

**June 3, 2025, 7:00 p.m.**

Tracy City Hall, 333 Civic Center Plaza, Tracy, CA 95376

Web Site: [www.cityoftracy.org](http://www.cityoftracy.org)

Mayor Arriola called the meeting to order at 7:00 p.m.

There were no actions taken pursuant to AB 2449.

Roll Call and Declaration of Conflicts – Council Members Bedolla, Evans, and Nygard; Mayor Pro Tem Abercrombie; and Mayor Arriola were present. City Council had no declarations of conflict.

Mayor Arriola led the Pledge of Allegiance.

Pastor Scott McFarland, Journey Christian Church, offered the invocation.

Midori Lichtwardt, City Manager, presented the Employee of the Month award for June to Nilo Velazquez, Parks, Recreation and Community Services Department.

Mayor Arriola presented James Young, Vice President, Tracy African American Association, LLC with the Proclamation for Juneteenth Day.

Mayor Arriola presented Brian Freitas-Wallace and Luke Freitas-Wallace from Tracy Pride and Chris Bunnell from San Joaquin County Pride Center with the Proclamation for LGBTQ Pride Month.

Mayor Arriola presented Certificates of Recognition for Military Enlistment to Ryan Albert Silligman (Army), Jesus Rodriguez Aboytes (Army), Loren Sandoval (Marines), Christopher James Ramirez (Marines), Paulo Herrera (Marines), Simon Centeno (Air Force), Cesar Antonio Portillo Mendez (Air Force), and Alexander Hager (Air Force).

1. CONSENT CALENDAR – Andrew Shen, Interim City Attorney, noted that there were minor errors in the resolutions for Items 1.B, 1.G, and 1.J; that amended versions of the resolutions were placed on the dais; and that the minor errors did not require these items to be pulled. Karin Schnaider, Assistant City Manager, pulled Item 1.C, to come back for the City Council's consideration at a later time.

Motion was made by Mayor Pro Tem Abercrombie and seconded by Council Member Nygard to adopt the Consent Calendar with items 1.B, 1.G and 1.J as amended and removing item 1.C. Roll call found Council Members Bedolla, Evans, and Nygard; Mayor Pro Tem Abercrombie; and Mayor Arriola all in favor; passed and so ordered.

1.A. Adoption of May 6, 2025, Special and Regular Meeting Minutes. **Minutes were adopted.**

1.B. Staff recommends that the City Council adopt a resolution (1) approving the Offsite Improvement Agreement between the City and 3788 Tracy, LLC, (2) approving an Irrevocable Offer of Dedication of Fee Interest for a portion of Larch Road, (3) granting of a Public Utility Easement adjacent to North Tracy Boulevard and Larch

Road, and (4) authorizing the City Clerk to file the Dedication and Easement documents with the San Joaquin County Recorder. – **Resolution 2025-098**

- 1.C. Staff recommends that the City Council adopt a resolution authorizing the purchase of one (1) 2025 International HV607 dump truck from Peterson Trucks, Inc., through a competitively bid Sourcewell Cooperative Agreement in the amount of \$208,816 for the Public Works Department Roadway Maintenance Division; and 2) declaring the existing Freightliner M2-112 dump truck as surplus and approving its disposition pursuant to Tracy Municipal Code Section 2.20.310. – **ITEM WAS PULLED**
- 1.D. Staff recommends that the City Council adopt a resolution (1) accepting the Federal Aviation Administration's Airport Infrastructure Grant, in the amount of \$75,050; (2) appropriating the full grant amount to Capital Improvement Project 77600 – Design – Install Backup Generator; and (3) appropriating an additional \$3,950 of Airport Enterprise Funds to CIP 77600 to meet the grant's requisite 5% match requirement. – **Resolution 2025-099**
- 1.E. Staff recommends that the City Council adopt an Ordinance adding Section 9.06.080 – State Fire Maps to Chapter 9.06 – Fire Protection and Prevention of Title 9 – Building Regulations, of the Tracy Municipal Code, thereby adopting the fire maps issued by the State Fire Marshal. – **Ordinance 1355**
- 1.F. Staff recommends that the City Council, by resolution, (1) accept public improvements for Tract 3954, Tracy Hills Village 7C as complete, and assume responsibility for future maintenance and repairs; (2) authorize the City Engineer to release the Developer furnished bonds in accordance with the Subdivision Improvement Agreement; and (3) authorize the City Clerk to file a Notice of Completion with the San Joaquin County Recorder's Office. – **Resolution 2025-100**
- 1.G. Staff recommends that the City Council adopt a resolution (1) accepting public improvements for Tract 3917 Tracy Village Neighborhood 5A as complete and assuming all future operations and maintenance; (2) accepting public improvements for Tract 4005 Tracy Village Neighborhood 5B as complete and assuming all future operations and maintenance; (3) accepting public improvements for Tract 4006 Tracy Village Neighborhood 2 as complete and assuming all future operations and maintenance; (4) accepting public improvements for Tract 4156 Tracy Village Neighborhood 1 as complete and assuming all future operations and maintenance; (5) authorizing the City Engineer to release improvement security in accordance with the Subdivision Improvement Agreements; and (6) authorizing the City Clerk to file Notices of Completion for Tracts 3917, 4005, 4006, and 4156 with the San Joaquin County Recorder's Office. – **Resolution 2025-101**
- 1.H. Staff recommends that the City Council 1) adopt a resolution approving a Master Professional Services Agreement with Brandley Engineering, Inc. for airport design, construction engineering, airport planning, and environmental services for Tracy Municipal Airport and New Jerusalem Airport for an initial term of five (5) years and for a total not-to-exceed amount of \$500,000 per fiscal year, and 2) authorize the City Manager to extend the term of the agreement an additional two (2) years and any other extension of time, but not additional funding, if needed until a multi-year project is completed and accepted by City Council, in case the project

begins during the fourth and the fifth year of the agreement. – **Resolution 2025-102**

- 1.I Staff recommends that the City Council adopts three separate resolutions approving the execution of amendments to the General Services Agreements for Laboratory Testing and Analysis Services with: 1) **Resolution 2025-103**, Alpha Analytical Laboratories, Inc. for a term ending on June 30, 2028, with an administrative option extending up to an additional two (2) years and a not-to-exceed annual amount of \$100,000, upon satisfactory performance and budget availability; 2) **Resolution 2025-104**, Eurofins Eaton Analytical, LLC for a term ending on June 30, 2028, with an administrative option extending up to an additional two (2) years and a not-to-exceed annual amount of \$75,000 with the option to annually increase the billing rates in July of each year by the lesser of three percent (3%) of the annual increase in the Cost-of-Living Index – All items for the Sacramento Metropolitan Region upon satisfactory performance and budget availability; and 3) **Resolution 2025-105**, Pacific EcoRisk, Inc. for a term ending on June 30, 2028, with an administrative option extending up to an additional two (2) years and a not-to-exceed annual amount of \$25,000, previously \$17,560 annually, upon satisfactory performance and budget availability.
- 1.J Staff recommends that the City Council take the following actions, pursuant to the California Landscape and Lighting Act of 1972 and California Streets & Highway Code § 22623 et seq.: 1) Adopt **Resolution 2025-106**, initiating proceedings for the annual levy of assessments and approving the preliminary Engineer's Report for the Tracy Consolidated Landscape Maintenance District for Fiscal year 2025/2026; and 2) Subject to approval of Item 1, adopt **Resolution 2025-107**, of Intention to levy and collect (A) annual assessments for the Tracy Consolidated Landscape Maintenance District for Fiscal Year 2025/2026; and (B) hold a public hearing on June 17, 2025, at 7:00 p.m. to consider the same in accordance with the Landscape and Lighting Act of 1972.
- 1.K Staff recommends that the City Council adopt a resolution: (1) Adopting list of proposed projects for Fiscal Year 2025-2026 funded by Senate Bill 1 (SB 1): The Road Repair and Accountability Act of 2017; (2) Accepting the State of California Highway Safety Improvement Program (HSIP) Cycle 11 grant in the amount of \$2,358,630: (A) appropriating \$400,000 from Gas Tax Fund (Fund 245) to complete the design phase of the project and \$262,070 from SB 1 funds (Fund 248) to satisfy the 10% local match requirement to Capital Improvement Project (CIP) 73203, for a total project amount of \$3,020,700, **Resolution 2025-108** and (B) authorizing the City Manager to execute all necessary documents to effectuate the HSIP Cycle 11 grant; (3) Accepting the Fiscal Year (FY) 2024 Safe Streets and Roads for All (SS4A) grant from the United States Department of Transportation in the amount of \$780,000: (A) appropriating \$195,000 from SB 1 funds (Fund 248) to CIP 73204 to satisfy 20% local match requirement, for a total project amount of \$975,000, and (B) authorizing the City Manager to execute the grant agreement and all other required documents to effectuate the FY 2024 SS4A grant; **Resolution 2025-109** and (4) Accepting the State of California HSIP Cycle 12 grant in the amount of \$1,038,240: (A) appropriating \$115,360 from SB 1 funds (Fund 248) to CIP 73205 to satisfy the 10% local match requirement, for a total project amount of \$1,153,600, and (B) authorizing the City Manager to execute all necessary documents to effectuate the HSIP Cycle 12 grant. – **Resolution 2025-110**

- 1.L. Staff recommends that the City Council adopts a resolution authorizing the following amendments to the City's Classification and Compensation Plan and Master Salary Schedule: (1) Add the classifications of Senior Construction Inspector, Senior Utility Mechanic, Senior Laboratory Technician, and Legislative Analyst. (2) Add salary range for part-time Limited-Service Police Cadet position. (3) Amendments to the existing classification of Supervising Construction Inspector to reflect modifications of job duties and increase the bi-weekly salary range for the Supervising Construction Inspector from \$4,140.68 - \$5,032.65 to \$4,414.96 - \$5,366.43 bi-weekly. – **Resolution 2025-111**
- 1.M. Staff recommends that City Council adopt a resolution authorizing the execution of a Master Professional Service Agreement with Kimley-Horn & Associates, Inc., for an initial term of two years and a not-to-exceed annual amount of \$ 500,000 for City-funded projects and on a per-contract basis for developer-funded projects which will be funded through the respective Cost Recovery Agreements. – **Resolution 2025-112**
- 1.N. Staff recommends that the City Council adopt a resolution approving Amendment No. 1 to the Professional Services Agreement with Dewberry Engineers, Inc. of Manteca, California, to provide construction management services through April 29, 2027, with a corrected total not-to-exceed amount of \$2,116,464, to cure a clerical error, for the International Parkway Bridge Replacement and Expansion Project, Capital Improvement Project 73148. – **Resolution 2025-113**
- 1.O. Staff recommends that the City Council adopts a resolution: 1. Approving a three-year professional services agreement with MTM Transit, LLC, for operating services relating to the City of Tracy's TRACER Public Transit System with a total not to exceed amount of \$19,428,394; and 2. Authorizing an administrative extension for an additional one-year contingent upon satisfactory performance in an amount not to exceed \$7,249,160. – **Resolution 2025-114**
- 1.P. The Tracy Homelessness Advisory Committee recommends that the City Council adopt a resolution (1) making a determination that compliance with standard procurement process is not in the best interest of the City and dispensing the bidding requirements for the purchase of premanufactured custom container units for restrooms and showers from Linked Equipment, LLC, an Arizona Limited Liability Corporation, Tracy Municipal Code Section 2.20.180(b)(4); and (2) approving the Purchase Agreement for Goods, Commodities, and Ancillary Services with Linked Equipment, LLC, for four (4) premanufactured customized containers to provide permanent restrooms and showers to be installed as part of the Phase II 2024 Site Improvements at the Temporary Emergency Housing Facility Project, CIP 71112, at 370 W. Arbor Avenue, for a not-to-exceed amount of \$448,074. – **Resolution 2025-115**
- 1.Q. Adoption of April 6, 2025, Special Meeting Minutes – **Minutes were adopted.**
- 1.R. Staff recommends that the City Council adopt a resolution amending the existing Legal Services Agreement with Colantuono Highsmith & Whatley, PC for services covered under Attachment A-3 by \$81,0000 for a total Not-to-Exceed Amount of \$121,000.— **Resolution 2025-116**

- 1.S. Staff and the Tracy Finance Committee recommend that the City Council adopts a resolution: 1. Rejecting a bid protest received by the City on April 22, 2025; 2. Awarding a construction contract to Saboo, Inc. of Brentwood, California, in the amount of \$10,914,200 for construction of the Lammers Road Zone B Pump Station – Tracy Recycled Water System Expansion Project, Capital Improvement Project (CIP) 74168; 3. Authorizing the City Manager to approve change orders up to the contingency amount of \$1,091,420; 4. Authorizing a Not-to-Exceed Construction Budget of \$12,155,620; 5. Authorizing an interfund loan to Tracy Infrastructure Master Plan (TIMP)Fund(F368) from the General Fund Reserves (F101) in the amount of \$800,000 for the term of four years with interest at the current Local Agency Investment Fund(LAIF) Rate; and 6. Authorizing the appropriation of \$2,247,804 from the Tracy Infrastructure Master Plan (TIMP) Fund (F368) to the Tracy Recycled Water System Expansion Capital Improvement Project CIP 74168. – **Resolution 2025-117**
2. ITEMS FROM THE AUDIENCE – Robert Tanner expressed frustration regarding fireworks and urged the City Council to outlaw all fireworks including Safe and Sane Fireworks in the City.

Nancy Young invited the community to the Juneteenth Celebration on June 7, 2025, from 10:00 a.m. to 6:00 p.m.

Jess Rodriguez expressed frustration regarding the claims process and the claim that he had submitted because a City tree damaged their driveway.

Craig Baniss shared concerns regarding the water and sewer rates and requested that the City explore the option to charge per usage.

Manny Balore expressed concerns regarding the size of the garbage and recycling totes and requested smaller totes for citizens that go not generate large amounts of trash.

Denise from Tracy Dog Girls provided the City Council with an update as to the activities that they are participating in to rescue dogs and cats. Denise shared that a location or warehouse is needed, asked the City Council for assistance, and noted that Tracy Dog Girls is open to discussing solutions with Council.

Christina Darling from Tracy Dog Girls shared that there will be a free microchip event on Saturday June 7, 2025, from 9:00 am to 11:00 am; expressed concerns with dogs getting stolen; and noted challenges with obtaining assistance from the Police Department.

### 3. REGULAR AGENDA

- 3.A. Staff recommends that the City Council introduces an ordinance repealing and replacing Section 10.08.3193 of the Tracy Municipal Code, regarding Mobile Food Vendors.

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

Council Members offered comments and questions.

Linda Hawkins, representing Tracy Street Eats, shared that the Tracy Eats Park is providing a safe and affordable environment for businesses; commented on the challenges and impacts of the proposed ordinance; and requested that the City Council consider costs, limitations, and clarify the distinction between food trucks that are in the park and individual trucks.

Eric Hawkins provided background on his family's philanthropic efforts throughout the City, including the Tracy Eats Park, and requested that the City Council reconsider the 6-month constraints that are included in the ordinance.

Gabriella Rodriguez-Machuca shared that Tracy Eats Park is operating with the community in mind; urged the City Council to treat all businesses equally; and noted that the City should be in line with the Health Department Requirements and not add more hurdles.

Robert Tanner asked if there will be exceptions outlined in the proposed ordinance for City sponsored events and shared that the 180-day limit is too restrictive and suggested that this be revisited.

A Community Member shared that they have seen improvements in community and vendor participation and that the 180-day restriction is too limiting.

Council Members engaged in discussion.

Mayor Arriola closed Public Comment.

April B. A. Quintanilla, City Clerk, read the title of the proposed Ordinance aloud.

**ACTION:** Motion was made by Mayor Pro Tem Abercrombie and seconded by Council Member Evans to waive full reading of text and introduce an ordinance repealing and replacing Section 10.08.3193 of the Tracy Municipal Code, regarding Mobile Food Vendors striking section 10.08.3193 (g)(1)(ii). Roll call found Council Members Bedolla, Evans, and Nygard; Mayor Pro Tem Abercrombie; and Mayor Arriola all in favor; passed and so ordered.

3.B. Staff recommends that the City Council conduct a Public Hearing Pursuant to Government Code Section 3502.3 to Receive a Report on City of Tracy Vacancies and Recruitment and Retention Efforts.

Mayor Arriola opened the Public Hearing.

Kimberly Murdaugh, Human Resources Director, provided the staff report. Josh Petitt, Sergeant with the Tracy Police Department and Vice President of the Tracy Police Officers Association (TPOA), provided a presentation.

Council Members offered comments and questions.

Luis Mejia, President of the Tracy Police Managers Association (TPMA), expressed concerns regarding the difficulties faced in hiring and retaining experienced lateral officers; noted that some cities are offering sign-on bonuses to attract and retain staff; expressed pride in the Police Officer Trainees; shared that

there is a lack of balance between new officers and experienced officers; and requested that the City Council take this information into consideration.

Mayor Arriola closed Public Comment.

**ACTION:** Motion was made by Mayor Pro Tem Abercrombie and seconded by Council Member Nygard to accept the report on City of Tracy Vacancies and Recruitment and Retention Efforts pursuant to Government Code Section 3502.3. Roll call found Council Members Bedolla, Evans, and Nygard; Mayor Pro Tem Abercrombie; and Mayor Arriola all in favor; passed and so ordered.

3.C. Appointing L. David Nefouse as the new City Attorney, effective July 14, 2025, and approving an at-will employment agreement between L. David Nefouse and the City of Tracy for a bi-weekly salary of \$11,138.46. – **Resolution 2025-118**

Kimberly Murdaugh, Human Resources Director, provided the staff report.

Council Members offered comments and questions.

Robert Tanner congratulated the new City Attorney and urged the City Council to follow the contract so that past issues are not repeated.

Mayor Arriola and Council Member Evans recognized Mr. Andrew Shen for serving as Interim City Attorney and for all his assistance during the transition.

**ACTION:** Motion was made by Mayor Pro Tem Abercrombie and seconded by Council Member Evans to approve an at-will employment agreement between L. David Nefouse and the City of Tracy for a bi-weekly salary of \$11,138.46. Roll call found Council Members Bedolla, Evans, and Nygard; Mayor Pro Tem Abercrombie; and Mayor Arriola all in favor; passed and so ordered.

3.D. The Tracy Finance Committee recommends that the City Council discusses recommended amendments to the City's Fiscal Sustainability Strategies.

Sara Castro, Director of Finance, provided the staff report.

Council Members offered comments and questions.

Randall Bradley, Fire Chief, South San Joaquin County Fire Authority, thanked the City Council for making public safety and public safety facilities a priority.

Robert Tanner shared that there is an urgent need for a Police Department substation and urged the City Council to use Measure V funds for that.

Justin Lagasse, Fire Engineer with Tracy Fire and Vice President of Tracy Firefighters Association, urged the City Council to approve the building of additional stations closer to South Tracy.

**ACTION:** Motion was made by Mayor Pro Tem Abercrombie and seconded by Council Member Bedolla to accept the recommended amendments to the City's Fiscal Sustainability Strategies. Roll call found Council Members Bedolla, Evans, and Nygard; Mayor Pro Tem Abercrombie; and Mayor Arriola all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – David Nefouse, future City Attorney, expressed gratitude and indicated that he looks forward to working with staff, the City Council, and the community.

5. STAFF ITEMS – Midori Lichtwardt, City Manager, shared the following:

- Sunday, June 8, 2025, there would be a City Council Strategic Priorities Retreat that will be held at the Boyd Service Center starting at 9:00 a.m.
- Summer Block Party on June 6, 2025, Country Block Party on Front Street and there will be street closures due to that.

6. COUNCIL ITEMS – Council Member Nygard addressed the item that was pulled regarding the purchasing of more vehicles and requested support in the development of a two (2) member Ad Hoc Committee that would address the need move to clean energy vehicles by creating policy that would address the participation in the State Climate Goals, identify the opportunities for grants and other funding, and work in collaboration with the Environmental Sustainability Committee. Mayor Arriola supported the request. Council Member Nygard shared that she attended various events and thanked the City Council and staff for their hard work.

Council Member Evans shared that the trip to Washington D.C. was productive and that Memorial Day events were well attended; and expressed gratitude to the City Council and staff for recognizing the young individuals that were entering the military.

Council Member Bedolla shared that he attended the Tracy Homeless Advisory Committee and attended as an Alternate on AVA and shared updates with the City Council.

Mayor Pro Tem Abercrombie requested support for the Community Members that have been involved in the community-driven plans for the Aquatic Center to have the opportunity to present their plans to the City Council. Mayor Arriola supported the request.

Mayor Arriola shared the Mayor's report for April and highlighted some of the meetings that he attended. Mayor Arriola asked for support to bring back for consideration an item to discuss districting. Council Member Nygard supported the request. Mayor Arriola wished the community a Happy Father's Day and Happy Pride.

7. ADJOURNMENT – Time: 10:04 p.m.

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

The above agenda was posted at the Tracy City Hall on May 30, 2025. 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