

October 15, 2024, 7:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy

Web Site: 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. City Council had no declaration of conflicts.

Mayor Young led the Pledge of Allegiance.

Pastor Tim Heinrich, Crossroads Baptist Church offered the invocation.

Mayor Young proclaimed October 19, 2024, as Arbor Day and presented a proclamation to John Newman, Public Works Superintendent.

Mayor Young proclaimed October as Homeless Youth Awareness Month and presented a proclamation to Elizabeth Sanchez, PREVAIL Community Engagement Manager.

Mayor Young proclaimed November as Sikh American Awareness Month and presented a proclamation to Jass Sangha and members of the Sikh community.

Mayor Young proclaimed October as Breast Cancer Awareness Month and presented a proclamation to breast cancer survivors Gina Peace and Kristi Stayton.

1. CONSENT CALENDAR – Following the removal of Consent Item 1.F by Mayor Pro Tem Davis and Robert Tanner, motion was 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 October 1, 2024, special meeting minutes and October 1, 2024, Regular Meeting Minutes. – Minutes were adopted.
 - 1.B. The Tracy Homelessness Advisory Committee recommend that the City Council adopt a resolution approving Amendment No. 1 to the Professional Service Agreement with The Salvation Army for operation of the Temporary Emergency Housing Facility for a term of one year with a not-to-exceed annual cost of \$2.6 Million and a minor modification to scope. – Resolution 2024-172 approved Amendment No. 1 to the Professional Service Agreement with The Salvation Army.
 - 1.C. Staff recommends that City Council adopt a Resolution: (1) Approving the execution of a General Services Agreement with Petroleum Solids Control, Inc., a California Corporation, to provide rental services for certain equipment for the City of Tracy Wastewater Treatment Plant at a monthly lease amount of \$19,350 for an initial six (6) month term; and (2) Authorizing the City Manager to approve monthly extensions up to a one-year term for a total not-to-exceed total amount

of \$232,200. – **Resolution 2024-173** approved execution of the General Services Agreement with Petroleum Solids Control, Inc.

- 1.D. The Tracy Finance Committee recommends that the City Council adopt a resolution:
(1) Approving a 20% local match for the Safe Streets and Roads for All (SS4A) grant from the United States Department of Transportation; (2) Accepting the SS4A grant in the amount of \$3,764,800; (3) Appropriating to Capital Improvement Project 73201 (A) \$941,200 in funds from gas taxes (Fund 245) to provide for the local match and (B) the total SS4A grant funds, for a total project amount of \$4,706,000; and (4) Authorizing the City Manager to execute the grant agreement and other documents to effectuate the grant. – **Resolution 2024-174** approved the local match for the Safe Streets and Roads for All grant; accepted the SS4A grant; appropriated funds; and authorized the City Manager to execute the grant agreement and other documents to effectuate the grant.
- 1.E. Staff recommends that the City Council adopt a Resolution approving Amendment No. 4 to the Professional Services Agreement with Terracare Associates, (1) Increasing the annual not-to-exceed amount to \$1,600,000, for streetscapes, park, and channelway landscape maintenance services; and (2) Extending the term for an additional year; and (3) Amending the billing rates by the CPI of 2.7% to account for inflationary increases. – **Resolution 2024-175** approved Amendment No. 4 to the Professional Services Agreement with Terracare Associates.
- 1.G. Staff recommends that the City Council adopt a resolution approving the execution of a Freeway Agreement with the California Department of Transportation for the Interstate 580/Lammers Road Undercrossing Project. – **Resolution 2024-176** approved the execution of the Freeway Agreement with California Department of Transportation.
- 1.H. Staff recommends that the City Council adopt a resolution: (1) Approving the execution of a Subdivision Improvement Agreement between the City and Lennar Homes of California, LLC, for construction of in-tract improvements for Tracy Hills Phase 2B Tract 4181 Villages 11 and 12, and (2) Authorizing the City Clerk to Record the Subdivision Improvement Agreement with the Office of the San Joaquin County Recorder. – **Resolution 2024-177** approved the execution of the Subdivision Improvement Agreement with Lennar Homes of California, LLC.
- 1.I. Staff recommends that the City Council adopt the following: (1) a Resolution approving an On-Call Professional Services List, for Geotechnical Engineering Services, for five years, and (2) By separate Resolutions, authorizing the (A) Execution of Master Professional Services Agreements with BSK Associates and Ninyo & Moore to provide Geotechnical Engineering Services, each for an initial term of three years and a not-to-exceed amount of \$300,000 per fiscal year; and (B) City Manager to extend, administratively, for up to two additional years. – **Resolution 2024-178** approved the On-Call Professional Services List. **Resolution 2024-179** authorized the Master Professional Services Agreement with BSK Associates. **Resolution 2024-180** authorized the Master Professional Services Agreement with Ninyo & Moore.

- 1.J. Staff recommends that the City Council adopt a Resolution: (1) authorizing the submittal of an application, and upon award, execution by the Mayor of a grant agreement with the California Department of Transportation Division of Aeronautics, in the amount of \$6,300; and (2) subject to and upon award, accepting such grant funds and appropriating the full grant amount to Capital Improvement Project 77595 - Pavement Maintenance Management Plan Project. – Resolution 2024-181 authorized the submittal of an application, and upon award, execution by the Mayor for a grant agreement with the California Department of Aeronautics.
- 1.K. Staff recommends that the City Council adopt a resolution: (1) Authorizing the acceptance of the Technology and Equipment Program Grant in the amount of \$391,400 from the United States Department of Justice, Office of Community Oriented Policing Services and (2) Appropriating the full grant funds to the Police Department's Operational Budget for Fiscal Year 2024/2025. – Resolution 2024-182 authorized the acceptance of the Technology and Equipment Program Grant from the United States Department of Justice, Office of Community Oriented Policing Services.
- 1.L. Staff recommends that the City Council adopt a resolution approving a General Services Agreement with Stockton Petroleum Company, Inc. for gasoline and diesel fuel services for a term of two-years and a total not to exceed amount of \$1,537,000 per fiscal year. – Resolution 2024-183 approved the General Services Agreement with Stockton Petroleum Company, Inc.
- 1.M. The City Council adopt a Resolution waiving the City Council Appointment Policy process under Resolution 2024-042 and deferring, instead, to the Interview Process under the Bylaws of the Environmental Sustainability Commission to fill youth vacancies. – Resolution 2024-184 waived the City Council Appointment Policy process under Resolution 2024-042 and deferred to the interview process under the Bylaws for the Environmental Sustainability Commission to fill youth vacancies.
- 1.N. Staff recommends that the City Council approve Amendment No. 2 to the Master Services Agreement between the City of Tracy and Paymentus Corporation to add updated web portal and other payment options for credit card merchant services and processing. – Resolution 2024-185 approved Amendment No. 2 to the Master Services Agreement with Paymentus Corporation.
- 1.O. Staff recommends that the City Council adopt a resolution: (1) Accepting a Grant of Easement from the Bureau of Reclamation for the International Parkway Bridge Replacement and Expansion Project, Capital Improvement Project 73148 and (2) Authorizing the City Clerk to record the Grant of Easement with the Office of the San Joaquin County Recorder. – Resolution 2024-186 accepted a Grant of Easement from the Bureau of Reclamation for the International Parkway Bridge Replacement and Expansion Project.
- 1.F. Staff recommends that the City Council waive the second reading and adopt 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.

Mayor Pro Tem Davis pulled the item to state she hears the citizens frustration about the increases and does not support this raise, stands with those that have to tighten their belts to get by, hoped Council would tighten their belts and asked what the financial impact is to the General Fund.

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

Council comments followed.

Robert Tanner stated there should be \$100 increase for Council and \$200 increase for Mayor only and shared his frustration about an 85% increase for Council and 86% increase for Mayor. Most of Council have jobs so why take such a large increase. Need to come up with a better solution.

Vannie Dart stated when Council ran for this post, they knew how much it pays and begged citizens to vote for you, yet we give you power so you can give yourself 85% and 86% raise. Ms. Dart shared her concerns regarding the increase and asked Council to vote it down. Ms. Dart also clarified the City Attorney's pay increase.

Tim Silva stated he completely disagreed with staff's recommendation for an 85% increase. He makes \$50 a month on the Transportation Commission. Commissions do a lot for the community. If anyone is doing this for the money, they are in the wrong job. Living in hard times right now.

Don Penning shared he was in the military and did not do it for the money, did it to serve his country and wants to believe that the Council is doing this to serve their community. An 85% increase is a large increase. He serves on a City Commission and gets \$50 a meeting. Mr. Penning asked Council to vote it down.

Burnell Shull shared her concerns regarding the pay increase and staff recommending the increase. Ms. Shull requested Council to not vote in support of this item.

An owner of multiple small businesses stated it is absurd that Council wants to increase the Council salary by 85% and 86%. The community is hurting and suggested putting the money back into the community. The residents voted Council in a position to be trusted. He donates a lot of services to the City and urged Council to rethink the increase.

A caller challenged Council to utilize the funds for safer crosswalks and illuminated crossings instead of giving themselves a raise.

Council comments followed.

Midori Lichtwardt, City Manager responded to questions.

Heather Smiddy stated she has participated on things with the Mayor over the past couple of years and is shocked as our City Council is under paid. We are so far behind other cities. Have been way too low from the start.

Council comments continued.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Bedolla to adopted **Ordinance 1351**, 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.

2. ITEMS FROM THE AUDIENCE – Steve Abercrombie shared his Facebook has been hacked and asked no one to send any deposits. Mr. Abercrombie announced on October 16, 2024, there will be a special presentation at Grand Theatre from 6:30 – 7:30 p.m. regarding vaping. Also doing presentations for staff tomorrow at 4:30 – 5:30 p.m. and Thursday, 4:00 – 5:00 p.m. at Tracy High School. Vaping is a big problem for high school students and sadly it is going to middle school and elementary school so encouraged people to get information.

A resident and small business owner shared his concerns about not being able to find information in City records, downtown TCCA, Tracy Chamber regarding bids for the downtown block parties. Another issue – as a resident off Valpico Road across from Regency Homes, a 55 and older community, residents have been getting the run around between Regency Homes and Toll Brothers regarding a contract which states if wells went dry 100% of the cost would be paid for. They had to pay \$30,000 to dig a road up to bring in water. Now they want to take property line and no one can justify 18 inches of property line being taken for City access, easements and asked Council to look into it and inform the residents of Valpico.

Rosario Arulappan stated the Ellis development still has no school which has been pending for eight years. Have raised concerns so many times but nothing happens. Tried to reach the Jefferson Board, but no response. There are 850 families living in Ellis there and the signal at Corral Hollow is always an issue due to a lot of traffic. Surland made promises and sold all the houses. The school is mandatory. Want the City to take over and move things forward and shared concerns regarding delays.

Robert Tanner shared his concerns regarding Council approving a salary increase for City Council in agenda item 1.F.

Cherie McKay stated being a full-time volunteer, people that get involved with the community are people that do not get paid, they love their city and thanked Mayor Pro Tem Davis for helping her with the soccer fields, is a true cheerleader for Tracy soccer. No one listens to her from Parks and Recreation. After 20 years of doing fields for all leagues, this is the worst. Can't grow because of restrictions.

Tim Silva stated he was disappointed with the vote for 85% pay raise for Council. This is how democracy works. Have to be respectful whether we like it or not. Would like to see commissions get a raise. Don't we want quality commissions as well. Commissions are an intricate part of the process. Mr. Silva announced on October 26 from 2:00 – 5:00 p.m. there will be a Halloween event at the Airport and invited everyone.

Burnell Shull shared concerns regarding Council approving the 85% salary increase. It is a disgrace to our City and to people who are struggling to make it day by day.

3. REGULAR AGENDA

3.A. Staff recommends that the City Council adopt a Resolution approving annexation of property into "Improvement Area No. 3 of the City of Tracy Community Facilities District No. 2016-1 (Tracy Hills)" and confirming, ordering and directing other related matters.

Sara Castro, Finance Director provided the staff report.

Mike Souza, Tracy Hills shared information regarding how the CFD was put together and how new development pays its way.

Council comments and questions followed.

Karin Schnaider, Assistant City Manager responded to questions.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Bedolla to adopt **Resolution 2024-187** approving annexation of property into "Improvement Area No. 3 of the City of Tracy Community Facilities District No. 2016-1 (Tracy Hills)" and confirming, ordering and directing other related matters. Roll call found all in favor; passed and so ordered.

3.B. Staff recommends that the City Council receive an informational report on the fiscal health of the City of Tracy Consolidated Landscape Maintenance District.

Brian MacDonald, Parks and Recreation Director provided the staff report and responded to questions.

Council questions and comments followed.

City Council received the informational report on the fiscal health of the Tracy Consolidated Landscape Maintenance District.

Tim Silva supported funding recommendations. Parks are utilized by the community. Parks and Recreation does a great job with the funds they have already, at bottom of funding mechanism unfortunately. Certain parks have not had the same attention as others. Need to look at parks as an asset to our community.

Council shared what they would like to see in the future regarding City parks.

Arturo Sanchez, Assistant City Manager suggested that staff go out to the community first, take their pulse and get assessment of their needs, come back with data and cost with what a minimum repair would look like, what the repair of the LMD's would look like through reassessments or reallocation of monies and then what are we going to do with our General Fund maintained parks. That would be the scope of the report that would come back.

Council comments continued.

Mr. MacDonald suggested utilizing the Parks Commission also to be a sounding board, getting out into the community, recommended doing workshops out at the

parks, and having discussions on maintenance as well, that we have staff available to maintain them or we are back in the same position in the future.

Midori Lichtwardt, City Manager clarified this would be rolled into Council's priorities and brought before Council to decide what direction Council would like to go because this is going to reset some of the priorities Council has already set for staff. Would be brought back to Council timed to the budget so Council can see in totality how any changes made to the funding or reappropriations affect overall budget, so would come back in Spring.

Mr. MacDonald added things are already moving forward. A lot of information asked for tonight is in our Master Plan, we have already done the work. Need to dust it off and get back in the community. It would be best to come back in Spring. Need time to put together and give good recommendations.

Council received the informational report.

3.C. Staff recommends that the City Council receive an informational report on the findings and recommendations of the City of Tracy Communication Strategy study conducted through the Bloomberg Harvard City Leadership Initiative.

Norbert Ruijiling, Chief Innovation Officer introduced Jordan Weatherl, Bloomberg City Leadership Harvard Fellow who presented the staff report and responded to questions.

Council questions and comments followed.

Tim Silva stated it was refreshing that the City is looking to better communications with the public. Should utilize social media to get the word about what is happening in the City. The public supports this, it is a great idea.

Robert Tanner stated Tracy doesn't know what is going on, need better communication. Maybe nonprofits events should also be announced through City Hall. Get information out to citizens.

Council comments followed.

City Council provided input and received informational report on the City of Tracy Communication Strategy study.

3.D Staff recommends that the City Council receive information and provide direction on adding a bus route within the Tracy Hills' subdivision to accommodate the bell schedule for the Corral Hollow Elementary School.

Ed Lovell, Transit Manager provided the staff report.

Council comments and questions followed.

Robert Tanner stated he faulted Jefferson School District for having this problem. They knew the school was being built. The City is currently doing it for other schools, may as well do it for Corral Hollow Elementary School. Suggested staff convince Jefferson School District to reimburse the cost, if not, get this done.

Rosario Arulappan spoke about Tracy Hills having one entry and exit, narrow roads and bringing the bus can reduce traffic on the road. In Tracy Hills the school is at the beginning of the subdivision and spoke about issues with residents hitting the roads in the morning going to school or to work. Jefferson School District is problematic, and asked why they can't have the school bus and school in Ellis. The City should have planned properly.

A Tracy Hills resident stated during the bell hour there are more than 100 families in their cars trying to get their kids to school and are using the same round about as those trying to get out of Tracy Hills. The way it was built is a big mistake and supported the Tracy bus because the number of cars on the road would be reduced so people can get to work.

A resident shared concerns regarding the traffic issues at Jefferson School. It is heavy traffic in the morning. That road also needs to be taken care of and suggested making two lanes at Jefferson School.

Tim Silva stated he was sympathetic to children at Jefferson School. Big distinction between public and school bus. The City of Tracy runs a public bus. Members of the public can't just jump on a school bus but can on a public bus. We are not responsible for transporting children to and from schools, it is the school's responsibility. Asking our public transportation is beyond our scope, not guaranteeing to get kids to school on time as we are public transportation. Would like to see Jefferson be able to accommodate them.

Alice English stated she feels terrible for families in Tracy Hills and encouraged this Council to help the residents in Tracy Hills, it was no fault of the residents. There is still an overflow. Get Jefferson and Tracy Hills to pay for it.

Council comments followed.

Midori Lichtwardt, City Manager suggested a motion to add a bus route with a duration to be at least through the end of this current school year and direct staff to continue to work with the School District and Tracy Hills to figure out some long term solutions and potentially have them fund the free passes for parents or something like that. Ms. Lichtwardt summarized Council's consensus: adding bus route and pilot program through end of the school year. Would like staff to continue to work with Tracy Hills and the School District to help offset the \$12,000 estimated cost.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Bedolla to direct staff to add a pilot bus route going to Corral Hollow School, that neighborhood to coincide with the Corral Hollow bell schedule through the end of this school year and continue to work with Jefferson School District and Tracy Hills to come up with a long-term plan for transportation in that area. Roll call found all in favor; passed and so ordered.

3.E Adopt one of two Resolutions replacing the City Council Policy on Filling City Council Vacancies with a new policy that requires all vacancies, regardless of when occurring during a term, to be appointed based on the next highest vote-getter at either (A) the last most recent General Municipal Election, or, alternatively, (B) the General Municipal Election through which the vacant seat was originally filled.

Bijal Patel, City Attorney provided the staff report.

Council comments and questions followed.

Pat Howell stated to fill a vacated Council seat should be chosen by the most reasonable democratic process, that means the position should be filled by voters' choice not Council or staff. Should be by the result of the most current election, and is in favor of Policy A.

Robert Tanner stated each General Election would have a third person. Should be taking this as the third person with the most votes. It saves time. Vote for whoever was the third vote.

Tim Silva stated the people should be the ones who speak on who fills a vacated seat and liked Policy A because it has a timeline. Recommended moving forward with A.

Alice English stated the Grand Jury recommended going with the third highest vote and favored Option A.

Council comments and questions continued.

ACTION: Motion was made by Council Member Evans and seconded by Mayor Pro Tem Davis to adopt **Resolution 2024-188** replacing the City Council Policy on Filling City Council Vacancies with a new policy that requires all vacancies, regardless of when occurring during a term, to be appointed based on the General Municipal Election through the most recent General Municipal Election creating the vacancy. Roll call found all in favor; passed and so ordered.

3.F (1) Accepting the following in accordance with the City's Donation & Gift Policy adopted by Resolution 2021-108:
(A) A donation of a historical display entitled "Tracy's Leadership History" from Mayor Nancy D. Young; and
(B) Monetary gift in the amount of \$2,000 from Good Samaritan, Inc. to cover the cost of installation of the historical display in the City Hall foyer; and
(2) Approving the execution of a General Services Agreement (GSA) with 7 Thunder Productions LLC Doing Business As Signarama in the amount of \$2,000 for the installation of the historical display and authorizing the City Manager to execute the GSA; and (3) Appropriating the donated funds for the GSA

Arturo Sanchez, Assistant City Manager provided the staff report.

Robert Tanner stated the Mayor should not be voting on this item as she is the one that is putting it forward and should abstain from the vote.

Council comments and questions followed.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Davis to adopt **Resolution 2024-189**:

- 1) Accepting the following in accordance with the City's Donation & Gift Policy adopted by Resolution 2021-108:
 - A) A donation of a historical display entitled "Tracy's Leadership History" from Mayor Nancy D. Young; and

- B) A monetary gift from Good Samaritan, Inc. in the amount of \$2,000 to cover the cost of installation of the historical display in the City Hall foyer; and
- C) Approving the execution of a General Services Agreement (GSA) with 7 Thunder Productions LLC., Doing Business As Signarama in the amount of \$2,000 for the installation of the historical display and authorizing the City Manager to execute the GSA.

2) Approving the execution of a General Service Agreement (GSA) with 7 Thunder Productions LLC., Doing Business as Signarama in the amount of \$2,000 for the installation of the historical display and authorizing the City Manager to execute it; and 3) Appropriating the donated funds for the GSA.

Roll call found Council Members Arriola, Bedolla, Evans and Mayor Pro Tem Davis in favor; passed and so ordered. Mayor Young abstained.

4. ITEMS FROM THE AUDIENCE – None
5. STAFF ITEMS – Midori Lichtwardt, City Manager announced the following:
 - November 5, 2024, Council meeting has been cancelled.
 - Arbor Day tree planting event on October 19, 2024. Registration begins at 8:30 a.m. and trees will be planted around Ritter Ball Park along Bessie Avenue.
 - Halloween Event – Downtown Tracy Candy Crawl on October 19, 2024, at 2:00 p.m.
 - Movies at The Grand – Hocus Pocus at the Grand Theatre on October 5, 2024, at 7:00 p.m.
 - Halloween at the Airport on October 26, 2024, at 2:00 p.m.
 - BMX Pump Track community meeting – join Parks Department to choose the elements at the new Clyde Bland Park BMX Pump Track. Meeting #1 will be on October 28, 2024, at 6:00 p.m. at Tracy Community Center and meeting #2 will be on November 7, 2024, at 7:00 p.m. in Council Chambers.

Bijal Patel, City Attorney provided a response to Council Member Arriola's question regarding how a Mayor's vacated seat is filled stating a member of the Council and by vote of the Council would pick one Council Member to serve and the vacancy that is created would be filled by the other process.

6. COUNCIL ITEMS – Mayor Young stated on October 5, 2024, she had fun judging the rib contest. Mayor Young also attended the annual Garba and Dandiya Celebration at Mountain House and ran into City Attorney.

Mayor Young requested a budget augmentation item to close out last fiscal year. Council Member Arriola seconded but was unclear what Mayor Young was asking.

Midori Lichtwardt, City Manager confirmed with the Mayor that the item she was referring to was her travel budget to be brought back for discussion and stated it is not allowed under Rosenberg's Rules. The item is not timely. It has to be asked for during the time it is discussed and the only people who can ask to bring back for reconsideration are those within the majority. In that case there were only four Council Members present and it was a two-two vote.

Mayor Young stated the letter submitted to City Manager and City Attorney is new information. It is not a reconsideration of an item.

Bijal Patel, City Attorney responded she believed it was the item that was considered before which was that the Mayor was over budget and there was a request to increase her budget to allow the additional expenses to be covered so this is the same item. In Rosenberg's Rules the whole point is to have finality of items so there is not repetition of bringing items back.

Mayor Young responded this happened after and she has not received an answer back to the legality of travel after going to meetings as all these things happened after the fact. It was hypothetical when we considered the item versus the reality of things that were spent and now having the bill.

Ms. Patel asked if the Mayor was asking about a legal question posed related to travel by employees under state law. Ms. Patel stated she did look at that, and apologized for not responding. The answer is that it is not mandatory travel, each Council Member has discretion on how they use their travel. There is nothing that mandates any Council Member to go to any specific conference or event.

Mayor Young responded it was meetings from February and she was assigned to different boards in January. At that particular point of time, there was no budget to go to any of her meetings all the way to July and that is a problem.

Ms. Patel responded it does not fall under the state law related to that because you did do conferences or out of state events, and those are not mandatory, the City is not requiring you to do those. It is up to the Mayor's discretion as to which of those she decided to do in relation to other things. There is no legal issue with this on that. It is a policy question for Council as to what your budget is and whether or not it should be augmented. Ms. Patel stated it is the same question and would say it is a motion for reconsideration.

Mayor Young referred to the timing when brought to Council and not having the full information of what still needed to happen and the actual amount. Important to look at the whole thing and not hypothetically.

Ms. Patel stated she thought the item was in May or June and at that point the Mayor knew there were certain expenses that were going to be incurred or had been incurred that would push her over the budget and that is why an augmentation was needed. Ms. Lichtwardt confirmed the Mayor's travel budget increase request staff report was May 21, 2024.

Mayor Young stated it is one thing for her to have spent almost \$1,800 and another thing entirely to get a bill from the City that she owes \$300 and for that she is disputing.

Ms. Lichtwardt stated this was our first cycle for this process and it takes 45-60 days for our accounts payable to catch up. When Council goes to trainings, travel requests get put into the system. Most of the Mayor's travel happened in that 2nd half of the year – January, February, March, April. Staff notified the Mayor in February and March that based on the travel she would be taking it would run up against her budget and it wasn't until May that it got close to the budget, and it was after the fiscal year that staff was able to get the final totals. There are a number of reimbursements that were submitted that staff was not able to process because the Mayor was already over her \$30,000 budget. The policy states that the City Manager does not have the authority to pay anything in excess of what the Council has approved and that is when the Mayor asked for it to be brought back to Council.

Mayor Young stated legally it is something within the state that still should have reimbursement when it has to do with meetings. It is a policy thing and is only fair to have all the information and not hypothetically.

Ms. Patel offered for Council to consider the process. Under Rosenberg's Rules there are two criteria – the first one is that it has to be timely but there is an opportunity for the Council body by 2/3rds vote to overrule that. If Council decides that this, even though a motion for reconsideration wasn't made at that meeting you can overrule that. The other criteria is that only a member of the majority can make a motion. Because it was a tie, under Rosenberg's Rules a tie is considered a fail. Mayor Young and Council Member Arriola were a minority vote. It would have to be the other two Council Members to make this motion and would have to do a 2/3rds vote to overrule the timeliness issue.

Mayor Young responded her ask is to look at the numbers and what was incurred and what is asked of her to pay out and consider that. Whoever sits in this seat will have a lot of meetings only Mayor's can do. The policy shouldn't count in the travel budget for meetings Council is assigned to.

Ms. Lichtwardt added the current budget does include all travel including mileage reimbursements, plane tickets, Ubers etc. and stated the Mayor understood it to not include local mileage, and her understanding was \$30,000 would be in addition to mileage to Stockton etc. The way the current language is interpreted includes all of that is part of travel, lumped into that one bucket. \$20,000 for Council Members and \$30,000 for Mayor.

Mayor Young stated as it stands now it would be that for her position, she would be able to go to local meetings and not be able to travel outside and not be able to go to the equivalent that the rest go to.

Mayor Pro Tem Davis and Council Member Evans left the dais at 11:57 p.m.

7. ADJOURNMENT: Time: 11:58 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, and Mayor Young in favor; passed and so ordered. Council Member Evans and Mayor Pro Tem Davis absent.

The above agenda was posted at the Tracy City Hall on October 11, 2024. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk