

**August 18, 2020, 7:00 p.m.**

City Hall, 333 Civic Center Plaza, Tracy

Web Site: [www.ci.tracy.ca.us](http://www.ci.tracy.ca.us)

Due to the COVID-19 emergency, the regular meeting was conducted pursuant to the provisions of the Governor's Executive Order N-29-20, which suspends certain requirements of the Ralph M. Brown Act. Residents participated remotely via email, phone and WebEx during the meeting.

Mayor Rickman called the meeting to order at 7:05 p.m.

Mayor Rickman led the Pledge of Allegiance.

Pastor Tim Heinrich, Crossroads Baptist Church offered the invocation.

Roll call found Council Members Arriola, Ransom, Vargas, Mayor Pro Tem Young and Mayor Rickman present.

Mayor Rickman announced items 3.B and 3.D will be heard first.

3.B CONDUCT PUBLIC HEARING FOR TRACER ON-DEMAND PILOT PROGRAM PARAMETERS TO BE EFFECTIVE AUGUST 23, 2020 AND APPROVE RECOMMENDATIONS FOR PROGRAM PARAMETERS

Ed Lovell, Management Analyst II provided the staff report.

Mayor Rickman opened the public hearing.

Cindy Gustafson requested Council keep the price at \$2.00 per ride for the On Demand Service, so low-income seniors and disabled can afford to use the service.

William Muetzenberg spoke about allowing a monthly rider option; expanding services to nearby areas such as county community center on Larch, and Mountain House, expanding ridership through Tracer reduces parking needs and helps integrate the city's public transit with regional transit.

Robert Tanner supported the Tracer On Demand Sunday operation, and early morning and late evenings Monday through Saturday, and asked for the number to call for Tracer Plus.

Jacob Hunter stated it will be an important pilot to figure out the level of service needed and hoped Council will vote yes on the item.

Mayor Rickman closed the public hearing.

City Council questions and comments followed.

**ACTION:** Motion was made by Council Member Vargas and seconded by Council Member Arriola to adopt a **Resolution 2020-139** approving the Tracer On-Demand Pilot

Program parameters effective August 23, 2020. Roll call vote found all in favor, passed and so ordered.

3.D APPROVE FUNDING USES FOR CORONAVIRUS RELIEF FUNDS, APPROVE APPROPRIATION OF FUNDS FROM THE CARES ACT ALLOCATION, AND RECEIVE A CARES ACT FUNDING UPDATE

Robert Harmon, Senior Accountant provided the staff report.

There was no public comment.

City Council questions and comments followed.

**ACTION:** Motion was made by Council Member Vargas and seconded by Council Member Ransom to adopt a **Resolution 2020-140** approving the use of Corona Virus Relief Funds and approving an appropriation of funds from the State's Cares Act Corona Virus Relief Funding allocation to the City of Tracy. Roll call found all in favor, passed and so ordered.

**REGULAR MEETING RECESSED** - Mayor Rickman recessed the regular meeting back to the special meeting at 8:04 p.m.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Vargas to recess back to the special meeting. Roll call found all in favor; passed and so ordered.

**REGULAR MEETING RECONVENED** - Mayor Rickman reconvened the regular meeting at 10:30 p.m.

1. CONSENT CALENDAR – Following the removal of Consent item 1.L by Council Member Vargas, and 1.P by Robert Tanner motion was made Mayor Pro Tem Young and seconded by Council Member Vargas to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.

1.A ADOPTION OF JULY 7, 2020 CLOSED SESSION, SPECIAL MEETING AND REGULAR MEETING MINUTES; JULY 21, 2020 CLOSED SESSION, SPECIAL MEETING AND REGULAR MEETING MINUTES; JULY 28, 2020 SPECIAL MEETING MINUTES; AUGUST 4, 2020 SPECIAL MEETING MINUTES - **Minutes were adopted.**

1.B AUTHORIZE THE PURCHASE OF FOUR 29-FOOT LOW FLOOR BUSES FOR TRACER FIXED ROUTE SERVICE FROM GILLIG, LLC UNDER A COOPERATIVE PURCHASING AGREEMENT WITH THE COMMONWEALTH OF VIRGINIA CONTRACT E194-75548, AND APPROVE A CONTINGENCY AMOUNT OF \$100,000 FOR ANY CHANGE ORDERS NEEDED DURING PRODUCTION – **Resolution 2020-141** authorized the purchase of four 29-foot low floor buses.

1.C ACCEPT THE CONSTRUCTION OF THE TRACY RECYCLED WATER TRANSMISSION MAINS PHASE 2 – CIP 74091, COMPLETED BY MOUNTAIN CASCADE INC., AUTHORIZE THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE SAN JOAQUIN COUNTY RECORDER AND AUTHORIZE THE UTILITIES DIRECTOR TO RELEASE THE BONDS AND

RETENTION PAYMENTS – **Resolution 2020-142** accepted the project completed by Mountain Cascade Inc.

- 1.D WAIVE SECOND READING AND ADOPT ORDINANCE 1294, AN ORDINANCE OF THE CITY OF TRACY APPROVING AN AMENDMENT TO THE TRACY HILLS SPECIFIC PLAN REGARDING SINGLE-FAMILY DWELLINGS WITH THREE-CAR GARAGES APPLICATION NUMBER SPA20-0002 – **Ordinance 1294 was adopted**
- 1.E WAIVE SECOND READING AND ADOPT ORDINANCE 1295, AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTION 2.08.080 OF CHAPTER 2.08 OF, AND ADDING CHAPTER 2.10 TO, TITLE 2 “ADMINISTRATION” OF THE TRACY MUNICIPAL CODE REGARDING TENURE OF THE CITY MANAGER AND THE CITY ATTORNEY – **Ordinance 1295 was adopted**
- 1.F APPROVE AMENDMENT No. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH PENNINO MANAGEMENT GROUP FOR ADDITIONAL GRANT, RESEARCH, AND FUNDING PROGRAM SERVICES – **Resolution 2020-143** approved Amendment No. 3 to the Professional Services Agreement with Pennino Management Group.
- 1.G APPROVE REVOCABLE ACCESS AND UTILITY EASEMENTS TO GARY L. PATTERSON, et al., FOR MAGNON COMPANIES, ON THE NORTH SIDE OF EAST PESCADERO AVENUE – **Resolution 2020-144** approve Revocable Access and Utility Easements to Gary L. Patterson, et al, for Magnon Companies.
- 1.H APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH SEROLOGICAL RESEARCH INSTITUTE, A CALIFORNIA CORPORATION FROM JULY 1, 2020 TO JUNE 30, 2025, NOT TO EXCEED \$400,000 OR \$80,000 ANNUALLY FOR EXPEDITED FORENSIC DNA AND EVIDENCE TESTING – **Resolution 2020-145** approved a Professional Services Agreement with Serological Research Institute.
- 1.I AUTHORIZE THE PURCHASE OF MULTIPLE VEHICLES AND EQUIPMENT IN THE AMOUNT OF \$526,913 – **Resolution 2020-146** authorized the purchase of multiple vehicles and equipment.
- 1.J. AUTHORIZE THE APPROPRIATION OF \$102,843 FROM THE CITIZENS’ OPTION FOR PUBLIC SAFETY (COPS) GRANT PROGRAM FUNDING FOR THE PURCHASE OF ESSENTIAL SAFETY EQUIPMENT FOR FRONTLINE LAW ENFORCEMENT – **Resolution 2020-147** authorized the appropriation from COPS for purchase of safety equipment.
- 1.K. APPROVE A GENERAL SERVICES AGREEMENT WITH PETROLEUM SOLIDS, LLC FOR CENTRIFUGE EQUIPMENT AT THE WASTEWATER TREATMENT PLANT WITH OPTION TO PURCHASE AT END OF TERM FOR A NOT TO EXCEED AMOUNT OF \$171,600 ANNUALLY OR \$346,000 WITH PURCHASE OPTION – **Resolution 2020-148** approved a General Services Agreement with Petroleum Solids, LLC for centrifuge equipment.

- 1.M. AWARD A CONSTRUCTION CONTRACT TO SWIERSTOK ENTERPRISE, INC., OF ORANGEVALE, CALIFORNIA, DOING BUSINESS AS PRO BUILDERS, OF ORANGEVALE, CALIFORNIA, IN THE AMOUNT OF \$739,090 FOR THE TRACY MUNICIPAL AIRPORT RDA IMPROVEMENT PROJECT, CIP 77582, WITH A NOT-TO-EXCEED BUDGET OF \$960,820, AUTHORIZE AN APPROPRIATION OF \$511,717 FROM FUND 317, AND AUTHORIZE THE CITY MANAGER TO APPROVE CHANGE ORDERS UP TO THE CONTINGENCY AMOUNT OF \$73,930, IF NEEDED – **Resolution 2020-149**  
awarded the contract to Swierstok Enterprise, Inc. dba Pro Builders for the Tracy Municipal Airport RDA Improvement Project.
- 1.N. APPROVE PROPOSALS AND RATES FROM MULTIPLE VENDORS FOR THE SUPPLY OF VARIOUS CHEMICALS FOR THE TREATMENT OF WATER AND WASTEWATER FOR FISCAL YEAR 2020-2021 – **Resolution 2020-150**  
approved proposals and rates from multiple vendors for supply of various chemicals.
- 1.O. APPROVE MASTER PROFESSIONAL SERVICES AGREEMENTS WITH RJR ENGINEERING & CONSULTING, INC., WEST YOST & ASSOCIATES, AND WOOD RODGERS, INC., TO PROVIDE STORM DRAINAGE ENGINEERING SERVICES FOR LAND DEVELOPMENT PROJECTS, AND AUTHORIZE THE DEVELOPMENT SERVICES DIRECTOR TO EXECUTE NOTICES TO PROCEED TO THE AGREEMENTS, FOR A NOT-TO-EXCEED AMOUNT OF \$200,000 FOR EACH CONSULTANT PER YEAR– **Resolution 2020-151**  
approved the Master Professional Services Agreement with RJR Engineering & Consulting, Inc., West Yost & Associates, and Wood Rodgers, Inc.
- 1.L. AUTHORIZE THE ASSISTANT CITY MANAGER/DIRECTOR OF DEVELOPMENT SERVICES TO EXECUTE AND SUBMIT THE CYCLE ONE MEASURE K (F242) BICYCLE, PEDESTRIAN AND SAFE ROUTES TO SCHOOL NON-COMPETITIVE PROGRAM FUNDS CLAIM OF \$310,581, AUTHORIZE THE ASSISTANT CITY MANAGER TO EXECUTE AND SUBMIT ALL FUTURE SUCH CLAIMS, AUTHORIZE THE ESTABLISHMENT OF A CIP (73181) FOR THE INSTALLATION OF ASPHALT CONCRETE PEDESTRIAN PATH ON LAMMERS ROAD, CLAIM AN APPORTIONMENT OF \$80,581 FOR THIS NEW CIP, AND CLAIM THE REMAINING \$230,000 FOR THE CIP 72116

Council Member Vargas pulled the item to thank staff for looking into the grants and opportunity to continue the sidewalk work and safe routes for children to get to school.

No one from the public wished to speak.

There were no further comments from City Council.

**ACTION:** Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to adopt a **Resolution 2020-152** authorizing the Assistant City Manager/Director of Development Services to execute and submit the Cycle One Measure K (F242) bicycle, pedestrian and safe routes to school non-competitive program funds claim of \$310,581, authorizing the Assistant City Manager to execute and submit all future such claims, authorizing the establishment of a CIP (73181) for the installation of asphalt concrete pedestrian path on Lammers

Road, claiming an apportionment of \$80,581 for this new CIP, and claiming the remaining \$230,000 for the CIP 72116. Roll call found all in favor, passed and so ordered.

1.P CONSIDER APPROVAL OF EQUITY AND EMPOWERMENT INITIATIVE AND PROPOSED WORK PLAN

Robert Tanner asked about the City not authorizing three new police hires and is this the beginning of reducing or defunding Police.

Jenny Haruyama, City Manager responded to Mr. Tanner's comments.

City Council questions and comments followed.

**ACTION:** Motion was made by Mayor Pro Tem Young and seconded by Council Member Vargas to adopt **Resolution 2020-153** approving the Tracy Equity and Empowerment Initiative and Implementation Work Plan. Roll call found all in favor, passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Alice English spoke about the following: support for completion of Legacy Fields, Council Members taking Legacy Fields off the priority list in November 2019, Surland extending their Development Agreement, and the increase in cost for Aquatic Center.

Council Member Arriola objected to the commentary made by Alice English.

Jass Sangha spoke about the need for Legacy Fields to be completed and the revenue it will create for the City.

3. REGULAR AGENDA

3.A DISCUSS CITY'S RESPONSE TO COVID-19 (VERBAL REPORT) – Item was moved to September 1, 2020

3.C CONSIDER ADOPTING A RESOLUTION APPROVING THE AQUATIC CENTER FINAL CONCEPTUAL PLAN WITH A NOT-TO-EXCEED BUDGET OF \$65 MILLION, INCLUDING CONTINGENCY AND SOFT COSTS

Richard Joaquin, Parks Planning and Development Manager provided the staff report.

Chris Long, Surland Companies spoke about the Aquatic Center project.

Steve Auterman, Urban Design Associates provided a powerpoint presentation regarding the Aquatic Center final conceptual plan.

David Sangree, Hotel and Leisure Advisors provided information about the project.

Stuart Lumsden, Gleeds USA spoke about the cash flow of the project.

Les Serpa, Surland Communities spoke about the project.

Brandon Kanner shared support for building the Aquatic Center the way it was envisioned and voted on.

Heidi Yee shared her support for the Aquatics Center and urged Council to adopt a resolution approving the Aquatics Center Conceptual Plan.

Mom requested Council not spend a dime that is not absolutely necessary.

Lolo Penzar urged Council to follow through on the project as approved by Council.

City Clerk announced an email comment from Todd Lieberg that exceeded the word count limit would be included in the record and was provided to Council.

Michel Bazinet stated the concept presented is pool and recreational and recreational pays for total concept. Mr. Bazinet suggested to minimize the operating costs, approve the project as proposed for \$65 million.

Robert Tanner stated the \$5.2 million cost of the play structure wet deck should not be part of the initial elements to be built. Mr. Tanner added every time the developer is before Council they ask for more money, cut it off.

Mary Mitracos commented on the following: City not having \$65 million to spend on the Aquatic Center, irresponsible if not phased, project consultant costs, social equity issues when spending \$65 million in a subdivision and not putting swimming pools in other areas, and was not in favor of the project.

Marsha McCray provided history on the Aquatic Center project, stated it was unfair to subsidize only a pool, shared her support for the project and urged Council to approve the conceptual plan.

Cliff Hudson stated the Aquatic Center conceptual plans are beautiful, but do we need it at \$65 million and could that money be used in other places. Citizens asked for competition pool and he supported that. Mr. Hudson agreed with finishing Legacy Fields providing another phase is not added.

Alice English stated it is irresponsible to spend \$65 million and shared her concerns about lack of parking for RV's for those competing, no staging area, and cost of using pool, and cost of pool.

Travis Courtney, Tracy Little League President asked why spend \$65 million as a community on water theme park that is going to cost an exorbitant amount of money to get into. Mr. Courtney spoke about finishing Legacy Fields and phasing the water park.

City Council questions and discussion ensued.

Council Member Vargas left the dais at 12:32 a.m.

Council Member Vargas rejoined the meeting at 12:37 a.m.

**ACTION:** Motion was made by Mayor Pro Tem Young and seconded by Council Member Arriola to adopt **Resolution 2020-154** approving the final Aquatic Center Conceptual Plan with a not-to-exceed budget of \$65 million, including contingency and soft costs.

Council Member Vargas made a friendly amendment to include staff to return to Council after they have talked to the developer about phasing options.

Roll call vote found all in favor; passed and so ordered.

3.E RECEIVE UPDATE FROM THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY ON THE EMPLOYEE TRANSITION PLAN AND PROVIDE DIRECTION TO STAFF – **Item moved to September 1, 2020**

3.F DESIGNATE VOTING DELEGATE AND UP TO TWO ALTERNATE VOTING DELEGATES FOR THE LEAGUE OF CALIFORNIA CITIES 2020 ANNUAL CONFERENCE BUSINESS MEETING – **Item moved to September 1, 2020**

4. ITEMS FROM THE AUDIENCE – None.

5. STAFF ITEMS – None.

6. COUNCIL ITEMS – None.

7. ADJOURNMENT – Time: 12:43 a.m. Date: Wednesday, August 19, 2020

**ACTION:** Motion was made by Council Member Ransom and seconded by Council Member Vargas to adjourn. Roll call vote found all in favor; passed and so ordered.

The above agenda was posted at the Tracy City Hall on August 13, 2020. 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