

December 17, 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 7:05 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 Doug Diestler, Tracy Mission City Church offered the invocation.

Mayor Young presented a proclamation for National Slavery and Human Trafficking Prevention Month to Brian Pekari and students from End It Alliance High School Social Media Team.

Mayor Young presented a proclamation for Focusing on Children Under Stress to Brian Pekari, Nora Hana and Jennifer DeAngelo, Leads for Focusing on Children Under Stress, San Joaquin Program.

1. CONSENT CALENDAR – Motion was made by Council Member Bedolla and seconded by Mayor Pro Tem Davis to adopt the Consent Calendar. Roll call found all in favor; passed and so ordered.
 - 1.A. Approval of December 3, 2024, Special Meeting and Regular Meeting Minutes. – Minutes were adopted.
 - 1.B. Staff recommends that the City Council adopt a Resolution 1) authorizing the execution of a Purchase Agreement with Municipal Maintenance Equipment, Inc. for the purchase of a Vac-Con VX312lhe/100 Hydro-Excavation Truck utilizing the Sourcewell Cooperative Program in the amount of \$689,097; and 2) declaring the existing Vac-Con as surplus and approving its disposition pursuant to Tracy Municipal Code Section 2.20.310. – Resolution 2024-227 authorized the execution of a Purchase Agreement with Municipal Maintenance Equipment, Inc. for a Vac-Con VX312lhe/100 Hydro-Excavation Truck.
 - 1.C. Staff recommends that City Council adopt a resolution approving and authorizing the execution of a Lease Agreement with SAS Farms, LLC, a California Limited Liability Corporation, with a term of ten years and initial annual rent beginning on January 1, 2025, in the amount of \$115,200, adjusted at a three percent (3%) increase annually beginning on January 1, 2026. – Resolution 2024-228 approved a Lease Agreement with SAS Farms, LLC.
 - 1.D. Staff recommends that the City Council adopt a resolution approving the execution of a Freeway Maintenance Agreement with the California Department of Transportation for the Interstate 580/Lammers Road Undercrossing Project. – Resolution 2024-229 approved the execution of a Freeway Maintenance

Agreement with the California Department of Transportation for the Interstate 580/Lammers Road Undercrossing Project.

1.E. Staff recommends that the City Council adopt a resolution delegating to the City Manager, for the International Parkway Bridge Replacement and Expansion Project, Capital Improvement Project 73148, the authority to pay fees and execute related agreements for design engineering and relocation costs for various utility relocations, including an Actual Cost Contract with Pacific Gas and Electric, up to a total not to exceed amount of \$500,000. – Resolution 2024-230
delegated to the City Manager, for the International Parkway Bridge Replacement and Expansion Project, Capital Improvement Project 73148, the authority to pay fees and execute related agreements for design engineering and relocation costs for various utility relocations, including an Actual Cost Contract with Pacific Gas and Electric.

1.F. Staff recommends that the City Council adopt a resolution (1) accepting public improvements for Grant Line Apartments as complete in accordance with the Offsite Improvement Agreement and assume responsibility for their future maintenance and repair, (2) authorizing the City Engineer to release improvement security in accordance with the Offsite Improvement Agreement, (3) authorizing the City Clerk to file the Notice of Completion with the San Joaquin County Recorder's Office, (4) authorizing the City Clerk to accept a Public Utility Easement along the frontage of Grant Line Road, contingent upon Developer removing existing encumbrances and providing evidence of clean title, and (5) authorizing City Clerk to sign a quitclaim deed releasing City interest in a storm drainage easement across the Developer's property, as recorded in Book 2, page 360, Official Records, across Developer's property. – Resolution 2024-231
accepted the improvements for Grant Line Apartments as complete, authorized the City Engineer to release improvement security, authorized the City Clerk to file the Notice of Completion with the San Joaquin County Recorder's Office, authorized the City Clerk to accept a Public Utility Easement along the frontage of Grant Line Road, and authorized City Clerk to sign a Quitclaim Deed releasing the City interest in a storm drainage easement.

2. ITEMS FROM THE AUDIENCE – Richard Williams stated he was advocating for safer crosswalks for the City of Tracy and acknowledged his father-in-law that passed away in Tracy. In April of 2022 he submitted a petition regarding the Safe Streets and Road Grant which City applied for, and funds have been approved but nothing has been done. Happy to see the City applied for another grant where allocated \$780,000 for extensive study for safer roads for pedestrians as well. Thanked Council for putting forth the effort and the Police Department for their grants received and doing enforcement.

Allan Gagner spoke about his struggles to build a full entertainment center in the Sears building. Mr. Gagner would like to see about a loan and can pay it off to the City. Want to set up something for our youth for generations to come. The City has given money to Macys to help them move forward.

Robert Tanner shared concerns regarding Council's wage increase previously adopted and hoped the new Council can reverse it. There is political graffiti on fencing near the old KFC building on 11th Street that needs to be removed.

Tim Silva thanked the City for a great job on Bessie Ave, probably the best paved road in Tracy. Good to see investment in northern part of Tracy.

Burnell Shull praised Mayor Pro Tem Davis for the work she has done during her time on Council.

3. REGULAR AGENDA

3.A Adopt a Resolution reciting the facts of the General Municipal Election held in the City of Tracy on November 5, 2024, and declaring the results of the Election and such other matters as provided by law.

Adrienne Richardson, City Clerk provided the staff report.

There was no public comment.

There were no comments from Council.

ACTION: Motion was made by Council Member Bedolla and seconded by Mayor Pro Tem Davis to adopt **Resolution 2024-232** reciting the facts of the General Municipal Election held in the City of Tracy on November 5, 2024, and declaring the results of the Election and such other matters as provided by law. Roll call found all in favor; passed and so ordered.

3.B Presentation to Outgoing Council Members

Rhodesia Ransom stated she appreciates each member of the Council and thanked the outgoing Council Members for the work they have done and the time they have given and praised Mayor Young for her leadership.

Sherry McCane shared her appreciation for Mayor Pro Tem Davis and Council Member Evans.

A speaker shared their appreciation for Mayor Pro Tem Davis for her time on Council and thanked Mayor Young for her service.

A speaker echoed comments made by Rhodesia Ransom, stated she prays for unity and thanked Mayor Young for 20 years of service and leadership.

A resident stated they love Tracy and shared their gratitude for Mayor Young.

A resident thanked Council for all projects brought into Tracy and requested we come together and make it one journey for all of us.

A speaker thanked Mayor Pro Tem Davis for her effort and time for development in Tracy and good luck to her and Mayor Young. Hoped Council Member Bedolla would be continuing.

A businessowner thanked Council for helping, in particular Eleassia Davis, with their small business and looked forward to working with the new Council.

Ronna Green, Mountain House Council Member shared comments regarding the outgoing Council Members time on City Council.

A resident of Tracy stated she was grateful for a safe community and Tracy is very nice.

Michael Young praised his mother Nancy Young and described her as superwoman and thanked her for her service to Tracy.

Council Members shared comments regarding Council Member Bedolla's time on City Council.

Mayor Young presented a plaque to outgoing Council Member Bedolla.

Council Member Bedolla provided comments regarding his time on City Council.

Council Members shared comments regarding Mayor Pro Tem Davis's time on City Council.

Mayor Young presented a plaque to Mayor Pro Tem Davis.

Mayor Pro Tem Davis provided comments regarding her time on City Council.

Council Member Arriola introduced the following groups who provided presentations to outgoing Mayor Young.

Tamika Smith from San Joaquin Regional Rail Commission made a presentation to outgoing Mayor Young.

Mercedes Silveira-Gouveia made a presentation to outgoing Mayor Young for Women in Leadership Supporting Women of Achievements – Susan B. Anthony Awards and donated a poster on behalf of Dr. Nancy Young to be hung in the City Hall Lobby to honor her many years of service to the community.

Gwendolyn White and members of Tracy African American Association made a presentation to outgoing Mayor Young.

Council Member Arriola presented a plaque and gavel to outgoing Mayor Young.

Mayor Young provided comments regarding her time on City Council.

Adrianne Richardson, City Clerk administered the Oath of Office to elected City Treasurer, Raymond McCray and Council Member Arriola presented Raymond McCray with a Certificate of Election.

Council Member Arriola announced there will be a five-minute break to prepare for the seating of the new Council.

3.C. Administer Oath of Office and seating of new Council Members

Charley Jones shared how proud he was of the work Council Member Arriola has done and how he inspires people and his understanding of the community.

Jake Allen shared his positive experiences with Council Member Elect Dotty Nygard and thanked her for everything she has done for the City.

James Young thanked Council Member Arriola for standing with Mayor Young and congratulated Mayor Elect Dan Arriola.

Rhodesia Ransom, Assembly Member shared support for Council Members Elect Steve Abercrombie, Dotty Nygard and Mayor Elect Dan Arriola and stated she was excited to be able to work with the leaders in her city and is here for our region. Need to work together and stay united.

Mitra spoke about Council Members Elect Steve Abercrombie, Dotty Nygard and Mayor Elect Dan Arriola stating they will make Tracy a better place to live, congratulated them and stated she was proud of them.

Nancy Young shared her support for Council Members Elect Dotty Nygard, Steve Abercrombie and Mayor Elect Dan Arriola, and made a presentation of a baton to Mayor Elect Dan Arriola.

Council Member Evans congratulated Mayor Elect Dan Arriola.

Adrienne Richardson administered the Oath of Office to Council Member Elect Steve Abercrombie and Mayor Elect Dan Arriola presented a Certificate of Election to Council Member Steve Abercrombie.

Rhodesia Ransom, Assembly Member administered the Oath of Office to Council Member Elect Dotty Nygard and Mayor Elect Dan Arriola presented a Certificate of Election to Council Member Dotty Nygard.

Senator Jerry McNerney administered the Oath of Office and presented a Certificate of Election to Mayor Dan Arriola.

City Clerk roll called the new Council: Council Members Abercrombie, Evans, Nygard and Mayor Arriola present.

3.D City Council appoint the third highest vote-getter in the last most recent General Municipal Election, Mateo Bedolla, to fill a vacancy on the City Council occurring during the vacant position's term, based on the results of the General Municipal Election creating the vacancy, and administer Oath of Office.

Adrienne Richardson, City Clerk provided the staff report.

Council questions followed.

Pete Mitracos favored doing the appointment of third highest vote-getter process. Makes sense to take next highest vote-getter.

Dan Randall stated it makes no sense. Mateo Bedolla was voted out of office. How can it make sense to bring him back in because he came in third. There was tremendous division. Voters wanted change and asked Council to take their time and look at all their options.

Mercedes Silveira-Gouveia stated the people voted. We should respect the will of the people. Honor democracy and the voice of the people.

Vannie Dart congratulated the new Council Members. The people have spoken, Mateo Bedolla came in third. He did not lose his job. The Grand Jury Report stated we need to use the third-highest vote getter. Mateo Bedolla deserves to be on Council.

Robert Tanner stated it seems like the rules changed with previous City Council. Saving factor is he only has two years. Mateo was one of leaders that caused disarray. This way the third person wins.

Sandy Taylor stated the agenda item to appoint an empty Council seat should not be to bring back people who have tarnished our City. Need leadership to return governance. Requested this appointment be postponed to January. Unfair to voters.

Rosario Arulappan shared support for Mateo Bedolla being appointed as third highest vote-getter to Council.

Tim Silva stated we say we want this more cohesive Council and here we are already starting with the division. The policy was adopted so we did not get a stacked Council. Need to stick to that policy. This is a strong recommendation by the Grand Jury who said they don't want Council hand picking Council. This is a terrible optic. This is the people speaking, not Council.

Richard Williams stated he had the same sentiment as Tim Silva and asked if this avoids a special election or avoids hand picking a person who did not get voted in. This remedy seems to be the only solution without causing extra money to the taxpayers and asked if this is what the process is for.

Jenny Wood believed in a representative democracy the most important thing is to do the will of the people. More than 7,000 voted for Mr. Bedolla just short of Council Member Nygard. Ms. Wood urged Council to work with those that people voted for. Have a chance to prove that you can work across differences. Don't disenfranchise the voters.

A Tracy Hills resident asked Council to respect what the voters have said. That should be honored. The people have spoken.

Roy Hawkins stated recent election shows residents are tired of the past. Looking for a more positive result that Council can implement. Need honest and true representation instead of what the other people are talking about.

Ann Langley asked Council to take some time to think about this, look at it to make sure Dotty Nygard's concerns are answered and we make the best choice for Tracy. This is a chance to work together.

Amir stated this last election was difficult. The amount of people running for Council diluted the numbers significantly and for Mateo Bedolla to be out by 250 votes shows lot of people support him. Have seen him contribute to both sides. Go with the recommendation in consideration and use the incumbent for the remaining seat.

Michel Bazinet expressed opposition to the appointment of Mateo Bedolla and shared his concerns regarding actions of Council Member Bedolla that he felt negatively impacted the community and recommended Council postpone the decision until January.

Conrad Levoit supported the third vote-getter getting the position. It was how the people voted.

Council's comments and questions followed.

Bijal Patel, City Attorney stated a new policy is not agendized for discussion. Approve or second to reject and ask staff to come back at a later date at a special meeting or regularly scheduled meeting with what you would like to see. Either a discussion on a policy itself or other procedure you may want to consider.

Mayor Arriola confirmed the City Attorney's comments that it was not agendized to consider the policy that would need to come back if there was a motion and second and it has to be done within 60 days from today.

Mayor Arriola supported full discussion of the policy but was not in support of going back for an appointment process. Given next meeting is set for January 21, would anticipate that would be done by a special Council meeting.

Council Member Evans was not in support but was in support of the voters choice.

Council Member Abercrombie stated he did not have a problem postponing and doing a special meeting and Council Member Nygard agreed.

Arturo Sanchez, Assistant City Manager clarified based on what he heard, Council is tabling discussion and directing staff to come back with policy for consideration. It would be a policy at a special meeting and at that same meeting this item would return for discussion subsequent with that policy being considered. Mayor Arriola was in support of that.

Mayor Arriola asked if there was a motion for the agendized item, if it died or failed would Council be able to reconsider the policy in its entirety and vote on someone to fill that vacancy at that same meeting.

Ms. Patel responded it depends on what the new policy will be. This Council typically has adopted a formal written policy through a resolution, but State law does not require that. It could be done by motion. Council could do it on or at a special meeting before January 21st, discuss and adopt a policy but will not know what that policy would be so it would be difficult to predict whether or not Council can then also appoint at that same meeting.

Mayor Arriola asked if Council were to enact what Mr. Sanchez had suggested with continuing this and then adding an additional item for reconsideration of the policy, would that be an opportunity to potentially affect any change and potentially fill at that same meeting.

Ms. Patel responded if there is a motion to continue, the same item will come back on January 21st and Council could in addition put before this on the agenda a discussion on the policy. If Council wanted to make changes to the policy, then this item would not be able to be heard, it would not be consistent with your new policy that may be adopted. The question is does Council need to keep this item alive in order to have a discussion on the policy. If the policy will be modified, then Council will need to create a new item based on whatever that policy is.

Karin Schnaider, Assistant City Manager clarified because Council can either adopt the resolution with edits on the floor. Title can be written as such, or can take the next item and adopt by motion. The policy is not required to appoint.

Ms. Patel clarified under State law Council do not have to have your appointment policy in writing. Council can direct by vote by motion on the floor as to what your appointment policy is for this particular election. Council has not typically done that. That is what Council did in October, amended and replaced the policy. Council could suspend the application of this policy and by motion adopt a new policy for this particular election or could rescind this policy. Need to understand if Council is trying to rescind the policy completely or does Council want the policy to stay alive and not apply to this election. Need clarity the intent.

Mayor Arriola asked if a future item could reconsider the policy in its entirety and because state law does not require us to have any policy in writing Council could vote by motion to appoint the vacancy by a policy which would have been previously discussed at that same meeting.

Ms. Patel responded that is correct. First action would be to rescind the policy and adopt a new policy by motion, and the next item would be to appoint by motion based on the newly adopted policy. Staff would not know who that would be because Council would not know who that would be but there could be a placeholder on the agenda to say the action is to formally appoint based on whatever that policy is.

Mayor Arriola stated in order to do this in one shot in the future, the motion can be voted on or die. If either of those things happen then to reconsider this policy, Council would need 1) to reconsider the vacancy policy in its entirety and 2) to appoint by motion based on such new policy.

Ms. Patel responded that is correct, two separate items that could be agendized that gives you the flexibility at the next meeting.

ACTION: Motion was made by Council Member Evans to appoint the third highest vote-getter in the last most recent General Municipal Election, Mateo Bedolla, to fill a vacancy on the City Council occurring during the vacant position's term, based on the results of the General Municipal Election creating the vacancy. There was no second to the motion. Motion failed.

ACTION: Motion was made by Council Member Abercrombie to bring back the policy regarding filling the vacancy for discussion at a meeting to be determined.

Mayor Arriola offered a friendly amendment to subsequently also appoint by motion based on such new policy. Council Member Abercrombie accepted the friendly amendment.

Council Member Nygard seconded the motion. Roll call found Council Members Abercrombie, Nygard and Mayor Arriola in favor; passed and so ordered. Council Member Evans opposed.

3.E The City Council, by Motion, appoint a Council Member as the Mayor Pro Tempore of the Tracy City Council for a two-year term ending in December 2026.

Adrienne Richardson, City Clerk provided the staff report.

There was no public comment.

Mayor Arriola supported Council Member Abercrombie to be Mayor Pro Tempore.

ACTION: Motion was made by Mayor Arriola and seconded by Council Member Evans to appoint Council Member Abercrombie as Mayor Pro Tempore of the Tracy City Council for a two-year term ending in December 2026. Roll call found all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – Pete Mitracos stated he was already very disappointed in this Council. See the chaos he was concerned about, problems we had before continue.

Robert Tanner asked Council to reverse pay increase for Council and shared concerns regarding Council's pay increase. Also shared concerns about fireworks being 12 months a year and requested increasing fines for fireworks.

Seth Christianson stated his friend owns a business at Tracy mall where they teach fencing, sword fighting, combat archery and fun and entertainment skills for youth. Also run trading card shop at the mall as well. Want to merge them together. Trying to bring axe throwing, batting cages, restaurants, gel blaster system, bring family fun and entertainment to Tracy and are asking for help from the Council to advance this forward.

5. STAFF ITEMS – Midori Lichtwardt, City Manager congratulated the new Council Members and wished everyone a happy holiday season.

Karin Schnaider, Assistant City Manager congratulated the new Council Members and reminded everyone that City Hall will be closed on December 24, 25 and 27 and will also be closed on January 1, 2025.

Arturo Sanchez, Assistant City Manager congratulated the new City Council and stated he looked forward to working with Council.

6. COUNCIL ITEMS – Council Member Evans wished everyone a wonderful Christmas or whatever holiday being celebrated.

Council Member Nygard stated she honored constituent's comments and respect their voice, wished everyone happy holiday season and looks forward to a productive new year.

Mayor Pro Tem Abercrombie shared information regarding Brighter Christmas, will be helping 650 families, Saturday will be doing deliveries and boxing up food, Sunday people will be receiving their items. Go to BrighterChristmas.org for more information. Have people in virtual jail, and can post bond to raise money for Brighter Christmas. Have a safe holiday season and happy New Year.

Mayor Arriola stated he has been working with Human Resources and the City Attorney to ensure there is a seamless transition in the City Attorney's Office and requested to

bring back appointment of interim City Attorney at earliest special meeting after polling Council. This is to make sure we do not have any gaps with our City Attorney service. Mayor Pro Tem Abercrombie seconded the request.

Mayor Arriola wished everyone a merry Christmas, happy holiday season, and happy new year. It was our first meeting and looks forward to moving forward with our new Council and he is confident this Council will move forward with the best interest of the community.

Bijal Patel, City Attorney clarified this is just the interim City Attorney and we will have a specific candidate Council can consider. Only Council can appoint an interim or permanent City Attorney. It would be in open session and for interim appointment for a certain number of months.

Karin Schnaider, Assistant City Manager asked for clarification that it would not be the contract, so we need two meetings.

Ms. Patel responded Council can delegate authority to the Human Resources Director or City Manager to finalize the contract. This is just an interim appointment based on hourly rate.

7. ADJOURNMENT: Time: 11:49 p.m.

ACTION: Motion was made by Council Member Nygard and seconded by Council Member Evans to adjourn. Roll call found all in favor; passed and so ordered.

The above agenda was posted at the Tracy City Hall on December 12, 2024. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk