092,850.

Sekou Millington, Police Chief introduced Dan Garcia, Police Sergeant and Alex Warner, Crime Analyst.

Dan Garcia, Police Sergeant provided the staff report.

Robert Tanner stated the City needs to increase these cameras, the cost is minor, and safety first.

Conrad Levoit stated he supported the item.

Council comments followed.

**ACTION:** Motion was made by Council Member Evans and seconded by Mayor Pro Tem Davis to adopt **Resolution 2024-159** (1) determining that strict compliance with the bidding process is not in the best interest of the City pursuant to Tracy Municipal Code 2.20.180(B)(4) and dispensing such requirements for actions herein; and (2) Approving a Master Service Agreement with Flock Group, Inc. for the purchase, installation, operation, and maintenance of new and existing equipment and technology for a five-year term, and for a total not-to-exceed amount of \$1,092,850. Roll call found all in favor; passed and so ordered.

Mayor Pro Tem Davis recused herself from item 3.F and left the meeting at 9:39 p.m.

3.F. Staff recommends that the City Council adopt a Resolution approving a Professional Services Agreement with Group 4 Architecture, Research + Planning, Inc. for architectural, engineering, and associated design services related to the development of the City of Tracy Aquatic Center, Capital Improvement Project 78054, for a total not-to-exceed amount of \$5,665,261, and an initial term of 4 years with an administrative option to extend for up to another 2 years.

Richard Joaquin, Acting Assistant Director of Parks, Recreation, and Community Services provided the staff report.

Brian MacDonald, Parks and Recreation Director responded to Council's questions.

Council questions and comments followed.

Todd Lieberg stated there has been more progress on the Multi-Generational Recreation Center in the last six hours than there has been on the Aquatic Center in the past six years. Four Council Members unanimously voted to direct staff to bring this item back to give Council options. Mr. Lieberg urged Council to approve the contract, use their discretion and put forward a project Council wants. This item tonight is as close as we have ever been to real progress on an Aquatic Center. Having designs that the City owns and controls, can have input and be presented to Council in less than six months is real progress.

Robert Tanner spoke about a lawsuit regarding the 16 acres and stated the developer is paying property tax on as the City never officially took it over and the \$8 million may not come at all. Courts said have to reverse Second Development Agreement and the City never did complete the reversal of the Second Development Agreement.

Bijal Patel, City Attorney provided clarification regarding Mr. Tanner's comments.

Sandy Taylor stated Surland is disputing land dedication fraudulent charges. Certificate of Acceptance was prepared by Title Company but City was unable to secure title insurance, still held by Ellis Village, LLC. and taxes are still being paid

by Surland. Ms. Taylor referred to a property tax letter for July 2024 to June 2025. The Professional Services Agreement needs to be paused immediately until there is some resolution and asked Council to respect the work done to date and not waste more taxpayer dollars by awarding this contract.

Roy Hawkins stated the second property tax was paid in March. The \$18,000 is still being paid by Surland.

Ms. Patel responded to the previous speaker's comments stating the City does have title but not title insurance on the land.

Alice English stated the City concept is no longer valid because of the lawsuit and same goes for the developer's concept. Going with the \$55 million and \$65 million is not watering down. The taxpayers will be the ones who will pay the price. Requested Council go ahead with the contract. Council owes it to community and taxpayers to get this pool done.

A resident of Ellis thanked staff for working on the project and asked about timeline change and requested Council to approve what staff is proposing and move it forward.

Mangar, Ellis resident requested Council leave office with legacy of all the things they did for the community. Need to see what is ahead and not behind. Have task at hand, let's see how to get it done. Accepting the land took so much discussion. Staff has worked with Griffin and made progress. Will end up with 50 options and nothing will get done.

Rosario Arulappan stated there is no point going back. Stop this discussion and move forward. Want people who work for the community. Go ahead with staff's recommendation.

Michel Bazinet stated redoing the design work will waste \$6 million of taxpayer's money which is available to the City. The design has never been seen by the Council. The \$165 million is not supported by any facts, based on hypothetical assumption. Contract tonight would add six years to the project timeline. Council has the ability to change design and why not negotiate with the developer. Mr. Bazinet read out an email exchange with the Title Company and the City Attorney.

Council questions and discussion continued.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Bedolla to adopt **Resolution 2024-160** approving a Professional Services Agreement with Group 4 Architecture, Research + Planning, Inc. for architectural, engineering, and associated design services related to the development of the City of Tracy Aquatic Center, Capital Improvement Project 78054, for a total not-to-exceed amount of \$5,665,261, with an amendment in the recitals to return for Council direction after Phase 1 for a total of \$751,912 and an initial term of four years with an administrative option to extend for up to another two years.

Council comments and questions continued.

Bijal Patel, City Attorney asked Council Member Arriola for clarification on the motion that the amendment is to the resolve clause of the resolution and not the

title as the title cannot be amended on the floor, and is asking for requirement that it is approved, subject to directing staff to return to City Council after Phase 1 concludes. Council Member Arriola confirmed that is correct as Council discussed.

Roll call on Council Member Arriola's motion found Council Members Arriola, Bedolla, Evans and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Davis absent.

4. ITEMS FROM THE AUDIENCE – Rosario Arulappan shared concerns regarding the delays for the following projects: Ellis Dog Park, Corral Hollow Elementary School, Valpico and Corral Hollow signal and requested updates on the status due to no progress being made.
5. STAFF ITEMS - None
6. COUNCIL ITEMS – Council Member Bedolla asked for support for discussion, not time sensitive, about setting up a pilot for soccer goal posts that provides soccer recreation for those that do or do not have money to enroll in leagues. Council Member Evans supported the request.

Mayor Young stated there has been different requests in our community for art work around the City, and suggested going to the Arts Commission and Parks and Recreation to be able to look at artistic types of things to involve our community.

Council Member Arriola asked if the Mayor was referring to an Arts Policy and stated he has supported former Council Member Vargas's previous request regarding an Arts Policy, and stated he would support the request again.

Mayor Young said there is interest in the community right now.

Arturo Sanchez, Assistant City Manager asked if Mayor Young was asking for staff to bring an item to the Arts Commission for development of a Public Arts Policy and also identifying places where public art can be implemented based on that policy.

Mayor Young responded yes, she wanted it to be action and utilize the policy to do things downtown. There has been interest and people do not know where to start.

Arturo Sanchez, Assistant City Manager responded the first step would be a policy to be developed by the Arts Commission and then come back to City Council.

Karin Schnaider, Assistant City Manager stated there is a Public Art Policy, but we do not have an Art in Public Places Policy. We had also been working with the Arts Commission and Grand Manager to adopt a public art fee that would fund it. Ms. Schnaider stated she would follow up with City Manager. Wanted to recognize there are two different actions. Do have a policy for inside City Hall but not for public places.

Mayor Young spoke about competitions painting fire hydrants and utility boxes. Years ago the handball court in MacDonald Park was painted and then it was all painted over. Would like to have some historical content, some Latino flavor of that neighborhood to honor that section and suggested having something that can be put



in place that people can apply for the art. Council Member Arriola supported the request.

Mayor Young announced congratulations for the Multi-Generation Recreational Center groundbreaking today. Congratulations to Caliber Collisions ribbon cutting which opened their third facility in Tracy. Mayor Young wished her husband a happy birthday.

7. ADJOURNMENT: Time: 11:38 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 Young in favor; passed and so ordered. Mayor Pro Tem Davis absent.

The above agenda was posted at the Tracy City Hall on September 13, 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