

December 3, 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 7:08 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 Kal Waetzig, Saint Paul's Lutheran Church offered the invocation.

Midori Lichtwardt, City Manager presented Employee of the Month Award for December to Arielle Vanoy, Human Resources Department.

Mayor Young presented Certificates of Appointment to Youth Advisory Commissioners: Mariana Gonzales, Diego Cervantes, Amanpreet Kaur, Alessandra Hakimi, Angela Mayte Arriola Yanhgali, Sanya Nath, Heather Freligh, Srivardham Tirumanadham, Archit Bhattacharyya, Simran Kaur, and Nishanth Birru, and adult commissioners Olinga Alexander and Jose Chavez.

Mayor Young presented Certificates of Recognition from the City of Tracy and from Representative Josh Harder to D.A.R.E. students that earned 1,000 or more community service points: Emilia Trojanowski, Meha Rajaa, Grace Hoang, Brayvin Buttar, Anaya Jacob, Mariah Montes-Perez, Camila Franco and Chethan Sai Nalluri.

1. CONSENT CALENDAR – Motion was made by Council Member Arriola and seconded by Council Member Bedolla to adopt the Consent Calendar with amendments to item 1.A as stated by City Attorney, Bijal Patel. Roll call found all in favor; passed and so ordered.

1.A. Approval of November 19, 2024, Closed Session and Regular Meeting Minutes. – **Minutes were adopted with noted amendments.**

Bijal Patel, City Attorney stated the Closed Session minutes need to be clarified to correctly reflect the actual final action taken by the Council. The amendment can be made on the floor. It is under item 7 on the final action and where it says receive a settlement reflective of 12-months severance pay which would be salary earned, it should be salary earned and accrued benefits between January 2025 and December 2025. There should also be a bullet added to say there will be a mutual release of claims. Those are the two administrative clarifications that need to be made to correct the final action. This item can be adopted with those noted amendments.

- 1.B. Staff recommends that the City Council adopt a resolution approving execution of a Senate Bill 125 Fund Transfer Agreement (C-24-020) between San Joaquin Council of Governments and City of Tracy in the amount of \$3,853,856. – **Resolution 2024-207** approved execution of a Senate Bill 125 Fund Transfer Agreement.

- 1.C. 1) The Mayor appoint Leah Shoaite as a youth Commissioner to the Environmental Sustainability Commission (ESC), as recommended by the interview and selection panel convened per the ESC Bylaws, for the remainder of a one (1) year term ending on July 31, 2025, and 2) the City Council adopt a resolution approving the appointment. – **Resolution 2024-208** appointed Leah Shoaite to the Environmental Sustainability Commission.

Mayor Young acknowledged the appointment of Leah Shoaite to the Environmental Sustainability Commission.

- 1.D. Staff recommends that the City Council adopt a resolution: (1) authorizing a construction contingency of \$1,500,000 for the contract awarded to O.C. Jones & Sons, Inc., pursuant to Resolution 2024-085, and (2) authorizing the City Manager to approve change orders up to the contingency amount, if needed. – **Resolution 2024-209** authorized the construction contingency for the contract awarded to O.C. Jones & Sons, Inc.
- 1.E. Staff recommends that the City Council adopt a resolution approving an On-Call Professional Services List, for five years, of qualified consultants to provide Transportation Grant Writing, Grant Preparation, and Grant Management Consulting Services. – **Resolution 2024-210** approved an On-Call Professional Services List for Transportation Grant Writing, Grant Preparation and Grant Management.
- 1.F. Staff recommends that the City Council adopt the following, each by separate resolution: (A) approving an On-Call List, for five years, of qualified consultants for Traffic Engineering Services; and (B) approving (1) the execution of six separate Master Professional Services Agreements, each with an initial term of three years and a not-to-exceed fiscal year amount of \$250,000, with each of the listed qualified consultants: Advanced Mobility Group, DKS Associates, Fehr & Peers, Interwest Consulting Group, TJKM, and W-Trans; and (2) an administrative extension for up to two years based on satisfactory performance for each Master Professional Services Agreement, if needed. – **Resolution 2024-211** approved the On-Call List of qualified consultants for Traffic Engineering Services. **Resolution 2024-212** approved the Master Services Agreement with Advanced Mobility Group. **Resolution 2024-213** approved the Master Services Agreement with DKS Associates. **Resolution 2024-214** approved the Master Services Agreement with Fehr & Peers. **Resolution 2024-215** approved the Master Services Agreement with Interwest Consulting Group. **Resolution 2024-216** approved the Master Services Agreement with TJKM. **Resolution 2024-217** approved the Master Services Agreement with W-Trans.
- 1.G. Staff recommends that the City Council adopt two separate Resolutions: 1) Authorizing execution of Amendment No.1 to the General Services Agreement to be effective retroactively from July 1, 2024 with Alpha Analytical Laboratories, Inc. for laboratory analysis and testing services for the Utilities Division Laboratory and for an annual not-to-exceed amount of \$100,000 2) Authorizing Amendment No.1 to the General Services Agreement to be effective retroactively from July 1, 2024 with Eurofins Eaton Analytical, LLC. laboratory analysis and testing services for the Utilities Division Laboratory and for an annual not-to-exceed amount of \$75,000. – **Resolution 2024-218** authorized Amendment No. 1 to the General Services Agreement with Alpha Analytical Laboratories, Inc.

Resolution 2024-219 authorized Amendment No. 1 to the General Services Agreement with Eurofins Eaton Analytical, LLC.

- 1.H. Staff recommends that the City Council adopt a Resolution approving the amended Compensation & Benefit Plans for both Department Heads and the Confidential Employees Unit, reflecting the establishment and transition to a Retiree Health Savings Account for eligible employees and other classification changes. – **Resolution 2024-220** approved the amended Compensation & Benefit Plans for both Department Heads and Confidential Employees Unit.
- 1.I. Staff recommends that the City Council adopt the following resolutions: (1) (A) Awarding a Construction Contract to ARB, Inc., of Lake Forest, California, in the amount of \$5,699,094 for construction of the Lammers 20-Inch Water Main Project, Capital Improvement Project 75160 (Project); (B) Authorizing the City Manager to approve change orders up to the contingency amount of \$569,909; and (C) Authorizing a Project Not-to-Exceed Construction Budget of \$7,226,500; and (2) (A) Approving the execution of a Professional Services Agreement with West Yost Associates, Inc. for Construction Management Services for the Project, for a total not-to-exceed amount of \$522,542 for a term of one year; and (B) Authorizing the City Manager to approve an administrative extension of one year, if needed.. – **Resolution 2024-221** awarded a construction contract to ARB, Inc. for the Lammers 20-Inch Water Main Project, CIP 75160, approved a contingency amount City Manager to approve construction change orders, and authorized a project not-to-exceed construction budget. **Resolution 2024-222** – approved a Professional Services Agreement with West Yost Associates, Inc. for construction management services.
- 1.J. Staff recommends that the City Council adopt a resolution 1. Approving the execution of a Professional Services Agreement with Pestmaster Services, L.P. for pest control services at City facilities for an initial term of two years, with compensation not to exceed \$35,977.00 annually; and 2. Authorizing five additional one-year administrative extensions contingent upon budget availability and satisfactory performance. – **Resolution 2024-223** approved a Professional Services Agreement with Pestmaster Services, L.P.
- 1.K. Staff recommends that the City Council adopt a Resolution approving an On-Call List of legal professionals, for a term of three years with the option to extend for two additional three-year terms, to provide general advisory legal services, special counsel services, Assistant City Attorney services, litigation services and other matters as determined by the City Attorney. – **Resolution 2024-224** approved the On-Call List of legal professionals to provide general advisory legal services, special counsel services, Assistant City Attorney services, litigation services and other matters as determined by the City Attorney.
2. ITEMS FROM THE AUDIENCE – Maurice Francis requested Council's approval for Tracy taxpayers to be able to be involved in financial discussions and expense budget for Fiscal Year 2025 to see how Tracy's monies are being allocated and funded before going to Council for adoption.

Karin Schnaider, Assistant City Manager provided the opportunities members of the public are given to participate in the budget discussion including Finance Committee meetings and workshops along with Council meetings prior to Council adoption of the budget.

Robert Tanner shared his concerns regarding political graffiti and campaign signs still throughout the City. Mr. Tanner also stated this has to be the worst City Council – point fingers at each other. Hopefully will change with new Council. Shared concerns about 84% and 86% increase in Council salary. Hope new City Council will reverse that and do something else. Not giving it to employees, why give it to yourself.

Midori Lichtwardt, City Manager stated she will have Code Enforcement follow up on the political signage issue.

Dan Randall thanked Mayor Young for doing a lot for the community, created development, growth and businesses that are thankful. Ran up against a wall due to three Council Members and City Attorney. People go to other cities to do their job. Voters have spoken and have a new leader coming in. City Attorney resigned so hopefully lawsuits are going to stop. Looking for cooperation, strong leadership and businesses looking for new customers and spoke about creating jobs and encouraged reading the strategic plan.

3. REGULAR AGENDA

- 3.A Staff recommends that the City Council conduct a public hearing, and upon conclusion, adopt a resolution approving the Community Development Block Grant and HOME Investment Partnership Program local funding priorities in the scoring of Community Development Block Grant and HOME Investment Partnership Program grant applications and funding allocation recommendations for fiscal years 2025-26 through 2030-31.

Mayor Young opened the public hearing.

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

Council questions and comments followed.

Mayor Young closed the public hearing.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Arriola to adopt **Resolution 2024-225** approving the Community Development Block Grant and Home Investment Partnership Program Local Funding Priorities in the scoring of Community Development Block Grant and Home Investment Partnership Program Grant Applications and Funding Allocation recommendations for Fiscal Years 2025-26 through 2030-31. Roll call found all in favor; passed and so ordered.

- 3.B Adopting a Resolution 1) Amending the At-Will Employment Agreement between Midori Lichtwardt and the City of Tracy, effective December 3, 2024, to reflect a merit increase of 5% for a bi-weekly increase from \$11,805.56 to \$12,395.84; 2) Amending the Master Salary Schedule to reflect the salary increase for the City Manager, effective December 3, 2024; and 3) Amending the Master Salary Schedule, to reflect the salary increase for the Mayor, City Council and Treasurer approved by Ordinance 1351, effective January 1, 2025.

Mayor Young provided the staff report.

There was no public comment.

Council questions and comments followed.

ACTION: Motion was made by Council Member Bedolla and seconded by Council Member Arriola to adopt **Resolution 2024-226** 1) Amending the At-Will Employment Agreement between Midori Lichtwardt and the City of Tracy, effective December 3, 2024, to reflect a merit increase of 5% for a bi-weekly increase from \$11,805.56 to \$12,395.84; 2) Amending the Master Salary Schedule to reflect the salary increase for the City Manager, effective December 3, 2024; and 3) Amending the Master Salary Schedule, to reflect the salary increase for the Mayor, City Council and Treasurer approved by Ordinance 1351, effective January 1, 2025. Roll call found all in favor; passed and so ordered. Mayor Pro Tem Davis and Council Member Evans did not support item 3 on the resolution.

4. ITEMS FROM THE AUDIENCE – None

5. STAFF ITEMS – Midori Lichtwardt, City Manager thanked Council for going through a thoughtful and deliberate evaluation process of her and appreciated the feedback given and the opportunity to continue to serve as City Manager and look forward to getting great things accomplished along with Council. Ms. Lichtwardt announced the following:

- Free rides on 16 of our Tracer Fixed Routes in December. For more information go to ridetracer.com.
- Parks and Rec Winter/Spring Activity Guide is out. For more information go to Tracyartsandrec.com.
- Grand Theatre has Christmas programming and movies this month. Check out attheGrand.org.
- Trash and recycling will not be picked up on Christmas Day and New Years Day. Scheduling will be the following day.
- December 7, 2024, there will be various streets closed from 3:00 p.m. until 10:00 p.m. downtown for Tracy City Center Association Holiday light parade and tree lighting.

6. COUNCIL ITEMS – Council Member Bedolla stated on December 6, 2024, Tracy High Latinos Unidos and dance troop are going to be holding a Posada across from the gym at D2-10. Public is invited. The posada theme is Navidad en el Barrio and will go towards Hispanic scholarship fundraiser. Will be offering pozole, tamales and pan dulce.

Council Member Bedolla stated he hoped as we move forward into next Council, people who may not always speak up can sift through further intent to obscure the public's business to suit a narrative. Hopes Council continues to work together aside from what a narrative constructed to fit a certain agenda. Hopefully when people come to Council to give kudos it is not done in a back handed way. That is not the most respectful thing.

Council Member Arriola stated he will be heading to Washington D.C tomorrow, is speaking on Friday at the Victory Fund Conference on equity based initiatives in municipalities, and will returning back for the holiday parade and look forward to seeing the community there as well.

Council Member Evans stated he will be out of town next week and hopes everyone will enjoy the parade. Looking forward to welcoming Council Member elect Nygard and Abercrombie and Council Member re-elect Bedolla and Mayor elect Dan Arriola at the next Council Meeting.

Mayor Young announced the various events and meetings she has attended in November. Looking forward to December 17 with mixed emotions. Excited to turn over to successor Mayor elect Dan Arriola. He will do a fabulous job for the City of Tracy. Will be going out of town this weekend for the San Joaquin Regional Rail Commission to help negotiate insurance and other things around the rail. Will leave for London on Saturday morning and will be back next Friday.

7. ADJOURNMENT: Time: 8:29 p.m.

ACTION: Motion was made by Mayor Pro Tem Davis 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 November 27, 2024. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk