

**October 1, 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 7:04 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. There were no declarations of conflict.

Mayor Young led the Pledge of Allegiance.

Pastor Doug Diestler, Mission City Church offered the invocation.

Midori Lichtwardt, City Manager presented the Employee of the Month award for October to Richard Joaquin, Parks, Recreation, and Community Services.

Mayor Young proclaimed October as Domestic Violence Awareness Month – presented a Proclamation to Wanda Irish from Chest of Hope and Diana Poe, Housing Coordinator for PREVAIL.

1. CONSENT CALENDAR – Motion made by Council Member Arriola and seconded by Council Member Bedolla to adopt the Consent Calendar. Roll call found all in favor; passed and so ordered.
  - 1.A. Approval of September 17, 2024 Regular Meeting Minutes. – **Minutes were adopted.**
  - 1.B. Staff recommends that the City Council adopt a resolution (1) approving and authorizing the execution of two pipeline crossing agreements with Union Pacific Railroad Company for new sewer main crossings located in Corral Hollow Road for the Sewer Capacity Upgrade Phases 2 and 3, Capital Improvement Project 74165, and (2) approving a total not-to-exceed amount of \$61,798 for the payment of fees associated with the terms of the agreements. – **Resolution 2024-161**
  - 1.C. The Tracy Homelessness Advisory Committee recommend that the City Council adopt a resolution: (1) Authorizing the acceptance of a grant award from Kaiser Permanente in the amount of \$95,000 to support strengthening the medical respite ecosystem - at the Temporary Emergency Housing Facility, Capital Improvement Project 71112; and (2) Appropriating the full grant funds to the Parks, Recreation and Community Services Department, Homeless Services Division, for Fiscal Year 2024-2025. – **Resolution 2024-162**
  - 1.D. Staff recommends that the City Council adopt a resolution: (1) Authorizing the acceptance of the State of California Office of Traffic Safety grant award in the amount of \$50,000 to conduct extra patrols and traffic enforcement, and to purchase two new LiDAR speed reading devices; and (2) Appropriating the full

grant funds to the Police Department Operational Budget for Fiscal Year 2024/2025. – Resolution 2024-163

- 1.E. Staff recommends that the City Council waive the second reading and adopt 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. – Ordinance 1349
- 1.F. Staff recommends that the City Council waive the second reading and adopt an Ordinance amending Tracy Municipal Code Section Chapter 6.04 of the TMC to reflect revised business tax rates and categories. – Ordinance 1350
- 1.G. Staff recommends that City Council adopt a Resolution: 1) Approving the execution of a General Services Agreement with JHA Remediation, LLC, a California Limited Liability Company, for haulage and disposal of bio-solids from the City's Wastewater Treatment Plant for a one-year term and annual total amount of \$469,587 per fiscal year; and 2) Authorizing administrative extensions by the City Manager for two additional one-year terms upon satisfactory performance and budget availability. – Resolution 2024-164
- 1.H. The Tracy Finance Committee recommends that the City Council adopt a Resolution adopting an amended Operating and Capital Budget for the Fiscal Year ending June 30, 2024, and making such amended budget to be retroactively effective. – Resolution 2024-165
- 1.I. Staff recommends that the City Council adopt a resolution: (1) Awarding a Construction Contract to Franco Engineering, Inc., of Tracy, California, in the amount of \$392,300 for the Tracy Boulevard Sidewalk Gap Closure, Capital Improvement Project 73175, and (2) Authorizing the City Manager to approve change orders up to the contingency amount of \$58,845, if needed. – Resolution 2024-166
- 1.J. Staff recommends that the City Council adopt a resolution authorizing payment to the San Joaquin Council of Governments, Inc. of up to \$106,000 in Habitat Fee for the agricultural land impacted by the construction of the Fire Training Facility at the NEI Reservoir, Capital Improvement Project 71109. – Resolution 2024-167
- 1.K. Staff recommends that the City Council adopt a Resolution: (1) Ratifying the erroneously executed Actual Cost Contract (ACC) with Pacific Gas and Electric Company (PG&E) in the amount of \$394,311 for work performed for the Traffic Signal Installation and Roadway Widening at Corral Hollow Road and Valpico Road Intersection, Capital Improvement Project 72095; and (2) Approving Amendment No. 1 to the ratified ACC with PG&E for additional costs in the amount of \$140,930 to reflect the revised total of \$535,241. – Resolution 2024-168
- 1.L. Staff recommends that the City Council adopt a Resolution, for the Interstate 580/International Parkway/Patterson Pass Road Diverging Diamond Interchange Project, Capital Improvement Project 73147, granting authority to the City Manager to: (1) authorize the payment of fees for Caltrans oversight, utility relocations and permitting; and (2) execute utility agreements, Caltrans agreements, permits and related documents. – Resolution 2024-169

2. ITEMS FROM THE AUDIENCE – Sandy Taylor expressed concerns over the lack of Title Insurance for the Aquatic Center property and read out several emails that were exchanged between the City Attorney, staff and the title insurance company.

Robert Tanner expressed support for Agenda Item 1.F and that when it comes to Measure V the Citizens and Council Members made a mistake, and expressed support for the City to refund developers if the IOD was not prepared properly.

3. REGULAR AGENDA

- 3.A Finance Committee recommends that the City Council conduct a public hearing and upon conclusion adopt a resolution (1) adopting Development Impact Fee Nexus Studies for the following functions: Parks (Neighborhood and Community); Public Facilities; Water and Recycled Water (Distribution, Supply, Treatment); Public Safety (Fire, Police, Communication Facilities); and Program Management (Master Plan areas of the City); (2) approving, increases in part, and decreases in part, in Development Impact Fees for each such function to become effective 60 days after final adoption, including annual adjustments on July 1st of each year, using the Engineering News Record Construction Cost Index; and (3) rescinding, as of the effective date of the new fees, the existing Development Impact Fees for each such function.

Mayor Young opened the public hearing at 7:32 p.m.

Veronica Child, Management Analyst II, Sharat Bandugula, Senior Civil Engineer, and Alison Bouley from Harris and Associates, provided the staff report and responded to questions.

Council comments and questions followed.

Mayor Young closed the public hearing at 8:57 p.m.

**ACTION:** Motion was made by Mayor Pro Tem Davis and seconded by Council Member Evans **to reject** (1) adopting Development Impact Fee Nexus Studies for the following functions: Parks (Neighborhood And Community); Public Facilities; Water (Distribution, Supply, Treatment) and Recycled Water; Public Safety (Fire, Police, Communication Facilities); and Program Management (Master Plan Areas Of The City); (2) approving, increases in part, and decreases in part, in Development Impact Fees for each such function to become effective 60 days after final adoption, including annual adjustments on July 1st of each year, using the engineering news record construction cost index; and (3) rescinding, as of the effective date of the new fees, the existing Development Impact Fees for each such function. Roll call found Council Member Evans, Mayor Pro Tem Davis and Mayor Young in favor; passed and so ordered. Council Members Arriola and Bedolla opposed.

- 3.B. Staff recommends that the City Council conduct a Public Hearing, and upon conclusion: 1) Introduce an Ordinance, pursuant to Government Code, § 36516, amending Chapter 2.04.060 of the Tracy Municipal Code increasing the monthly salary of the Mayor from \$1,129 to \$2,100 and increasing the monthly

salary of Council Members from \$1,029 to \$1,900; and 2) adopt a Resolution increasing the monthly salary of the City Treasurer from \$1,075 to \$1,900 and rescinding Resolution 2021-107.

Mayor Young opened the public hearing at 8:58 p.m.

Karin Schnaider, Assistant City Manager provided the staff report.

Robert Tanner stated that just because the state allows to increase stipend due to population, it does not need to be done, questioned where the spirit of volunteerism is at and the amount that is being paid to City Council is too high. Mr. Tanner proposed that the City Council Members make \$1300 a month and the Mayor \$100 more and shared that the 85% increase is not the same percentage increase that staff, or other commissioners would be paid.

Alice English agreed with the sentiments of the previous speaker and shared that there are community members that are Veterans, elderly or single parents that could use that tax payer money, an increase of 83% is too high and asked that Council do their job and serve the City, suggested that the Council send out a survey to the community regarding increases and urged Council to reject this item and do what's best for the City.

Community Members shared that when people are being paid good money, they do good work, expressed that Council is underpaid and urged that staff look into looking towards finding funds from grants, Federal funds, or corporations for Corporate Assistance Programs to assist with funding the Council stipend.

Council questions and comments followed.

Mayor Young closed the public hearing at 9:23 p.m.

Necy Lopez, Deputy City Clerk read the title of the proposed ordinance.

**ACTION:** Motion was made by Council Member Bedolla and seconded by Council Member Arriola to waive full reading of text and introduce an ordinance pursuant to Government Code, § 36516, amending Chapter 2.04.060 of the Tracy Municipal Code increasing the monthly salary of the Mayor from \$1,129 to \$2,100 and increasing the monthly salary of Council Members from \$1,029 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.

**ACTION:** Motion was made by Council Member Bedolla and seconded by Council Member Arriola to adopt **Resolution 2024-170** increasing the monthly salary of the City Treasurer from \$1,075 to \$1,900 and rescinding Resolution 2021-107. 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.

**DEVIATION:**

- 3.D. Discuss and provide direction regarding a proposed gift of public art from the City of Tracy's Mayor, in the form of an installation of a historical display entitled "Tracy's Leadership History".

Arturo Sanchez, Assistant City Manager, Dr. Nancy Young, City of Tracy Mayor and Shivani Shibu, intern for the Mayor provided the staff report.

Gwendolyn Stewart from The Golden Agers thanked the Mayor for this contribution and that this display will inspire the Community.

Conrad Levoit expressed excitement for the project and thanked the Mayor for the gift and asked for clarification as to where the display will be in City Hall.

Mayor Young clarified that the proposed location is on the south wall in the foyer of City Hall.

Community Member commended the Mayor on the presentation and shared that this would be a plus for the community and that this will help the visualization of the City's progress.

Council questions and comments followed.

Mayor Young requested the item return to Council no later than the October 15, 2024, Council Meeting.

Arturo Sanchez, Assistant City Manager, explained that there would potentially not be enough time to gather all the information needed to add this to the agenda scheduled to publish on Thursday, October 10, 2024 and asked that the item be brought back for the November 19, 2024 meeting.

Mayor Young shared that this item needed to come back to Council no later than October 15, 2024. Bijal Patel, City Attorney, shared that her office would work with staff and Council to bring this item back as the Mayor requested.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Bedolla to direct staff with a resolution to accept the gift of public art in the form of option 3 to be placed in the south wall of the City Hall foyer and direct staff to work with the contractor to identify the actual cost of the installation of the gift for the purposes of developing a sole source contract to install, repair and maintain the gift and finally accept the funds raised by the Mayor to pay for the sole source contract, provide direction regarding a proposed gift of public art from the City of Tracy's Mayor, in the form of an installation of a historical display entitled "Tracy's Leadership History". Roll call found all in favor; passed and so ordered.

Mayor Pro Tem Davis left the meeting at 10:21 p.m.

3.C The Planning Commission recommends that the City Council adopt a Resolution approving the Downtown Vision Plan.

Scott Claar, Senior Planner provided the staff report.

Robert Tanner expressed concerns regarding the purchase and decontamination of the land and the amount of contamination that needs to be cleaned up, asked if the City knows if Union Pacific Railroad would even want to sell the land and asked if trains will continue to utilize the railroad and what is happening with the TOD.

Harris expressed excitement for this project and asked about the Landscape Maintenance District and the land in question is in Zone 35, wanted clarification as to if Zone 35 will have to pay for the maintenance, shared that the Landscape Maintenance Districts may not be working well for the City and should be revisited.

Gabriella Machuca stated that a private investor would not invest in the area because of cost and urged the City to invest in the land and clean-up of the contaminants, asked how the Downtown Plan phasing will work and in what order will it be built and requested better access, lighting, incentives for the downtown area, and maybe not charge impact fees in the Downtown area.

Council comments and questions followed.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Evans to adopt **Resolution 2024-171** approving a Resolution approving the Downtown Vision Plan. Roll call found Council Members Arriola, Bedolla, Evans and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Davis was absent.

4. ITEMS FROM THE AUDIENCE – Pastor Young expressed his frustration at the City Attorney related to the Mayor’s project and that Council Member Evans was frivolous with taxpayer money by keeping the City Attorney, giving her a raise and providing back pay.

Council Member Evans called a point of order.

5. STAFF ITEMS - None.
6. COUNCIL ITEMS – Council Member Evans thanked the Gold Star Families for the flag raising last Friday to the flagpole at City Hall.

Council Member Evans requested support to bring back an amendment to C-10 of the City Council Policies that as currently written, requires all Council vacancies to be filled by appointment. Requested that it be amended to state that the highest vote getter in the current election would get that seat and believed the way it is currently written is wrong, seat should go to highest vote getter and not be appointed.

Council Member Arriola responded that Council did change that rule so any vacancy will go to the next highest voter.

Council Member Evans stated the way it is currently written is under C-10 as was adopted in 2019, it states that if someone in the middle of their term on Council leaves their seat, the Council will appoint.

Council Member Arriola responded his recollection was that Council amended a resolution that within one year of an election, the next runner up would take any vacated seat and an appointment process would only happen after one year.

Council Member Evans stated that is correct, after the seat has been filled for one year and that seat is vacated two years into the term, the way he read it Council will appoint for the remainder of that seat.

Council Member Evans stated he wants an amendment brought back and provided two options: would like to delete Section B, and amend 2-A, to say that a vacancy occurring at any time will be filled by the next highest vote getter in the election of that originally filled seat or would like to delete Section B, and amend 2-A, to state that a vacancy occurring at any time would be filled by the next highest vote getter in the election that created the vacancy, recommended it be written both ways and requested that it comes back at the next Council meeting.

Bijal Patel, City Attorney clarified the current policy language.

Council Member Evans stated the part he wants to fix is the appointment after a year, he feels it should be a democratically elected public official and does not want Council appointing that person.

Council Member Arriola responded he wouldn't particularly object to it however he was concerned because it is so close to an election and heard staff say the next meeting is stacked, and would the defacto change have any impact for this upcoming election or could Council do that right after the election so staff is not bogged down with an extra item because the outcome would be the same that the next runner up would take the vacant seat in this upcoming election.

Council Member Evans stated he does not think the outcome would be the same and stated it should be done prior to the election.

Council Member Arriola stated if a vacancy happens in this upcoming election, the next runner up will take that seat given the current rules.

Mayor Young stated yes there was a lot of discussion with prior Council regarding the appointment process which was a problem, so they put the policy in place.

Ms. Patel responded you have to go back to when that term started and is the vacancy in the first year of that term. The way it is written it is the vacant positions term so you go back to when that term started of the vacancy. Depends on the term of the seat that you are filling and did the vacancy happen within the first year of that term starting or after. Council Member Evans is asking to take out Section B which is the appointment process which says it is after the vacancy term.

Council Member Evans stated that is correct and alter Section 2.A to read – vacancy occurring at any time would be filled by the highest vote getter.

Council Member Arriola responded it sounds like there is some ambiguity regardless. He was under the impression that should a vacancy occur in the upcoming election the next runner up would take the Council seat.

Mayor Young stated that was absolutely the intent after what happened in 2012, 2014 and 2016 and that is why it was put into place so it would be clear that the third vote getter would receive that seat.

Ms. Patel responded maybe there is a disconnect about what you thought you approved and what was written in the policy. The policy is clear that the vacant positions term is what dictates how you appoint, and whether or not the vacancy occurs in or after the first year. It is when the term started. Ms. Patel provided examples of within a year and after a year.

Council Member Evans stated he is not questioning the intent, just the language.

Council Member Arriola stated if any ambiguity between intent and language, then it should definitely be cleared up.

Ms. Patel stated she would send Council the Policy, resolution, and link to the video.

Council Member Arriola seconded Council Member Evan's request. It needs to be very clear.

Mayor Young agreed and stated we don't want to get into that appointment process again.

Council Member Bedolla shared that when the Council Policy comes back, it needs to be very clear in the intention. Ms. Patel provided information as to what the legal limitations may be.

Ms. Patel asked that when the item comes back to Council, is the request to bring back a discussion item or a specific resolution amending the policy.

Council Member Evans responded he would like both resolutions drafted for Council approval.

Ms. Patel stated she can do one resolution with option A and B.

Council Member Evans stated yes one decisive motion and it is codified.

Council consensus was to bring back the City Council Policies and make amendments to clarify the language regarding Council vacancies, no later than the October 15, 2024 meeting.

Council Member Bedolla expressed frustration with the incorrect statements made regarding the City Attorney's willingness to work with the Mayor on her gift and clarified that the City Attorney stated that her office and City Management Team would work together with the Mayor to facilitate that item coming back to Council at the next meeting.

Mayor Young asked staff to provide the specific pages that Council Member Evans was referring to in his request.

7. ADJOURNMENT: Time: 11:32 p.m.

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



The above agenda was posted at the Tracy City Hall on September 26, 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