

Tuesday, September 21, 2021, 7:00 P.M.

Tracy City Hall, 333 Civic Center Plaza, Tracy

Web Site: www.cityoftracy.org

THIS REGULAR MEETING WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDER N-29-20 WHICH SUSPENDS CERTAIN REQUIREMENTS OF THE RALPH M. BROWN ACT

THIS MEETING WILL BE OPEN TO THE PUBLIC FOR IN-PERSON AND REMOTE PARTICIPATION. IN ACCORDANCE WITH THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH GUIDELINES, UNIVERSAL MASKING INDOORS IS RECOMMENDED. MASKS ARE REQUIRED FOR UNVACCINATED INDIVIDUALS IN INDOOR PUBLIC SETTINGS. MEMBERS OF THE PUBLIC MAY PARTICIPATE REMOTELY IN THE MEETING VIA THE FOLLOWING METHOD:

As always, the public may view the City Council meetings live on the City of Tracy's website at CityofTracy.org or on Comcast Channel 26/AT&T U-verse Channel 99. To view from the City's website, open the "Government" menu at the top of the City's homepage and select "[City Council Meeting Videos](#)" under the "City Council" section.

If you only wish to watch the meeting and do not wish to address the Council, the City requests that you stream the meeting through the City's website or watch on Channel 26.

Remote Public Comment:

During the upcoming City Council meeting public comment will be accepted via the options listed below. If you would like to comment remotely, please follow the protocols below:

- *Comments via:*
 - **Online by visiting** <https://cityoftracyevents.webex.com> and using the following **Event Number: 2553 970 0363** and **Event Password: TracyCC**
 - **If you would like to participate in the public comment anonymously**, you may submit your comment in WebEx by typing "Anonymous" when prompted to provide a First and Last Name and inserting Anonymous@example.com when prompted to provide an email address.

- *Protocols for commenting via WebEx:*
 - *If you wish to comment on the "Consent Calendar", "Items from the Audience/Public Comment" or "Regular Agenda" portions of the agenda:*
 - *Listen for the Mayor to open that portion of the agenda for discussion, then raise your hand to speak by clicking on the Hand icon on the Participants panel to the right of your screen.*
 - *If you no longer wish to comment, you may lower your hand by clicking on the Hand icon again.*
 - *Comments for the "Consent Calendar" "Items from the Agenda/Public Comment" or "Regular Agenda" portions of the agenda will be accepted until the public comment for that item is closed.*

- **The total allotted time for public comment will be as follows:**
 - **Consent Calendar: 10 minutes**

- *Items from the Audience: 15 minutes*
- *Regular Items: 10 minutes*

Comments received on Webex outside of the comment periods outlined above will not be included in the record.

Americans With Disabilities Act - The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in Council meetings. Persons requiring assistance or auxiliary aids should call City Hall (209/831-6105) 24 hours prior to the meeting.

Addressing the Council on Items on the Agenda - The Brown Act provides that every regular Council meeting shall provide an opportunity for the public to address the Council on any item within its jurisdiction before or during the Council's consideration of the item, provided no action shall be taken on any item not on the agenda. To facilitate the orderly process of public comment and to assist the Council to conduct its business as efficiently as possible, members of the public wishing to address the Council are requested to, but not required to, hand a speaker card, which includes the speaker's name or other identifying designation and address to the City Clerk prior to the agenda item being called. Generally, once the City Council begins its consideration of an item, no more speaker cards will be accepted. An individual's failure to present a speaker card or state their name shall not preclude the individual from addressing the Council. Each citizen will be allowed a maximum of five minutes for input or testimony. In the event there are 15 or more individuals wishing to speak regarding any agenda item including the "Items from the Audience/Public Comment" portion of the agenda and regular items, the maximum amount of time allowed per speaker will be three minutes. When speaking under a specific agenda item, each speaker should avoid repetition of the remarks of the prior speakers. To promote time efficiency and an orderly meeting, the Presiding Officer may request that a spokesperson be designated to represent similar views. A designated spokesperson shall have 10 minutes to speak. At the Presiding Officer's discretion, additional time may be granted. The City Clerk shall be the timekeeper.

Consent Calendar - All items listed on the Consent Calendar are considered routine and/or consistent with previous City Council direction. One motion, a second, and a roll call vote may enact the items listed on the Consent Calendar. No separate discussion of Consent Calendar items shall take place unless a member of the City Council, City staff or the public request discussion on a specific item.

Addressing the Council on Items not on the Agenda – The Brown Act prohibits discussion or action on items not on the posted agenda. The City Council's Meeting Protocols and Rules of Procedure provide that in the interest of allowing Council to have adequate time to address the agenda items of business, "Items from the Audience/Public Comment" following the Consent Calendar will be limited to 15-minutes maximum period. "Items from the Audience/Public Comment" listed near the end of the agenda will not have a maximum time limit. A five-minute maximum time limit per speaker will apply to all individuals speaking during "Items from the Audience/Public Comment". For non-agendized items, Council Members may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to Council. When members of the public address the Council, they should be as specific as possible about their concerns. If several members of the public comment on the same issue an effort should be made to avoid repetition of views already expressed.

Notice - A 90 day limit is set by law for filing challenges in the Superior Court to certain City administrative decisions and orders when those decisions or orders require: (1) a hearing by law, (2) the receipt of evidence, and (3) the exercise of discretion. The 90 day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge a City Council action in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised during the public hearing, or raised in written correspondence delivered to the City Council prior to or at the public hearing.

Full copies of the agenda are available on the City's website: www.cityoftracy.org

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

PRESENTATIONS

1. Employee of the Month
2. Police Swearing In Ceremony

1. CONSENT CALENDAR

- 1.A. ADOPTION OF AUGUST 31, 2021 CLOSED SESSION AND SPECIAL MEETING MINUTES, AND SEPTEMBER 7, 2021 CLOSED SESSION, SPECIAL MEETING AND REGULAR MEETING MINUTES
- 1.B. AUTHORIZE THE ACCEPTANCE OF \$280,149 FROM THE 2021 SHUTTERED VENUE OPERATORS GRANT AND APPROVE THE APPROPRIATION TO THE CULTURAL ARTS DIVISION – GRAND THEATRE CENTER FOR THE ARTS BUDGET
- 1.C. AUTHORIZE THE PURCHASE OF MULTIPLE VEHICLES AND EQUIPMENT IN THE AMOUNT OF \$807,469
- 1.D. AUTHORIZE THE ACCEPTANCE OF A \$66,500 GRANT FROM SAN JOAQUIN COUNTY'S ECONOMIC DEVELOPMENT DEPARTMENT FOR CITY TOURISM ATTRACTION EFFORTS
- 1.E. APPROVE CLAIM TO BE SUBMITTED TO THE STATE OF CALIFORNIA, THROUGH THE SAN JOAQUIN COUNCIL OF GOVERNMENTS (SJCOG), FOR STATE OF GOOD REPAIR (SGR) PROGRAM FUNDS IN THE AMOUNT OF \$93,931 FOR THE PROGRAM'S FISCAL YEAR 2017-2018, AND \$117,121 FOR THE PROGRAM'S FISCAL YEAR 2019-2020, AND AUTHORIZE THE FINANCE DIRECTOR TO EXECUTE THE CLAIM
- 1.F. AUTHORIZE AMENDMENTS TO THE CITY'S CLASSIFICATION AND COMPENSATION PLANS AND MASTER SALARY SCHEDULE RELATING TO THE MULTIMEDIA COMMUNICATIONS COORDINATOR AND MULTIMEDIA COMMUNICATIONS ASSISTANT; AND AUTHORIZE THE BUDGET OFFICER TO AMEND THE CITY'S POSITION CONTROL ROSTER FOR FY 2021-22 TO REFLECT THE DELETION OF ONE MEDIA SERVICES SUPERVISOR AND ONE POLICE RECORDS ASSISTANT II AND TO ADD ONE MULTIMEDIA COMMUNICATIONS COORDINATOR AND ADD ONE SENIOR POLICE RECORDS ASSISTANT
- 1.G. WAIVE SECOND READING AND ADOPT ORDINANCE 1315, AN ORDINANCE OF THE CITY OF TRACY AMENDING ARTICLE 1 "CARD ROOMS" OF CHAPTER 4.04 OF THE TRACY MUNICIPAL CODE TO INCREASE THE NUMBER OF CARD ROOM TABLES ALLOWED AND PLAYER CAPACITY PER TABLE AND CHANGE OTHER OPERATIONAL REQUIREMENTS

- 1.H. WAIVE SECOND READING AND ADOPT ORDINANCE 1316, AN ORDINANCE OF THE CITY OF TRACY AMENDING VARIOUS SECTIONS OF TITLE 1 OF THE TRACY MUNICIPAL CODE REGARDING CODE ENFORCEMENT, ADMINISTRATIVE CITATIONS AND PENALTIES, AND PUBLIC NUISANCE ABATEMENT
2. ITEMS FROM THE AUDIENCE
3. REGULAR AGENDA
 - 3.A. PUBLIC HEARING TO CONSIDER ESTABLISHING AN UNDERGROUND UTILITY DISTRICT FOR PORTIONS OF VALPICO ROAD, AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO EXECUTE NECESSARY PG&E DOCUMENTS FOR COMPLETION OF UNDERGROUNDING
 - 3.B. RECEIVE REPORT AND CONDUCT A PUBLIC HEARING REGARDING THE CALIFORNIA UNIFORM CONSTRUCTION COST ACCOUNTING COMMISSION'S FINDINGS PERTAINING TO TEMPORARY REPAIR WORK PERFORMED BY IN-HOUSE STAFF ON CORRAL HOLLOW ROAD
 - 3.C. PUBLIC HEARING TO INTRODUCE AN ORDINANCE ADDING CHAPTER 7.32 TO THE TRACY MUNICIPAL CODE TO REPURPOSE ON-STREET PARKING SPACES IN THE DOWNTOWN AS OUTDOOR DINING AREAS, KNOWN AS PARKLETS, APPROVE THE DOWNTOWN PARKLET GRANT PROGRAM, AND APPROPRIATE \$500,000 FOR THE DOWNTOWN PARKLET GRANT PROGRAM FROM THE ECONOMIC DEVELOPMENT AMERICAN RESCUE PLAN ACT (ARPA) FUNDING
 - 3.D. RECEIVE UPDATE ON CITY OF TRACY HOMELESS INITIATIVES INCLUDING COMMUNITY PRESERVATION EFFORTS, TEMPORARY EMERGENCY HOUSING FACILITY PROJECT, FUNDING STRATEGIES AND STAFFING, AND PROVIDE DIRECTION ON PHASING OF THE EMERGENCY HOUSING FACILITY PROJECT AND A TEMPORARY WARMING CENTER DURING FISCAL YEAR 2021-2022
 - 3.E. REVIEW AND DISCUSS STATUS OF THE CITY'S CANNABIS PROGRAM CHANGES DIRECTED AT THE SEPTEMBER 7, 2021 CITY COUNCIL MEETING, AND PROVIDE DIRECTION AS NECESSARY
 - 3.F. PROVIDE AN UPDATE TO THE CITY COUNCIL ON THE POLICE DEPARTMENT'S RESPONSE TO FIREWORKS COMPLAINTS AND OFFICIAL CITY EVENTS DURING THE JULY 4TH WEEKEND
 - 3.G. DISCUSS AMENDING REQUIREMENT FOR A SUPERMAJORITY VOTE (OR FOUR-FIFTHS VOTE) OF THE CITY COUNCIL TO REMOVE THE CITY MANAGER OR CITY ATTORNEY AND PROVIDE DIRECTION TO STAFF
4. ITEMS FROM THE AUDIENCE
5. STAFF ITEMS
6. COUNCIL ITEMS AND COMMENTS
7. ADJOURNMENT

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

August 31, 2021, 5:30 p.m.

Tracy City Hall, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Young called the meeting to order at 5:31 p.m. for the purpose of a closed session to discuss the items outlined below.
 2. ROLL CALL – Roll call found Council Member Davis, Mayor Pro Tem Vargas and Mayor Young present. Council Members Arriola and Bedolla were absent from roll call.
 3. ITEMS FROM THE AUDIENCE – There was no public comment.
 4. CLOSED SESSION
 - a. Conference with Legal Counsel – Existing Litigation (Gov. Code § 54956.9(d)(1))
 - i. City of Tracy v. BBS Adventures, LLC (San Joaquin County Superior Court Case No. STK-CV-URP-2018-0009827)
 5. RECESS TO CLOSED SESSION – Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to recess to closed session at 5:33 p.m. Roll call found Council Member Davis, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Members Arriola and Bedolla absent.

Council Member Bedolla arrived at 5:36 p.m.

Council Member Arriola arrived at 5:39 p.m.
 6. RECONVENE TO OPEN SESSION – Motion was made by Council Member Davis and seconded by Mayor Pro Tem Vargas to reconvene to open session. Roll call found all in favor, passed and so ordered
 7. REPORT OF FINAL ACTION – None.
 8. COUNCIL ITEMS AND COMMENTS – Council Member Vargas requested to revisit the policy that discusses the number of votes required to hire or let go of City Manager or City Attorney. City Attorney, Leticia Ramirez clarified that it was an ordinance. Mayor Young supported the request.
 9. ADJOURNMENT – Time: 6:15 p.m.
- ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adjourn. Roll call found all in favor; passed and so ordered.

The agenda was posted at City Hall on August 26, 2021. The above are action minutes.

ATTEST:

Mayor

City Clerk

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

August 31, 2021, 6:00 p.m.

Tracy City Hall, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Young called the meeting to order at 6:21 p.m.
2. ROLL CALL – Roll call found Council Members Arriola, Bedolla, Davis, Mayor Pro Tem Vargas and Mayor Young present.
3. ITEMS FROM THE AUDIENCE – Bob Tanner requested the additional hiring of officers and additional police cars, and urged Council to ask the community if additional officers are needed.

Alice English stated the Code of Conduct and Ethics should be reviewed and adhered to by the Mayor, and requests City Manager to bring back the call in feature for City Council meetings.

Mayor Young responded that Council meetings are run according to Rosenberg Rules of Order and she will continue to run the meetings accordingly.

Mayor Pro Tem Vargas called a point of order on comments and characterizations made by Ms. English.

Daniel Helm commended Mayor Pro Tem Vargas on recusing herself from the Westside Project item and asked what was the reasoning for the recusal.

Mayor Pro Tem Vargas responded that after deliberation with the FPPC and City Attorney the decision was made to recuse herself.

Roy Hawkins commented on Interim City Manager Bob Adams' experience in Manteca and hopes that Mr. Adams can lead City staff in getting things done.

4. CONSENT CALENDAR - Motion was made by Council Member Davis and seconded by Council Member Arriola to adopt the consent calendar. Roll call found all in favor; passed and so ordered.
 - 4 A. APPROVE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF TRACY AND TRACY FIREFIGHTERS ASSOCIATION AND THE COMPENSATION AND BENEFITS PLAN FOR LIMITED SERVICE EMPLOYEES; AUTHORIZE THE CITY MANAGER TO AMEND THE FY 2021-22 BUDGET AND CITY MASTER SALARY SCHEDULE TO REFLECT THE MOU AND COMPENSATION AND BENEFIT PLAN – Resolution 2021-121 approved a new Memorandum of Understanding with the Tracy Firefighters Association (TFFA). **Resolution 2021-122** approved the Compensation and Benefits Plan for Limited Service Employees.

5. DISCUSSION ITEMS5.A DESIGNATE VOTING DELEGATE AND UP TO TWO ALTERNATE VOTING DELEGATES FOR THE LEAGUE OF CALIFORNIA CITIES 2021 ANNUAL CONFERENCE BUSINESS MEETING AND DETERMINE CITY COUNCIL'S POSITION ON THE RESOLUTION TO BE CONSIDERED AT THE ANNUAL CONFERENCE BUSINESS MEETING

Karin Schnaider, Finance Director provided the staff report.

There was no public comment.

City Council comments and questions followed.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to adopt **Resolution 2021-123** designating Council Member Davis as a voting delegate and Council Member Bedolla and Mayor Pro Tem Vargas as the alternate voting delegates for the League of California Cities 2021 Annual Conference Business Meeting and to oppose Annual Conference Business Meeting Resolution 1 and to support Annual Conference Meeting Resolution 2. Roll call found all in favor; passed and so ordered.

1. A Resolution of the League of California Cities calling on the State Legislature to pass legislation that provides for a fair and equitable distribution of the Bradley Burns 1% Local Sales Tax from In-State Online Purchases, based on data where products are shipped to, and that rightfully takes into consideration the impacts that fulfillment centers have on host cities but also provides a fair share to California cities that do not and/or cannot have a fulfillment center within their jurisdiction.

Council opposed Resolution 1.

2. A Resolution calling upon the Governors and Legislature to Provide necessary Funding for CPUC to fulfill its obligations to inspect railroad lines to ensure that operators are removing illegal dumping, graffiti and homeless encampments that degrade the quality of life and results in increased public safety concerns for communities and neighborhoods that abut the railroad right-of-way.

Council supported Resolution 2; Mayor Pro Tem Vargas requested an amendment to the language of the resolution that identifies funding source.

5.B PROVIDE DIRECTION ON PROJECT SCOPE AND POTENTIAL LOCATION(S) FOR THE MULTI-GENERATIONAL RECREATION CENTER

Richard Joaquin, Parks Planning and Development Manager provided the staff report and responded to Council questions.

Bob Tanner expressed disappointment that the study was from three years ago, stated there is no current transportation to Legacy Fields, and asked that there be routes added that reach Legacy Fields.

Mary Mitracos commended staff on the presentation and liked the idea bifurcating the project and putting library and education spaces at Ceciliani Park and not at Aquatic Center. Only one place in town for a tournament style facility should be at the Bow Tie area.

Dottie Nygard stated she was excited about the project moving forward, and asked Council to stay with the direction from the public. Recreation should include bicyclists and skaters and urged Council to listen to the community.

Alice English agreed with Bob Tanner and Dottie Nygard, and stated that Legacy Fields has room to grow and that could potentially house a skate/bike park. Ms. English shared her appreciation for staff on this project.

City Council questions and comments followed.

Brian MacDonald, Parks and Community Services Director responded to Council questions.

Mayor Young clarified Council's consensus to prioritize the following Council priorities for the project:

1. Gymnasium
2. Outdoor Recreation Facilities
3. Multi-Purpose Room
4. Library and Education Spaces
5. Lounge/Lobby
6. Teaching Kitchen

Mr. Joaquin clarified the top three (gym, outdoor recreation and multi-purpose) and take all of these items forward into the feasibility study to consider, and call them Council priorities.

It was Council consensus to bifurcate the programming of the Rec Center to allow feasibility studies to be completed on multiple sites.

It was Council consensus to authorize City staff to begin discussions with Tracy Unified School District (TUSD) regarding potential of locating Rec Center at Ceciliani Park.

Mayor Young asked Council if they were opposed to looking at the Aquatic Center as one of the site options. It was Council consensus to not include the Aquatic Center when considering other sites.

6. COUNCIL ITEMS AND COMMENTS – Mayor Pro Tem Vargas requested to amend AB140 to include the identification of funding as part of bill. Council Member Bedolla seconded the request.

Mayor Pro Tem Vargas shared concerns regarding the disrepair of the basketball courts at Don Cose Park and the skate ramps at Veterans Park, and would like to have discussion regarding park maintenance, budget, overall upkeep and how that works. Mayor Pro Tem Vargas stated she would like this to be a separate request from the Master Plan and would like it taken care of as soon as possible. Council Member Bedolla seconded the request.

Midori Lichtwardt, Assistant City Manager asked if a memo would suffice.

Mayor Pro Tem Vargas responded that she did not want a memo, and wants public to know.

Mayor Pro Tem Vargas requested to have a cannabis conversation to come back and would like an update on milestones and dates so that Council may provide direction on how to fund items previously discussed. Mayor Pro Tem Vargas shared concerns regarding items that had been previously requested such as the Master Plans for Transportation, Airport, TOD, Downtown Specific Plan, parklets, and the JPA forensic financial analysis.

Mayor Pro Tem Vargas requested the 11th Street safety of crosswalks and pedestrian improvements to come back to Council. Council Member Bedolla supported the request.

Mayor Young supported Mayor Pro Tem Vargas's request to bring back items that have been requested but not completed.

Council Member Arriola announced he was invited to speak at the State LGBTQ Caucus, there will be a faith-based round table on homelessness on September 8th at 6:00 p.m., and wished everyone a happy Labor Day.

Council Member Davis asked for consideration on reopening phone access for Council meetings. There was no support for the request.

Council Member Davis spoke about the banners along 11th Street and requested updated banners. Mayor Pro Tem Vargas supported the banner update.

Council Member Davis requested adding dog waste containers in parks and along major walkways and more garbage containers. Mayor Pro Tem Vargas and Council Member Bedolla supported the request.

Council Member Bedolla wished the community a safe weekend.

Mayor Young wished everyone a happy Labor Day, and acknowledged those affected by what is happening in Afghanistan in prayer and asked for a moment of silence.

Mayor Young welcomed Bob Adams, Interim City Manager.

6. ADJOURNMENT – Time: 9:43 p.m.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adjourn. Roll call found all in favor; passed and so ordered.

The agenda was posted at City Hall on August 26, 2021. The above are action minutes.

ATTEST:

Mayor

City Clerk

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

September 7, 2021, 4:45 p.m.

Tracy City Hall, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Young called the meeting to order at 4:45 p.m. for the purpose of a closed session to discuss the items outlined below.
2. ROLL CALL – Roll call found Council Member Davis, Mayor Pro Tem Vargas and Mayor Young present. Council Members Arriola and Bedolla absent from roll call.
3. ITEMS FROM THE AUDIENCE – There was no public comment.
4. CLOSED SESSION
 1. Personnel Matter (Gov. Code § 54957)
Public Employee Appointment and Employment
Position Title: City Manager

There was no public comment.
5. RECESS TO CLOSED SESSION – Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to recess to closed session at 4:46 p.m. Roll call found Council Member Davis, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Members Arriola and Bedolla were absent for roll call.

Council Member Bedolla arrived at 4:52 p.m.

Council Member Arriola participated via telephone.
6. REPORT OF FINAL ACTION – None.
7. COUNCIL ITEMS AND COMMENTS – None.
8. ADJOURNMENT –Time: 5:00 p.m.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adjourn. Roll call found Council Members Bedolla, Davis, Mayor Pro Tem Vargas and Mayor Young all in favor; passed and so ordered. Council Member Arriola was absent.

The agenda was posted at City Hall on September 2, 2021. The above are action minutes.

ATTEST:

Mayor

City Clerk

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

September 7, 2021, 5:00 p.m.

Tracy City Hall, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Young called the meeting to order at 5:07 p.m.
2. ROLL CALL – Roll call found Council Members Bedolla, Davis, Mayor Pro Tem Vargas and Mayor Young present. Council Member Arriola was absent from roll call.

Council Member Arriola joined via Web-Ex at 5:08 p.m. and arrived in person at 5:29 p.m.

3. ITEMS FROM THE AUDIENCE – There was no public comment.
4. REVIEW THE CITY'S CANNABIS BUSINESS PERMIT APPLICATION PROCEDURES AND GUIDELINES, COMMERCIAL CANNABIS ACTIVITY ORDINANCE, CANNABIS BUSINESS PERMIT ISSUANCE PROCESS, AND PROVIDE DIRECTION TO STAFF

Assistant City Manager Midori Lichtwardt recused herself from the item as she is the hearing officer for the current cannabis hearings.

Bill Dean, Interim Development Services Director provided the staff report and responded to questions.

City Council questions followed.

Karen Moore shared her frustration regarding the delays in the process of the cannabis permits and the limit to four storefronts.

Lauren Carpenter, on behalf of Embarc spoke about application scoring, and asked Council to direct staff to score the Embarc application.

Nichole Trujillo Rice, United Food and Commercial Workers Local 8, echoed Lauren Carpenter's sentiments. Applications selected should be on merit and not lottery, and requested a local hiring ordinance that includes a wage and benefit analysis and a health and safety standards.

Deanna Garcia, Tracy Cannabis Collective shared the team's community contributions, and asked to allow to continue the conditional use portion of the qualified final applications.

Pamela Epstein, GOE of Tracy stated that community benefit plan should be moved to the Conditional Use Permit Plan, the process is inequitable, and should have 10 licenses.

Alex Monceaux asked from 41 applicants why were there no manufacturing and distribution licenses included.

Joseph Devlin, Altamont Wellness shared past experience, the importance of integrating operators into the community, the importance of the operator, and requested that licenses be issued to 10 organizations.

Michaela Toscas asked why local organizations were not approved, requested the City hold a public hearing permit process, change the future license process to allow for transparency and integrity, and asked that all non-competitive licenses that were submitted be permitted.

Spencer Sitnik, Sitnik-Russel Holding Company shared cannabis business experience and stated qualified applicants may have been disqualified too early in the process.

Michele Trew, Tracy Cannabis Collective spoke about cannabis business experience and community involvement, shared frustrations with community benefit scores considering history of community involvement, and requested the Council move forward with 10 applicants in the CUP process.

Mike Warda asked that the point system be looked at closely, especially when looking at finances, create an objective standard. Potential operators should be able to provide proof of what they are paying in other cities as part of their community benefits.

Tony Fernandez, Manzanita Group, thanked Council for considering the option 10 applicants to move forward in the process, and voiced concerns over the community benefit scoring system.

Ron Roberts, Consultant stated community benefit is ambiguous and varies from city to city, and applications should be viewed on an objective process that relies on tax receipts.

Dale Schafer, Cannabis Attorney stated he had a client that was on three applications and scored differently on each application, and suggested allowing conditional use permits and let the market fix this. Let people compete like every other business.

Kimberly Cargile, Tracy Cannabis Collective requested an amendment to the ordinance to allow 10 licenses, scoring has problems when it comes to community benefit portion of application. Shared frustration in regards with community benefit plan and scoring process.

Ariana Van Alstine, Tracy Cannabis Collective urged Council to draft a resolution to increase the number of cannabis licenses to 10, shared their members level of community involvement, and stated Option 1 is the only option that would accomplish the goal of this meeting.

Dennis Chan, Tracy Cannabis Collective requested the 10 finalists move on in the licensing process.

Aziz B thanked City staff for their efforts, stated that the City can sustain more than 4 retailers given the population, and shared that cannabis funds can help fund public needs.

Mike Souza spoke about the importance of the quality of the operator, and shared that licensing permits should be opened up to all 10 finalists.

Bob Tanner stated community benefit should be reviewed and adjusted. If application is denied, some of the application review funds should be returned, 70%, and requested that Council review the benefits package and the financial information. Mr. Tanner added he would not like to see a multitude of cannabis dispensaries in Tracy.

Dottie Nygard, Megan's Organic Market stated she understands the difficulty of the City's position, looking to change the stigma and bring education regarding cannabis, and it is vital to have a production/distribution center not just dispensaries.

Alice English echoed Bob Tanner's sentiments, organizations should be refunded at least 50% of the application fee if they were denied a permit, and shared concerns regarding Police Officer shortage and the safety concerns. Ms. English disagreed with 10 dispensaries.

City Council questions and comments followed.

Mayor Young requested support to look at applications that were not stacked including retail in it to be able to have a process even if we relooked at it, where they would not have to repay again to be able to continue with that because it is unfair. Council Member Davis and Mayor Pro Tem Vargas supported the request.

Council discussion and questions continued.

Council Member Arriola suggested in the making of the motion it can be selectively for 10 competitive applicants and return to re-evaluate the process for non-competitive types of businesses and for those beyond the limit of per 10,000 population. For this particular process, new census numbers were approximately 98,000 for our populace, and asked if Council is going to say we are at 100,000. Mayor Pro Tem Vargas and Council Member Davis supported the suggestion.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to approve the City cannabis permit application with the 10 competitive applications to move forward, to allow 1 permit per 10,000 per census, allowing 4 approved cannabis applications to move forward to the CUP with no additional criteria to be added and any new pools of application to come back for re-evaluation and reconsideration including CUP to be part of the public benefit discussion.

Council Member Bedolla asked Mayor Pro Tem Vargas if that included taking a look at the future processes for competitive and non-competitive. Mayor Pro Tem Vargas confirmed that was correct.

Mayor Young wanted to make sure it includes that the partial refund option to come back. Mayor Pro Tem Vargas agreed.

Council Member Arriola made a friendly amendment for consideration to also include future policy changes to consider not only local labor standards but also benefit and wage standards. Mayor Pro Tem Vargas agreed to the amendment.

Mayor Pro Tem Vargas confirmed it is for future pools and not for the current 10.

Council Member Bedolla wanted to go on record, not in favor of permanent cap of 4, the first 4 should set up shop and make changes as needed.

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

Council comments continued.

Bob Adams, Interim City Manager requested staff provide an idea of when it would be likely the next steps will come back.

Mr. Dean responded staff will bring back the ordinance in October. Regarding the criteria and guidelines, he does not have a firm date as is a sizeable change. Staff will work on CUP's that are filed, up to 10 of them after the ordinance. Criteria change and guidelines are going to take time to evaluate and it stands to reason to bring the other things Council has asked for also and therefore it will take a long time.

Staff to bring back an update at the September 21, 2021 Council meeting on how it is progressing, next steps and what we are looking at going forward.

Council directed staff to bring back potential remedies for mistakes like what occurred with Embarc to be a part of the agenda update.

5. COUNCIL ITEMS AND COMMENTS – None

6. ADJOURNMENT – Time: 8:04 p.m.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adjourn. Roll call found all in favor; passed and so ordered.

The agenda was posted at City Hall on September 2, 2021. The above are action minutes.

ATTEST:

Mayor

City Clerk

September 7, 2021, 7:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy

Web Site: www.ci.tracy.ca.us

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

Mayor Young called the meeting to order at 8:21 p.m.

Mayor Young led the Pledge of Allegiance.

Pastor White, Mt. Carmel Community Church offered the invocation.

Roll call found Council Members Arriola, Bedolla, Davis, Mayor Pro Tem Vargas and Mayor Young present.

1. CONSENT CALENDAR – Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adopt the consent calendar. Roll call found all in favor; passed and so ordered.
 - 1.A ADOPTION OF AUGUST 17, 2021 REGULAR MEETING MINUTES – **Minutes were adopted.**
 - 1.B. APPROVE A COOPERATIVE AGREEMENT BETWEEN THE SAN JOAQUIN COUNCIL OF GOVERNMENTS AND THE CITY OF TRACY TO RECEIVE FUNDS THROUGH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION'S PUBLIC TRANSPORTATION MODERNIZATION, IMPROVEMENT, AND SERVICE ENHANCEMENT ACCOUNT PROGRAM AND AUTHORIZE SUBMISSION OF CLAIMS FOR REIMBURSEMENT – **Resolution 2021-124** approved a Cooperative Agreement with the San Joaquin Council of Government.
 - 1.C APPROVE THE DEFERRED IMPROVEMENT AGREEMENT (DIA) FOR TRACY VILLAGE TRACT 3917, AND AUTHORIZE THE CITY CLERK TO FILE THE DEFERRED IMPROVEMENT AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER - **Resolution 2021-125** approved the Deferred Improvement Agreement for Tracy Village Tract 3917.
 - 1.D APPROVE AMENDMENT NO. 1 TO THE GENERAL SERVICES AGREEMENT BETWEEN THE CITY OF TRACY AND INTELLISITE FOR SERVICES INVOLVING PROVIDING REMOTE SURVEILLANCE UNITS, VIDEO SURVEILLANCE AND MONITORING IN CITY PARKS, INCREASING THE NOT TO EXCEED ANNUAL AMOUNT BY \$150,307 FOR A TOTAL NOT TO EXCEED ANNUAL AMOUNT OF \$250,000 AND EXTENDING THE TERM TO FIVE (5) YEARS - **Resolution 2021-126** approved Amendment No. 1 to the General Services agreement with Intellisite.

- 1.E ADOPT A RESOLUTION AUTHORIZING EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED MASTER ACQUISITION AGREEMENT RELATED TO CITY OF TRACY COMMUNITY FACILITIES DISTRICT NO. 2016-2 (ECFD)
– **Resolution 2021-127** adopted a Resolution authorizing the execution and delivery of an Amended and Restated Master Acquisition Agreement.

2. ITEMS FROM THE AUDIENCE – Richard Borell, Latania Ealy, Rosevelt Ealy, and Pastor White members of the Mt. Carmel Community Church shared information regarding their church, giving back to the community, toy giveaway, downtown revitalization, challenges with space and leasing a facility, benefits for the City of Tracy, and shared a proposal of acquisition of the Westside Market (729/741 N. Central Ave) and the conversion to Mt. Carmel's Worship Center.

Gwendolyn White shared concerns regarding construction crew near Rite Aid on South MacArthur starting work at 3:00 a.m. Ms. White also stated their well water was cut off two weeks ago for 18 hours, and asked why the water was cut off without any notice, and why the City needs access to her well.

Robert Tanner clarified his suggestion at the previous meeting of four dispensaries, one for every 25,000, and shared his concerns regarding four Council Members not listening to citizens who in a 2018 survey talked about library, education spaces, outdoor recreational and a gymnasium, the Mayor pushing the gymnasium and library down at #3. Mr. Tanner suggested looking at a library and outdoor recreational facilities.

Council Member Arriola objected to the summarization.

Mayor Young responded to Mr. Tanner's comments stating incorrect characterization and pushing for the gym is not true also.

Alice English shared her concerns regarding Mayor Young's conduct at the August 31 special meeting, and suggested Council may need another workshop on Rosenberg's Rules and wanted misconduct with this Council on the record.

Mayor Pro Tem Vargas disagreed with Ms. English's summarization.

Mayor Young responded to Ms. English's comments and spoke about the code of public conduct, rules of decorum and the Mayor's role as the leader of this meeting.

Dan Evans stated trains moving during school pickup on MacArthur to 11th Street at 6th Street adds 6 minutes of cars piling up, asked why the City is behind with infrastructure, need to get ahead of Valley Link, City's 2012 Transportation Master Plan is irrelevant since increase of population, and asked who on City Council will take leadership and bring us up to 2021.

Tim Silva stated Council has the right and authority to move things around on the agenda, and reminded Council that the meeting is for the public and Council serve the citizens of the community.

Mayor Young responded it is the City's business that Council is elected to handle.

Bernell Scholl asked where water for new homes is coming from, and added the City needs to put a moratorium on building. Ms. Scholl expressed concerns regarding Mayor Pro Tem Vargas sharing problems with her personal life at the meetings, and asked about grants for water.

Mayor Pro Tem Vargas responded she has never talked about personal items, and has clarified comments made on social media.

Mayor Young responded messages that come up from the audience, should be addressed to the entire Council.

Alex Monceaux shared he had been ready to submit two cannabis applications but after speaking with Mr. Dean, decided to combine the applications, but did not make it through phase 2, and was told there is no appeal process, to check FAQ. FAQ said can only appeal the Police Chief's decision in the final phase, but now the FAQ has been updated and expanded.

3. REGULAR AGENDA

3.A DISCUSS CITY'S RESPONSE TO COVID-19 (VERBAL REPORT)

Midori Lichtwardt, Assistant City Manager provided an update and presentation on the City's response to COVID-19.

City Council comments and questions followed.

There was no public comment.

City Council accepted the report.

3.B ADOPT A RESOLUTION OF INTENTION TO ESTABLISH COMMUNITY FACILITIES DISTRICT (CFD) NO. 2021-1 (HILLVIEW); ADOPT A RESOLUTION OF INTENTION TO INCUR BONDED INDEBTEDNESS AND OTHER DEBT; SET THE PUBLIC HEARING DATE FOR NOVEMBER 2, 2021 TO CONSIDER QUESTIONS OF ESTABLISHING THE CFD, LEVYING THE SPECIAL TAX AND INCURRING BONDED INDEBTEDNESS AND OTHER DEBT; AND DIRECT STAFF TO PREPARE A CFD REPORT

Karin Schnaider, Finance Director provided the staff report and answered questions.

Mike Souza, Project Manager for Tracy Hills thanked staff and consultants for their work. The CFD not only issues bonds and helps pay for infrastructure but tax will continue to provide for infrastructure, combined with services CFD provides maintenance and infrastructure on ongoing basis.

Tim Silva stated a bond is a loan so there is interest and spread out over 40 years, did not think it is fair to residents, and the developer should bare cost of putting in infrastructure. Mr. Silva stated he was adamantly against bonds especially on homeowners.

City Council questions and comments followed.

Bob Adams, Interim City Manager responded to Council questions.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt **Resolution 2021-128** a Resolution of intention to establish Community Facilities District (CFD) No. 2021-1(Hillview). Roll call found all in favor, passed and so ordered.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt **Resolution 2021-129** a Resolution of intention to incur bonded indebtedness and other debt – City of Tracy Community Facilities District No. 2021-1 (Hillview). Roll call found all in favor, passed and so ordered.

3.C ADOPT A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF SPECIAL TAX BONDS FOR THE PURPOSE OF FINANCING AUTHORIZED FACILITIES FOR COMMUNITY FACILITIES DISTRICT NO. 2016-2, AND APPROVING AND AUTHORIZING RELATED DOCUMENTS AND ACTIONS

Karin Schnaider, Finance Director provided the staff report.

Chris Long, Surland Companies stated it is a complex process and staff is good at it. This is just the 2nd time we are doing this and we appreciate the patience and thanked staff for hard work.

City Council comments followed.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt **Resolution 2021-130** authorizing the issuance and sale of Special Tax Bonds for the purpose of financing authorized facilities, and approving and authorizing related documents and actions - Improvement Area No. 2 of the City of Tracy Community Facilities District No. 2016-2 (ECFD). Roll call found all in favor, passed and so ordered.

3.D INTRODUCE AN ORDINANCE AMENDING ARTICLE 1 “CARD ROOMS” OF CHAPTER 4.04 OF THE TRACY MUNICIPAL CODE TO INCREASE THE NUMBER OF CARD ROOM TABLES ALLOWED AND PLAYER CAPACITY PER TABLE AND CHANGE OTHER OPERATIONAL REQUIREMENTS

Michael Nimon, Economic Development Manager provided the staff report.

City Council questions and comments followed.

Emmanuel Macalino, Applicant thanked Council for the opportunity to speak and responded to signage questions stating whatever restriction the City has, they will

conform with those restrictions. Applicant described the signage for the building, and stated they want to put signs on the building.

There was no public comment.

Adrienne Richardson, City Clerk read the title of the proposed ordinance.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to waive the reading of the full text and introduce **Ordinance 1315** an ordinance of the City of Tracy amending Article 1 “Card Rooms” of Chapter 4.04 of the Tracy Municipal Code to increase the number of card room tables allowed and player capacity per table and change other operational requirements. Roll call found all in favor, passed and so ordered.

3.E RECEIVE REPORT REGARDING THE INSTALLATION OF CELL TOWERS IN PUBLIC PARKS AND PROVIDE STAFF DIRECTION ON THE ESTABLISHMENT OF POLICIES REGARDING CELL TOWERS IN CITY PARKS AND THE DISTRIBUTION OF LEASE REVENUES

Don Scholl, Public Works Director provided the staff report and responded to Council questions.

Mary Mitracos asked to not allow any more cell towers in parks and hoped the cell towers we have will go away as technology improves.

Dan Evans stated aesthetics is big importance to residents. Population is growing, carriers are struggling to keep up with demand, from City’s stand point want revenue, reliable 911 system, and strong data coverage. Lot of our parks are built under transmission lines, Council may want to consider writing into by-laws because they can be used as cell towers.

Tim Silva suggested funds that come from the leases go into the Parks and Recreation Department instead of the General Fund.

City Council discussion followed.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to direct staff to proceed with Option #1 related to the placement of cell towers on City owned parks with high quality aesthetics requirements and a funding mechanism which tunnels funds to an LMD specific zone for that park. Roll call found all in favor; passed and so ordered.

3.F INTRODUCE AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE 1 OF THE TRACY MUNICIPAL CODE REGARDING CODE ENFORCEMENT, ADMINISTRATIVE CITATIONS AND PENALTIES, AND PUBLIC NUISANCE ABATEMENT

Leticia Ramirez, City Attorney provided the staff report and responded to Council questions.

There was no public comment.

City Council comments followed.

Adrienne Richardson, City Clerk read the title of the proposed ordinance.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Davis to waive the reading of the full text and introduce **Ordinance 1316** an ordinance of the City of Tracy amending various sections of Title 1 of the Tracy Municipal Code regarding Code Enforcement, Administrative Citations and penalties, and Public Nuisance Abatement. Roll call found all in favor, passed and so ordered.

3.G AMEND THE COUNCIL POLICY REGARDING SELECTION PROCESS FOR COUNCIL APPOINTEE BODIES SUCH AS BOARDS AND COMMISSIONS

Adrienne Richardson, City Clerk provided the staff report.

Mary Mitracos requested Council do away with the requirement that two more applications in excess of the vacancies should be received. The application process has been extended two or three times because of not much interest.

Tim Silva stated it is a good idea to have eligibility list for boards/commissions. Commissions are representatives of the community, but has huge problem with the chair or commissioner being involved with that process.

City Council questions and comments followed.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt **Resolution 2021-131** adopting a Council Policy establishing a selection process for appointments to City Advisory bodies and repealing Resolution No. 2020-009.

Mayor Young requested a friendly amendment to remove Section 2.E. Mayor Pro Tem Vargas and Council Member Arriola supported the amendment.

City Council comments continued.

Council Member Arriola asked that any person who is selected by the selection committee or placed on the eligibility list goes through the general background check process that every employee has to go through.

Bob Adams, Interim City Manager stated it would be important to Live Scan those selected which means scanning fingerprints through the normal data base that is used for our employees.

Leticia Ramirez, City Attorney stated we can do an informal survey with some of our peers and confirm with our Human Resources Director about some of the costs, timing and privacy concerns associated with the process.

Council Member Arriola stated he would support the City paying for the Live Scan to decrease barriers of participation but asked that as if there is something that is flagged, that it return to the subcommittee so that the subcommittee could remove on that basis of any concerns that are discovered so that privacy concern can be eliminated.

Mayor Young asked at what point would that be done.

Council Member Arriola responded when selected and placed on the eligibility list. Could ask when they come to interview in person to have their fingerprints scanned.

Mayor Young asked to bring the background check process back to Council as another type of amendment.

Ms. Ramirez clarified Council's request for staff to return to Council with more details about other jurisdictions, also Live Scan, appointees, impact on processing and how the process would go and including privacy concerns of who would handle this information. Human Resources is the recipient of all that information right now. Staff can do the research and bring back to Council. Council Member Arriola and Mayor Young supported staff returning to Council with the information.

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

4. ITEMS FROM THE AUDIENCE – None
5. STAFF ITEMS – Bob Adams, Interim City Manager reported on the City Manager approvals.
 - Award a Construction Contract to American Asphalt Repair & Resurfacing Co., Inc. of Hayward, CA. for the Slurry Seal Project FY 20-21, CIP 73182 in the Amount of \$438,652 with a Contingency Amount of \$65,798 if Needed
 - Accept Offsite Improvements for Harvest in Tracy Multifamily Development Constructed by LTMY Tracy LLC and Assume Responsibility for Their Future Maintenance and Repair, Authorize the City Clerk to File Notice of Completion, and Authorize the City Engineer to Release the Bonds in Accordance with the Terms of the Offsite Improvement Agreement – DS
 - Approve a PSA with Boutin Jones, Inc. A California Corporation for Special Counsel Legal Services
 - Award a Construction Contract to Best Contracting Services, Inc., of Gardena, California, for the Grand Theatre Center for Performing Arts, Exterior Repairs, Phase 1 Roof Repairs, CIP 7111
6. COUNCIL ITEMS – Council Member Arriola announced there will be a faith based round table on homelessness tomorrow at the Community Center at 6:00 p.m., invited everyone to the Downtown Wine Stroll on September 19, 2021. Council Member Arriola

requested a memorandum regarding the issue with the 911 outage this past week. Mayor Pro Tem Vargas seconded the request.

Council Member Davis requested a conversation regarding solutions about dust on Valpico at the Tracy Village development, and asked if more water can be used to help facilitate the dust so that residents can get more relief. There have been a tremendous amount of complaints about it. Council Member Arriola seconded the memo.

Council Member Davis shared concerns regarding graffiti off the freeway, residential areas, and down Grant Line Road on sides of buildings, becoming concerned about how quickly the City is responding to graffiti, and if there is a possibility of having a conversation about increasing graffiti abatement so the community looks clean. Mayor Pro Tem Vargas supported a discussion even if it is in a memo. Council Member Davis also wanted to know what are the penalties for defacing public property and do we have an ordinance.

Bob Adams, Interim City Manager suggested staff will get a memo to Council, and after Council reads it and decides they would like to discuss it more, staff will schedule it to come back to Council.

Council Member Davis requested support to have a conversation about extending the cinder block wall at El Pescadero Park. There was a fire this last summer and spoke with a gentleman that owned that house and is concerned about more fires. Originally there was supposed to be cinder block wall extended to Kavanagh. In the interest of being good neighbors, we are getting the shelter built, it is small thing to consider extending the cinder block wall as a matter of safety. Mayor Pro Tem Vargas supported discussion to extend the wood portion and to see if there is an opportunity to give the residential folks more height.

Council Member Bedolla stated that last Wednesday he met with three third grade classes from Southwest Park Elementary School and shared what Council's job is as elected officials and received good ideas of what they can see in the City. Refreshing to share the work that may not always be seen with the young people in the community.

Mayor Pro Tem Vargas announced per the misunderstanding during public comment she read out the same statement from the August 17, 2021 Council meeting in regards to addressing the public shaming, social bullying and political tactics.

Mayor Young announced happy birthday to her step daughter Charmaine on September 15, 2021 and husband James on September 18, 2021. Mayor Young stated there is an issue of peacocks in the City and it crosses boundaries between public on the side of George Kelly area and private which is on the Redbridge area. Would like to authorize staff to handle rounding up and helping rid the neighborhood of the nuisance. They are not domestic birds and are multiplying at rapid rates. Vehicles are being scratched and they are moving into backyards. Does cost for third party to come in. Mayor Pro Tem Vargas seconded the discussion.

Mr. Adams stated he will review with Animal Control and if it is something we can take care of we will, and if not will bring back for discussion at the next meeting.

Mayor Young asked to bring back discussion to consider a citizens committee because water is a sensitive issue with things that need to be taken care of, and it will also provide an opportunity for us to draw on talented people in our community and educate the public. Council Member Davis seconded the request.

Mayor Young provided an update on the meetings and events she has attended. Mayor Young announced the following: Tracy Chamber of Commerce Tracy Connects event on Saturday, September 11, 2021 at 10:00 am at Lincoln Park, which will include a special tribute (911) by Tracy Fire Department. Also Team Tracy will have a booth. This is a non-profit arm of Tracy Chamber of Commerce so all the proceeds will go to helping eradicate homelessness and go to Tracy Community Connections Center. Also on September 11 is the Tracy Mayor's Benefit at 6:00 p.m. at Tracy Community Center. Theme is to reflect and unite. Lot of sponsors – targeting homelessness. Tracy African American Association (TAAA) will be one of the recipients and also looking at mental health so beneficiary is Boys and Girls Club of Tracy.

7. ADJOURNMENT – Time: 11:47 p.m.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adjourn. Roll call found all in favor; passed and so ordered.

The above agenda was posted at the Tracy City Hall on September 2, 2021. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk

AGENDA ITEM 1.B

REQUEST

AUTHORIZE THE ACCEPTANCE OF \$280,149 FROM THE 2021 SHUTTERED VENUE OPERATORS GRANT AND APPROVE THE APPROPRIATION TO THE CULTURAL ARTS DIVISION – GRAND THEATRE CENTER FOR THE ARTS BUDGET

EXECUTIVE SUMMARY

The U.S. Small Business Administration (SBA) has selected the Grand Theatre Center for the Arts to receive a 2021 Shuttered Venue Operators Grant (SVOG) in the amount of \$280,149 for COVID-19 relief funding. Staff recommends that City Council approve, by resolution, the acceptance of the 2021 SVOG in the amount of \$280,149 for equipment, supplies, contractual, worker protection, ordinary and necessary business expenses, ticket refunds, advertising, and capital expenditures related to producing live performing arts production. Grant funding covers prior fiscal year expenditures in the amount of \$127,201 and the remaining \$152,948 is to be appropriated for current FY 2021-22 expenditures.

DISCUSSION

The Shuttered Venue Operators Grant (SVOG) program was established by the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act, and amended by the American Rescue Plan Act. The program includes over \$16 billion in grants to shuttered venues, administered by SBA's Office of Disaster Assistance.

SVOG approved budget categories include equipment, supplies, contractual, worker protection, ordinary and necessary business expenses, ticket refunds, advertising, and capital expenditures related to producing live performing arts production.

Due to the impacts of the COVID-19 pandemic, many venues were either shuttered or substantially impacted financially. The Grand Theatre Center for the Arts was shuttered in March of 2020 and incurred revenue losses. Thinking ahead, the Cultural Arts Division staff submitted the application in June, and received notice of award on July 15, 2021, with a grant budget project period through June 30, 2022.

The grant project will be used for applicable expenditures between March 1, 2020 and June 30, 2022, totaling \$280,149. Grant expenditures include theatre equipment, worker protection and cleaning supplies, maintenance and repairs, ticket refunds, permits and licenses, contractual guarantees for performances, advertising, and lighting and sound equipment supporting live theatre programming.

FY2021-22 expenditures, estimated at \$152,948, to be funded include maintenance, contractual guarantees for performances, licenses, advertising, and lighting and sound equipment supporting live theatre programming. Prior fiscal years expenditures total \$127,210.

STRATEGIC PLAN

This agenda item supports the City of Tracy's Quality of Life Priority, which is to provide an outstanding quality of life by enhancing the City's amenities, business mix and services, and cultivating connections to promote positive change and progress in our community.

FISCAL IMPACT

Cultural Arts Division staff applied for and received a Shuttered Venue Operators Grant (SVOG) from the U.S. Small Business Administration. The City received \$280,149 for COVID-19 relief funding. Funding will be applied to applicable expenses between March 1, 2020 and June 30, 2022.

RECOMMENDATION

Staff recommends that City Council authorize, by resolution, the acceptance of the 2021 Shuttered Venue Operators Grant (SVOG) in the amount of \$280,149 for equipment, supplies, contractual, worker protection, ordinary and necessary business expenses, ticket refunds, advertising, and capital expenditures related to producing live performing arts production, and approve an appropriation of \$152,948 to the Cultural Arts Division's budget for FY 21/22.

Prepared by: William Wilson, Cultural Arts Supervisor

Reviewed by: Brian MacDonald, Parks and Recreation Director
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Bob Adams, Interim City Manager

RESOLUTION 2021 - _____

AUTHORIZE THE ACCEPTANCE OF \$280,149 FROM THE 2021 SHUTTERED VENUE OPERATORS GRANT AND APPROVE THE APPROPRIATION TO THE CULTURAL ARTS DIVISION GRAND THEATRE CENTER FOR THE ARTS BUDGET

WHEREAS, the Shuttered Venue Operators Grant (SVOG) program was established by the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act, and amended by the American Rescue Plan Act, administered by SBA’s Office of Disaster Assistance, and

WHEREAS, The City of Tracy is eligible to receive \$280,149 under a pre-designated grant formula, and

WHEREAS, The Cultural Arts Division intends to use the supplemental appropriation for equipment, supplies, contractual, worker protection, ordinary and necessary business expenses, ticket refunds, advertising, and capital expenditures related to producing live performing arts production, and

WHEREAS, Staff recommends City Council accept the Shuttered Venue Operators Grant;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby accepts the \$280,149 grant award from the 2021 Shuttered Venue Operators Grant (SVOG) for the funding of equipment, supplies, contractual, worker protection, ordinary and necessary business expenses, ticket refunds, advertising, and capital expenditures related to producing live performing arts production, and authorizes the appropriation of \$152,948 to the Cultural Arts Division – Grand Theatre Center for the Arts FY 2021-22 budget.

* * * * *

The foregoing Resolution 2021-____ was passed and adopted by the Tracy City Council on the 21st day of September, 2021, by the following vote:

- AYES: COUNCIL MEMBERS:
- NOES: COUNCIL MEMBERS:
- ABSENT: COUNCIL MEMBERS:
- ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.C

REQUEST**AUTHORIZE THE PURCHASE OF MULTIPLE VEHICLES AND EQUIPMENT IN THE AMOUNT OF \$807,469**EXECUTIVE SUMMARY

A current need exists to replace antiquated vehicles and equipment for the operation and maintenance of City infrastructure. This request seeks authorization to make the necessary purchases.

DISCUSSION

The Public Works Department is responsible for managing most of the City's vehicle and equipment fleet. There is an existing need to replace various equipment for use throughout the City. The Public Works Department received authorization through the Fiscal Year 2021-2022 budget process for the replacement and purchase of the vehicles and equipment.

Below is a list of the vehicles and equipment being purchased and the vendors that will be used. Attachment #1 provides additional detail regarding the assets being replaced.

Description and number of assets being replaced	Replaces asset	Vendor	Cost	Reason for award
Ford F250 Extended Cab w/Utility Bed (1)	2235	Downtown Ford	\$48,451	State Contract CMAS
Ford Explorer Police Interceptor (9)	2372, 2379, 2443, 2455, 2457, 5413, 5414, 5415, 5418,	Tracy Ford	\$357,002	Local Vendor Preference
Police Equipment Installation (9)	For above (9) vehicles	Derotic Emergency Equipment	\$215,490	Preferred installer
Ford Escape (1)	2355	Downtown Ford	\$27,000	State Contract CMAS
F250 Crew Cab (1)	2352	Downtown Ford	\$45,293	State Contract CMAS
Turf Aerator (1)	2242	Turf Star	\$30,633	Omnia Contract Pricing #2017025
Ford Explorer Police interceptor (1)	5422	Tracy Ford	\$39,667	Risk Management replacement for totaled vehicle

BMW police motorcycle (1)	2489	Long Beach BMW Motorcycles	\$29,213	Risk Management replacement for totaled vehicle
Wanco Message Board (1)	2629	United Rentals	\$14,720	Risk Management replacement for totaled equipment

The total purchase amount per vendor for the various vehicles and equipment are as follows:

Tracy Ford – Tracy, CA	\$396,669
Downtown Ford – Sacramento, CA	\$120,744
Derotic Emergency Equipment – El Dorado Hills	\$215,490
Turf Star – Fresno	\$ 30,633
Long Beach BMW Motorcycles	\$ 29,213
United Rentals	\$ 14,720

CMAS and OMNIA are competitive bid cooperative purchase programs that offer a wide variety of commodities at prices which have been assessed by the State of California, Department of Government Services’ Procurement Division and OMNIA Purchasing Partners (an cooperative purchasing group including 38 lead public agencies) to be fair, reasonable, and competitive. The City is authorized to make purchases using the California Multiple Award Schedules (CMAS) and OMNIA cooperative purchasing agreements, per Tracy Municipal Code section 2.20.220. Staff will return with a future request that the old assets be declared as surplus.

STRATEGIC PLAN

This agenda item supports the City Council’s Governance Strategic Priority, which is to enhance fiscal stability, retain and attract new talent, improve the use of technology, and enhance transparency for the betterment of the Tracy community.

FISCAL IMPACT

Funding was budgeted and is available in the fiscal year 2021-2022 equipment replacement budget for the acquisition of this equipment.

RECOMMENDATION

That City Council, by resolution, authorize the purchase of multiple vehicles and equipment in the amount of \$807,469.

Prepared by: Frank Desousa, Fleet Supervisor
 Nancy Chapman, Management Analyst

Reviewed by: Robert Gravelle, Public Works Superintendent
 Don Scholl, Public Works Director
 Karin Schnaider, Finance Director
 Midori Lichtwardt, Assistant City Manager

Approved by: Bob Adams, Interim City Manager

ATTACHMENT

Attachment A - Asset Replacement Description

Asset Replacement Description

Asset # being replaced	Asset Description	Miles (including idle Hours equivalency)	Average Life Cycle
2235	2008 Ford F-250	90,748	10yr-100,000 miles
2372	2011 Ford Crown Victoria Police Interceptor	98,514	4Yr-100,000 miles
2379	2011 Ford Crown Victoria Police Interceptor	94,853	4Yr-100,000 miles
2443	2016 Chevrolet Tahoe Police Pursuit Vehicle	98,442	4Yr-100,000 miles
2455	2017 Ford Explorer Police Interceptor	279,599	4Yr-100,000 miles
2457	2017 Ford Explorer Police Interceptor	281,556	4Yr-100,000 miles
5413	2018 Ford Explorer Police Interceptor	314,754	4Yr-100,000 miles
5414	2018 Ford Explorer Police Interceptor	275,978	4Yr-100,000 miles
5415	2018 Ford Explorer Police Interceptor	283,966	4Yr-100,000 miles
5418	2018 Ford Explorer Police Interceptor	286,837	4Yr-100,000 miles
2355	2012 Toyota Prius	94,853	10yr-100,000 miles
2352	2012 Ford F-250	76,459	10yr-100,000 miles
2242	2007 Fimco Sprayer	n/a	10 Years
5422	2018 Ford Explorer Police Interceptor (Wrecked unit)	39,965	4Yr-100,000 miles
2489	2016 BMW Police Motorcycle (Wrecked unit)	35254	5 Years
2629	2018 Wanco Message board (Wrecked unit)	n/a	10 years

RESOLUTION _____

AUTHORIZING THE PURCHASE OF MULTIPLE VEHICLES AND EQUIPMENT IN THE AMOUNT OF \$807,469

WHEREAS, As part of the equipment purchasing and replacement program for the City of Tracy (City), there are multiple vehicles and equipment needing replacement which are funded in the Fiscal Year 2021-2022 budget, and

WHEREAS, On August 3, 2021, the City issued a Request for Bids for various replacement fleet vehicle and equipment, and

WHEREAS, On August 16, 2021, staff opened and reviewed the bids that were received from vendors for a portion of the individual vehicles and pieces of equipment, and

WHEREAS, Multiple vendors are being used for the purchase of the replacement vehicles, which include Tracy Ford, Tracy; Downtown Ford, Sacramento; and Turf Star, Fresno; through State Contract CMAS and OMNIA contract pricing, to ensure that the best price is received for each unit based on lowest bid or local vendor preference, and

WHEREAS, The City is authorized to make purchases using cooperative purchasing agreements under Tracy Municipal Code Section 2.20.220;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby authorizes the purchase of multiple vehicles and equipment in the combined total amount of \$807,469 as set forth in the staff report accompanying this item.

The foregoing Resolution _____ is hereby passed and adopted by the Tracy City Council this 21th day of September 2021, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.D

REQUEST

AUTHORIZE THE ACCEPTANCE OF A \$66,500 GRANT FROM SAN JOAQUIN COUNTY'S ECONOMIC DEVELOPMENT DEPARTMENT FOR CITY TOURISM ATTRACTION EFFORTS

EXECUTIVE SUMMARY

This item provides Council with an opportunity to receive a grant award of \$66,500 from the San Joaquin County Economic Development Department to fund a City tourism recovery economic development campaign. This grant is funded by the County and is designed to enhance tourism recovery and economic development efforts with the focus on the local hospitality and tourism industry.

DISCUSSION

Project Background

Tourism is an important contributor to economic growth, local business support, and job creation as it injects outside spending into the local economy. Attraction of visitors depends on the ability to create a unique and themed experience, find a tourism market niche, and tell a unique story in a compelling way. Certain areas in north San Joaquin County have successfully developed successful tourism campaigns and industries based primarily on the wine scene in Lodi and access to the revitalized downtown riverfront and Miracle Mile shopping in Stockton. As reported by the University of the Pacific in 2020, San Joaquin County received three times more tourism revenue than Merced County and about one and a half times more than Stanislaus County in 2019. San Joaquin County's tourism spending showed strong growth over the last decade reaching a high of nearly one billion dollars in 2019. Despite this success in north San Joaquin County, tourism in south San Joaquin County has not reached the same level of success, largely due to the lack of dedicated visitor-focused funding. Additionally, much of the tourism industry was disproportionately affected by the COVID-19 pandemic in 2020.

Tracy's ability to increase attraction of the visitors from within and out-of-state as well as conference attendees/business travelers would benefit the City and local businesses who rely on visitor spending. To meet these objectives, the City of Tracy (as comprised by internal collaboration between the City's Economic Development division, Parks and Recreation department, the Cultural Arts division, and the Communications division) has teamed up with the Tracy Chamber of Commerce, Tracy City Center Association, and marketing and communications consultant Tripepi Smith and Associates. Jointly, we designed a robust program to improve tourism attraction to the City of Tracy, as well as the broader region, with the goal of stimulating local and countywide economic growth. Our proposal was awarded \$66,500 in grant funding by San Joaquin County for FY2021-22.

FISCAL IMPACT

The City of Tracy will receive \$66,500 from the San Joaquin County Economic Development Department. No City match is required.

STRATEGIC PLAN

This agenda item does not relate to the Council's Strategic Plans.

RECOMMENDATION

That City Council adopt a resolution authorizing the acceptance of a \$66,500 grant from San Joaquin County for a tourism recovery economic development campaign.

Prepared by: Michael Nimon, Economic Development Manager

Reviewed by: Vanessa Carrera, Assistant to the City Manager
Karin Schnaider, Finance Director
William Dean, Interim Director of Development Services

Approved by: Bob Adams, Interim City Manager

RESOLUTION 2021-_____

AUTHORIZING THE ACCEPTANCE A GRANT AWARD IN THE AMOUNT OF \$66,500 FROM THE SAN JOAQUIN COUNTY OFFICE OF ECONOMIC DEVELOPMENT FOR A CITY TOURISM RECOVERY CAMPAIGN

WHEREAS, The Tracy Economic Development Division applied for and was awarded \$66,500 from the San Joaquin County Economic Development Department Tourism Grant for funding tourism recovery efforts in the City, and

WHEREAS, The grant provides for the funding of a tourism campaign and visitor attraction efforts that will support local businesses, retain jobs, and generate new revenue to the city, and

WHEREAS, Staff recommends that City Council accept the San Joaquin County Tourism Grant to assist with tourism marketing efforts;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby authorizes the acceptance of a \$66,500 grant award from the San Joaquin County Economic Development Department.

* * * * *

The foregoing Resolution 2021-_____ was passed and adopted by the Tracy City Council on the 21st day of September 2021, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.E

REQUEST

APPROVE CLAIM TO BE SUBMITTED TO THE STATE OF CALIFORNIA, THROUGH THE SAN JOAQUIN COUNCIL OF GOVERNMENTS (SJCOG), FOR STATE OF GOOD REPAIR (SGR) PROGRAM FUNDS IN THE AMOUNT OF \$93,931 FOR THE PROGRAM'S FISCAL YEAR 2017-2018, AND \$117,121 FOR THE PROGRAM'S FISCAL YEAR 2019-2020, AND AUTHORIZE THE FINANCE DIRECTOR TO EXECUTE THE CLAIM

EXECUTIVE SUMMARY

The City of Tracy (City) receives funds through SJCOG from the State of California's SGR Program that allows the City to keep the public transit system in good repair in order to provide transportation services throughout the community. The claim is necessary for the City to receive SGR funding from the State through SJCOG for projects completed. The amount the City will claim for the SGR Program's FY 2017-2018 apportionment is \$93,931. The amount the City will claim for the SGR Program's FY 2019-2020 apportionment is \$117,121. SGR funds for this claim were used toward the cost for TRACER bus replacements.

DISCUSSION

Senate Bill 1, the Road Repair and Accountability Act 2017, established the State of Good Repair program. The SGR Program provides funding each year to eligible recipients for transit repair, rehabilitation, and capital projects that keep public transit system in a state of good repair. SJCOG distributes SGR funds to eligible project sponsors (local agencies) under its regional jurisdiction. Eligible SGR projects include:

- Transit capital projects or services to maintain or repair a transit operators transit vehicle fleet or transit facilities;
- The design, acquisition and construction of new vehicles or facilities that improve existing transit service; and
- Transit services that complement local efforts for repair and improvement of local transportation infrastructure.

The City is using SGR funds to support the cost of equipment replacement for the City's TRACER bus system. Money for this claim is being used toward the cost of three replacement of buses within the City's existing fleet that are beyond their useful life as outlined by Federal Transit Administration (FTA) guidance.

The total claim for SGR is \$211,052 which includes \$93,931 from the SGR Program's FY17/18 apportionment, and \$117,121 from the program's FY19/20 apportionment.

Staff requests that Council approve submission of the claim through SJCOG and authorize the Finance Director to execute the claim.

STRATEGIC PLAN

This agenda item is a routine operational item and does not relate to the Council's Strategic Plans.

FISCAL IMPACT

Authorization to submit the claim is necessary for the City to continue to receive SGR funding. Such funding is budgeted to be reimbursed for FY 2020-2021 for the bus purchases made in the transit program.

RECOMMENDATION

Staff recommends that City Council approve the claim to be submitted to the State of California, through the SJCOG, for SGR funds in the amount of \$93,931 for the program's FY 2017-2018, and \$117,121 for the program's FY 2019-2020, and authorize the Finance Director to execute the claim.

Prepared by: Ed Lovell, Transit Manager

Reviewed by: Brian MacDonald, Parks & Recreation Director
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Bob Adams, Interim City Manager

RESOLUTION 2021-_____

APPROVING CLAIM TO BE SUBMITTED TO THE STATE OF CALIFORNIA, THROUGH THE SAN JOAQUIN COUNCIL OF GOVERNMENTS, FOR STATE OF GOOD REPAIR PROGRAM FUNDS IN THE AMOUNT OF \$93,931 FOR THE PROGRAM'S FISCAL YEAR 2017-2018, AND \$117,121 FOR THE PROGRAM'S FISCAL YEAR 2019-2020, AND AUTHORIZING THE FINANCE DIRECTOR TO EXECUTE THE CLAIM

WHEREAS, The City of Tracy (City) has received funding through the San Joaquin Council of Governments (SJCOG) for the California Department of Transportation's (Caltrans) State of Good Repair (SGR) Program, and

WHEREAS, The City has purchased three buses that are eligible for use of SGR program funds, and

WHEREAS, In order to receive the funding, the City must submit a claim with SJCOG and request reimbursement;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves the claim to be submitted to the State of California, through the SJCOG, for SGR funds in the amount of \$93,931 for the program's FY 2017-2018, and \$117,121 for the program's FY 2019-2020, and authorizes the Finance Director to execute the claim.

The foregoing Resolution 2021-_____ was adopted by the Tracy City Council on the 21st day of September, 2021, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.F

REQUEST

AUTHORIZE AMENDMENTS TO THE CITY'S CLASSIFICATION AND COMPENSATION PLANS AND MASTER SALARY SCHEDULE RELATING TO THE MULTIMEDIA COMMUNICATIONS COORDINATOR AND MULTIMEDIA COMMUNICATIONS ASSISTANT; AND AUTHORIZE THE BUDGET OFFICER TO AMEND THE CITY'S POSITION CONTROL ROSTER FOR FY 2021-22 TO REFLECT THE DELETION OF ONE MEDIA SERVICES SUPERVISOR AND ONE POLICE RECORDS ASSISTANT II AND TO ADD ONE MULTIMEDIA COMMUNICATIONS COORDINATOR AND ADD ONE SENIOR POLICE RECORDS ASSISTANT

EXECUTIVE SUMMARY

The City's Classification and Compensation Plans and Master Salary Schedule contain the job descriptions and classifications of all City personnel, as well as salary ranges. This report recommends the establishment of a new Multimedia Communications Coordinator classification and Multimedia Communications Assistant classification, amending the City's Compensation Plan and Master Salary Schedule to establish the salary range for the new classifications.

The City's Position Control Roster reflects the positions included in the FY 2021-22 budget. This report recommends amending the FY 2021-22 Position Control Roster to reflect the deletion of one Media Services Supervisor and one Police Records Assistant II; and add one Multimedia Communication Coordinator and one Senior Police Records Assistant.

DISCUSSION

Periodically, the Human Resources Department receives requests to review existing classification specifications to allow for changes that have occurred in areas such as job responsibilities, organizational structure, education, and experience, and/or service needs. Staff reviewed the existing classifications, worked with the City Manager's Office to create two new classifications within their Communications Division. These new classifications better represent the technical work performed within the Communications Division and are necessary to meet the Division's operational needs. In addition, staff provided the appropriate bargaining units that represent these classifications with the proposed changes. The bargaining units that represent the classifications agreed with the recommended changes.

Under the City's Personnel Rules (Section 3.1.6), the City Council must approve the Classification and Compensation Plans and any amendments to said plans. State law requires that Council approve a Master Salary Schedule reflecting the salaries of all personnel.

Multimedia Communications Coordinator - New Classification

An organizational structure review of the Communication Division within the City Manager's office revealed the need for a classification to support the evolving and expanding manner

in which the City communicates and engages with the public. The City Manager's Office requested the creation of a Multimedia Communications Coordinator classification. This classification will lead audio/video filming objectives and will assist with the communications and messaging functions of the City's Public Information Officer. The Multimedia Communications Coordinator will provide technical and administrative direction to lower-level staff within the Communication Division.

Staff recommends that the monthly salary range for Multimedia Communications Coordinator be \$5,428 - \$6,597 per month. This salary range was determined by a survey of comparable agencies with consideration of internal equities of similar classifications. The Public Employees' Retirement Law governs the California Public Employees Retirement System (CalPERS) codified in Title 2 of the California Code of Regulations. Section 570.5 of the California Code of Regulations requires City Council approve the rate of pay or classification titles in a publicly available pay schedule for employees who are members of CalPERS.

Staff recommends authorizing the Budget Officer to amend the FY 2021-22 Position Control Roster to reflect the deletion of one vacant Media Services Supervisor position and adding one Multimedia Communications Coordinator.

Multimedia Communications Assistant – New Classification

The organizational structure review of the Communication Division in the City Manager's office also revealed the need for a classification to provide administrative support to the Multimedia Communications Coordinator and Public Information Officer. The Multimedia Communications Assistant classification will perform various communication-related duties, including; social media monitoring, engagement and marketing, content creation and messaging, creative and technical video production projects, photography, and graphic design. It will also perform general administrative work as needed by higher-level staff within the Communications Division. Staff recommends creating the classification of Multimedia Communications Assistant.

Staff recommends that the monthly salary range for Multimedia Communications Assistant be \$4,588 - \$5,540 per month. This salary range was determined by a survey of comparable agencies with consideration of internal equities of similar classifications. The Public Employees' Retirement Law governs the California Public Employees Retirement System (CalPERS) codified in Title 2 of the California Code of Regulations. Section 570.5 of the California Code of Regulations requires City Council approve the rate of pay or classification titles in a publicly available pay schedule for employees who are members of CalPERS.

The addition of the Multimedia Communication Assistant position increases the staffing levels in the Communication Division and requires an augmentation to the budget, as well as the position control roster. This request will be considered during future budget amendments as part of the quarterly and/or annual budget process.

Senior Police Records Assistant

In 2019, the Police Department requested a classification review of the Police Records Division. The Police Department is requesting the deletion of one Police Records Assistant II position and the addition of one Senior Police Records Assistant to better reflect the managerial needs in this division. The Senior Police Records Assistant provides training for new staff, plans assignments and oversees the work of staff in the absence of the Police Records Supervisor. The addition of an additional Senior Police Records Assistant will provide additional lead direction for division staff and coverage in the absence of the supervisor. There is currently one Senior Police Records Assistant position within the department and this modification will provide greater oversight of the division and also allow for succession planning in the future.

Staff recommends authorizing the Budget Officer to amend the FY 2021-22 Position Control Roster to reflect the deletion of one vacant Records Assistant II position and adding one Senior Police Records Assistant.

STRATEGIC PLAN

This agenda item supports the City's Governance Strategy and Business Plan, and specifically implements the following goals and objectives:

Governance Strategy

Goal 1: Further develop an organization to attract, motivate, develop, and retain a high-quality, engaged, high-performing, and informed workforce.

Objective 1b: Affirm organizational values.

FISCAL IMPACT

This report recommends amending the FY 2021-22 Position Control Roster to reflect the deletion of one Media Services Supervisor and one Police Records Assistant II; and add one Multimedia Communication Coordinator and one Senior Police Records Assistant. These changes will be absorbed within the department budget.

The addition of the Multimedia Communication Assistant position increases the staffing levels in the Communication Division and requires an augmentation to the budget. This request will be considered during future budget amendments, as part of the quarterly budget process.

RECOMMENDATION

That the City Council, by resolution, authorize the Director of Human Resources to amend the City's Classification and Compensation Plans and Master Salary Schedule to reflect the changes described for the Multimedia Communications Coordinator and Multimedia Communications Assistant, and authorize the Budget Officer to amend the FY 2021-22

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Position Control Roster to reflect the deletion of one Media Services Supervisor and one Police Records Assistant II; and add one Multimedia Communication Coordinator and one Senior Police Records Assistant.

Prepared by: Naydee Rosette, Human Resources Analyst

Reviewed by: Kimberly Murdaugh, Director of Human Resources
Karin Schnaider, Director of Finance
Leticia Ramirez, City Attorney

Approved by: Bob Adams, Interim City Manager

ATTACHMENTS:

- A – Multimedia Communications Coordinator Classification
- B – Multimedia Communications Assistant Classification
- C – Master Salary Schedule Effective 9/26/21



MULTIMEDIA COMMUNICATIONS COORDINATOR

DEFINITION

Under general supervision, the Multimedia Communications Coordinator will perform a variety of communication-related duties including; creative and technical video production projects, social media and website content creation and monitoring, engagement and marketing, messaging, photography and graphic design. As a member of the Communications Division, the Multimedia Communications Coordinator helps the City achieve its communications goals and will work collaboratively with other City departments.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from assigned supervisory or management staff. Exercises technical and functional direction over and provides training to lower-level staff. Exercises no direct supervision over staff.

CLASS CHARACTERISTICS

This is a technical classification performing a wide variety of multimedia tasks and projects in support of the Communications Division. Incumbents perform of a variety of multimedia-related work and are expected to function with very little direct oversight. Successful performance of the work requires the frequent use of tact, discretion, and independent judgment, knowledge of departmental and City activities, and extensive staff contact. This class is distinguished from other multimedia and assistant classes by the nature, scope, complexity, and diversity of responsibilities involved in the multimedia and communications functions. This class is distinguished from the Public Information Officer in that the latter provides oversight and supervision of assigned staff.

EXAMPLES OF TYPICAL JOB FUNCTIONS (Illustrative Only)

Management reserves the right to add, modify, change, or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.

- Films Council, Commissions and Board meetings, as well as other events as assigned.
- Performs production tasks, including selecting site for shooting, checking site for power availability and accessibility, determining lighting requirements, transporting equipment to site, and setting up props.
- Operates a variety of video, audio and lighting equipment, monitors microphone sound levels during production and makes adjustments to ensure voice quality.
- Coordinates and performs photography for City-related events.
- Creates video, multimedia productions and content for web, broadcast and social media.
- Schedules maintenance and repair of AV equipment and materials; maintains a log of inventory and all repairs.
- Maintains and troubleshoots video, audio, and computer equipment used at the station, in the field, and City Hall.
- Coordinates multimedia-related functions; monitors and maintains Division supplies and inventory.

- Assists with planning and coordination of various community relations activities.
- Assists the PIO with the creation and distribution of various City related content via social media, website, newsletter, TV broadcast, media releases, flyers/ brochures, advertisements.
- Assists the Public Information Officer with media, marketing, and crisis communication activities.
- Researches, prepares, and distributes information (including written content, graphic design, photos, and video) via social media, website, newsletters, Channel 26 and other communication channels.
- Trains part-time staff and/or volunteers on Communications Division procedures and systems.
- Responds to inquiries from internal and external customers regarding City activities and services on behalf of the Communications Division.
- Performs general administrative tasks.
- Performs other related duties as assigned.

QUALIFICATIONS

Knowledge of:

- Principles, practices, methods, and techniques of video production, marketing, public information, media relations, and community engagement programs.
- Best practices for social media and digital content.
- Techniques for providing a high level of customer service by effectively interacting with the public, vendors, contractors, partner agencies and City staff.
- The structure and content of the English language, including the meaning and spelling of words, rules of composition, and grammar; proficient writing and editorial skills.
- Modern equipment and communication tools used for business functions and program, project, and task coordination.
- Computers and software programs (e.g., Microsoft software packages, social media and websites) to conduct business functions, compile, and/or generate content.
- Record-keeping principles and procedures.

Ability to:

- Understand the role, organization and operations of the Communications Division to assume assigned responsibilities.
- Effectively use audio, video, computer and related electronic equipment to perform a variety of tasks.
- Assist with planning, researching, organizing and coordinating a variety of public information, media, and community outreach activities and programs.
- Respond to and effectively prioritize multiple requests for service.
- Maintain equipment in a clean, safe, and secure manner.
- Work productively and under limited supervision; work well independently and as a collaborative team member.
- Understand, interpret, and apply all pertinent laws, codes, regulations, policies and procedures, and standards relevant to work performed.
- Communicate clearly and concisely, both orally and in writing, using appropriate English grammar and syntax.
- Use tact, initiative, prudence, and independent judgment within general policy, procedural, and legal guidelines.
- Establish, maintain, and foster positive and effective working relationships with those contacted in the course of work.
- Work a flexible schedule that includes some evenings and weekends.

Education and Experience:

Any combination of training and experience that would provide the required knowledge, skills, and abilities is qualifying. A typical way to obtain the required qualifications would be:

Equivalent to an associate degree in communications, journalism, television production, or a related field and two (2) years of progressively responsible work experience involving multimedia services, community relations, or related area. Video editing software experience is highly desirable. Public agency experience is highly desirable.

Licenses and Certifications:

- Possession of, or the ability to obtain, a valid Class C California driver's license upon appointment.
- May be required to complete National Incident Management System (NIMS) Training.

PHYSICAL DEMANDS

Must possess mobility to work in a standard office setting, video production studio, and/or control room and use standard office equipment and/or video production equipment, including a computer, camera, and to operate a motor vehicle to visit various filming locations; vision to read printed materials and a computer screen; and hearing and speech to communicate in person and over the telephone. Standing in and walking between work areas is frequently required. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate standard office equipment. Positions in this classification frequently bend, stoop, kneel, and reach to perform assigned duties, as well as push and pull drawers open and closed to retrieve and file information. Employees must possess the ability to lift, carry, push, and pull materials and objects up to 50 pounds with the use of proper equipment.

ENVIRONMENTAL CONDITIONS

Employees work in an office environment with moderate noise levels, controlled temperature conditions, and no direct exposure to hazardous physical substances. Employees also work in the field in order to shoot videos and are exposed to loud noise levels, cold and hot temperatures, inclement weather conditions, chemicals, mechanical and/or electrical hazards, and fumes. Employees may interact with members of the public or with staff under emotionally stressful conditions while interpreting and enforcing departmental policies and procedures.

WORKING CONDITIONS

This job requires working a flexible schedule including evenings and weekends as needed.

DISASTER SERVICE WORKER

All City of Tracy employees are, by State and Federal law, Disaster Service Workers. The roles and responsibilities for Disaster Service Workers are authorized by the California Emergency Services Act and are defined in the California Labor Code. In the event of a declaration of emergency, any employee of the City may be assigned to perform activities which promote the protection of public health and safety or the preservation of lives and property. Such assignments may require service at locations, times, and under conditions that are significantly different than the normal work assignments and may continue into the recovery phase of the emergency. If a "Local Emergency" is declared during the employee's shift, employees will be expected to remain at work to respond to the emergency needs of the community. If a "Local Emergency" is declared outside of the employee's shift, employees must make every effort to contact their direct supervisor or department head to obtain reporting instructions as Disaster Service Workers.



MULTIMEDIA COMMUNICATIONS ASSISTANT

DEFINITION

Under general supervision, the Multimedia Communications Assistant will perform a variety of communication and administrative related duties including creative and technical video production projects, social media and website content creation and monitoring, engagement and marketing, messaging, photography and graphic design. As a member of the Communications Division, the Multimedia Communications Assistant helps the City achieve its communications goals and will work collaboratively with other City departments.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from assigned supervisory or management staff. Exercises no direct supervision over staff.

CLASS CHARACTERISTICS

This is a technical classification performing a wide variety of multimedia and administrative tasks and projects in support of the Communications Division. Incumbents serve to assist in the performance of a variety of multimedia and administrative related work and are expected to function with very little direct oversight. Successful performance of the work requires the frequent use of tact, discretion, and independent judgment, knowledge of departmental and City activities, and extensive staff contact. This class is distinguished from other media services and assistant classes by the nature, scope, complexity, and diversity of responsibilities involved in the multimedia and communications functions. This class is distinguished from the Multimedia Communications Coordinator in that the latter provides technical and functional direction over lower level staff.

EXAMPLES OF TYPICAL JOB FUNCTIONS (Illustrative Only)

Management reserves the right to add, modify, change, or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.

- Assists staff in creating video, multimedia productions and content for web, broadcast and social media.
- Assists with photographing City events and programs.
- Assists with coordination of multimedia-related functions; monitors and maintains Division supplies and inventory.
- Assists with planning and coordination of various community relations activities.
- Films Council, Commissions and Board meetings, as well as other events as assigned.
- Assists with the operation of a variety of video, audio and lighting equipment.
- Assists the Public Information Officer with media, marketing, and crisis communication activities.
- Researches, prepares, and distributes information (including written content, graphic design, photos, and video) via social media, website, newsletters, Channel 26 and other communication channels.
- Assists with training part-time staff and/or volunteers on Communications Division procedures and systems.
- Responds to inquiries from internal and external customers regarding City activities and services on behalf of the Communications Division.

- Performs general administrative tasks.
- Performs other related duties as assigned.

QUALIFICATIONS

Knowledge of:

- Principles, practices, methods, and techniques of video production, marketing, public information, media relations, and community engagement programs.
- Best practices for social media and digital content.
- Techniques for providing a high level of customer service by effectively interacting with the public, vendors, contractors, partner agencies and City staff.
- The structure and content of the English language, including the meaning and spelling of words, rules of composition, and grammar; proficient writing and editorial skills.
- Modern equipment and communication tools used for business functions and program, project, and task coordination.
- Computers and software programs (e.g., Microsoft software packages, social media and websites) to conduct business functions, compile, and/or generate content.
- Record-keeping principles and procedures.

Ability to:

- Understand the role, organization and operations of the Communications Division to assume assigned responsibilities.
- Effectively use audio, video, computer and related electronic equipment to perform a variety of tasks.
- Assist with planning, researching, organizing and coordinating a variety of public information, media, and community outreach activities and programs.
- Respond to and effectively prioritize multiple requests for service.
- Maintain equipment in a clean, safe, and secure manner.
- Perform administrative support work with accuracy, speed, and minimal supervision.
- Understand, interpret, and apply all pertinent laws, codes, regulations, policies and procedures, and standards relevant to work performed.
- Communicate clearly and concisely, both orally and in writing, using appropriate English grammar and syntax.
- Use tact, initiative, prudence, and independent judgment within general policy, procedural, and legal guidelines.
- Establish, maintain, and foster positive and effective working relationships with those contacted in the course of work.
- Work a flexible schedule that includes some evenings and weekends.

Education and Experience:

Any combination of training and experience that would provide the required knowledge, skills, and abilities is qualifying. A typical way to obtain the required qualifications would be:

Equivalent to completion of the twelfth (12th) grade supplemented by college-level coursework in Communications, Journalism, Television Production, or a related field and two (2) years of progressively responsible work experience involving multimedia services, community relations, or related area. Experience in a public agency is desirable.

Licenses and Certifications:

- Possession of, or the ability to obtain, a valid Class C California driver's license upon appointment.
- May be required to complete National Incident Management System (NIMS) Training.

PHYSICAL DEMANDS

Must possess mobility to work in a standard office setting, video production studio, and/or control room and use standard office equipment and/or video production equipment, including a computer, camera, and to operate a motor vehicle to visit various filming locations; vision to read printed materials and a computer screen; and hearing and speech to communicate in person and over the telephone. Standing in and walking between work areas is frequently required. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate standard office equipment. Positions in this classification frequently bend, stoop, kneel, and reach to perform assigned duties, as well as push and pull drawers open and closed to retrieve and file information. Employees must possess the ability to lift, carry, push, and pull materials and objects up to 50 pounds with the use of proper equipment.

ENVIRONMENTAL CONDITIONS

Employees work in an office environment with moderate noise levels, controlled temperature conditions, and no direct exposure to hazardous physical substances. Employees also work in the field in order to shoot videos and are exposed to loud noise levels, cold and hot temperatures, inclement weather conditions, chemicals, mechanical and/or electrical hazards, and fumes. Employees may interact with members of the public or with staff under emotionally stressful conditions while interpreting and enforcing departmental policies and procedures.

WORKING CONDITIONS

This job requires working a flexible schedule including evenings and weekends as needed.

DISASTER SERVICE WORKER

All City of Tracy employees are, by State and Federal law, Disaster Service Workers. The roles and responsibilities for Disaster Service Workers are authorized by the California Emergency Services Act and are defined in the California Labor Code. In the event of a declaration of emergency, any employee of the City may be assigned to perform activities which promote the protection of public health and safety or the preservation of lives and property. Such assignments may require service at locations, times, and under conditions that are significantly different than the normal work assignments and may continue into the recovery phase of the emergency. If a "Local Emergency" is declared during the employee's shift, employees will be expected to remain at work to respond to the emergency needs of the community. If a "Local Emergency" is declared outside of the employee's shift, employees must make every effort to contact their direct supervisor or department head to obtain reporting instructions as Disaster Service Workers.

City of Tracy
Master Salary Schedule

Class Code	Position Title	Unit		Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
4112	Account Clerk	TTSSEA	A		2,113.20	4,578.60	54,943.20	26.4150
			B		2,218.87	4,807.55	57,690.62	27.7359
			C		2,329.81	5,047.92	60,575.06	29.1226
			D		2,446.30	5,300.32	63,603.80	30.5788
			E		2,568.62	5,565.34	66,784.12	32.1078
3106	Accountant*	TMMBU	A		3,322.47	7,198.69	86,384.22	41.5309
			B		3,488.59	7,558.61	90,703.34	43.6074
			C		3,663.02	7,936.54	95,238.52	45.7878
			D		3,846.16	8,333.35	100,000.16	48.0770
			E		4,038.47	8,750.02	105,000.22	50.4809
2520	Accounting Manager*	CONF	A		4,803.16	10,406.85	124,882.16	60.0395
			B		5,043.31	10,927.17	131,126.06	63.0414
			C		5,295.49	11,473.56	137,682.74	66.1936
			D		5,560.26	12,047.23	144,566.76	69.5033
			E		5,838.29	12,649.63	151,795.54	72.9786
4201	Accounting Technician	TTSSEA	A		2,598.83	5,630.80	67,569.58	32.4854
			B		2,728.79	5,912.38	70,948.54	34.1099
			C		2,865.21	6,207.96	74,495.46	35.8151
			D		3,008.49	6,518.40	78,220.74	37.6061
			E		3,158.92	6,844.33	82,131.92	39.4865
4102	Administrative Assistant	TTSSEA	A		2,103.86	4,558.36	54,700.36	26.2983
			B		2,209.04	4,786.25	57,435.04	27.6130
			C		2,319.50	5,025.58	60,307.00	28.9938
			D		2,435.47	5,276.85	63,322.22	30.4434
			E		2,557.23	5,540.67	66,487.98	31.9654
8102	Administrative Assistant - Confidential	CONF	A		2,156.03	4,671.40	56,056.78	26.9504
			B		2,263.82	4,904.94	58,859.32	28.2978
			C		2,377.01	5,150.19	61,802.26	29.7126
			D		2,495.87	5,407.72	64,892.62	31.1984
			E		2,620.66	5,678.10	68,137.16	32.7583
4107	Administrative Technician	TTSSEA	A		2,598.83	5,630.80	67,569.58	32.4854
			B		2,728.79	5,912.38	70,948.54	34.1099
			C		2,865.21	6,207.96	74,495.46	35.8151
			D		3,008.49	6,518.40	78,220.74	37.6061
			E		3,158.92	6,844.33	82,131.92	39.4865
3510	Airport Manager*	TMMBU	A		3,372.56	7,307.21	87,686.56	42.1570
			B		3,541.17	7,672.54	92,070.42	44.2646
			C		3,718.23	8,056.17	96,673.98	46.4779
			D		3,904.14	8,458.97	101,507.64	48.8018
			E		4,099.34	8,881.90	106,582.84	51.2418
5522	Animal Services Aide	TEAMSTERS	A		1,442.09	3,124.53	37,494.34	18.0261
			B		1,514.19	3,280.75	39,368.94	18.9274
			C		1,589.92	3,444.83	41,337.92	19.8740
			D		1,669.41	3,617.06	43,404.66	20.8676
			E		1,752.87	3,797.89	45,574.62	21.9109

City of Tracy
Master Salary Schedule

Class Code	Position Title	Unit		Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
3620	Animal Services Manager*	TMMBU	A		3,622.85	7,849.51	94,194.10	45.2856
			B		3,804.00	8,242.00	98,904.00	47.5500
			C		3,994.20	8,654.10	103,849.20	49.9275
			D		4,193.90	9,086.78	109,041.40	52.4238
			E		4,403.60	9,541.13	114,493.60	55.0450
5521	Animal Services Officer I	TEAMSTERS	A		2,007.11	4,348.74	52,184.86	25.0889
			B		2,107.44	4,566.12	54,793.44	26.3430
			C		2,212.80	4,794.40	57,532.80	27.6600
			D		2,323.44	5,034.12	60,409.44	29.0430
			E		2,439.63	5,285.87	63,430.38	30.4954
5523	Animal Services Officer II	TEAMSTERS	A		2,203.63	4,774.53	57,294.38	27.5454
			B		2,313.81	5,013.26	60,159.06	28.9226
			C		2,429.51	5,263.94	63,167.26	30.3689
			D		2,550.98	5,527.12	66,325.48	31.8873
			E		2,678.55	5,803.53	69,642.30	33.4819
3621	Animal Services Supervisor	TMMBU	A		2,684.44	5,816.29	69,795.44	33.5555
			B		2,818.66	6,107.10	73,285.16	35.2333
		NON EXEMPT	C		2,959.58	6,412.42	76,949.08	36.9948
			D		3,107.56	6,733.05	80,796.56	38.8445
			E		3,262.94	7,069.70	84,836.44	40.7868
2573	Assistant City Attorney*	CONF	A		6,114.64	13,248.39	158,980.64	76.4330
			B		6,420.36	13,910.78	166,929.36	80.2545
			C		6,741.38	14,606.32	175,275.88	84.2673
			D		7,078.45	15,336.64	184,039.70	88.4806
			E		7,432.36	16,103.45	193,241.36	92.9045
1502	Assistant City Manager*	DH	Min		8,906.68	19,297.81	231,573.68	111.3335
			Max		9,552.29	20,696.63	248,359.56	119.4036
2682	Assistant Director DES*	CONF	A		5,839.85	12,653.01	151,836.10	72.9981
			B		6,131.84	13,285.65	159,427.84	76.6480
			C		6,438.43	13,949.93	167,399.18	80.4804
			D		6,760.34	14,647.40	175,768.84	84.5043
			E		7,098.36	15,379.78	184,557.36	88.7295
2681	Assistant Director DES/City Engineer*	CONF	A		6,118.28	13,256.27	159,075.28	76.4785
			B		6,424.19	13,919.08	167,028.94	80.3024
			C		6,745.41	14,615.06	175,380.66	84.3176
			D		7,082.67	15,345.79	184,149.42	88.5334
			E		7,436.83	16,113.13	193,357.58	92.9604
3302	Assistant Engineer*	TMMBU	A		3,473.35	7,525.59	90,307.10	43.4169
			B		3,646.99	7,901.81	94,821.74	45.5874
			C		3,829.35	8,296.93	99,563.10	47.8669
			D		4,020.82	8,711.78	104,541.32	50.2603
			E		4,221.86	9,147.36	109,768.36	52.7733
5232	Assistant Planner	TEAMSTERS	A		2,883.29	6,247.13	74,965.54	36.0411
			B		3,027.46	6,559.50	78,713.96	37.8433
			C		3,178.83	6,887.47	82,649.58	39.7354
			D		3,337.77	7,231.84	86,782.02	41.7221
			E		3,504.66	7,593.43	91,121.16	43.8083

City of Tracy
Master Salary Schedule

Class Code	Position Title	Unit		Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
2580	Assistant to the City Manager*	CONF	A		4,803.16	10,406.85	124,882.16	60.0395
			B		5,043.31	10,927.17	131,126.06	63.0414
			C		5,295.49	11,473.56	137,682.74	66.1936
			D		5,560.26	12,047.23	144,566.76	69.5033
			E		5,838.29	12,649.63	151,795.54	72.9786
3333	Associate Engineer*	TMMBU	A		3,901.95	8,454.23	101,450.70	48.7744
			B		4,097.03	8,876.90	106,522.78	51.2129
			C		4,301.90	9,320.78	111,849.40	53.7738
			D		4,516.98	9,786.79	117,441.48	56.4623
			E		4,742.83	10,276.13	123,313.58	59.2854
3303	Associate Civil Engineer*	TMMBU	A		3,901.95	8,454.23	101,450.70	48.7744
			B		4,097.03	8,876.90	106,522.78	51.2129
			C		4,301.90	9,320.78	111,849.40	53.7738
			D		4,516.98	9,786.79	117,441.48	56.4623
			E		4,742.83	10,276.13	123,313.58	59.2854
3202	Associate Planner*	TMMBU	A		3,302.14	7,154.64	85,855.64	41.2768
			B		3,467.24	7,512.35	90,148.24	43.3405
			C		3,640.60	7,887.97	94,655.60	45.5075
			D		3,822.63	8,282.37	99,388.38	47.7829
			E		4,013.78	8,696.52	104,358.28	50.1723
4451	Box Office Assistant	TTSSEA	A		1,894.94	4,105.70	49,268.44	23.6868
			B		1,989.70	4,311.02	51,732.20	24.8713
			C		2,089.18	4,526.56	54,318.68	26.1148
			D		2,193.63	4,752.87	57,034.38	27.4204
			E		2,303.34	4,990.57	59,886.84	28.7918
4455	Box Office Coordinator	TTSSEA	A		2,505.31	5,428.17	65,138.06	31.3164
			B		2,630.59	5,699.61	68,395.34	32.8824
			C		2,762.11	5,984.57	71,814.86	34.5264
			D		2,900.21	6,283.79	75,405.46	36.2526
			E		3,045.22	6,597.98	79,175.72	38.0653
3104	Budget Officer*	CONF	A		4,436.85	9,613.18	115,358.10	55.4606
			B		4,658.69	10,093.83	121,125.94	58.2336
			C		4,891.62	10,598.51	127,182.12	61.1453
			D		5,136.21	11,128.46	133,541.46	64.2026
			E		5,393.03	11,684.90	140,218.78	67.4129
5211	Building Inspector I	TEAMSTERS	A		2,587.46	5,606.16	67,273.96	32.3433
			B		2,716.83	5,886.47	70,637.58	33.9604
			C		2,852.67	6,180.79	74,169.42	35.6584
			D		2,995.31	6,489.84	77,878.06	37.4414
			E		3,145.07	6,814.32	81,771.82	39.3134
5212	Building Inspector II	TEAMSTERS	A		3,304.61	7,159.99	85,919.86	41.3076
			B		3,469.85	7,518.01	90,216.10	43.3731
			C		3,643.33	7,893.88	94,726.58	45.5416
			D		3,825.50	8,288.58	99,463.00	47.8188
			E		4,016.76	8,702.98	104,435.76	50.2095

City of Tracy
Master Salary Schedule

Class Code	Position Title	Unit		Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
5320	Building Maintenance Worker I	TEAMSTERS	A		2,196.09	4,758.20	57,098.34	27.4511
			B		2,305.90	4,996.12	59,953.40	28.8238
			C		2,421.20	5,245.93	62,951.20	30.2650
			D		2,542.26	5,508.23	66,098.76	31.7783
			E		2,669.38	5,783.66	69,403.88	33.3673
5321	Building Maintenance Worker II	TEAMSTERS	A		2,311.68	5,008.64	60,103.68	28.8960
			B		2,427.27	5,259.09	63,109.02	30.3409
			C		2,548.63	5,522.03	66,264.38	31.8579
			D		2,676.06	5,798.13	69,577.56	33.4508
			E		2,809.87	6,088.05	73,056.62	35.1234
3341	Building Official*	TMMBU	A		5,005.29	10,844.80	130,137.54	62.5661
			B		5,255.54	11,387.00	136,644.04	65.6943
			C		5,518.33	11,956.38	143,476.58	68.9791
			D		5,794.24	12,554.19	150,650.24	72.4280
			E		6,083.96	13,181.91	158,182.96	76.0495
4501	Building Permit Technician I	TTSSEA	A		2,399.55	5,199.03	62,388.30	29.9944
			B		2,519.54	5,459.00	65,508.04	31.4943
			C		2,645.50	5,731.92	68,783.00	33.0688
			D		2,777.79	6,018.55	72,222.54	34.7224
			E		2,916.68	6,319.47	75,833.68	36.4585
4502	Building Permit Technician II	TTSSEA	A		2,525.84	5,472.65	65,671.84	31.5730
			B		2,652.15	5,746.33	68,955.90	33.1519
			C		2,784.75	6,033.63	72,403.50	34.8094
			D		2,923.99	6,335.31	76,023.74	36.5499
			E		3,070.19	6,652.08	79,824.94	38.3774
1506	City Attorney*	CONTRACT		9,270.00	20,085.00	241,020.00	115.8750	
3110	City Clerk*	TMMBU	A		4,447.17	9,635.54	115,626.42	55.5896
			B		4,669.54	10,117.34	121,408.04	58.3693
			C		4,903.01	10,623.19	127,478.26	61.2876
			D		5,148.16	11,154.35	133,852.16	64.3520
			E		5,405.56	11,712.05	140,544.56	67.5695
1102	City Council Member*			432.00	936.00	11,232.00		
1501	City Manager*	CONTRACT		10,094.00	21,870.33	262,444.00	126.1750	
1112	City Treasurer*			496.16	1,075.01	12,900.16		
9107	Clerical	LS	A					14.0000
			B					14.7000
			C					15.4300
			D					16.2100
			E					17.0200
3155	Code Compliance Analyst*	TMMBU	A		3,502.59	7,588.95	91,067.34	43.7824
			B		3,677.72	7,968.39	95,620.72	45.9715
			C		3,861.60	8,366.80	100,401.60	48.2700
			D		4,054.69	8,785.16	105,421.94	50.6836
			E		4,257.43	9,224.43	110,693.18	53.2179

City of Tracy
Master Salary Schedule

Class Code	Position Title	Unit		Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
5202	Code Enforcement Officer	TEAMSTERS	A		2,672.81	5,791.09	69,493.06	33.4101
			B		2,806.44	6,080.62	72,967.44	35.0805
			C		2,946.77	6,384.67	76,616.02	36.8346
			D		3,094.10	6,703.88	80,446.60	38.6763
			E		3,248.81	7,039.09	84,469.06	40.6101
3315	Community Preservation Manager*	TMMBU	A		3,901.95	8,454.23	101,450.70	48.7744
			B		4,097.03	8,876.90	106,522.78	51.2129
			C		4,301.90	9,320.78	111,849.40	53.7738
			D		4,516.98	9,786.79	117,441.48	56.4623
			E		4,742.83	10,276.13	123,313.58	59.2854
5513	Community Services Officer	TEAMSTERS	A		2,333.87	5,056.72	60,680.62	29.1734
			B		2,450.57	5,309.57	63,714.82	30.6321
			C		2,573.07	5,574.99	66,899.82	32.1634
			D		2,701.74	5,853.77	70,245.24	33.7718
			E		2,836.84	6,146.49	73,757.84	35.4605
5222	Construction Inspector I	TEAMSTERS	A		2,999.35	6,498.59	77,983.10	37.4919
			B		3,149.34	6,823.57	81,882.84	39.3668
			C		3,306.79	7,164.71	85,976.54	41.3349
			D		3,472.13	7,522.95	90,275.38	43.4016
			E		3,645.76	7,899.15	94,789.76	45.5720
5223	Construction Inspector II	TEAMSTERS	A		3,149.15	6,823.16	81,877.90	39.3644
			B		3,306.60	7,164.30	85,971.60	41.3325
			C		3,471.93	7,522.52	90,270.18	43.3991
			D		3,645.55	7,898.69	94,784.30	45.5694
			E		3,827.82	8,293.61	99,523.32	47.8478
4605	Crime Analyst	TTSSEA	A		2,835.37	6,143.30	73,719.62	35.4421
			B		2,977.14	6,450.47	77,405.64	37.2143
			C		3,126.01	6,773.02	81,276.26	39.0751
			D		3,282.31	7,111.67	85,340.06	41.0289
			E		3,446.41	7,467.22	89,606.66	43.0801
5514	Crime Prevention Specialist	TEAMSTERS	A		2,417.53	5,237.98	62,855.78	30.2191
			B		2,538.44	5,499.95	65,999.44	31.7305
			C		2,665.36	5,774.95	69,299.36	33.3170
			D		2,798.60	6,063.63	72,763.60	34.9825
			E		2,938.53	6,366.82	76,401.78	36.7316
3622	Crime Scene Property Unit Supervisor	TMMBU Non-Exempt	A		2,746.55	5,950.86	71,410.30	34.3319
			B		2,883.87	6,248.39	74,980.62	36.0484
			C		3,028.05	6,560.78	78,729.30	37.8506
			D		3,179.45	6,888.81	82,665.70	39.7431
			E		3,338.42	7,233.24	86,798.92	41.7303
5517	Crime Scene Technician	TEAMSTERS	A		2,618.18	5,672.72	68,072.68	32.7273
			B		2,749.07	5,956.32	71,475.82	34.3634
			C		2,886.53	6,254.15	75,049.78	36.0816
			D		3,030.86	6,566.86	78,802.36	37.8858
			E		3,182.41	6,895.22	82,742.66	39.7801
1108	Cultural Arts Commissioner			Stipend \$50.00 per meeting				

City of Tracy
Master Salary Schedule

Class Code	Position Title	Unit		Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
3162	Cultural Arts Division Manager*	TMMBU	A		4,686.93	10,155.02	121,860.18	58.5866
			B		4,921.28	10,662.77	127,953.28	61.5160
			C		5,167.35	11,195.93	134,351.10	64.5919
			D		5,425.70	11,755.68	141,068.20	67.8213
			E		5,696.98	12,343.46	148,121.48	71.2123
4459	Cultural Arts Program Coordinator	TTSSEA	A		2,505.31	5,428.17	65,138.06	31.3164
			B		2,630.59	5,699.61	68,395.34	32.8824
			C		2,762.11	5,984.57	71,814.86	34.5264
			D		2,900.21	6,283.79	75,405.46	36.2526
			E		3,045.22	6,597.98	79,175.72	38.0653
3524	Cultural Arts Supervisor*	TMMBU	A		3,622.85	7,849.51	94,194.10	45.2856
			B		3,804.00	8,242.00	98,904.00	47.5500
			C		3,994.20	8,654.10	103,849.20	49.9275
			D		4,193.90	9,086.78	109,041.40	52.4238
			E		4,403.60	9,541.13	114,493.60	55.0450
4461	Cultural Arts Technical Coordinator	TTSSEA	A		2,103.86	4,558.36	54,700.36	26.2983
			B		2,209.04	4,786.25	57,435.04	27.6130
			C		2,319.50	5,025.58	60,307.00	28.9938
			D		2,435.47	5,276.85	63,322.22	30.4434
			E		2,557.23	5,540.67	66,487.98	31.9654
3523	Cultural Arts Technical Supervisor*	TMMBU	A		3,007.51	6,516.27	78,195.26	37.5939
			B		3,157.90	6,842.12	82,105.40	39.4738
			C		3,315.79	7,184.21	86,210.54	41.4474
			D		3,481.58	7,543.42	90,521.08	43.5198
			E		3,655.67	7,920.62	95,047.42	45.6959
9552	D.A.R.E Officer	LS	A					35.3100
			B					37.0700
			C					38.9300
			D					40.8800
			E					42.9200
2571	Deputy City Attorney I*	CONF	A		4,800.76	10,401.65	124,819.76	60.0095
			B		5,040.80	10,921.73	131,060.80	63.0100
			C		5,292.84	11,467.82	137,613.84	66.1605
			D		5,557.49	12,041.23	144,494.74	69.4686
			E		5,835.35	12,643.26	151,719.10	72.9419
2572	Deputy City Attorney II*	CONF	A		5,280.84	11,441.82	137,301.84	66.0105
			B		5,544.89	12,013.93	144,167.14	69.3111
			C		5,822.14	12,614.64	151,375.64	72.7768
			D		6,113.25	13,245.38	158,944.50	76.4156
			E		6,418.90	13,907.62	166,891.40	80.2363
4116	Deputy City Clerk	TTSSEA	A		2,791.45	6,048.14	72,577.70	34.8931
			B		2,931.03	6,350.57	76,206.78	36.6379
			C		3,077.57	6,668.07	80,016.82	38.4696
			D		3,231.47	7,001.52	84,018.22	40.3934
			E		3,393.03	7,351.57	88,218.78	42.4129
1515	Director of Development Services *	DH	Min		7,145.51	15,481.95	185,783.36	89.3189
			Max		8,683.90	18,815.12	225,781.42	108.5488

Employees marked with an * (asterisk) are salaried
TPOA Employees are paid semi-monthly

City of Tracy
Master Salary Schedule

Class Code	Position Title	Unit		Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
1522	Director of Finance*	DH	Min		6,666.78	14,444.69	173,336.23	83.3348
			Max		8,096.98	17,543.47	210,521.59	101.2123
1518	Director of Human Resources*	DH	Min		6,666.78	14,444.69	173,336.23	83.3348
			Max		8,096.98	17,543.46	210,521.54	101.2123
1516	Director of Parks and Recreation*	DH	Min		6,666.78	14,444.69	173,336.23	83.3348
			Max		8,096.98	17,543.46	210,521.54	101.2123
1512	Director of Public Works*	DH	Min		6,666.78	14,444.69	173,336.23	83.3348
			Max		8,096.98	17,543.46	210,521.54	101.2123
1520	Director of Utilities*	DH	Min		7,145.51	15,481.95	185,783.36	89.3189
			Max		8,683.90	18,815.12	225,781.42	108.5488
2751	Division Fire Chief*	CONF	A		5,839.70	12,652.68	151,832.20	72.9963
			B		6,131.67	13,285.29	159,423.42	76.6459
			C		6,438.27	13,949.59	167,395.02	80.4784
			D		6,760.19	14,647.08	175,764.94	84.5024
			E		7,098.20	15,379.43	184,553.20	88.7275
3208	Economic Development Mgmt Analyst I*	TMMBU	A		3,045.81	6,599.26	79,191.06	38.0726
			B		3,198.09	6,929.20	83,150.34	39.9761
			C		3,358.00	7,275.67	87,308.00	41.9750
			D		3,525.89	7,639.43	91,673.14	44.0736
			E		3,702.19	8,021.41	96,256.94	46.2774
3209	Economic Development Mgmt Analyst II*	TMMBU	A		3,502.59	7,588.95	91,067.34	43.7824
			B		3,677.72	7,968.39	95,620.72	45.9715
			C		3,861.60	8,366.80	100,401.60	48.2700
			D		4,054.69	8,785.16	105,421.94	50.6836
			E		4,257.43	9,224.43	110,693.18	53.2179
3207	Economic Development Manager*	TMMBU	A		4,329.49	9,380.56	112,566.74	54.1186
			B		4,545.96	9,849.58	118,194.96	56.8245
			C		4,773.26	10,342.06	124,104.76	59.6658
			D		5,011.92	10,859.16	130,309.92	62.6490
			E		5,262.51	11,402.11	136,825.26	65.7814
5325	Electrician	TEAMSTERS	A		3,317.38	7,187.66	86,251.88	41.4673
			B		3,483.26	7,547.06	90,564.76	43.5408
			C		3,657.44	7,924.45	95,093.44	45.7180
			D		3,840.29	8,320.63	99,847.54	48.0036
			E		4,032.31	8,736.67	104,840.06	50.4039
3711	Emergency Medical Services Manager*	TMMBU	A		3,901.19	8,452.58	101,430.94	48.7649
			B		4,096.24	8,875.19	106,502.24	51.2030
			C		4,301.05	9,318.94	111,827.30	53.7631
			D		4,516.12	9,784.93	117,419.12	56.4515
			E		4,741.90	10,274.12	123,289.40	59.2738
5221	Engineering Technician I	TEAMSTERS	A		2,640.32	5,720.69	68,648.32	33.0040
			B		2,772.33	6,006.72	72,080.58	34.6541
			C		2,910.94	6,307.04	75,684.44	36.3868
			D		3,056.49	6,622.40	79,468.74	38.2061
			E		3,209.33	6,953.55	83,442.58	40.1166

City of Tracy
Master Salary Schedule

Class Code	Position Title	Unit	Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
5225	Engineering Technician II	TEAMSTERS	A	2,772.34	6,006.74	72,080.84	34.6543
			B	2,910.96	6,307.08	75,684.96	36.3870
			C	3,056.51	6,622.44	79,469.26	38.2064
			D	3,209.36	6,953.61	83,443.36	40.1170
			E	3,369.79	7,301.21	87,614.54	42.1224
3412	Environmental Compliance Analyst	TMMBU Non-Exempt	A	3,045.81	6,599.26	79,191.06	38.0726
			B	3,198.09	6,929.20	83,150.34	39.9761
			C	3,358.00	7,275.67	87,308.00	41.9750
			D	3,525.89	7,639.43	91,673.14	44.0736
			E	3,702.19	8,021.41	96,256.94	46.2774
5424	Environmental Compliance Technician	TEAMSTERS	A	2,197.75	4,761.79	57,141.50	27.4719
			B	2,307.65	4,999.91	59,998.90	28.8456
			C	2,423.01	5,249.86	62,998.26	30.2876
			D	2,544.16	5,512.35	66,148.16	31.8020
			E	2,671.40	5,788.03	69,456.40	33.3925
5313	Equipment Mechanic I	TEAMSTERS	A	2,426.53	5,257.48	63,089.78	30.3316
			B	2,547.85	5,520.34	66,244.10	31.8481
			C	2,675.24	5,796.35	69,556.24	33.4405
			D	2,809.00	6,086.17	73,034.00	35.1125
			E	2,949.45	6,390.48	76,685.70	36.8681
5314	Equipment Mechanic II	TEAMSTERS	A	2,547.84	5,520.32	66,243.84	31.8480
			B	2,675.24	5,796.35	69,556.24	33.4405
			C	2,808.99	6,086.15	73,033.74	35.1124
			D	2,949.45	6,390.48	76,685.70	36.8681
			E	3,096.91	6,709.97	80,519.66	38.7114
4108	Executive Assistant	TTSSEA	A	2,559.25	5,545.04	66,540.50	31.9906
			B	2,687.21	5,822.29	69,867.46	33.5901
			C	2,821.57	6,113.40	73,360.82	35.2696
			D	2,962.66	6,419.10	77,029.16	37.0333
			E	3,110.79	6,740.05	80,880.54	38.8849
8108	Executive Assistant - Confidential	CONF	A	2,622.72	5,682.56	68,190.72	32.7840
			B	2,753.86	5,966.70	71,600.36	34.4233
			C	2,891.55	6,265.03	75,180.30	36.1444
			D	3,036.12	6,578.26	78,939.12	37.9515
			E	3,187.93	6,907.18	82,886.18	39.8491
2581	Executive Assistant to City Manager	CONF	A	2,995.32	6,489.86	77,878.32	37.4415
			B	3,145.08	6,814.34	81,772.08	39.3135
			C	3,302.33	7,155.05	85,860.58	41.2791
			D	3,467.46	7,512.83	90,153.96	43.3433
			E	3,640.82	7,888.44	94,661.32	45.5103
9635	Facility Attendant	LS	A				18.4800
			B				19.4000
			C				20.3700
			D				21.3900
			E				22.4600

City of Tracy
Master Salary Schedule

Class Code	Position Title	Unit		Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
3715	Fire Battalion Chief*	SCFCOA	A		4,985.41	10,801.72	129,620.66	44.5126
			B		5,234.66	11,341.76	136,101.16	46.7380
			C		5,496.39	11,908.85	142,906.14	49.0749
			D		5,771.21	12,504.29	150,051.46	51.5287
			E		6,059.78	13,129.52	157,554.28	54.1052
7105	Fire Captain	TFFA	A		3,793.74	8,219.77	98,637.24	33.8727
			B		3,983.56	8,631.05	103,572.56	35.5675
			C		4,182.61	9,062.32	108,747.86	37.3447
			D		4,391.74	9,515.44	114,185.24	39.2120
			E		4,611.33	9,991.22	119,894.58	41.1726
1514	Fire Chief*	DH	Min		7,145.51	15,481.95	185,783.36	89.3189
			Max		8,683.90	18,815.12	225,781.42	108.5488
7103	Fire Engineer	TFFA	A		3,338.92	7,234.33	86,811.92	29.8118
			B		3,505.84	7,595.99	91,151.84	31.3021
			C		3,681.15	7,975.83	95,709.90	32.8674
			D		3,865.21	8,374.62	100,495.46	34.5108
			E		4,058.48	8,793.37	105,520.48	36.2364
5213	Fire Inspector	TEAMSTERS	A		3,147.24	6,819.02	81,828.24	39.3405
			B		3,304.61	7,159.99	85,919.86	41.3076
			C		3,469.85	7,518.01	90,216.10	43.3731
			D		3,643.33	7,893.88	94,726.58	45.5416
			E		3,825.50	8,288.58	99,463.00	47.8188
2752	Fire Marshal*	CONF	A		5,129.43	11,113.77	133,365.18	64.1179
			B		5,385.89	11,669.43	140,033.14	67.3236
			C		5,655.19	12,252.91	147,034.94	70.6899
			D		5,937.96	12,865.58	154,386.96	74.2245
			E		6,234.85	13,508.84	162,106.10	77.9356
9563	Fire Reserve	LS	A					14.0000
								14.7000
								15.4300
								16.2100
								17.0200
7102	Firefighter	TFFA	A		2,958.04	6,409.09	76,909.04	26.4111
			B		3,105.91	6,729.47	80,753.66	27.7313
			C		3,261.22	7,065.98	84,791.72	29.1180
			D		3,424.27	7,419.25	89,031.02	30.5738
			E		3,595.49	7,790.23	93,482.74	32.1026
			449.44	Paramedic Pay (per pay period)				
9565	Firefighter Trainee	LS	A					24.5600
				(70% OF STEP A, FIREFIGHTER)				
7108	Firefighter/Paramedic	TFFA	A		3,327.95	7,210.56	86,526.70	29.7138
			B		3,494.35	7,571.09	90,853.10	31.1996
			C		3,669.07	7,949.65	95,395.82	32.7596
			D		3,852.53	8,347.15	100,165.78	34.3976
			E		4,045.16	8,764.51	105,174.16	36.1175

City of Tracy
Master Salary Schedule

Class Code	Position Title	Unit		Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
3404	Fleet Supervisor*	TMMBU	A		3,372.56	7,307.21	87,686.56	42.1570
			B		3,541.17	7,672.54	92,070.42	44.2646
			C		3,718.23	8,056.17	96,673.98	46.4779
			D		3,904.14	8,458.97	101,507.64	48.8018
			E		4,099.34	8,881.90	106,582.84	51.2418
3120	GIS Analyst *	TMMBU	A		3,502.59	7,588.95	91,067.34	43.7824
			B		3,677.72	7,968.39	95,620.72	45.9715
			C		3,861.60	8,366.80	100,401.60	48.2700
			D		4,054.69	8,785.16	105,421.94	50.6836
			E		4,257.43	9,224.43	110,693.18	53.2179
4206	GIS Technician	TTSSEA	A		2,835.37	6,143.30	73,719.62	35.4421
			B		2,977.14	6,450.47	77,405.64	37.2143
			C		3,126.01	6,773.02	81,276.26	39.0751
			D		3,282.31	7,111.67	85,340.06	41.0289
			E		3,446.41	7,467.22	89,606.66	43.0801
2511	Human Resources Analyst I*	CONF	A		3,121.35	6,762.93	81,155.10	39.0169
			B		3,277.42	7,101.08	85,212.92	40.9678
			C		3,441.27	7,456.09	89,473.02	43.0159
			D		3,613.34	7,828.90	93,946.84	45.1668
			E		3,794.01	8,220.36	98,644.26	47.4251
2512	Human Resources Analyst II*	CONF	A		3,589.45	7,777.14	93,325.70	44.8681
			B		3,768.92	8,165.99	97,991.92	47.1115
			C		3,957.36	8,574.28	102,891.36	49.4670
			D		4,155.24	9,003.02	108,036.24	51.9405
			E		4,363.01	9,453.19	113,438.26	54.5376
2562	Human Resources Manager*	CONF	A		4,803.16	10,406.85	124,882.16	60.0395
			B		5,043.31	10,927.17	131,126.06	63.0414
			C		5,295.49	11,473.56	137,682.74	66.1936
			D		5,560.26	12,047.23	144,566.76	69.5033
			E		5,838.29	12,649.63	151,795.54	72.9786
4301	Human Resources Technician	CONF	A		2,663.29	5,770.46	69,245.54	33.2911
			B		2,796.46	6,059.00	72,707.96	34.9558
			C		2,936.28	6,361.94	76,343.28	36.7035
			D		3,083.10	6,680.05	80,160.60	38.5388
			E		3,237.25	7,014.04	84,168.50	40.4656
4204	Information Systems Technician I	TTSSEA	A		2,465.55	5,342.03	64,104.30	30.8194
			B		2,588.83	5,609.13	67,309.58	32.3604
			C		2,718.28	5,889.61	70,675.28	33.9785
			D		2,854.19	6,184.08	74,208.94	35.6774
			E		2,996.90	6,493.28	77,919.40	37.4613
4205	Information Systems Technician II	TTSSEA	A		2,835.37	6,143.30	73,719.62	35.4421
			B		2,977.14	6,450.47	77,405.64	37.2143
			C		3,126.01	6,773.02	81,276.26	39.0751
			D		3,282.31	7,111.67	85,340.06	41.0289
			E		3,446.41	7,467.22	89,606.66	43.0801

City of Tracy
Master Salary Schedule

Class Code	Position Title	Unit		Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
2553	Information Technology Manager*	CONF	A		4,803.16	10,406.85	124,882.16	60.0395
			B		5,043.31	10,927.17	131,126.06	63.0414
			C		5,295.49	11,473.56	137,682.74	66.1936
			D		5,560.26	12,047.23	144,566.76	69.5033
			E		5,838.29	12,649.63	151,795.54	72.9786
3111	Information Technology Specialist*	TMMBU	A		3,402.46	7,372.00	88,463.96	42.5308
			B		3,572.60	7,740.63	92,887.60	44.6575
			C		3,751.22	8,127.64	97,531.72	46.8903
			D		3,938.77	8,534.00	102,408.02	49.2346
			E		4,135.71	8,960.71	107,528.46	51.6964
5413	Instrumentation Technician	TEAMSTERS	A		3,080.01	6,673.36	80,080.26	38.5001
			B		3,234.01	7,007.02	84,084.26	40.4251
			C		3,395.72	7,357.39	88,288.72	42.4465
			D		3,565.49	7,725.23	92,702.74	44.5686
			E		3,743.77	8,111.50	97,338.02	46.7971
9108	Intern-Generalist	LS	A					19.1800
			B					20.1400
			C					21.1500
			D					22.2000
			E					23.3100
5224	Junior Engineer	TEAMSTERS	A		3,049.14	6,606.47	79,277.64	38.1143
			B		3,201.59	6,936.78	83,241.34	40.0199
			C		3,361.66	7,283.60	87,403.16	42.0208
			D		3,529.75	7,647.79	91,773.50	44.1219
			E		3,706.24	8,030.19	96,362.24	46.3280
5423	Laboratory Quality Assurance Officer*	TMMBU	A		2,829.70	6,131.02	73,572.20	35.3713
			B		2,971.20	6,437.60	77,251.20	37.1400
			C		3,119.76	6,759.48	81,113.76	38.9970
			D		3,275.74	7,097.37	85,169.24	40.9468
			E		3,439.53	7,452.32	89,427.78	42.9941
5421	Laboratory Technician I	TEAMSTERS	A		2,395.98	5,191.29	62,295.48	29.9498
			B		2,515.76	5,450.81	65,409.76	31.4470
			C		2,641.57	5,723.40	68,680.82	33.0196
			D		2,773.64	6,009.55	72,114.64	34.6705
			E		2,912.31	6,310.01	75,720.06	36.4039
5422	Laboratory Technician II	TEAMSTERS	A		2,504.04	5,425.42	65,105.04	31.3005
			B		2,629.24	5,696.69	68,360.24	32.8655
			C		2,760.71	5,981.54	71,778.46	34.5089
			D		2,898.74	6,280.60	75,367.24	36.2343
			E		3,043.67	6,594.62	79,135.42	38.0459
3508	Landscape Architect*	TMMBU	A		3,852.85	8,347.84	100,174.10	48.1606
			B		4,045.49	8,765.23	105,182.74	50.5686
			C		4,247.76	9,203.48	110,441.76	53.0970
			D		4,460.15	9,663.66	115,963.90	55.7519
			E		4,683.17	10,146.87	121,762.42	58.5396

City of Tracy
Master Salary Schedule

Class Code	Position Title	Unit		Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
4109	Legal Secretary	CONF	A		2,860.68	6,198.14	74,377.68	35.7585
			B		3,003.71	6,508.04	78,096.46	37.5464
			C		3,153.90	6,833.45	82,001.40	39.4238
			D		3,311.60	7,175.13	86,101.60	41.3950
			E		3,477.18	7,533.89	90,406.68	43.4648
9636	Lifeguard	LS	A					14.0000
			B					14.7000
			C					15.4300
			D					16.2100
			E					17.0200
9303	Maintenance Aide	LS	A					15.6800
			B					16.4600
			C					17.2900
			D					18.1500
			E					19.0600
5301	Maintenance Worker I	TEAMSTERS	A		1,786.00	3,869.67	46,436.00	22.3250
			B		1,875.31	4,063.17	48,758.06	23.4414
			C		1,969.07	4,266.32	51,195.82	24.6134
			D		2,067.52	4,479.63	53,755.52	25.8440
			E		2,170.90	4,703.62	56,443.40	27.1363
5303	Maintenance Worker II	TEAMSTERS	A		2,268.56	4,915.21	58,982.56	28.3570
			B		2,381.99	5,160.98	61,931.74	29.7749
			C		2,501.08	5,419.01	65,028.08	31.2635
			D		2,626.13	5,689.95	68,279.38	32.8266
			E		2,757.43	5,974.43	71,693.18	34.4679
3151	Management Analyst I*	TMMBU	A		3,045.81	6,599.26	79,191.06	38.0726
			B		3,198.09	6,929.20	83,150.34	39.9761
			C		3,358.00	7,275.67	87,308.00	41.9750
			D		3,525.89	7,639.43	91,673.14	44.0736
			E		3,702.19	8,021.41	96,256.94	46.2774
3152	Management Analyst II*	TMMBU	A		3,502.59	7,588.95	91,067.34	43.7824
			B		3,677.72	7,968.39	95,620.72	45.9715
			C		3,861.60	8,366.80	100,401.60	48.2700
			D		4,054.69	8,785.16	105,421.94	50.6836
			E		4,257.43	9,224.43	110,693.18	53.2179
1101	Mayor*			478.15	1,036.00	12,432.00		
3527	Media Services Supervisor	TMMBU Non-Exempt	A		3,007.51	6,516.27	78,195.26	37.5939
			B		3,157.90	6,842.12	82,105.40	39.4738
			C		3,315.79	7,184.21	86,210.54	41.4474
			D		3,481.58	7,543.42	90,521.08	43.5198
			E		3,655.67	7,920.62	95,047.42	45.6959
5531	Meter Reader	TEAMSTERS	A		1,547.54	3,353.00	40,236.04	19.3443
			B		1,624.91	3,520.64	42,247.66	20.3114
			C		1,706.16	3,696.68	44,360.16	21.3270
			D		1,791.46	3,881.50	46,577.96	22.3933
			E		1,881.04	4,075.59	48,907.04	23.5130

City of Tracy
Master Salary Schedule

Class Code	Position Title	Unit		Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
4212	Multimedia Communications Assistant	TTSSEA	A		2,103.86	4,558.36	54,700.36	26.2983
			B		2,209.04	4,786.25	57,435.04	27.6130
			C		2,319.50	5,025.58	60,307.00	28.9938
			D		2,435.47	5,276.85	63,322.22	30.4434
			E		2,557.23	5,540.67	66,487.98	31.9654
4210	Multimedia Communications Coordinator	TTSSEA	A		2,505.31	5,428.17	65,138.06	31.3164
			B		2,630.59	5,699.61	68,395.34	32.8824
			C		2,762.11	5,984.57	71,814.86	34.5264
			D		2,900.21	6,283.79	75,405.46	36.2526
			E		3,045.22	6,597.98	79,175.72	38.0653
4105	Office Assistant	TTSSEA	A		1,722.68	3,732.47	44,789.68	21.5335
			B		1,808.80	3,919.07	47,028.80	22.6100
			C		1,899.25	4,115.04	49,380.50	23.7406
			D		1,994.22	4,320.81	51,849.72	24.9278
			E		2,093.93	4,536.85	54,442.18	26.1741
1107	Parks Commissioner			Stipend of \$50.00 per meeting				
3509	Parks Planning & Development Manager*	TMMBU	A		3,852.85	8,347.84	100,174.10	48.1606
			B		4,045.49	8,765.23	105,182.74	50.5686
			C		4,247.76	9,203.48	110,441.76	53.0970
			D		4,460.15	9,663.66	115,963.90	55.7519
			E		4,683.17	10,146.87	121,762.42	58.5396
3306	Plan Check Engineer*	TMMBU	A		4,690.57	10,162.90	121,954.82	58.6321
			B		4,925.10	10,671.05	128,052.60	61.5638
			C		5,171.36	11,204.61	134,455.36	64.6420
			D		5,429.93	11,764.85	141,178.18	67.8741
			E		5,701.43	12,353.10	148,237.18	71.2679
5214	Plan Examiner I	TEAMSTERS	A		3,225.31	6,988.17	83,858.06	40.3164
			B		3,386.61	7,337.66	88,051.86	42.3326
			C		3,555.93	7,704.52	92,454.18	44.4491
			D		3,733.71	8,089.71	97,076.46	46.6714
			E		3,920.42	8,494.24	101,930.92	49.0053
5215	Plan Examiner II	TEAMSTERS	A		3,395.07	7,355.99	88,271.82	42.4384
			B		3,564.85	7,723.84	92,686.10	44.5606
			C		3,743.08	8,110.01	97,320.08	46.7885
			D		3,930.22	8,515.48	102,185.72	49.1278
			E		4,126.76	8,941.31	107,295.76	51.5845
1106	Planning Commissioner			Stipend of \$50.00 per meeting				
4506	Planning Technician	TTSSEA	A		2,598.83	5,630.80	67,569.58	32.4854
			B		2,728.79	5,912.38	70,948.54	34.1099
			C		2,865.21	6,207.96	74,495.46	35.8151
			D		3,008.49	6,518.40	78,220.74	37.6061
			E		3,158.92	6,844.33	82,131.92	39.4865

City of Tracy
Master Salary Schedule

Class Code	Position Title	Unit	Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
6212	Police Captain*	TPMA	A	5,903.58	12,791.09	153,493.08	73.7948
			B	6,198.77	13,430.67	161,168.02	77.4846
			C	6,508.69	14,102.16	169,225.94	81.3586
			D	6,834.13	14,807.28	177,687.38	85.4266
			E	7,175.87	15,547.72	186,572.62	89.6984
1513	Police Chief*	DH	Min	7,591.04	16,447.26	197,367.07	94.8880
			Max	9,226.99	19,991.81	239,901.77	115.3374
4603	Police Community Relations Coordinator	TTSSEA	A	2,505.31	5,428.17	65,138.06	31.3164
			B	2,630.59	5,699.61	68,395.34	32.8824
			C	2,762.11	5,984.57	71,814.86	34.5264
			D	2,900.21	6,283.79	75,405.46	36.2526
			E	3,045.22	6,597.98	79,175.72	38.0653
6103	Police Corporal	TPOA	A	4,064.87	8,129.74	97,556.88	46.9005
			B	4,268.13	8,536.26	102,435.12	49.2458
			C	4,481.54	8,963.08	107,556.96	51.7081
			D	4,705.63	9,411.26	112,935.12	54.2936
			E	4,940.90	9,881.80	118,581.60	57.0082
9501	Police Intern/Parking Enforcement Officer	LS	A				18.2000
			B				19.1100
			C				20.0700
			D				21.0700
			E				22.1200
6211	Police Lieutenant*	TPMA	A	5,109.41	11,070.39	132,844.66	63.8676
			B	5,364.87	11,623.89	139,486.62	67.0609
			C	5,633.13	12,205.12	146,461.38	70.4141
			D	5,914.78	12,815.36	153,784.28	73.9348
			E	6,210.51	13,456.11	161,473.26	77.6314
6102	Police Officer	TPOA	A	3,695.34	7,390.68	88,688.16	42.6369
			B	3,880.11	7,760.22	93,122.64	44.7688
			C	4,074.12	8,148.24	97,778.88	47.0073
			D	4,277.85	8,555.70	102,668.40	49.3579
			E	4,491.73	8,983.46	107,801.52	51.8257
9517	Police Range Master	LS	A				30.2600
			B				31.7700
			C				33.3600
			D				35.0300
			E				36.7800

City of Tracy
Master Salary Schedule

Class Code	Position Title	Unit	Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
4103	Police Records Assistant I	TTSSEA	A	2,135.53	4,626.98	55,523.78	26.6941
			B	2,242.32	4,858.36	58,300.32	28.0290
			C	2,354.45	5,101.31	61,215.70	29.4306
			D	2,472.15	5,356.33	64,275.90	30.9019
			E	2,595.76	5,624.15	67,489.76	32.4470
4104	Police Records Assistant II	TTSSEA	A	2,242.29	4,858.30	58,299.54	28.0286
			B	2,354.43	5,101.27	61,215.18	29.4304
			C	2,472.12	5,356.26	64,275.12	30.9015
			D	2,595.73	5,624.08	67,488.98	32.4466
			E	2,725.52	5,905.29	70,863.52	34.0690
3626	Police Records Supervisor*	TMMBU	A	3,060.95	6,632.06	79,584.70	38.2619
			B	3,214.01	6,963.69	83,564.26	40.1751
			C	3,374.70	7,311.85	87,742.20	42.1838
			D	3,543.45	7,677.48	92,129.70	44.2931
			E	3,720.60	8,061.30	96,735.60	46.5075
9551	Police Reserve	LS					39.3700
6105	Police Sergeant	TPOA	A	4,453.10	8,906.20	106,874.40	51.3799
			B	4,675.78	9,351.56	112,218.72	53.9492
			C	4,909.58	9,819.16	117,829.92	56.6468
			D	5,155.05	10,310.10	123,721.20	59.4791
			E	5,412.81	10,825.62	129,907.44	62.4531
2712	Police Support Operations Manager*	CONF	A	5,436.48	11,779.04	141,348.48	67.9560
			B	5,708.31	12,368.01	148,416.06	71.3539
			C	5,993.71	12,986.37	155,836.46	74.9214
			D	6,293.39	13,635.68	163,628.14	78.6674
			E	6,608.07	14,317.49	171,809.82	82.6009
4701	Police Support Services Technician	TTSSEA	A	2,598.83	5,630.80	67,569.58	32.4854
			B	2,728.79	5,912.38	70,948.54	34.1099
			C	2,865.21	6,207.96	74,495.46	35.8151
			D	3,008.49	6,518.40	78,220.74	37.6061
			E	3,158.92	6,844.33	82,131.92	39.4865
6101	Police Trainee (Non-Sworn)	TPOA	3,213.24	6,426.48	77,117.76	37.0744	
9638	Pool Manager	LS	A				19.8900
			B				20.8900
			C				21.9300
			D				23.0300
			E				24.1800
9533	Professional Standards Officer	LS	A				50.4400
			B				52.9600
			C				55.6100
			D				58.3900
			E				61.3100

City of Tracy
Master Salary Schedule

Class Code	Position Title	Unit		Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
9110	Program Assistant	LS	Min					14.0000
			Max					24.1000
9231	Project Specialist I	LS	Min					14.0000
			Max					46.6800
9232	Project Specialist II	LS	Min					46.6900
			Max					131.5900
5518	Property and Evidence Technician	TEAMSTERS	A		2,303.09	4,990.03	59,880.34	28.7886
			B		2,418.23	5,239.50	62,873.98	30.2279
			C		2,539.16	5,501.51	66,018.16	31.7395
			D		2,666.12	5,776.59	69,319.12	33.3265
			E		2,799.41	6,065.39	72,784.66	34.9926
2585	Public Information Officer*	CONF	A		3,589.45	7,777.14	93,325.70	44.8681
			B		3,768.92	8,165.99	97,991.92	47.1115
			C		3,957.36	8,574.28	102,891.36	49.4670
			D		4,155.24	9,003.02	108,036.24	51.9405
			E		4,363.01	9,453.19	113,438.26	54.5376
3623	Public Safety Dispatch Supervisor*	TMMBU	A		3,248.37	7,038.14	84,457.62	40.6046
			B		3,410.78	7,390.02	88,680.28	42.6348
			C		3,581.33	7,759.55	93,114.58	44.7666
			D		3,760.39	8,147.51	97,770.14	47.0049
			E		3,948.42	8,554.91	102,658.92	49.3553
5502	Public Safety Dispatcher I	TEAMSTERS	A		2,660.74	5,764.94	69,179.24	33.2593
			B		2,793.76	6,053.15	72,637.76	34.9220
			C		2,933.45	6,355.81	76,269.70	36.6681
			D		3,080.12	6,673.59	80,083.12	38.5015
			E		3,234.15	7,007.33	84,087.90	40.4269
5503	Public Safety Dispatcher II	TEAMSTERS	A		2,919.04	6,324.59	75,895.04	36.4880
			B		3,064.98	6,640.79	79,689.48	38.3123
			C		3,218.24	6,972.85	83,674.24	40.2280
			D		3,379.15	7,321.49	87,857.90	42.2394
			E		3,548.11	7,687.57	92,250.86	44.3514
9512	Public Safety Dispatcher II - Per Diem	LS	A					32.1500
			B					33.7600
			C					35.4400
			D					37.2200
			E					39.0800
3401	Public Works Superintendent*	TMMBU	A		4,047.63	8,769.87	105,238.38	50.5954
			B		4,250.02	9,208.38	110,500.52	53.1253
			C		4,462.52	9,668.79	116,025.52	55.7815
			D		4,685.65	10,152.24	121,826.90	58.5706
			E		4,919.92	10,659.83	127,917.92	61.4990

City of Tracy
Master Salary Schedule

Class Code	Position Title	Unit		Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
3405	Public Works Supervisor*	TMMBU	A		3,372.56	7,307.21	87,686.56	42.1570
			B		3,541.17	7,672.54	92,070.42	44.2646
			C		3,718.23	8,056.17	96,673.98	46.4779
			D		3,904.14	8,458.97	101,507.64	48.8018
			E		4,099.34	8,881.90	106,582.84	51.2418
9631	Recreation Leader I	LS	A					14.0000
			B					14.7000
			C					15.4400
			D					16.2000
			E					17.0200
9632	Recreation Leader II	LS	A					17.5400
			B					18.4100
			C					19.3300
			D					20.3000
			E					21.3200
9633	Recreation Leader III	LS	A					19.8900
			B					20.8900
			C					21.9300
			D					23.0300
			E					24.1800
4401	Recreation Program Coordinator	TTSSEA	A		2,505.31	5,428.17	65,138.06	31.3164
			B		2,630.59	5,699.61	68,395.34	32.8824
			C		2,762.11	5,984.57	71,814.86	34.5264
			D		2,900.21	6,283.79	75,405.46	36.2526
			E		3,045.22	6,597.98	79,175.72	38.0653
3513	Recreation Services Manager*	TMMBU	A		3,985.11	8,634.41	103,612.86	49.8139
			B		4,184.38	9,066.16	108,793.88	52.3048
			C		4,393.59	9,519.45	114,233.34	54.9199
			D		4,613.28	9,995.44	119,945.28	57.6660
			E		4,843.94	10,495.20	125,942.44	60.5493
3505	Recreation Services Supervisor*	TMMBU	A		3,622.84	7,849.49	94,193.84	45.2855
			B		3,803.99	8,241.98	98,903.74	47.5499
			C		3,994.19	8,654.08	103,848.94	49.9274
			D		4,193.89	9,086.76	109,041.14	52.4236
			E		4,403.58	9,541.09	114,493.08	55.0448
9626	Recreation Specialized Instructor	LS	Min					14.0000
			Max					49.6600
4113	Senior Account Clerk	TTSSEA	A		2,329.23	5,046.67	60,559.98	29.1154
			B		2,445.69	5,299.00	63,587.94	30.5711
			C		2,567.98	5,563.96	66,767.48	32.0998
			D		2,696.39	5,842.18	70,106.14	33.7049
			E		2,831.19	6,134.25	73,610.94	35.3899

City of Tracy
Master Salary Schedule

Class Code	Position Title	Unit	Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
3105	Senior Accountant*	TMMBU	A	3,764.80	8,157.07	97,884.80	47.0600
			B	3,953.05	8,564.94	102,779.30	49.4131
			C	4,150.70	8,993.18	107,918.20	51.8838
			D	4,358.24	9,442.85	113,314.24	54.4780
			E	4,576.16	9,915.01	118,980.16	57.2020
4202	Senior Accounting Technician	TTSSEA	A	3,020.32	6,544.03	78,528.32	37.7540
			B	3,171.34	6,871.24	82,454.84	39.6418
			C	3,329.92	7,214.83	86,577.92	41.6240
			D	3,496.42	7,575.58	90,906.92	43.7053
			E	3,671.25	7,954.38	95,452.50	45.8906
5323	Senior Building Maintenance Worker	TEAMSTERS	A	2,560.67	5,548.12	66,577.42	32.0084
			B	2,688.69	5,825.50	69,905.94	33.6086
			C	2,823.12	6,116.76	73,401.12	35.2890
			D	2,964.29	6,422.63	77,071.54	37.0536
			E	3,112.52	6,743.79	80,925.52	38.9065
3304	Senior Civil Engineer*	TMMBU	A	4,690.70	10,163.18	121,958.20	58.6338
			B	4,925.23	10,671.33	128,055.98	61.5654
			C	5,171.50	11,204.92	134,459.00	64.6438
			D	5,430.08	11,765.17	141,182.08	67.8760
			E	5,701.58	12,353.42	148,241.08	71.2698
5315	Senior Equipment Mechanic	TEAMSTERS	A	2,675.25	5,796.38	69,556.50	33.4406
			B	2,809.00	6,086.17	73,034.00	35.1125
			C	2,949.46	6,390.50	76,685.96	36.8683
			D	3,096.92	6,709.99	80,519.92	38.7115
			E	3,251.77	7,045.50	84,546.02	40.6471
4208	Senior Information Systems Technician	TTSSEA	A	3,118.90	6,757.62	81,091.40	38.9863
			B	3,274.85	7,095.51	85,146.10	40.9356
			C	3,438.60	7,450.30	89,403.60	42.9825
			D	3,610.53	7,822.82	93,873.78	45.1316
			E	3,791.05	8,213.94	98,567.30	47.3881
9637	Senior Lifeguard	LS	A				17.5400
			B				18.4100
			C				19.3300
			D				20.3000
			E				21.3200
5305	Senior Maintenance Worker	TEAMSTERS	A	2,497.45	5,411.14	64,933.70	31.2181
			B	2,622.30	5,681.65	68,179.80	32.7788
			C	2,753.42	5,965.74	71,588.92	34.4178
			D	2,891.10	6,264.05	75,168.60	36.1388
			E	3,035.64	6,577.22	78,926.64	37.9455

City of Tracy
Master Salary Schedule

Class Code	Position Title	Unit		Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
3203	Senior Planner*	TMMBU	A		4,021.02	8,712.21	104,546.52	50.2628
			B		4,222.07	9,147.82	109,773.82	52.7759
			C		4,433.18	9,605.22	115,262.68	55.4148
			D		4,654.84	10,085.49	121,025.84	58.1855
			E		4,887.58	10,589.76	127,077.08	61.0948
4410	Senior Police Records Assistant	TTSSEA	A		2,466.52	5,344.13	64,129.52	30.8315
			B		2,589.87	5,611.39	67,336.62	32.3734
			C		2,719.33	5,891.88	70,702.58	33.9916
			D		2,855.30	6,186.48	74,237.80	35.6913
			E		2,998.07	6,495.82	77,949.82	37.4759
5504	Senior Public Safety Dispatcher	TEAMSTERS	A		3,064.98	6,640.79	79,689.48	38.3123
			B		3,218.24	6,972.85	83,674.24	40.2280
			C		3,379.15	7,321.49	87,857.90	42.2394
			D		3,548.11	7,687.57	92,250.86	44.3514
			E		3,725.53	8,071.98	96,863.78	46.5691
5356	Senior Utilities Worker	TEAMSTERS	A		2,622.79	5,682.71	68,192.54	32.7849
			B		2,753.81	5,966.59	71,599.06	34.4226
			C		2,891.42	6,264.74	75,176.92	36.1428
			D		3,036.44	6,578.95	78,947.44	37.9555
			E		3,187.23	6,905.67	82,867.98	39.8404
3343	Supervising Building Inspector*	TMMBU	A		3,599.96	7,799.91	93,598.96	44.9995
			B		3,779.96	8,189.91	98,278.96	47.2495
			C		3,968.96	8,599.41	103,192.96	49.6120
			D		4,167.41	9,029.39	108,352.66	52.0926
			E		4,375.78	9,480.86	113,770.28	54.6973
3345	Supervising Construction Inspector	TMMBU Non-Exempt	A		3,752.51	8,130.44	97,565.26	46.9064
			B		3,940.14	8,536.97	102,443.64	49.2518
			C		4,137.15	8,963.83	107,565.90	51.7144
			D		4,343.99	9,411.98	112,943.74	54.2999
			E		4,561.19	9,882.58	118,590.94	57.0149
3117	System Administrator*	TMMBU	A		3,502.59	7,588.95	91,067.34	43.7824
			B		3,677.72	7,968.39	95,620.72	45.9715
			C		3,861.60	8,366.80	100,401.60	48.2700
			D		4,054.69	8,785.16	105,421.94	50.6836
			E		4,257.43	9,224.43	110,693.18	53.2179
9361	Theatre Technician	LS	A					28.8400
			B					30.2800
			C					31.8000
			D					33.3900
			E					35.0600

City of Tracy
Master Salary Schedule

Class Code	Position Title	Unit		Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
4420	Transit Coordinator	TTSSEA	A		2,505.31	5,428.17	65,138.06	31.3164
			B		2,630.59	5,699.61	68,395.34	32.8824
			C		2,762.11	5,984.57	71,814.86	34.5264
			D		2,900.21	6,283.79	75,405.46	36.2526
			E		3,045.22	6,597.98	79,175.72	38.0653
3515	Transit Manager*	TMMBU	A		3,901.95	8,454.23	101,450.70	48.7744
			B		4,097.03	8,876.90	106,522.78	51.2129
			C		4,301.90	9,320.78	111,849.40	53.7738
			D		4,516.98	9,786.79	117,441.48	56.4623
			E		4,742.83	10,276.13	123,313.58	59.2854
1109	Transportation Commissioner			Stipend \$50.00 per meeting				
3424	Utilities Laboratory Superintendent*	TMMBU	A		4,047.63	8,769.87	105,238.38	50.5954
			B		4,250.02	9,208.38	110,500.52	53.1253
			C		4,462.52	9,668.79	116,025.52	55.7815
			D		4,685.65	10,152.24	121,826.90	58.5706
			E		4,919.92	10,659.83	127,917.92	61.4990
5350	Utilities Worker I	TEAMSTERS	A		1,874.60	4,061.63	48,739.60	23.4325
			B		1,968.54	4,265.17	51,182.04	24.6068
			C		2,066.59	4,477.61	53,731.34	25.8324
			D		2,170.42	4,702.58	56,430.92	27.1303
			E		2,280.01	4,940.02	59,280.26	28.5001
5353	Utilities Worker II	TEAMSTERS	A		2,381.36	5,159.61	61,915.36	29.7670
			B		2,500.84	5,418.49	65,021.84	31.2605
			C		2,625.26	5,688.06	68,256.76	32.8158
			D		2,757.10	5,973.72	71,684.60	34.4638
			E		2,894.71	6,271.87	75,262.46	36.1839
3403	Utility Line Maintenance Superintendent*	TMMBU	A		4,124.00	8,935.33	107,224.00	51.5500
			B		4,330.18	9,382.06	112,584.68	54.1273
			C		4,546.70	9,851.18	118,214.20	56.8338
			D		4,774.03	10,343.73	124,124.78	59.6754
			E		5,012.73	10,860.92	130,330.98	62.6591
3423	Utility Maintenance Superintendent*	TMMBU	A		4,200.33	9,100.72	109,208.58	52.5041
			B		4,410.34	9,555.74	114,668.84	55.1293
			C		4,630.85	10,033.51	120,402.10	57.8856
			D		4,862.40	10,535.20	126,422.40	60.7800
			E		5,105.51	11,061.94	132,743.26	63.8189
3410	Utility Maintenance Supervisor*	TMMBU	A		3,500.26	7,583.90	91,006.76	43.7533
			B		3,675.28	7,963.11	95,557.28	45.9410
			C		3,859.04	8,361.25	100,335.04	48.2380
			D		4,052.00	8,779.33	105,352.00	50.6500
			E		4,254.60	9,218.30	110,619.60	53.1825

City of Tracy
Master Salary Schedule

Class Code	Position Title	Unit		Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
5411	Utility Mechanic I	TEAMSTERS	A	2,805.51	6,078.61	72,943.26	35.0689	
			B	2,945.79	6,382.55	76,590.54	36.8224	
			C	3,093.07	6,701.65	80,419.82	38.6634	
			D	3,247.73	7,036.75	84,440.98	40.5966	
			E	3,410.11	7,388.57	88,662.86	42.6264	
5412	Utility Mechanic II	TEAMSTERS	A	2,875.63	6,230.53	74,766.38	35.9454	
			B	3,019.42	6,542.08	78,504.92	37.7428	
			C	3,170.39	6,869.18	82,430.14	39.6299	
			D	3,328.90	7,212.62	86,551.40	41.6113	
			E	3,495.35	7,573.26	90,879.10	43.6919	
5404	Utility Operator	TEAMSTERS	A	3,362.14	7,284.64	87,415.64	42.0268	
			B	3,530.21	7,648.79	91,785.46	44.1276	
			C	3,706.74	8,031.27	96,375.24	46.3343	
			D	3,892.08	8,432.84	101,194.08	48.6510	
			E	4,086.68	8,854.47	106,253.68	51.0835	
3422	Wastewater Operations Superintendent*	TMMBU	A	4,200.33	9,100.72	109,208.58	52.5041	
			B	4,410.34	9,555.74	114,668.84	55.1293	
			C	4,630.85	10,033.51	120,402.10	57.8856	
			D	4,862.40	10,535.20	126,422.40	60.7800	
			E	5,105.51	11,061.94	132,743.26	63.8189	
5405	Wastewater Treatment Plant Operator I	TEAMSTERS	A	2,658.93	5,761.02	69,132.18	33.2366	
			B	2,791.86	6,049.03	72,588.36	34.8983	
			C	2,931.46	6,351.50	76,217.96	36.6433	
			D	3,078.04	6,669.09	80,029.04	38.4755	
			E	3,231.95	7,002.56	84,030.70	40.3994	
5406	Wastewater Treatment Plant Operator II	TEAMSTERS	A	2,798.88	6,064.24	72,770.88	34.9860	
			B	2,938.80	6,367.40	76,408.80	36.7350	
			C	3,085.75	6,685.79	80,229.50	38.5719	
			D	3,240.05	7,020.11	84,241.30	40.5006	
			E	3,402.06	7,371.13	88,453.56	42.5258	
5407	Wastewater Treatment Plant Operator III	TEAMSTERS	A	2,946.19	6,383.41	76,600.94	36.8274	
			B	3,093.47	6,702.52	80,430.22	38.6684	
			C	3,248.16	7,037.68	84,452.16	40.6020	
			D	3,410.58	7,389.59	88,675.08	42.6323	
			E	3,581.11	7,759.07	93,108.86	44.7639	
3421	Water Operations Superintendent*	TMMBU	A	4,124.00	8,935.33	107,224.00	51.5500	
			B	4,330.18	9,382.06	112,584.68	54.1273	
			C	4,546.70	9,851.18	118,214.20	56.8338	
			D	4,774.03	10,343.73	124,124.78	59.6754	
			E	5,012.73	10,860.92	130,330.98	62.6591	

City of Tracy
Master Salary Schedule

Class Code	Position Title	Unit		Semi-Mon Salary	Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
9351	Water Patrol Aide	LS	A					16.5200
			B					17.3500
			C					18.2100
			D					19.1200
			E					20.0800
3415	Water Resources and Compliance Manager*	TMMBU	A		3,901.95	8,454.23	101,450.70	48.7744
			B		4,097.03	8,876.90	106,522.78	51.2129
			C		4,301.90	9,320.78	111,849.40	53.7738
			D		4,516.98	9,786.79	117,441.48	56.4623
			E		4,742.83	10,276.13	123,313.58	59.2854
5401	Water Treatment Plant Operator I	TEAMSTERS	A		2,832.88	6,137.91	73,654.88	35.4110
			B		2,974.53	6,444.82	77,337.78	37.1816
			C		3,123.26	6,767.06	81,204.76	39.0408
			D		3,279.42	7,105.41	85,264.92	40.9928
			E		3,443.38	7,460.66	89,527.88	43.0423
5402	Water Treatment Plant Operator II	TEAMSTERS	A		2,981.98	6,460.96	77,531.48	37.2748
			B		3,131.09	6,784.03	81,408.34	39.1386
			C		3,287.65	7,123.24	85,478.90	41.0956
			D		3,452.02	7,479.38	89,752.52	43.1503
			E		3,624.62	7,853.34	94,240.12	45.3078
5403	Water Treatment Plant Operator III	TEAMSTERS	A		3,138.93	6,801.02	81,612.18	39.2366
			B		3,295.88	7,141.07	85,692.88	41.1985
			C		3,460.68	7,498.14	89,977.68	43.2585
			D		3,633.71	7,873.04	94,476.46	45.4214
			E		3,815.39	8,266.68	99,200.14	47.6924

RESOLUTION 2021 - _____

AUTHORIZE AMENDMENTS TO THE CITY'S CLASSIFICATION AND COMPENSATION PLANS AND MASTER SALARY SCHEDULE RELATING TO THE MULTIMEDIA COMMUNICATIONS COORDINATOR AND MULTIMEDIA COMMUNICATIONS ASSISTANT; AND AUTHORIZE THE BUDGET OFFICER TO AMEND THE CITY'S POSITION CONTROL ROSTER FOR FY 2021-22 TO REFLECT THE DELETION OF ONE MEDIA SERVICES SUPERVISOR AND ONE POLICE RECORDS ASSISTANT II AND TO ADD ONE MULTIMEDIA COMMUNICATIONS COORDINATOR AND ADD ONE SENIOR POLICE RECORDS ASSISTANT

WHEREAS, The City has established Classification and Compensation Plans and Master Salary Schedule detailing all job classifications and salary ranges, and

WHEREAS, The City has completed classification reviews to establish a new class specification and salary range, and

WHEREAS, It is necessary to amend the City's Classification and Compensation Plans, and Master Salary Schedule effective September 26, 2021, as follows:

- Multimedia Communications Coordinator: \$5,428 - \$6,597 per month.
- Multimedia Communications Assistant: \$4,588 - \$5,540 per month.

WHEREAS, The City's Position Control Roster reflects the funded positions approved in the FY 2021-22 budget and may be amended by a resolution of the City Council.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby authorizes the Director of Human Resources to amend the City's Classification, Compensation Plan and Master Salary Schedule to establish one new classification specification and salary range for Multimedia Communications Coordinator, establish one new classification specification and salary range for Multimedia Communications Assistant.

FURTHER, BE IT RESOLVED, That the City Council of the City of Tracy hereby authorizes the Budget Officer to amend the FY 2021-22 Position Control Roster to reflect the deletion of one Media Services Supervisor and one Police Records Assistant II; and add one Multimedia Communications Coordinator and one Senior Police Records Assistant.

* * * * *

The foregoing Resolution 2021-_____ was adopted by the Tracy City Council on the 21ST day of September, 2021 by the following votes:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.G

REQUEST

WAIVE SECOND READING AND ADOPT ORDINANCE 1315, AN ORDINANCE OF THE CITY OF TRACY AMENDING ARTICLE 1 “CARD ROOMS” OF CHAPTER 4.04 OF THE TRACY MUNICIPAL CODE TO INCREASE THE NUMBER OF CARD ROOM TABLES ALLOWED AND PLAYER CAPACITY PER TABLE AND CHANGE OTHER OPERATIONAL REQUIREMENTS

EXECUTIVE SUMMARY

Ordinance 1315 was introduced at the regular Council meeting held on September 7, 2021. Ordinance 1315 is before Council for adoption.

DISCUSSION

Stars Casino is the only card room currently operating within the City of Tracy. The owner of Stars Casino initiated the proposed ordinance in response to the negative financial impact of COVID-19 on their operations.

Since the onset of the COVID-19 pandemic, social distancing requirements and the State’s business closure regulations have substantially impacted Stars Casino’s ability to generate revenue. In September 2020, Stars Casino management reached out to the City to modify the City’s existing card room regulations in order to alleviate the financial hardship Stars Casino has experienced due to the pandemic. The owner requested to update various requirements in the ordinance to be consistent with State law. Stars Casino is also interested in remodeling and expanding their operations, which will be more viable after the ordinance update.

In order to help Stars Casino recover from the pandemic, and to update the current card room ordinance to align with current card room operations and practices, the Stars Casino owner requested the following changes to the current ordinance, and worked with staff to finalize these changes. They include:

- Increase the number of tables from eight to nine within the City and per card room
- Increase the number of players per table from nine to ten
- Remove the table arrangement requirement
- Expand operating hours to 24 hours a day, seven days a week
- Add language for police inspection and surveillance
- Eliminate the sign or advertisement restrictions on the exterior of card rooms.

Business and Professions Code section 19961 allows a local jurisdiction to amend a local card room ordinance without voter approval if the amendment expands gambling by a change that results in an increase of less than 25 percent. Section 19961 defines “expansion of gambling” as an increase in the number of gambling tables within a city, an increase in the number of gambling tables within a gambling establishment, or an

increase in a gambling establishment's hours of operation. Furthermore, Business and Professions Code section 19801, subsection (l) establishes that a local government may regulate the number of tables and hours of operation. Section 19961.05 establishes that a city may amend an ordinance to increase operating hours to 24 hours a day, 7 days a week.

Proposed Ordinance 1315 was introduced at the regular Council meeting held on September 7, 2021, to amend Article 1 "Card Rooms" of Chapter 4.04 of the Tracy Municipal Code to increase the number of card room tables allowed and player capacity per table and change other operational requirements. Proposed Ordinance 1315 is before Council for adoption.

STRATEGIC PLAN

This agenda item does not relate to the Council's Strategic Plans.

FISCAL IMPACT

There is no fiscal impact associated with this proposed ordinance. Business owner will directly reimburse the City of Tracy for the staff costs associated with drafting and processing of the ordinance.

RECOMMENDATION

Staff recommends that Council waive the full reading of the text and adopt Ordinance 1315 amending Article 1 "Card Rooms" of Chapter 4.04 of the Tracy Municipal Code to increase the number of card room tables allowed and player capacity per table and change other operational requirements.

Prepared by: Necy Lopez, Deputy City Clerk

Reviewed by: Adrienne Richardson, City Clerk
Midori Lichtwardt, Assistant City Manager

Approved by: Bob Adams, Interim City Manager

Attachment A: Ordinance 1315

ORDINANCE 1315

AN ORDINANCE OF THE CITY OF TRACY AMENDING ARTICLE 1 "CARD ROOMS" OF CHAPTER 4.04 OF THE TRACY MUNICIPAL CODE TO INCREASE THE NUMBER OF CARD ROOM TABLES ALLOWED AND PLAYER CAPACITY PER TABLE AND CHANGE OTHER OPERATIONAL REQUIREMENTS

WHEREAS, The State of California and the Tracy Municipal Code (TMC) regulate gambling, which includes the operation of card rooms, and

WHEREAS, State law allows local jurisdictions to amend local ordinances that would result in the expansion of gambling, which includes increasing the number of gambling tables, number of players per table, and hours of operation, without voter approval, when the expansion would result in an increase of less than 25%, and

WHEREAS, Amendments to local ordinances relating to the expansion of gambling require review and comment by the Department of Justice's Bureau of Gambling Control before the ordinance is adopted, and

WHEREAS, The Bureau of Gambling Control has reviewed and approved the proposed amendments relating to the expansion of gambling, and

WHEREAS, The City Council recognizes that the amendments to Article 1 "Card Rooms" of Chapter 4.04 of the TMC will provide additional opportunities for revenue for local card room businesses that provide employment opportunities to local residents, and

WHEREAS, The Council further recognizes that these amendments are especially important for local card room businesses who have experienced financial hardship due to the COVID-19 pandemic;

NOW THEREFORE, the City Council of the City of Tracy does ordain as follows:

SECTION 1: Amended Sections. Sections 4.04.040 and 4.04.100 of Chapter 4.04 of Article 1 (Card Rooms) of the Tracy Municipal Code are hereby amended to read as follows:

"4.04.040 - Card room license; City Council consideration.

The Council shall consider the application and deny any application if the applicant or anyone financially interested:

- (a) Has previously been convicted of a felony or a misdemeanor crime involving moral turpitude; or
- (b) Has been convicted of a felony or misdemeanor involving crimes of:
 - (1) Force or violence;
 - (2) Fraud;
 - (3) Embezzlement;

- (4) Theft; or
- (5) Uniform Controlled Substance Act.

A maximum of nine (9) gambling tables are allowed in the City. The Council shall deny the application if the approval would cause the total number of tables in the City to exceed nine (9).

4.04.100 - Card room regulations.

It is unlawful to operate a card room in violation of any of the following regulations and rules:

- (a) No more than one card room may be located at any one address.
- (b) The operator or his/her employees shall not extend credit to a player, nor shall they accept IOU's or other notes.
- (c) Any card games are permitted unless they are prohibited under State law.
- (d) No more than nine (9) tables are permitted in any card room.
- (e) No more than nine (9) tables are permitted in the entire City.
- (f) No more than ten (10) players are permitted at any one card table.
- (g) No person under the age of twenty-one (21) years of age is permitted in any card room.
- (h) Card rooms may operate seven (7) days a week, 24 hours a day.
- (i) Card rooms shall be open to police inspection during all hours of operation, which includes but is not limited to, police inspection of surveillance cameras, live or recorded.
- (j) Only table stakes are permitted. Table limits and house collections shall be posted clearly for each table before the start of each game.
- (k) Each card table shall have assigned to it a person holding a valid card room work permit, whose duty shall be to supervise and operate the game strictly in accordance with the provisions of this article and within the provisions of the Penal Code of the State.
- (l) If more than two (2) tables are in operation in a card room, there shall be assigned to it a person holding a valid card room permit in addition to the person required by subsection (l) of this section, whose duty shall be to supervise the players and games strictly in accordance with the provision of this article. He/she shall not, however, participate in games. The licensee may act as table operator or supervisor without having a work permit.

(m) Signs shall be posted in every card room, in letters plainly visible from all parts of the room, stating that no game shall be played other than those expressly permitted under California Penal Code section 330m. Such signs shall also contain such other information relating to the regulations contained in this article as the Chief may require.

(n) No person who is in a state of intoxication is permitted in any card room.

(o) The licensee is responsible for the safety and security in and around the gambling establishment.”

SECTION 2: Title, chapter, and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of any title, chapter, or section hereof.

SECTION 3: If any provision or the application of this Ordinance is for any reason held to be unconstitutional, invalid, or otherwise unenforceable, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each subsection or provision of this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance enforced.

SECTION 4: This Ordinance shall take effect thirty (30) days after its final passage and adoption.

SECTION 5: This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk’s office at least five days before the ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the ordinance. (Gov’t. Code §36933.)

* * * * *

The foregoing Ordinance 1315 was introduced at a regular meeting of the Tracy City Council on the 7th day of September, 2021, and finally adopted on the _____ day of _____, 2021, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

September 21, 2021

AGENDA ITEM 1.H

REQUEST

WAIVE SECOND READING AND ADOPT ORDINANCE 1316, AN ORDINANCE OF THE CITY OF TRACY AMENDING VARIOUS SECTIONS OF TITLE 1 OF THE TRACY MUNICIPAL CODE REGARDING CODE ENFORCEMENT, ADMINISTRATIVE CITATIONS AND PENALTIES, AND PUBLIC NUISANCE ABATEMENT

EXECUTIVE SUMMARY

Ordinance 1316 was introduced at the regular Council meeting held on September 7, 2021. Ordinance 1316 is before Council for adoption.

DISCUSSION

The proposed ordinance will amend and add sections to Title 1 of the Tracy Municipal Code (TMC) to provide the City of Tracy with additional remedies for violations of the TMC. State law specifically provides for the proposed amendments and additions. The proposed ordinance will update Title 1 to improve the effectiveness of enforcement and provide the City with more opportunities to recoup penalties as allowed by State law.

Currently, Title 1 of the TMC establishes a range of the administrative and criminal penalties for violating the TMC such as monetary penalties; criminal enforcement (infractions or misdemeanors), the denial, forfeiture, or revocation of permits; civil injunctions; and the abatement of public nuisances. The proposed ordinance will expand the remedies available to the City, as permitted by State law, for various code violations law. As described below, the changes will expand the City's opportunity to enforce and penalize TMC violations and will provide more ways for the City to recoup the costs spent on enforcement.

Title 1 allows the City to impose administrative citations and penalties for various TMC violations. Government Code section 53069.4 (a) (1) authorizes a legislative body of a local agency to make any violation of an ordinance enacted by the local agency subject to administrative fine or penalty. The proposed ordinance will add a provision that states that failing to comply with an order issued by any City commission, board, hearing officer, or other body appointed by City Council is a violation of the TMC and subject to the penalties contained therein. The proposed change will provide the City with a remedy in the event an individual fails to comply with an order issued by any City-appointed body.

This provision will assist the City in gaining compliance with continuing public nuisances, and will potentially deter individuals from ongoing non-compliance due to increased financial penalties.

Government Code section 36901 authorizes the City to impose fines, penalties, and forfeitures for violations of ordinances, which shall not exceed one thousand (\$1,000) dollars. The proposed ordinance will allow the City to impose a maximum civil penalty of one thousand dollars (\$1,000) for violations of the TMC, and will authorize the City Attorney to recover the civil penalties authorized as part of any appropriate civil action. This is another tool allowed by State law for the City to impose additional penalties that Title 1 does not currently allow.

Lastly, Title 1 currently contains provisions regarding violations pertaining to building, plumbing, electrical, or other structural or zoning issues. Government Code section 53069.4 (a) (1) (B) specifically allows a local agency to impose immediate administrative fines or penalties for these same violations that exist as a result of, or to facilitate, the illegal cultivation of cannabis. The proposed ordinance will allow the City to implement such fines or penalties. This new section will not apply to the lawful cultivation of cannabis pursuant to Health and Safety Code Section 11362.1. This new section will provide the City with an additional enforcement tool to address illegal cannabis cultivation throughout the City.

Proposed Ordinance 1316 is before Council for adoption.

STRATEGIC PLAN

This agenda item relates to the Council's Strategic Priority in the area of Public Safety.

FISCAL IMPACT

There is no fiscal impact associated with this proposed ordinance.

RECOMMENDATION

Staff recommends that Council waive the full reading of the text and adopt Ordinance 1316 amending various sections of Title 1 of the Tracy Municipal Code regarding Code Enforcement, Administrative Citations and Penalties, and Public Nuisance Abatement.

Prepared by: Necy Lopez, Deputy City Clerk

Reviewed by: Adrienne Richardson, City Clerk
Midori Lichtwardt, Assistant City Manager

Approved by: Bob Adams, Interim City Manager

Attachment A: Ordinance 1316

ORDINANCE 1316

AN ORDINANCE OF THE CITY OF TRACY AMENDING VARIOUS SECTIONS OF TITLE 1 OF THE TRACY MUNICIPAL CODE REGARDING CODE ENFORCEMENT, ADMINISTRATIVE CITATIONS AND PENALTIES, AND PUBLIC NUISANCE ABATEMENT

WHEREAS, Title 1 of the Tracy Municipal Code (TMC) provides for the enforcement of City of Tracy (City) ordinances and remedies available to the City for violations of said ordinances, and

WHEREAS, Chapter 1.16 of the TMC contains provisions establishing methods of enforcement, imposition of penalties, and remedies available to the City to enforce violations of the TMC, and

WHEREAS, Government Code section 53069.4 (a) (1) authorizes the City to adopt an ordinance that imposes administrative fines or penalties for violations of City ordinances, and

WHEREAS, Pursuant to its authority under the Government Code, the City desires to impose administrative citations for failing to comply with any order issued by any City commission, board, hearing officer, or other body appointed by City Council, and

WHEREAS, Government Code sections 38773.5 and 38773.7 authorize the City to adopt an ordinance allowing for the recovery of attorneys' fees in any action, administrative proceeding or special proceeding to abate a nuisance, and to provide that on entry of a second or subsequent civil or criminal judgment within a two-year period for abatement of a public nuisance, to ask a court of law to order a property owner to pay treble the costs of abatement, respectively, and

WHEREAS, Pursuant to its authority under the Government Code, the City desires to allow for the recovery of its attorneys' fees in the initiation of nuisance abatement actions or proceedings and to impose treble damages for repeat entries of judgment within a two-year period for abatement of public nuisances, and

WHEREAS, Section 1.16.060 of the TMC provides that the City may remedy a violation of the TMC by any civil remedy, including by a civil injunction and authorizes the City Attorney to initiate any appropriate action, and

WHEREAS, Government Code section 36901 authorizes the City to impose fines, penalties, and forfeitures for violations of ordinances and that a fine shall not exceed one thousand dollars (\$1,000), and

WHEREAS, Pursuant to its authority under the Government Code, and as part of any civil action filed to enforce provisions of the TMC, the City desires to impose a maximum civil penalty of one thousand dollars (\$1,000) for violations of the TMC, and to authorize the City Attorney to recover the civil penalties authorized as part of any appropriate civil action, and

WHEREAS, Section 1.28.030 of the TMC provides that, if a violation pertains to building, plumbing, electrical, or other structural or zoning issues that do not create an immediate danger to health or to safety, the City shall provide a reasonable period of time for a responsible party

to correct the continuing violation or otherwise remedy the violation before issuing an administrative citation or penalty under Chapter 1.28, and

WHEREAS, Government Code section 53069.4 (a) (1) (B), allows a local agency to provide for the immediate imposition of administrative fines or penalties for the violation of plumbing, electrical, or other similar structural, health and safety, or zoning requirements, if the violation exists as a result of, or to facilitate, the illegal cultivation of cannabis, and subparagraph (B) of subdivision (a)(1) does not apply to cannabis cultivation that is lawfully undertaken pursuant to Section 11362.1 of the Health and Safety Code, and

WHEREAS, Pursuant to its authority under the Government Code, the City desires to provide for the immediate imposition of an administrative fine for the violation of building, plumbing, electrical or other similar structural, health and safety, or zoning requirements, if the violation exists as a result of, or to facilitate, the illegal cultivation of cannabis;

NOW THEREFORE, the City Council of the City of Tracy, does ordain as follows:

SECTION 1: The City Council hereby amends Title 1 of the Tracy Municipal Code as shown in Exhibit "A" attached hereto.

SECTION 2: Except as herein added or changed, the remaining sections of the Tracy Municipal Code not set forth above, shall remain in full force.

SECTION 3: Title, chapter, and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of any title, chapter, or section hereof.

SECTION 4: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5: This Ordinance shall take effect thirty (30) days after its final passage and adoption.

SECTION 6: This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk's office at least five days before the Ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the Ordinance. (Govt. Code § 36933).

* * * * *

The foregoing Ordinance 1316 was introduced at a regular meeting of the Tracy City Council on the 7th day of September, 2021, and finally adopted on the _____ day of _____, 2021, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

Chapter 1.04 - PENALTY PROVISIONS

1.04.010 - Enforcement of Code violation.

It is unlawful for a person to violate a provision, or to fail to comply with a requirement, of this Code. The City may enforce any such violation of the provisions of this Code by any one or more of the following methods, at the City's discretion.

- (a) Criminal penalties pursuant to this chapter.
- (b) Denial, forfeiture, or revocation of any permit granted by the City.
- (c) Administrative citation and penalties, to the extent authorized by this Code.
- (d) Any other remedy available to the City, including civil injunction or abatement of public nuisance, recovery of attorneys' fees, and recovery of treble damages.

(Ord. 996 § 1 (part), 1999)

1.04.020 - Each day a separate offense.

Each day during any portion of which a violation is committed, continued, or permitted is a new and separated offense. This section applies whether a provision of this Code is prosecuted by criminal, administrative, civil, or other procedures.

(Ord. 996 § 1 (part), 1999)

1.04.030 - Criminal penalties—Infraction and misdemeanor.

- (a) Infraction. A person who violates a provision of this Code, or who fails to comply with a requirement of this Code, is guilty of an infraction, unless the violation is specifically identified in this Code as a misdemeanor. An infraction is punishable by:
 - (1) A fine not exceeding one hundred and no/100ths (\$100.00) dollars for a first violation.
 - (2) A fine not exceeding two hundred and no/100ths (\$200.00) dollars for a second violation of the same Code provision within a twelve month period.
 - (3) A fine not exceeding five hundred and no/100ths (\$500.00) dollars for each additional violation of the same Code provision within a twelve (12) month period.
 - (4) An offense, which would otherwise be an infraction, is a misdemeanor if a person has been convicted of two or more violations of the same Code provision within a twelve (12) month period. For the purpose of this subsection, a bail forfeiture is considered a conviction of the offense charged.
 - (5) An infraction is not punishable by imprisonment. A person charged with an infraction is not entitled to a jury trial or to a public defense unless arrested and not released.
- (b) Misdemeanor. A person who violates a provision of this Code, or who fails to comply with a requirement of this Code, is guilty of a misdemeanor if the violation is specifically identified in this Code as a misdemeanor. A misdemeanor is punishable by a fine not exceeding One Thousand and no/100ths (\$1,000) dollars, or imprisonment not exceeding six months, or both.

(Ord. 996 § 1 (part), 1999)

1.04.040 - Violation of permit.

A person who is issued or granted a permit (including a land use entitlement or variance) by the City shall comply with each and every provision and condition of the permit. A person who violates or fails to comply with any provision or condition of the permit is in violation of this section, and is subject to punishment in accordance with this chapter 1.04. In addition, the City may enforce the permit by any other lawful means, including instituting proceedings for revocation of the permit.

(Ord. 1040 § 5 Exh. E (part), 2002 : Ord. 996 § 1 (part), 1999)

1.04.050 - Public nuisance.

Any condition which is in violation of this Code is a public nuisance.

(Ord. 996 § 1 (part), 1999)

1.04.060 - Failure to comply with order

A person shall comply with any order issued by any City commission, board, hearing officer, or other body appointed by City Council and authorized to issue orders. Any person who fails to comply with such orders is subject to any penalties permitted under this chapter.

Chapter 1.08 - RULES OF CONSTRUCTION

1.08.010 - Construction—Provisions governing.

Unless the provisions of the context otherwise specify, these general provisions, rules of construction and definitions shall govern the construction of this Code. The provisions of this Code and all proceedings under it are to be construed with a view to effect its objects and to promote justice.

(Prior Code § 1-3.01)

1.08.020 - Provisions construed as restatements and continuations.

The provisions of this Code insofar as they are substantially the same as existing ordinances relating to the same subject matter shall be construed as restatements and continuations, and not as new enactments.

(Prior Code § 1-3.02)

1.08.030 - Tenure of officers preserved.

All persons who, at the time this Code takes effect, hold office under any of the ordinances repealed by this Code, which offices are continued by this Code, shall continue to hold them according to their former tenure.

(Prior Code § 1-3.03)

1.08.040 - Headings—Effect of.

Title, chapter, article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter, article or section hereof.

(Prior Code § 1-3.04)

1.08.050 - Meaning of section and subsection.

"Section" means a section of this Code, unless some other source is specifically mentioned. "Subsection" means a subsection of the section in which the term occurs unless some other section is expressly mentioned.

(Prior Code § 1-3.05)

1.08.060 - Reference to acts or omissions within this City.

This Code shall refer only to the omission or commission of acts within the territorial limits of the City and to that territory outside of the City over which the City has jurisdiction or control by virtue of the Constitution, or any law, or by reason of ownership or control of property.

(Prior Code § 1-3.06)

1.08.070 - Acts by deputy.

Whenever a power is granted to, or a duty is imposed upon a public officer, or employee, the power may be exercised, or the duty may be performed by a deputy of such officer or employee or by a person otherwise duly authorized pursuant to law or ordinance unless this Code expressly provides otherwise.

(Prior Code § 1-3.07)

1.08.075 - City departments.

From time to time, the City revises the titles of department heads and managers, and the duties of departments, to improve the efficiency and operation of the City. In this Code, when a department director, manager or other employee is referred to by title, it means that department director, manager, or employee currently designated by the City Manager to perform the function, regardless of title.

(Ord. No. 1177, § 1, 1-15-2013)

1.08.080 - Writing includes what.

Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, Statement or record is required or authorized by this Code, it shall be made in writing in the English language unless it is expressly provided otherwise.

(Prior Code § 1-3.08)

1.08.090 - Reference applies to amendments.

Whenever a reference is made to any portion of this Code, or to any ordinances of this City, the reference applies to all amendments and additions now or hereafter made.

(Prior Code § 1-3.09)

1.08.100 - Notices, service of.

Whenever a notice is required to be given under this Code, unless different provisions herein are otherwise specifically made in said Code, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States mail, in a sealed envelope postage prepaid, addressed to such person to be notified, at his last known business or residence address as the same appears in the public records of the City or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.

(Prior Code § 1-3.10)

1.08.110 - Proof of notice.

Proof of giving any notice may be made by the certificate of any officer or employee of the City, or by affidavit of any person over the age of eighteen (18) years, which shows service in conformity with this Code, or other provisions of law applicable to the subject matter concerned.

(Prior Code § 1-3.11)

1.08.120 - Statute of limitations.

When a limitation or period of time prescribed in any existing ordinance or statute for acquiring a right or barring a remedy, or for any other purpose, has begun to run before this Code goes into effect, the time which has already run shall be deemed a part of the time prescribed as such limitation.

(Prior Code § 1-3.12)

1.08.130 - Significance of certain words.

The following words shall be interpreted as follows, unless otherwise apparent from the context:

- (a) "Property" includes both real and personal property.
- (b) "Real property" includes lands, tenements and hereditaments.
- (c) "Personal property" includes money, goods, chattels, things in action and evidences of debt.
- (d) "Month" means a calendar month, unless otherwise expressed.
- (e) "Quarterly," when used to designate a period of time, means the first three (3) calendar months of any given year or any succeeding period of three (3) calendar months.
- (f) "Calendar year" means from January 1 through December 31 of any given year.
- (g) "Fiscal year" means from July 1 of any given year through June 30 of the following year.
- (h) "Tenses." The present tense includes the past and future tenses, and the future, the present.
- (i) "Gender." The masculine gender includes the feminine and the neuter.
- (j) "Number." The singular number includes the plural and the plural, the singular.
- (k) "Shall" is mandatory.
- (l) "May" is permissive.

- (m) "Oath" includes affirmation.
- (n) "Person" includes any person, firm, company, corporation, partnership, limited liability company, cooperative, joint venture, association, any public corporation, political subdivision, city (excepting, however, the City of Tracy), county district, the State of California, or the United States of America, or any department or agency thereof, unless this Code expressly provides otherwise. In the case of a property or business, the term "person" includes an owner, a manager, or both.
- (o) "State" is the State of California.
- (p) "County" is the County of San Joaquin.
- (q) "City" is the City of Tracy.
- (r) "Office." The use of the title of any officer, employee, office or ordinance shall mean such officer, employee, office or ordinance of this City, unless otherwise specified.
- (s) "Council" is the City Council of this City.
- (t) "Street" includes all streets, highways, avenues, boulevards, alleys, courts, places, squares, or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this State.
- (u) "Owner" applied to a building or land, shall include any part owner, joint owner, tenant, tenant in common, joint tenant, of the whole or a part of such building or land.
- (v) "Tenant" or "Occupant" applied to a building or land shall include any person who occupies the whole or part of such building or land, whether alone or with others.
- (w) "Days" means working days (including only days of the City administrative offices are open to the public) unless stated otherwise.

(Ord. 1111 § 1, 2007; prior code § 1-3.13)

(Ord. No. 1177, § 2, 1-15-2013)

1.08.140 - Federal, State or local law.

No provision of this Code is intended to nor shall be interpreted or applied to allow or authorize a use, structure, activity, or conduct that violates federal, State or local law.

(Ord. No. 1170, § 1, 6-19-2012)

Chapter 1.12 - APPEALS

1.12.010 - Right to appeal to City Manager.

- (a) Informal discussion with department head. A person aggrieved by an administrative action by an officer or employee under this Code should first attempt to discuss the matter with the department head of the department taking the action.
- (b) Appeal to City Manager. A person aggrieved by an administrative action who is unable to resolve the matter with the department head under subsection (a) above may appeal the action to the City Manager, unless the procedure for appeal is otherwise specifically provided in this Code or State law. (See chapter 10.08 for most land use appeals.) The City Manager may, in his or her discretion, refer the matter directly to the City Council to hear the appeal.
- (c) Waiver of rights. Without a timely appeal, a person or appellant waives his or her rights to challenge the decision by administrative process, judicial process or any other legal proceeding.

- (d) Procedures.
- (1) The person appealing shall file a written notice of appeal with the City Manager within ten (10) working days of the action appealed from. As used in this section, the term "City Manager" means the manager or his or her designee. The appeal shall be filed on a form provided by the City Manager's office. The ten (10) working days for filing the appeal is measured from the date written notice of the decision is sent (or personally delivered) to the person. If there is no written notice of decision, the time for appeal is twenty (20) working days from the date of the decision.
 - (2) The appeal must be accompanied by the appeal fee in the amount established by City Council resolution.
 - (3) Upon receiving the notice of appeal, the City Manager shall set the matter for hearing and shall give the person appealing written notice of the time and place of hearing at least ten (10) working days before the hearing. The hearing shall be held within thirty (30) working days of the date the notice of appeal is filed. The parties may extend this time by agreement. The hearing is not limited by technical rules of evidence. The City Manager may affirm, modify or reverse the decision appealed. The City Manager shall render a written decision within ten (10) working days after the close of the hearing.
 - (4) The decision of the City Manager is final ten (10) working days after the written notice of the decision is given to the appellant, unless an appeal to the City Council is authorized under section 1.12.020 below.
- (e) First Amendment. If the appeal involves expressive conduct protected by the First Amendment under the State or Federal Constitution, the appeal process shall be expedited as much as reasonably possible. The appellant must state the expressive conduct protected in the written appeal.
- (f) Not a claim. The filing of an appeal under this or any section of this Code does not constitute the filing of a claim under chapter 1.24.

(Ord. 1111 § 4 Exh. A (part), 2007: prior code § 1-4.01)

1.12.020 - Appeal to City Council.

- (a) When applicable. A matter is appealable to the City Council only under the following circumstances:
- (1) If specifically authorized under this Code;
 - (2) If the City Manager refers an appeal to the Council under section 1.12.010(b); or
 - (3) If otherwise required by law.
- (b) Procedures.
- (1) If a matter is appealable to the City Council, the appellant may appeal the City Manager's decision by filing a written notice of appeal with the City Clerk within ten (10) working days of the City Manager's written determination. The appeal shall be filed on a form provided by the City Manager's office. The ten (10) working days for filing the appeal is measured from the date written notice of the decision is sent (or personally delivered) to the person. If there is no written notice of decision, the time for appeal is twenty (20) working days from the date of the decision.
 - (2) The appeal must be accompanied by the appeal fee in the amount established by City Council resolution.
 - (3) Upon receiving the notice of appeal, the City Clerk shall set the matter for hearing and shall give the person appealing written notice of the time and place of hearing at least ten (10) working days before the hearing. The hearing shall be held within thirty (30) working days of the date the notice of appeal is filed. The parties may extend this time by agreement. The hearing is not limited by technical rules of evidence. The Council may continue the hearing from time to time. The City Council may affirm, modify or reverse the decision appealed.

- (4) The City Council shall adopt a resolution reflecting its decision by the time of the next regular City Council meeting after the close of the hearing.
- (5) The decision of the City Council is final.
- (c) First Amendment. If the appeal involves expressive conduct protected by the First Amendment under the State or Federal Constitution, the appeal process shall be expedited as much as reasonably possible. The appellant must state the expressive conduct protected in the written appeal.

(Ord. 1111 § 4 Exh. A (part), 2007: prior code § 1-4.02)

1.12.030 - Hearing Officer.

When an impartial Hearing Officer is required by law (including under this Code), the City Manager shall designate the Hearing Officer. The designated Hearing Officer shall be an impartial person, such as (1) a city employee from a department which has no involvement in the matter, or (2) someone selected randomly from a panel of law students and/or local attorneys willing to volunteer as a Hearing Officer, or (3) someone hired from an organization which provides Hearing Officers, in which case the cost may be shared equally by the City and the person requesting the hearing.

(Ord. 1111 § 4 Exh. A (part), 2007: prior code § 1-4.03)

Chapter 1.16 - CODE ENFORCEMENT

1.16.010 - Code enforcement—General.

It is unlawful for a person to violate a provision, or to fail to comply with a requirement, of this Code. The City may enforce the provisions of this Code by any one or more of the following methods, at the City's discretion:

- (a) Criminal penalties, under chapter 1.04;
- (b) Civil injunction and civil penalties, under section 1.16.060;
- (c) Regarding land use and development, by the granting or denial of permits, the forfeiture and revocation of permits, or the recording of a notice of violation (See Title 10, Planning and Zoning, and Title 12, Subdivisions);
- (d) Administrative citations and penalties, under chapter 1.28;
- (e) Public nuisance abatement, under chapter 1.32;
- (f) Building abatement, under any of the uniform building Codes adopted by the City in Title 9, Building Regulations;
- (g) Recovery of attorneys' fees, under section 1.16.090;
- (h) Recovery of treble damages, under section 1.16.100;
- (i) Any other lawful authority.

For the purpose of enforcing this Code: (1) Any partner may be named or cited in enforcement against a partnership; (2) Any managing member may be named or cited in enforcement against a limited liability company; and (3) Any corporate officer may be named or cited in enforcement against a corporation.

(Ord. 1040 § 1 Exh. A (part), 2002)

(Ord. No. 1177, § 3, 1-15-2013)

1.16.020 - Criminal penalties—Infractions and misdemeanors.

A person who violates a provision of this Code is guilty of criminal violation (an infraction or a misdemeanor) as set forth in chapter 1.04.

(Ord. 1040 § 1 Exh. A (part), 2002)

1.16.030 - Prosecutorial discretion.

A violation may be prosecuted by the City Attorney or the District Attorney. In any case where a violation is made a misdemeanor, the prosecuting attorney has the discretion to charge the violation as an infraction.

(Ord. 1040 § 1 Exh. A (part), 2002)

1.16.040 - Imposition of penalty.

When the Code declares a certain crime to be punishable as an infraction or a misdemeanor, the punishment to be imposed in a particular case must be determined by the court authorized to pass sentence, within the limits prescribed for an infraction or a misdemeanor, as the case may be. At the court's request, the City shall provide to the court a recommended bail schedule to apply to those people who elect a bail forfeiture. The recommended bail for a violation may be approved by the City Council or City Attorney, or both.

(Ord. 1040 § 1 Exh. A (part), 2002)

1.16.050 - Citation procedure.

- (a) If a person is arrested for any violation of this Code and is not immediately taken before a magistrate, the citation procedures in Penal Code section 853.6 shall apply.
- (b) It shall be unlawful, and a misdemeanor, for a person who is criminally cited for an infraction or a misdemeanor under this Code to refuse to sign a written promise to appear.

(Ord. 1040 § 1 Exh. A (part), 2002)

1.16.060 - Civil remedies—Injunctions and Civil Penalties.

- (a) A violation of this Code may be enforced by any civil remedy, including by a civil injunction. The City Attorney is authorized to initiate any appropriate civil action.
- (b) As part of a civil action filed to enforce provisions of this Code, a court may assess a maximum civil penalty of one thousand dollars (\$1,000) per violation of this Code for each day during which any person commits, continues, permits, or maintains a violation of any provision of this Code.
- (c) The City Attorney is authorized to initiate any appropriate civil action and recover the civil penalties authorized by this section.

(Ord. 1040 § 1 Exh. A (part), 2002)

1.16.070 - Administrative citations and penalties.

A person who violates a provision of this Code or who fails to comply with a mandatory requirement of this Code is subject to an administrative citation and penalty. The administrative citation procedures and penalties are set forth in chapter 1.28.

(Ord. 1040 § 1 Exh. A (part), 2002)

1.16.080 - Public nuisance abatement.

Any condition caused or permitted to exist in violation of a provision of this Code is a public nuisance. The condition may be abated in accordance with the procedures set forth in chapter 1.32 or other specific abatement procedures in this Code, or in accordance with the procedures set forth in the uniform Codes adopted under Title 9 (Building Regulations) if the condition constitutes a violation of one of those Codes.

1.16.090 - Recovery of attorneys' fees for nuisance abatement actions or proceedings.

In any action, administrative proceeding, or special proceeding initiated by the City to abate a nuisance, the prevailing party may recover attorneys' fees. Recovery of attorneys' fees by the prevailing party is limited to those individual actions or proceedings in which the City elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees. The award of attorneys' fees to the prevailing party shall in no circumstances exceed the amount of reasonable attorneys' fees incurred by the City in the action or proceeding.

1.16.100 - Recovery of treble damages upon second or subsequent judgment finding property owner responsible for nuisance conditions.

Upon entry of a second or subsequent civil or criminal judgment within a two (2) year period finding that a property owner is responsible for a condition which may be abated as a nuisance, the court may order the property owner to pay treble (three (3) times) the cost of abatement. This section shall not apply to conditions abated pursuant to Section 17980 of the California Health and Safety Code.

(Ord. 1040 § 1 Exh. A (part), 2002)

Chapter 1.20 - JUDICIAL REVIEW TIME LIMITS

1.20.010 - Time limits for judicial review.

- (a) Ninety (90) days: Code of Civil Procedure section 1094.5. Judicial review of any decision of the City, or of any commission, board, officer or agent of the City, may be had under California Code of Civil Procedure section 1094.5 only if the petition for writ of mandate is filed within ninety (90) days following the date on which the decision becomes final. However, if the person challenging the decision files a request for a copy of the record of proceedings with the City Clerk within ten (10) days after the date on which the decision becomes final, then the time within which the writ of mandate may be filed is extended to the 30th day after the record is either delivered or mailed to the person or his attorney, if he has one. The procedures set forth in Code of Civil Procedure sections 1094.5 and 1094.6 apply.

A "decision," as used here, means a decision subject to review under section 1094.5, suspending, demoting or dismissing an officer or employee; revoking or denying an application for a permit, license or other entitlement; imposing a civil or administrative penalty, fine, charge or cost; or denying an application for any retirement benefit or allowance.

In making any final decision subject to review under Code of Civil Procedure section 1094.5, the City shall provide notice to the party that the time within which judicial review must be sought is governed by this section. The City may do so by including a copy of this section with the written notice of the final decision.

- (b) Twenty-one (21) days: First Amendment issues. A final decision by the City to issue, revoke, suspend or deny a permit or other entitlement for expressive conduct protected by the First Amendment to the United States Constitution is governed by California Code of Civil Procedure section 1094.8. Such a decision is entitled to priority and subject to expedited hearing and review procedures. An action to challenge the city's decision must be filed and served within twenty-one (21) calendar days from the date of the decision.
- (c) Thirty (30) days: most other decisions. Except as otherwise provided below, any legally permitted court action or proceeding to attack, review, set aside, void, annul or seek damages or compensation for any City decision or action must be commenced, and service of summons effected, within thirty (30) days from the date of the decision. Thereafter, all persons are barred from commencing or prosecuting any such action or proceeding, or asserting any defense of invalidity or unreasonableness of such decision or action. In this subsection, "decision" includes administrative, adjudicatory, legislative, discretionary, and executive decision, or other action taken or authorized by this Code. This subsection shall not expand the scope of judicial review and shall prevail over any conflicting provision and any other applicable law relating to the subject.

This subsection does not apply to decisions governed by: subsection a or b above; Government Code sections 65860 (zoning consistency with general plan) and 66499.37 (subdivisions); Public Resources Code section 21167 (environmental quality); or any other statute where a different time period is mandated.

(Ord. 1009 § 1, 1999: prior Code § 1-6.01)

1.20.020 - Additional time limits for commencement of court proceeding.

(Repealed by Ord. 1009 § 2, 1999: prior Code § 1-6.02)

Chapter 1.24 - CLAIMS PROCEDURES

1.24.010 - Purpose.

Pursuant to the authority contained in California Government Code section 935, claims procedures are established for those claims against the City for money or damages not now governed by State or local laws.

(Prior Code § 1-7.01)

1.24.015 - Form of claim.

All claims shall be made in writing and verified by the claimant or by his or her guardian, conservator, executor or administrator. No claim may be filed on behalf of a class of persons unless every member of that class has filed a claim as required by this section. In addition, all claims shall contain the information required by California Government Code section 910.

(Ord. 1029 § 1, 2001)

1.24.020 - Process.

Notwithstanding the exemption set forth in California Government Code section 905, all claims against the City for damages or money, when a procedure for processing such claims is not otherwise provided by state or local laws, shall be presented within the time limitations and in the manner prescribed by California Government Code sections 945 through 949. Any action brought against any

employee of the City shall conform to the requirements of sections 950 through 951 of the California Government Code.

(Ord. 1111 § 2, 2007: Ord. 1029, § 2, 2001: prior code § 1-7.02)

1.24.030 - Delegation of authority.

Pursuant to Government Code sections 910.8 et seq. the City Council, by resolution, shall establish the authority to allow, compromise, reject or settle claims.

(Ord. 1028 § 1, 2001)

Chapter 1.28 - ADMINISTRATIVE CITATIONS AND PENALTIES

1.28.010 - Applicability.

This chapter provides for administrative citations, which are in addition to all other legal remedies, criminal or civil, which the City may pursue to address a violation of this Code. Use of this chapter is at the sole discretion of the City. This chapter is authorized under Government Code sections 53069.4 and 36901.

The procedures in this chapter shall not be used to enforce a continuing violation regarding building, plumbing, electrical, or other similar structural or zoning issues, without first allowing the person in violation a reasonable time to correct the violation, consistent with the procedures set forth in section 1.28.030.

(Ord. 1040 § 2 Exh. B (part), 2002)

1.28.020 - Definitions.

In this chapter:

"Enforcement officer" means any City employee or agent of the City with the authority to enforce a provision of this Code.

"Hearing officer" means a person designated by the City Manager to conduct an administrative hearing. The designated hearing officer shall be an impartial person, such as (1) a City employee from a department which has no involvement in Code enforcement, or (2) someone selected randomly from a panel of law students and/or local attorneys willing to volunteer as a hearing officer, or (3) someone hired from an organization which provides hearing officers, in which case the cost will be shared equally by the City and the person cited.

(Ord. 1040 § 2 Exh. B (part), 2002)

1.28.030 - Continuing violations of building and zoning issues.

- (a) If a violation pertains to building, plumbing, electrical, or other structural or zoning issues that do not create an immediate danger to health or safety, the City shall provide a reasonable period of time for a person responsible for a continuing violation to correct or otherwise remedy the violation before the imposition of an administrative citation or penalty under this chapter.

Before issuing an administrative citation, the enforcement officer shall give notice to the person responsible, in accordance with section 1.28.150. The notice shall be delivered personally or by certified mail. The notice shall State: the date and location of the violation; the section(s) of the Code

violated; a description of the violation(s); the actions required to correct the violation(s); the time period allowed for correcting the violation(s); a Statement that an administrative citation may be issued each day after the time for correction has passed, if correction is not completed; the amount of the fine if an administrative citation is issued; and either a copy of this chapter or an explanation of the consequences of noncompliance and a description of the hearing procedure and appeal process.

The enforcement officer shall allow at least fifteen (15) days from the date the first notice is sent for compliance with the notice. If the nature of the condition is such that compliance is very complicated or expensive, and the condition is not an immediate threat to health or safety, the enforcement officer may extend the compliance period to thirty (30), sixty (60) or ninety (90) days, depending upon the circumstances.

If the enforcement officer determines that all violations have been corrected within the time specified in the notice, no further action shall be taken.

- (b) If a violation pertains to building, plumbing, electrical or other structural or zoning issues, and the violation exists as a result of, or to facilitate, the illegal cultivation of cannabis, the enforcement officer may issue an administrative citation or penalty as provided for in this chapter.

Prior to issuing an administrative citation under this subsection, the enforcement officer shall give notice to the person responsible, including the property owner of record, in accordance with section 1.28.150, if all of the following are true:

- (1) A tenant is in possession of the property that is subject to the administrative citation or penalty under this subsection;
- (2) The rental property owner or agent can provide evidence that the rental or lease agreement prohibits the cultivation of cannabis;
- (3) The rental property owner or agent did not know the tenant was illegally cultivating cannabis and no complaint, property inspection, or other information caused the rental property owner or agent to have actual notice of the illegal cannabis cultivation.

The notice required under this subsection shall state the information and allow for compliance with the notice in the manner provided in subsection (a) of this section.

This subsection (b) shall not apply to cannabis cultivation that is lawfully undertaken pursuant to Section 11362.1 of the Health and Safety Code.

(Ord. 1040 § 2 Exh. B (part), 2002)

AGENDA ITEM 3.A

REQUEST

PUBLIC HEARING TO CONSIDER ESTABLISHING AN UNDERGROUND UTILITY DISTRICT FOR PORTIONS OF VALPICO ROAD, AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO EXECUTE NECESSARY PG&E DOCUMENTS FOR COMPLETION OF UNDERGROUNDING

EXECUTIVE SUMMARY

Existing overhead utility lines located on the north side of Valpico Road east of Corral Hollow Road need to be underground to enable full width widening of Valpico Road. PG&E Rule 20A funds are available for this purpose, and an Underground Utility District ("District") needs to be formed by the City in order for PG&E to complete the undergrounding.

This item requests that the City Council conduct a public hearing, make certain findings, and adopt a resolution designating an underground utility district for certain portions of Valpico Road in accordance with Chapter 11.08 of the Tracy Municipal Code. Staff recommends that Council authorize the City Manager or designee to execute agreements, forms, and other documents with PG&E that are required to initiate and complete the work.

DISCUSSION

The Tentative Subdivision Map for Tracy Village Project ("Project"), located southeast of Valpico Road and Corral Hollow Road, was approved by the City Council on May 15, 2018 via Resolution No. 2018-087. The Conditions of Approval for Tracy Village require completion of road widening improvements on Valpico Road for the full frontage of the Project. Utility poles are currently located along the northern frontage. The full widening of the road, and the limited space available to complete the widening, trigger the need to replace the existing overhead utilities with an underground system. Future development of existing residential properties on the northside of Valpico Road (where the poles and overhead wires are located) is not anticipated; hence, no other funding source to complete the undergrounding exists. These factors make this project a good candidate for an underground district using PG&E Rule 20A funding. Attachment A depicts the location and boundaries of the proposed District.

The process of "undergrounding" results in relocating all existing overhead utilities, currently on poles, into an underground trench. The individual service connections to each property will then be run through conduits in streets, adjacent rights-of-way and easements. Once these new connections are established and functional, the existing utility poles will be removed.

City staff has consulted with PG&E and determined that the City has accumulated Rule 20A work credits. PG&E has agreed that the City may borrow against future credits sufficient to complete the proposed overhead conversion project.

On February 10, 2021, a neighborhood meeting with property owners was conducted by the City Engineer. Written invitation with instructions on how to join the meeting were mailed to owners of record. Feedback from all property owners was duly addressed. No objections for the proposed Underground Utility District were noted.

Analysis

Tracy Municipal Code Chapter 11.08 requires the City Council to hold a public hearing and adopt a resolution for the creation of an Underground Utility District. If, after such public hearing, the Council finds that the public necessity, health, safety, or welfare requires such removal and underground installation within the designated area, the Council shall, by resolution, declare such designated area an Underground Utility District and order such removal and underground installation.

Under Rule 20A, "PG&E will, at its expense, replace existing overhead electric facilities with underground electric facilities along public streets and roads, and on public lands and private property across which rights-of-ways satisfactory to PG&E have been obtained by PG&E, provided a number of findings and criteria are met". Other overhead utilities will also be replaced with underground facilities.

On February 10, 2021, PG&E conducted a site verification walk of the proposed District area. The site verification walk included representatives from the Tracy Village (Developer), existing utility providers and SNG & Associates (City's Project Manager).

Twenty-one (21) existing property service panels in the proposed Underground Utility District will require a conversion to accept an underground connection. The City has sufficient Rule 20A funding to complete the work anticipated. As of March 31, 2021, the funding available in the PG&E Rule 20A allocation for the City for the work described above is \$3,582,010. The current estimated project cost is \$3,362,812.

Next Steps

The resolution of the City Council will be submitted along with an official request to PG&E to start the Project. This will put Tracy in line for PG&E to complete the engineering drawings and approvals for the Project. The City Council is requested to authorize the City Manager, or designee, to sign specific documents necessary to initiate this Project, which include those identified in Attachments B through E.

FISCAL IMPACT

All the costs for undergrounding of utilities will be funded with the City's Rule 20A credits from PG&E. There are sufficient Rule 20A funds available to complete the underground work.

STRATEGIC PLAN

This agenda item is a routine operational item and does not relate to the Council's Strategic Plans.

RECOMMENDATION

It is recommended that the City Council, by resolution, find that public necessity, health, safety, or welfare requires the removal of overhead wires, and underground installation of wires and facilities along Valpico Road between Corral Hollow Road and Cagney Way, declare Valpico Road between Corral Hollow Road and Cagney Way an Underground Utility District as described and illustrated in Attachment A, and order such removal and underground installation, and authorize the City Manager or their designee to sign the necessary PG&E documents for completion of undergrounding.

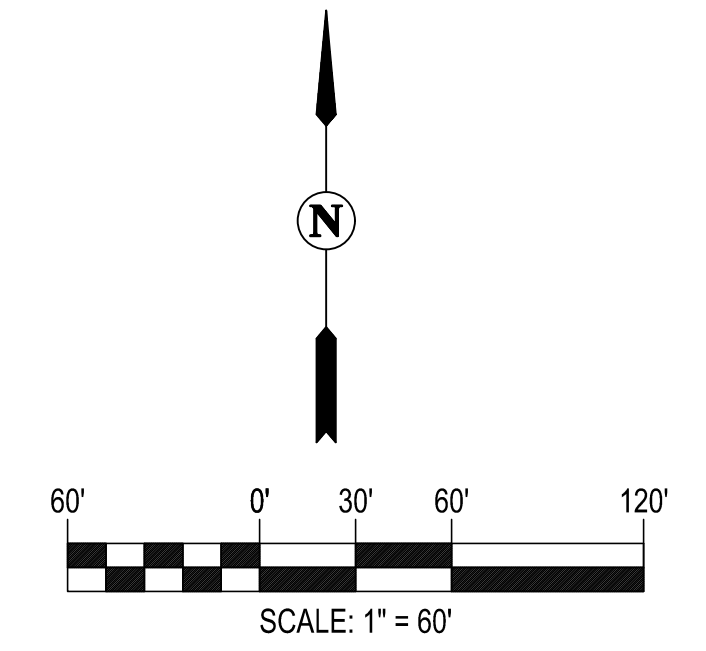
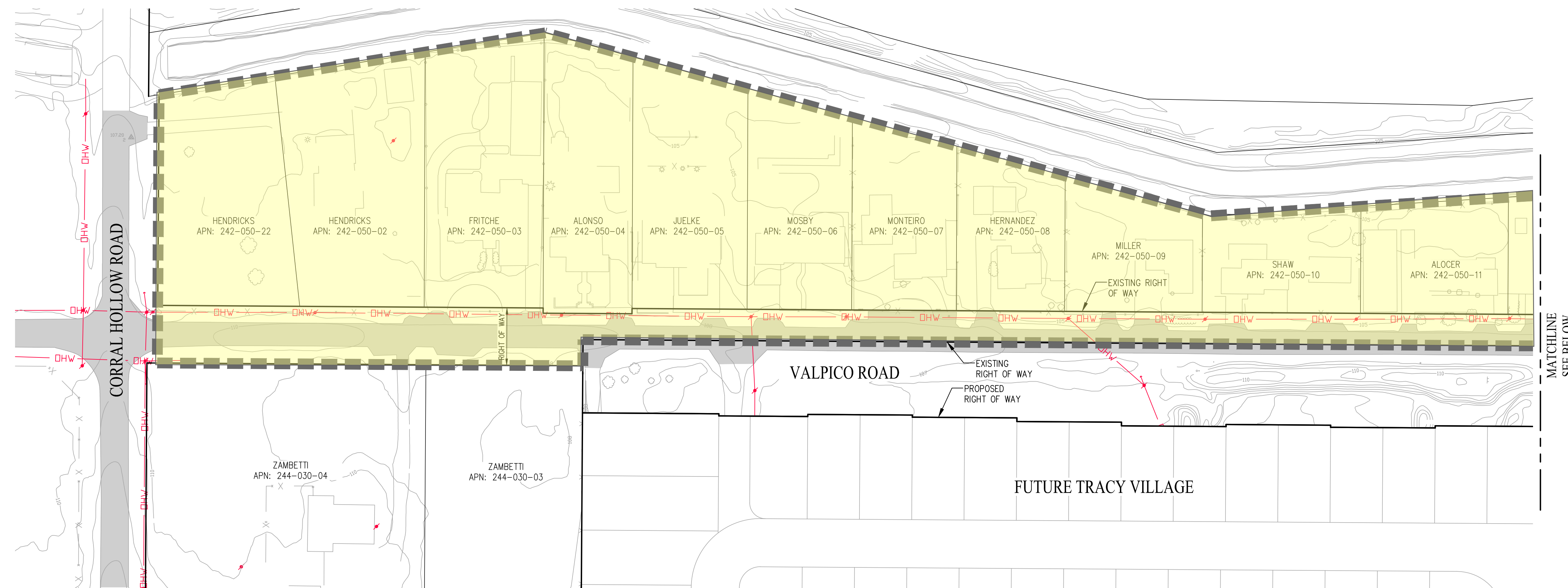
Prepared by: Nanda Gottiparthi, PE, SNG & Associates, Inc.

Reviewed by: Robert Armijo, PE, City Engineer / Assistant Development Services Director
Bill Dean, Interim Development Services Director
Karin Schnaider, Finance Director





Approved by: Bob Adams, Interim City Manager

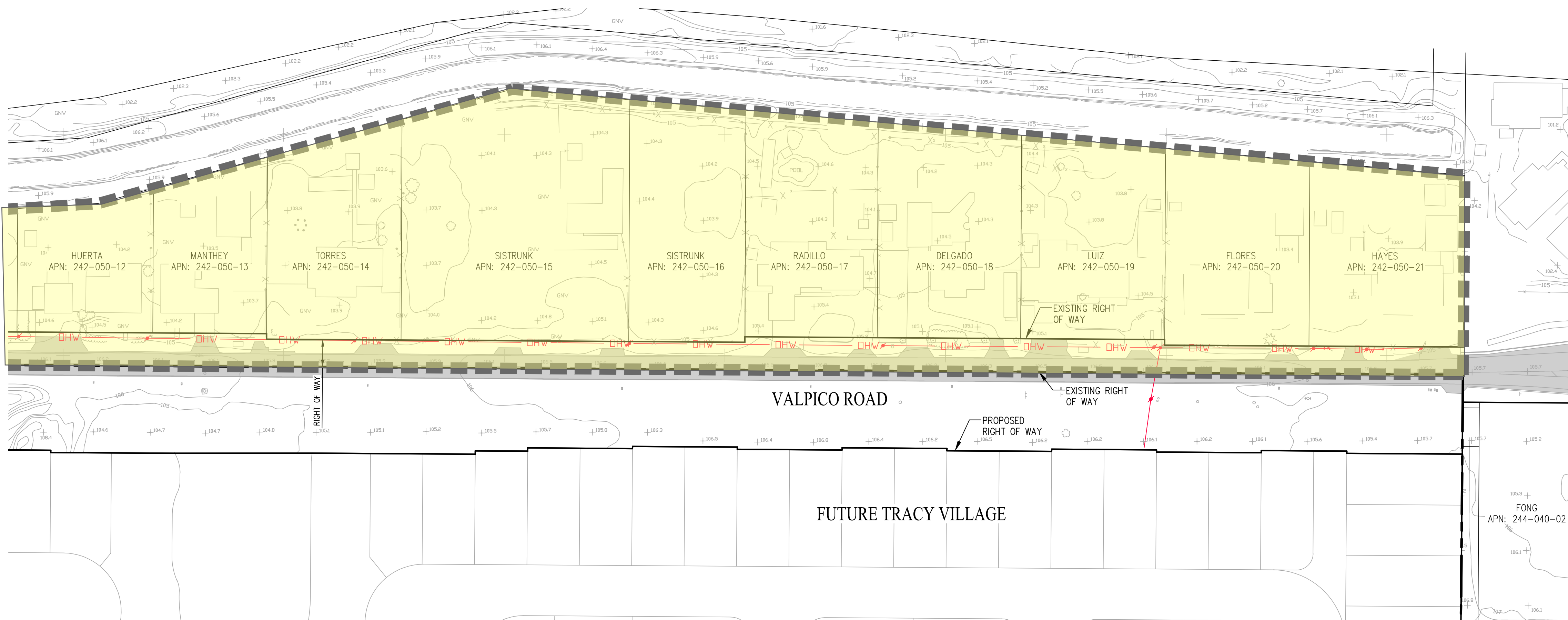
ATTACHMENTS

- A – Valpico Road Underground Utility District
- B – PG&E ADA Considerations
- C – PG&E Electrical Panel Service Conversion
- D – PG&E Street Light Agreement
- E – General Terms and Conditions



LEGEND:

-  EXISTING POWER POLE
-  EXISTING OVERHEAD LINE
-  EXISTING PAVEMENT
-  UNDERGROUND UTILITY DISTRICT BOUNDARY



UNDERGROUND UTILITY DISTRICT PROPERTY AND BOUNDARY		
APN	OWNER	ADDRESS
242-050-22	HENDRICKS	11955 VALPICO ROAD
242-050-02	HENDRICKS	11925 VALPICO ROAD
242-050-03	FRITCHE	11899 VALPICO ROAD
242-050-04	ALONSO	11851 VALPICO ROAD
242-050-05	JUELKE	11819 VALPICO ROAD
242-050-06	MOSBY	11821 VALPICO ROAD
242-050-07	MONTEIRO	11803 VALPICO ROAD
242-050-08	HERNANDEZ	11797 VALPICO ROAD
242-050-09	MILLER	11683 VALPICO ROAD
242-050-10	SHAW	11661 VALPICO ROAD
242-050-11	ALOCER	11625 VALPICO ROAD
242-050-12	HUERTA	11585 VALPICO ROAD
242-050-13	MANTHEY	11545 VALPICO ROAD
242-050-14	TORRES	11505 VALPICO ROAD
242-050-15	SISTRUNK	11461 VALPICO ROAD
242-050-16	SISTRUNK	11453 VALPICO ROAD
242-050-17	RADILLO	11441 VALPICO ROAD
242-050-18	DELGADO	11423 VALPICO ROAD
242-050-19	LUIZ	11407 VALPICO ROAD
242-050-20	FLORES	11299 VALPICO ROAD
242-050-21	HAYES	11241 VALPICO ROAD

EXHIBIT A - UNDERGROUND UTILITY DISTRICT



**Wheelchair Access Consideration
Rule 20A**

PROJECT NAME: _____

LOCATION: _____, CALIFORNIA

Applicant: _____

Electric Rule 20, Section A(1)(c) of the tariff reads as follows:

Acknowledged that wheelchair access is in the public interest and will be considered as a basis for defining the boundaries of projects that otherwise qualify for Rule 20A under the existing criteria set forth in Section A(1)(a) of the tariff.

This agreement is to document the communication regarding this section of the tariff and note the outcome.

Based on the information above:

- Decided to leave the boundary the same.
- Allocations do not allow expansion of the boundary.
- The wheelchair access will be part of the road improvement project.
- Other/Comments

Comments: _____

- Project boundary was expanded to accommodate wheelchair access.

Comments: _____

Applicant:

PACIFIC GAS AND ELECTRIC COMPANY

By: _____

By: _____

(Print or Type Name)

(Print or Type Name)

Title:

Rule 20A Program Liaison

Title:

Date

Date



DISTRIBUTION

Applicant (Original)
Division (Original)
Acctg. Services

REFERENCES

MLX#: _____
PM#: _____
Project Mgr.: _____

AGREEMENT TO PERFORM TARIFF SCHEDULE RELATED WORK - RULE 20A ELECTRIC PANEL SERVICE CONVERSION

City/County of _____, (Applicant) has requested PACIFIC GAS AND ELECTRIC COMPANY, a California corporation (PG&E) to perform the tariff scheduled related work as located and described herein.

Electric Panel Service Conversion Program:

In order to expedite the completion of Rule 20A Projects, PG&E has offered to manage the electric service conversions, and pay for this work from the Applicant's allocation funds. The underground electric feed that replaces the existing overhead service will be installed in the most economical manner possible, as determined by PG&E. To ensure the success of this program, the Applicant agrees to support the Electric Panel Service Conversion Program as follows:

Responsibilities of the Applicant:

1. Provide accurate list of owner, parcel #, address, phone number.
2. Mail informational letters to all residents describing the program and their responsibilities.
 - a. PG&E will provide templates for these letters.
3. Obtain Right of Entry agreements from property owners prior to scheduling construction.
 - a. PG&E will provide the document for each property owner to complete and sign.
4. Provide a liaison for residents and property owners to contact with questions.
5. Waive permit fees.
6. Waive Inspection fees.
7. Facilitate a preliminary job walk with the liaison, building inspector and others.
 - a. Review PG&E's intended placement of new equipment required for conversions.
 - b. Clarify the inspection and permit requirements and timing, if necessary.
8. Provide information enabling the field crews to determine the location of property lines.
9. Disclose all special circumstances
 - a. For example: historic buildings, hazardous materials, environmental issues, burial grounds and other items that may affect the overhead-to-underground conversion.
10. Communicate with the property owners if additional work beyond the conversion will be required.
 - a. PG&E will pay for the work required to replace the existing overhead electric feed with a new underground feed only. The cost of any additional work required to bring the property up to current codes will be borne by others (property owner or Applicant).
 - b. The Applicant will communicate to the property owner all items that must be brought up to code in a timely manner, and all code issues will be managed by the Applicant.
11. Disclose work hours and days.



AGREEMENT TO PERFORM TARIFF SCHEDULED RELATED WORK - RULE 20A ELECTRIC PANEL SERVICE CONVERSION

12. Agree prior to construction regarding the required notifications to residents and property owners.

13. Failure to complete the above requirements may result in construction delays.

PROJECT NAME: _____

LOCATION _____, CALIFORNIA

City: _____

Executed this _____ day of _____, 20__

This agreement is effective when accepted and executed by PG&E.

PACIFIC GAS AND ELECTRIC COMPANY

Customer/Company

Authorized by (Print)

Authorized by (Print)

Signature

Signature

Title

Title

Date

Date

Mailing Address: _____

City/County of : _____



Project Manager:
PM #:

Letter of Streetlight Agreement

Dear valued customer,

As we approach the beginning of your Rule 20A project, one issue that you will need to address is your choice of the available streetlight options. The streetlights located within the Rule 20A project are currently (PG&E or community owned) and on Rate Schedule (LS1, LS2, LS3, streetlights OL1 outdoor lighting, TC1 traffic signals).

Rule 20A funding covers the costs of converting existing PG&E owned streetlight services on a one-for-one basis, but does not provide for the upgrading of facilities. Therefore, if the existing streetlights are on wood poles, the Rule 20A funding will cover the cost of providing an underground service and riser up the existing wood pole to the existing streetlight and the topping of the wood pole just above the streetlight.

You have the option under Rate Schedule LS1 (PG&E owned streetlights); to install new-galvanized steel streetlights that meet PG&E's standards or have PG&E install these new streetlights for you at your cost, in place of leaving the existing wood pole mounted streetlights. If you choose to have PG&E install these new streetlights standards the costs which you will be responsible for will include the installation and purchase of the new streetlight, replacement of any necessary landscaping, pavement and/or concrete and ITCC tax at a current rate of 34%. If you choose to install new streetlights that do not meet PG&E's standards, you may do so but PG&E will no longer own and maintain them.

If the existing streetlights are customer owned (rate schedule LS2 or LS3), you as the streetlight owner will be responsible for the cost to underground the streetlights. A portion of your streetlight undergrounding cost will include a share of the joint trenching costs (based on the conduit occupancy of the joint trench) and streetlight conduit installation costs should you choose to participate in the joint trench. When estimating begins we will provide you with an estimate of the approximate cost of this portion of your streetlight conversion costs for your budgeting purposes. You will also be responsible for any connection and removal costs associated with your customer owned streetlights. All of the provisions of customer owned streetlights also apply to traffic signals (rate schedule TC1) and outdoor lighting (rate schedule OL1).

Please note that the existing streetlights and supporting overhead electrical system cannot be removed prior to the new streetlights being installed and energized. If you are the streetlight owner or they are PG&E owned and you choose to perform the streetlight work yourself, then the new streetlights should be installed and ready to be energized prior to the completion of trenching. Streetlight standard leads times can be three to four months, so please coordinate your work to ensure the streetlights do not delay removal of the overhead system.



Please check the boxes below that represent how your community would like to proceed regarding streetlights.

- Streetlights will remain on existing wood poles.
- Install new galvanized steel streetlight poles at our expense.
- We choose to purchase and install our own new streetlights poles.
- We choose to participate in the joint trench installing our own streetlight conduit.
- We choose to participate in the joint trench, but would like PG&E to install our streetlight conduit.
- We choose not to participate in the joint trench, and instead will do our own trenching for streetlights.
- The current streetlights are in conflict with our road improvements and we would like PG&E to replace them on a one-for-one basis.

NOTE: LS1 = Owned & maintained by PG&E; LS2 = Customer owned & maintained or PG&E maintained; LS3 = Customer owned metered; OL1= Outdoor lighting private property; TC1 = Government owned metered traffic signals or signal lighting systems.

I request PG&E to proceed with the design of this project based on the above marked choices and understand I will have a chance to review the estimate prior to agreeing on any associated cost. If applicable, contracts will be executed based on the above decisions and associated cost.

City/County of: _____
Applicant
By: _____

PACIFIC GAS AND ELECTRIC COMPANY
By: _____

(Print or Type Name)

(Print or Type Name)

Title:

Title:

Mailing Address:

City/County of:

Date: _____

Project Description: _____



GENERAL CONDITIONS AGREEMENT TO PERFORM WORK PURSUANT TO PG&E ELECTRIC RULE 20A – REPLACEMENT OF OVERHEAD WITH UNDERGROUND ELECTRIC FACILITIES

PG&E Contract: _____
Contact #: _____

PROJECT NAME: _____
LOCATION: _____, CALIFORNIA

City/County of _____ (Governmental Body) has requested, and PACIFIC GAS AND ELECTRIC COMPANY (PG&E) has agreed to perform the replacement of overhead with underground electric facilities pursuant to Section A of PG&E's Electric Rule 20 Tariff (Electric Rule 20A), subject to the following General Conditions Agreement.

Rule 20A Tariff:

PG&E will, at its expense, replace its existing overhead electric facilities with underground electric facilities along public streets and roads, and on public lands and private property across which rights-of-way satisfactory to PG&E have been obtained by PG&E, consistent with Electric Rule 20A.

To ensure the success of this Electric Rule 20A project, Governmental Body and PG&E agree to the following terms. Any exceptions to these terms will require an advice filing with the California Public Utilities Commission (CPUC), with notice to the Governmental Body in accordance with General Order 96-B or any successor orders.

Responsibilities of the Governmental Body:

PG&E's Electric Rule 20A sets forth a program for replacing existing overhead electric facilities with underground electric facilities subject to certain requirements. In order to implement the Electric Rule 20A program as requested by the Governmental Body, the Governmental Body hereby agrees to:

- 1) Consult with PG&E to confirm the requirements of an Electric Rule 20A project and the location of the specific Electric Rule 20A project.
- 2) Hold public hearing(s) on the proposed Electric Rule 20A project in order to determine that the specific Electric Rule 20A project is in the general public interest.
- 3) Provide PG&E with a duly-adopted ordinance or resolution, as appropriate, creating an underground district in the area in which both the existing and new facilities are and will be located, requiring, among other things:
 - a) That all existing overhead communication and electric distribution facilities in such district shall be removed;
 - b) That each property served from such electric overhead facilities shall have installed in accordance with PG&E's rules for underground service, all electrical facility changes on the premises necessary to receive service from the underground facilities of PG&E as soon as it is available; and
 - c) Authorizing PG&E to discontinue its overhead electric service upon completion of the underground distribution system.
- 4) Acknowledge that wheelchair access is in the public interest and will be considered as a basis for defining the boundaries of projects that otherwise meet the criteria set forth in PG&E's Electric Rule 20A, Subsection 1(a).
- 5) Provide PG&E with a project boundary map and available drawings showing all known Governmental Body-owned facilities and known road improvements.
- 6) Identify property owners/persons responsible for the properties identified by PG&E as requiring easements. Make initial contact with the property owners/responsible persons, mail PG&E prepared easement documents, and coordinate meetings for the purpose of assisting PG&E with acquisition of necessary easements.



GENERAL CONDITIONS AGREEMENT TO PERFORM WORK PURSUANT TO PG&E ELECTRIC RULE 20A – REPLACEMENT OF OVERHEAD WITH UNDERGROUND ELECTRIC FACILITIES

- 7) Provide PG&E with the Governmental Body's published standard for trench restoration and backfill requirements prior to start of engineering for the project, and require joint trench participants to replace paving, landscaping, sidewalk, etc., in accordance with the Governmental Body's published standard for trench restoration and backfill requirements that is removed or damaged during construction.
- 8) Work cooperatively with PG&E to schedule undergrounding projects prior to paving projects or after the paving moratorium period. If the Governmental Body elects to construct the undergrounding project prior to the end of the paving moratorium period, restoration and backfill requirements shall not exceed the standards for non-moratorium streets, described in Section 7 above.
- 9) Prior to the start of the project design, elect how to address streetlights impacted within the project scope.
- 10) Prior to the start of the project design, provide a list of all recorded property owners (including APNs and addresses based on current tax assessor records).
- 11) By the end of the project design, disclose all intended permit conditions, fees, and cost details. If the Governmental Body is a joint trench participant, the Governmental Body will pay its share of the associated permit costs.
- 12) Provide PG&E with recent pot holing/core samplings and soils/paving information from other projects, if available.
- 13) Work cooperatively with PG&E to establish work hour restrictions for construction, including holiday and/or special construction limitations.
- 14) Survey, stake, and provide drawings to PG&E for any future known Governmental Body road improvement, grade changes, or viaduct projects known or planned within the project limits.
- 15) Work cooperatively with PG&E to identify a suitable construction yard for the Rule 20A project. If the Governmental Body is a joint trench participant, will pay its share of the associated construction yard costs.
- 16) Work cooperatively with PG&E concerning contaminated soils and cultural resources.
 - a) Contaminated Soils. In the circumstance where contamination may be a concern, PG&E's Electric Rule 20A funds will be used for core samples to design a project to avoid environmental issues. In the event contamination is encountered that triggers federal, state, and/or local laws and regulations which restrict or prohibit further work in the trench, PG&E will suspend work in the affected area until all measures required by law have been completed by the Governmental Body or other party responsible for such contamination.
 - b) Cultural Resources. In the circumstance where cultural resources are encountered that trigger federal, state, and/or local laws and regulations which restrict or prohibit further work in the trench, PG&E will suspend work and comply with the appropriate notification requirements.
- 17) Electric Service Panel Conversion: Governmental Body may choose to be the lead in the conversion of electric service panels to accept underground service. If so and stated in the ordinance or resolution, PG&E shall pay the Governmental Body up to the maximum amount allowed by the Electric Rule 20A Tariff per service entrance, excluding permit fees. If the panel conversions are performed by the property owner, the Governmental Body will coordinate the reimbursement of PG&E funds, to the property owner / responsible party, up to the maximum amount allowed by the Electric Rule 20A Tariff per service entrance, excluding permit fees.
- 18) Subsurface Equipment: Governmental Body may request that PG&E install electrical equipment subsurface. If PG&E agrees, then, the Governmental Body's Electric Rule 20A allocation shall be used for the additional costs necessary to complete the subsurface installation. The Governmental Body shall be responsible for paying the appropriate one-time maintenance charge. However, in the event that pad-mounted equipment cannot be installed due to field conditions, the Governmental Body will not be charged the one-time maintenance fee.

The one-time maintenance charge is calculated by multiplying the Estimated Special Facility Cost by a one-time Cost-of-Ownership factor which represents the present worth of estimated operations and maintenance expenses per dollar of facility cost. The Estimated Special Facility Cost will vary



GENERAL CONDITIONS AGREEMENT TO PERFORM WORK PURSUANT TO PG&E ELECTRIC RULE 20A – REPLACEMENT OF OVERHEAD WITH UNDERGROUND ELECTRIC FACILITIES

depending on the transformer size. The Estimated Special Facility Cost equals the Estimated Non-Standard Special Facility Cost minus the Estimated Standard Facility Cost. The one-time Cost-of-Ownership factor is: ((current monthly Cost-of-Ownership factor x 12 months) x (current Present Worth Factor)). The monthly Cost-of-Ownership factor is stated in Rule 2 of PG&E's tariff. For example, based on the monthly Cost-of-Ownership factor as of January 1, 2018, the one-time maintenance charge would be (((0.53% x 12) x (14.2)) x (Estimated Special Facility Cost)). This is for example purposes only and the formula factors may change over time.

Responsibilities of PG&E:

PG&E's Electric Rule 20A sets forth a program for replacing existing overhead electric facilities with underground electric facilities subject to certain requirements. In order to implement the Electric Rule 20A program as requested by the Governmental Body, PG&E hereby agrees to:

- 1) Consult with the Governmental Body to confirm the requirements of Electric Rule 20A, including but not limited to holding public hearings, adoption of an ordinance or resolution, and creation of a project boundary map.
- 2) Prepare a base map showing the following: boundary, roads, sidewalks, curbs, property lines, buildings, existing water and sewer, easements, and any other known utilities or obstacles.
- 3) Upon request of the Governmental Body, initiate project design sufficient to identify trench routes and obtain any necessary easements with the express understanding that if the underground district is subsequently delayed or cancelled, PG&E shall deduct all project-related expenses, including overheads, from the Governmental Body's Electric Rule 20A allocation. If the necessary easement(s) cannot be obtained, the Governmental Body may elect to change the project scope, request redesign of the project to avoid the need for the easement(s), or request that the project be postponed.
- 4) If PG&E is designated as the design/trench lead, PG&E shall prepare the intent drawings, composite drawings and joint trench cost agreement for joint trench construction (costs will be shared by all joint trench participants). If an entity other than PG&E is designated as the design/trench lead, PG&E shall provide electric design to the design/trench lead agency.
- 5) Disclose project impacts to the existing streetlight system.
- 6) If PG&E is designated as the joint trench lead, provide Governmental Body with traffic control plan for PG&E construction pursuant to the California Manual on Uniform Traffic Control Devices (MUTCD) as part of the permit process.
- 7) Identify all locations that require an easement(s) for PG&E, prepare all necessary easement related documents, and with the cooperation of the Governmental Body (as described in item 6 of "Responsibilities of Governmental Body" above), secure easements to the satisfaction of PG&E.
- 8) Once the design process begins, provide a project schedule and cost updates on a quarterly basis to the Governmental Body.
- 9) Provide proper notification to all affected customers when electrical outages are necessary to complete project conversion to the new underground system.
- 10) Remove poles, portions of poles, or tenant poles from the underground district as required by the Joint Pole Utility Agreement.
- 11) Provide inspection services for the installation of PG&E facilities.
- 12) Work cooperatively with the Governmental Body concerning contaminated soils and cultural resources.
 - a) Contaminated Soils. In the circumstance where contamination may be a concern, PG&E's Electric Rule 20A funds will be used for core samples to design a project to avoid environmental issues. In the event contamination is encountered that triggers federal, state, and/or local laws and regulations which restrict or prohibit further work in the trench, PG&E will suspend work in the affected area until all measures required by law have been completed by the Governmental Body or other party responsible for such contamination.



GENERAL CONDITIONS AGREEMENT TO PERFORM WORK PURSUANT TO PG&E ELECTRIC RULE 20A – REPLACEMENT OF OVERHEAD WITH UNDERGROUND ELECTRIC FACILITIES

- b) Cultural Resources. In the circumstance where cultural resources are encountered that trigger federal, state, and/or local laws and regulations which restrict or prohibit further work in the trench, PG&E will suspend work and comply with the appropriate notification requirements.
- 13) Electric Service Panel Conversion: Governmental Body may choose for PG&E to be the lead for the panel conversion. If so, then PG&E will convert the electric service panels to accept underground services. PG&E will have its selected contractor communicate to each property owner / responsible party the plan for the trench and panel locations and reach an agreement with the property owner / responsible party before proceeding with conversion. PG&E will be responsible for any work up to and including the meter. Any additional work needed by the property owner / responsible party will be at owner's / responsible party's costs. PG&E will require its selected contractor to abide by all Governmental Body's applicable laws and regulations.
- 14) Subsurface Equipment: Governmental Body may request that PG&E install equipment subsurface. If PG&E agrees, then the Governmental Body's Electric Rule 20A allocation shall be used for the additional installation costs necessary to complete the subsurface installation. The Governmental Body shall be responsible for paying the appropriate one-time maintenance charge. However, in the event that pad-mounted equipment cannot be installed due to space constraints, the Governmental Body will not be charged the one-time maintenance fee.

The one-time maintenance charge is calculated by multiplying the Estimated Special Facility Cost by a one-time Cost-of-Ownership factor which represents the present worth of estimated operations and maintenance expenses per dollar of facility cost. The Estimated Special Facility Cost will vary depending on the transformer size. The Estimated Special Facility Cost equals the Estimated Non-Standard Special Facility Cost minus the Estimated Standard Facility Cost. The one-time Cost-of-Ownership factor is: $((\text{current monthly Cost-of-Ownership factor} \times 12 \text{ months}) \times (\text{current Present Worth Factor}))$. The monthly Cost-of-Ownership factor is stated in Rule 2 of PG&E's tariff. For example, based on the monthly Cost-of-Ownership factor as of January 1, 2018, the one-time maintenance charge would be $((0.53\% \times 12) \times (14.2)) \times (\text{Estimated Special Facility Cost})$. This is for example purposes only and the formula factors may change over time.



GENERAL CONDITIONS AGREEMENT TO PERFORM WORK PURSUANT TO PG&E ELECTRIC RULE 20A – REPLACEMENT OF OVERHEAD WITH UNDERGROUND ELECTRIC FACILITIES

I have read the above information and understand and agree with the provisions and responsibilities as described above. I understand that this agreement at all times shall be subject to such modifications as the California Public Utilities Commission may direct from time to time in the exercise of its jurisdiction. I hereby attest, under penalty of perjury, that I am authorized to enter into this agreement on behalf of the entity indicated below.

Executed this _____ day of _____ 20_____

City/County of: _____

PACIFIC GAS AND ELECTRIC COMPANY

Governmental Body

Authorized by (Signature)

Authorized by (Signature)

Print Name

Print Name

Title

Title

Mailing Address

RESOLUTION 2021-_____

ESTABLISHING AN UNDERGROUND UTILITY DISTRICT FOR PORTIONS OF VALPICO ROAD, AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE NECESSARY PG&E FORMS FOR COMPLETION OF UNDERGROUNDING

WHEREAS, The California Public Utilities Commission (CPUC) has authorized electric and telecommunication utilities to convert overhead utility lines and facilities to underground pursuant to Electric Rule 20 and Telecommunication Rule 32, and

WHEREAS, Pursuant to certain criteria, CPUC rules allow participating cities to establish legislation authorizing the creation of underground utility districts within which existing overhead electric distribution and telecommunication distribution and service facilities will be converted to underground, and

WHEREAS, The City of Tracy, has adopted an ordinance, codified as Chapter 11.08 "Regulations for Undergrounding Utilities" in the Tracy Municipal Code, authorizing the City Council to designate areas within which all existing overhead poles, overhead wires and overhead equipment associated with the distribution of electric power, telecommunication services and cable television should be removed and replaced with underground wires and facilities, and

WHEREAS, Valpico Road is considered an arterial street as defined in the Governor's Office of Planning and Research General Plan Guidelines, and

WHEREAS, Each year the City of Tracy is notified by PG&E regarding the allocation of work credits for conversion of overhead electric distribution lines and facilities to underground, known as Rule 20A allocations, and

WHEREAS, The City of Tracy has consulted with PG&E and determined that the City has accumulated Rule 20A work credits and PG&E has agreed that the City may borrow against future credits sufficient to complete the proposed overhead conversion project, and

WHEREAS, The City of Tracy has consulted with affected utilities regarding the responsibility that each utility shall complete the engineering of their respective portion of the Underground Utility District, and

WHEREAS, The City of Tracy and the affected utilities have agreed by letter that the City of Tracy shall be responsible for preparation of the trench profile and composite drawings and that City of Tracy shall be designated as "trench lead" to manage trenching, installation of substructures, and pavement restoration and such other work, and

WHEREAS, The City of Tracy and the affected utilities have agreed on a work schedule which meets their respective capabilities and further agreed to waive any administrative fees, costs or special street restoration requirements for purposes of this project, and

WHEREAS, To the extent required, the City of Tracy has agreed to provide easements or rights of way on private property as may be necessary for installation of utility facilities in a form satisfactory to the affected utilities, and

WHEREAS, A public hearing was called for on September 21, 2021 at the hour of 7:00 p.m. in the Council Chambers in the City Hall, Tracy, California to ascertain whether the public necessity, health, safety, or welfare required the removal of poles, overhead wires and associated overhead structures and the underground installation of wires and facilities supplying electric communication or similar associated service within that certain area of the City described as follows: Valpico Road between Corral Hollow Road and Cagney Way Underground Utility District, and

WHEREAS, Notice of such public hearing was given to all affected property owners as shown in the latest equalized assessment role and to all affected utilities in the manner and for the time required by law, and

WHEREAS, Such public hearing was duly held and all interested persons were given an opportunity to be heard, testimony of the City Engineer has been received as well as competent evidence in the above-entitled matter, and

WHEREAS, The City Council determined after hearing all comments on the subject that the Underground Utility District herein is created in the general public interest, and

WHEREAS, The City Council of the City of the City of Tracy has determined that the proposed Valpico Road Underground Utility District is categorically exempt from environmental review pursuant to the California Environmental Quality Act. The exemption can be found in section 15302(d) which pertains specifically to conversion of overhead utility systems to underground utility systems;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of City of Tracy hereby finds that public necessity, health, safety, or welfare requires the removal of overhead wires, and underground installation of wires and facilities along Valpico Road between Corral Hollow Road and Cagney Way in accordance with Section 11.08.020 of the Tracy Municipal Code, and

FURTHER, BE IT RESOLVED, That the City Council of City of Tracy hereby declares Valpico Road between Corral Hollow Road and Cagney Way an Underground Utility District as described and illustrated in Attachment A, and order such removal and underground installation, and

FURTHER, BE IT RESOLVED, That the City Council of City of Tracy hereby authorizes the City Manager or his designee to sign necessary PG&E documents for completion of undergrounding, including but not limited to: ADA Considerations, Electrical Panel Service Conversions, Street Light Agreement and General Terms and Conditions.

* * * * *

The foregoing Resolution 2021-_____ was passed and adopted by the Tracy City Council on the 21st day of September 2021 by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 3.B

REQUEST

RECEIVE REPORT AND CONDUCT A PUBLIC HEARING REGARDING THE CALIFORNIA UNIFORM CONSTRUCTION COST ACCOUNTING COMMISSION'S FINDINGS PERTAINING TO TEMPORARY REPAIR WORK PERFORMED BY IN-HOUSE STAFF ON CORRAL HOLLOW ROAD

EXECUTIVE SUMMARY

On May 19, 2021, City staff was forwarded an email from the Community Relations Office of the Lawrence Livermore National Laboratory (LLNL). This email relayed LLNL staff concerns over the roadway conditions of a 1/2 mile section of Corral Hollow Road. This particular stretch of roadway is the route LLNL is mandated to use by the Federal government for the transport of high explosives to their facility at Site 300. In an abundance of caution, and by direction of the City Manager, Public Works staff coordinated and executed a temporary emergency overlay repair of this portion of roadway. The Uniform Public Construction Cost Accounting Act ("Act") provides bidding procedures or public agencies that elect to be subject to the Act. The City Council elected to do so in 2009. As a result of the work described previously, the California Uniform Construction Cost Accounting Commission (CUCCAC) received a complaint about the City's work. The CUCCAC investigated the complaint and found that the City violated the California Public Contracting Code by exceeding the \$60,000 project limit established by the Act. The CUCCAC's ruling did not include a monetary penalty but did require that staff provide a report to Council during a public meeting. This report fulfills that requirement.

DISCUSSION

The Public Contract Code requires general law cities, like Tracy, to competitively or formally bid public works contracts for public projects over \$5,000. In 1983, the State Legislature adopted the Uniform Public Construction Cost Accounting Act ("Act") which provides alternative bidding procedures, including a higher threshold for when bidding is required, for public agencies that elect to be subject to the Act. In 2009, the City Council elected to be subject to the Act and adopted Ordinance No. 1138 and Resolution No. 2009-160 (Attachments A & B). Under the Act, participating agencies are able to complete public projects of \$60,000 or less without competitively bidding the work, including having their own employees perform the work (Public Contract Code section 22032). Projects over \$60,000 but less than \$200,000 can be completed through an informal bidding process outlined in the Act that includes creating a list of pre-qualified contractors. Projects over \$200,000 are required to be formally or competitively bid.

On May 19, 2021, an email from Mr. Scott F. Wilson, Community Relations Officer with the Lawrence Livermore National Laboratory (including Site 300) was forwarded to the City by staff from the San Joaquin County Public Works Department. Site 300 is an experimental test site operated by the Lawrence Livermore National Security, LLC, for

the Department of Energy's National Nuclear Security Administration. It is a non-nuclear explosives test facility to support Livermore Laboratory's national security mission. In his email Mr. Wilson stated, "It was brought to my attention by our team at Site 300 that there is about a ½ mile stretch of Corral Hollow Road south of I-580 that is in need of resurfacing. Regulations require us to use that route, rather than Tesla/Corral Hollow, when transporting high explosive materials in vehicles 20 feet or longer to and from Site 300 and the condition of the roadway is concerning."

Since City staff's first priority is the safety and well-being of the residents and visitors of Tracy, the email from Mr. Wilson, combined with the known condition of the road, caused great concern for staff. Director of Public Works, Don Scholl facilitated a discussion with internal staff including the City Manager, Assistant City Managers, City Engineer and others. Mr. Scholl subsequently worked to facilitate an immediate solution that would improve the conditions and protect the users of the roadway and residents in the surrounding area.

On May 20, 2021, Public Works Department staff provided to that same internal group a rough outline of a temporary repair that in-house staff could complete that would make the street safe for the passage of all vehicles – including those carrying explosive material to Site 300.

Knowing that the development of specifications; posting of a bid package; award of bid; confirmation of insurance and other necessary documents; mobilization; and start of construction would potentially take months to complete, the City Manager gave direction on June 7, 2021 for the Public Works Department to make the temporary emergency repair which entailed a two-inch asphalt overlay. By June 9, 2021, Public Works staff had refined the scope of the repair and begun preparations. The actual repairs began on June 15, 2021 and completed on July 1, 2021 – barely over a month after receiving the email notification from Site 300 staff.

Shortly after the temporary emergency repairs were completed, the City received a public records request from the Construction Industry Force Account Council (CIFAC) asking for documents related to the emergency road repairs. All records were provided per the public records request process. CIFAC then requested that the CUCCAC perform a review of this project. Under the Act, the Commission is required to review the matter and render a determination. The question under review was whether the City's efforts exceeded the \$60,000 per project maximum limit allowable under the Act. Staff calculations - which include all labor and labor-related costs, equipment and materials - indicated that the project's total cost was approximately \$82,000. A CUCCAC hearing was held on August 20, 2021, during which CIFAC and the City presented their responses to the Commission. On August 25, the City received notification that the Commission determined that the City had violated the Act (Attachment C).

While the City could have completed these repairs under the "emergency exception" of the Act, the time for claiming that exception expired. Staff is now in the process of reviewing current processes and implementing steps to ensure that all departments responsible for completing public projects are familiar with the Act.

There is no penalty associated with this violation, as this is the first violation by the City within a ten-year period. The Act requires that the CUCCAC's findings be presented to the governing body of an agency within 30 calendar days of receipt. Staff emailed Council the CUCCAC's findings on September 7, 2021. The Act further requires that the Council hold a public hearing to discuss the Commission's findings within 60 days of receiving the CUCCAC's findings. This staff report, and the subsequent submittal to the CUCCAC of the minutes from this Council meeting, will satisfy the requirements of the Commission's findings.

FISCAL IMPACT

There is no fiscal impact related to this item.

STRATEGIC PLAN

This agenda item supports the City Council's 2021-2023 Governance Strategic Priority, which is to enhance fiscal stability, retain and attract new talent, improve the use of technology, and enhance transparency for the betterment of the Tracy community.

RECOMMENDATION

Staff recommends that the City Council receive a report, by motion, of the California Uniform Construction Cost Accounting Commission's findings regarding the temporary repair work performed by in-house staff on Corral Hollow Road and conduct a public hearing.

Prepared by: Don Scholl, Director of Public Works

Reviewed by: Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Bob Adams, Interim City Manager

ATTACHMENTS:

A – Ordinance No. 1138

B – Resolution 2009-160

C – Letter of CUCCAC findings – Dated August 24, 2021

ORDINANCE 1138

AN ORDINANCE OF THE CITY OF TRACY AMENDING VARIOUS SECTIONS
OF, AND ADDING NEW SECTION 2.20.262 TO, CHAPTER 2.20 OF TITLE 2
OF THE TRACY MUNICIPAL CODE (CONTRACTS AND PURCHASING)

WHEREAS, The City Council wishes to revise certain provisions of Chapter 2.20 of Title 2 of the Tracy Municipal Code relating to contracts and purchasing.

WHEREAS, The revisions include increasing the City's local vendor preference in the procurement of commodities and equipment as well as the procedures for obtaining bids for certain equipment, goods, and services from 5% to 10%; and

WHEREAS, For consultant and professional services, the revisions allow taking into account the fact that a proposer is a local consultant or professional when awarding the contract. An exception to the local preference allows the City to receive State and Federal funding when State or Federal regulations prohibit the use of local preferences; and

WHEREAS, The City Council finds that providing a local preference for vendors, consultants and professionals promotes and encourages local businesses and assists in attraction of businesses to Tracy, which stimulates the local economy, job opportunities, job growth and development; and.

WHEREAS, The City Council finds that providing a local preference for vendors, consultants and professionals also provides non-monetary savings including: faster delivery; proximity of locations for repairs; and a potential reduction in traffic congestion, which furthers state and local goals of improving air quality. Furthermore, many local vendors, consultants and professionals support local community service needs; and

WHEREAS, The revisions also amend provisions of the Tracy Municipal Code relating to public construction projects by adopting the authorizing a design-build process in certain circumstances and by clarifying the change order process for such projects; and

WHEREAS, The revisions also include procurement and other procedures under the Uniform Public Construction Cost Accounting Act set forth in California Public Contracts Code sections 22000 through 22045.

NOW, THEREFORE, the city council of the City of Tracy does ordain as follows:

SECTION 1: Section 2.20.030 of Chapter 2.20 of Title 2 of the Tracy Municipal Code is amended to read as follows:

"2.20.030 Definitions.

For the purposes of this chapter, the following definitions shall apply:

(a) "Amendment" or "change order," means change, or modification, or addendum to a contract after it has been executed.

(b) "Commodities" means any tangible goods or items such as supplies, parts and materials. Generally, they are consumable in City operations, become part or a component of City equipment or City facilities and/or have a useful life of one year or less.

(c) "Consultant services" or "professional services" means the services of an attorney, engineer, doctor, financial consultant, planning or environmental consultant, investment advisor, banking and trustee services, provision of temporary worker services, computer software services, concessionaire services, pesticide application services, janitorial services, landscape maintenance and tree trimming services or such other services as established by City Council resolution.

(d) "Contract" means any agreement to do or not do a certain thing. "Contract" and "agreement" and "Memorandum of Understanding" or "MOU" are synonymous. The term "contract" includes, among other things, a purchase order, a contract for services, and an addendum or change order.

(e) "Equipment" means tangible personal property with a useful life of more than one year. It may be mobile, portable or fixed; and is an independent functioning unit, as opposed to parts which are components. It would include office equipment, furniture, field equipment, shop, lab, and plant equipment, vehicles and rolling stock.

(f) "General services" includes:

(1) Any work performed or services rendered by an independent contractor, with or without the furnishing of materials, including, but not limited to, the following:

(i) Non-custodial maintenance or nonstructural repair of City buildings, structures or improvements which does not require engineering plans, specifications or design, including, but not limited to, unscheduled replacement of broken window panes, fire extinguisher maintenance, minor roof repairs, plumbing, electrical, mechanical, and elevator maintenance.

(ii) Installation, repair, modification, and maintenance of City equipment,

(iii) Cleaning, analysis, testing, moving, removal or disposal (other than by sale) of City supplies, equipment, and waste products,

(iv) Providing other technical services to facilitate City operations such as communications, transportation, utilities,

(v) Performing repair, demolition or other work required to abate nuisances under this Code;

(2) Leasing or rental of equipment (personal property) for use by the City;

(3) A maintenance agreement for equipment owned or leased by the City.

"General services" does not include work defined as a public project under the Public Contract Code or services that are defined as professional services by this section or by City Council resolution.

(g) "Local vendor" or "local consultant or professional" means a person or legal entity which has a place of business (other than a post office box) within the City and has a valid, current business license issued by the City. To qualify as a local vendor or local consultant or professional for the purposes of sections 2.20.230, 2.20.130, or 2.20.140, the vendor, consultant, or professional shall submit with its bid or proposal a completed City-provided affidavit that documents the following: the business has a facility with a City of Tracy address, the business will attribute the sales tax from the sale to the City of Tracy, and the business has had a City of Tracy business license for at least one year prior to the opening of the bid.

(h) "Post-consumer recycled material" means material and by-products which have served their intended end use by a consumer and have been recovered or diverted from solid waste. It does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process.

(i) "Public project" means the same as that term is defined in Public Contract Code section 22002 as:

(1) Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility.

(2) Painting or repainting of any publicly owned, leased, or operated facility.

(3) In the case of a publicly owned utility system, "public project" shall include only the construction, erection, improvement, or repair of dams, reservoirs, powerplants, and electrical transmission lines of 230,000 volts and higher.

"Public project" does not include maintenance work. For purposes of this section, "maintenance work" includes all of the following:

(1) Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.

2) Minor repainting.

(3) Resurfacing of streets and highways at less than one inch.

(4) Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.

(5) Work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, powerplants, and electrical transmission lines of 230,000 volts and higher.

(j) "Recycled material" means material and by-products that have been recovered or diverted from solid waste and that can be utilized in place of raw or virgin material in manufacturing a product. It is derived from post-consumer recycled material, manufacturing waste, industrial scrap, agricultural waste, and other waste material, but does not include material or by-products generated from, and commonly reused within, an original manufacturing process.

(k) "Recycled product" means material and by-products which have served their intended end use by a consumer and have been recovered or diverted from solid waste. It does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process."

SECTION 2: Section 2.20.090 of Chapter 2.20 of Title 2 of the Tracy Municipal Code is amended to read as follows:

"2.20.090 City Manager authority.

(a) The City Manager is authorized to enter into and sign on behalf of the City, without the prior approval of the City Council, a contract:

(1) Which contains an initial maximum compensation figure of up to Fifty Thousand and no/100ths (\$50,000.00) Dollars or less. As to a change order excepting those change orders covered under subsection (b) of this code section, the limit of authority may not exceed ten (10%) percent of the original contract amount not to exceed a cumulative total of Fifty-Five Thousand and no/100ths (\$55,000.00) Dollars. Cumulative additional change orders exceeding Fifty-Five Thousand and no/100ths (\$55,000.00) Dollars must be approved by the City Council;

(2) Which is not required by any applicable State law to be let to the lowest bidder;

(3) Contracts for City-managed professional services in an amount up to One Hundred Thousand and no/100ths (\$100,000.00) Dollars if the following criteria are met: (a) a City Council approved reimbursement agreement exists, (b) an applicant for development entitlements has deposited the full amount of the contract with the City, and (c) the funds are to be used for development related studies, such as an environment impact report; and

(4) Indemnification and hold harmless agreements with other public entities.

(5) Right of entry agreements by which the City is granting rights to enter and/or temporarily use City-owned real property and right of entry agreements by which the City is being granted rights to enter and/or temporarily

use real properties owned by third parties which agreements may include indemnification and hold harmless clauses.

(b) Notwithstanding the maximum compensation limits set forth in subsection (a) (1) of this code section, for public projects awarded by City Council resolution, the City Manager may authorize change orders up to the contingency amount approved by City Council when awarding the bid and/or approving the budget for such public projects and a Department Head, or designee, may authorize a change order of up to \$25,000 provided such change order is still within the contingency amount approved by City Council.

(c) In an emergency endangering the lives, property or welfare of the people of the City or the property of the City, the City Manager may authorize the expenditure of any unencumbered moneys, notwithstanding the fact that such moneys may not have been appropriated for such purpose, to the extent that other moneys have not been appropriated or are otherwise unavailable.”

SECTION 3: Section 2.20.130 of Chapter 2.20 of Title 2 of the Tracy Municipal Code is amended to read as follows:

“2.20.130 Procurement of services with a value from \$25,000 up to \$50,000.

(a) Informal request for proposal (RFP) procedure. The procurement of services with a value from Twenty-Five Thousand and no/100ths (\$25,000.00) Dollars up to Fifty Thousand and no/100ths (\$50,000.00) Dollars shall be made following the procedure prescribed below:

(1) Solicitation of proposals. The department may solicit proposals by written (including e-mail) or verbal request to prospective consultants. Informal requests for proposals shall, whenever possible, be based on at least three proposals. The contract shall be awarded to the best qualified and most responsible proposer. To the extent that such is not prohibited under State or Federal law, regulations, or funding restrictions, the fact that a proposer is a local consultant or professional may also be taken into account when awarding the contract. The dollar amount of the proposal shall be considered but the award of the contract need not be made to the lowest dollar proposal.

(2) Retention of proposal. The department shall retain all proposals in accordance with the City Council approved retention schedule.

(3) Award of contracts. The department head is authorized to award a contract in accordance with the authorization granted in section 2.20.100.

(b) Exceptions. The request for informal proposal procedure may be dispensed with in an emergency or when the City Manager in his/her best judgment makes a written finding that compliance with these procedures is not in the best interest of the City.”

SECTION 4: Section 2.20.140 of Chapter 2.20 of Title 2 of the Tracy Municipal Code is amended to read as follows:

"2.20.140 Procurement of services with a value of \$50,000 or more.

(a) Formal request for proposal (RFP) procedures. The City shall procure services with a value of Fifty Thousand and no/100ths (\$50,000.00) Dollars or more following the procedure prescribed below:

(1) Request for proposals. The request for proposal (RFP) shall include a general description of the services to be procured, shall include a proposed professional services agreement, and the time and place for submission of proposals. A notice inviting proposals shall be distributed to at least three (3) consultant firms and shall be posted on the City website at least ten (10) days prior to the deadline for submission of proposals. Proposers shall submit sealed proposals and shall identify them as proposals on the envelope.

(2) Evaluation of proposals. All responsive proposals shall be reviewed and evaluated by the City in order to determine which proposer best meets the City's needs by demonstrating the competence and professional qualifications necessary for the satisfactory performance of the required services. The criteria by which the City shall evaluate proposals will be set forth in the request for proposals. To the extent that such is not prohibited under State or Federal law, regulations, or funding restrictions, the fact that a proposer is a local consultant or professional may also be taken into account when evaluating proposals. The City reserves the right to reject any and all proposals or waive any irregularities in any proposal or the proposal process.

(3) Award of contract. The City Manager shall award a contract for the services with a value greater than Twenty-Five Thousand and no/100ths (\$25,000.00) Dollars but less than Fifty Thousand and no/100ths (\$50,000.00) Dollars. The City Council shall award a contract for services with a value equal to, or greater than, Fifty Thousand and no/100ths (\$50,000.00) Dollars.

(b) Exceptions. Formal requests for proposals under this section may be dispensed with:

(1) In an emergency;

(2) When the services can be obtained from only one source which has been reviewed and approved in writing by the City Manager;

(3) When, in the judgment of the City Manager, compliance with the procedure is not in the best interest of the City for services between Fifty Thousand and no/100ths (\$50,000.00) Dollars and One Hundred Thousand and no/100ths (\$100,000.00) Dollars;

(4) When processed through a cooperative purchasing agreement with another public agency whose procurement process is consistent with the provisions of this chapter;

(5) Contracts for City-managed professional services in an amount up to One Hundred Thousand and no/100ths (\$100,000.00) Dollars if the following

criteria are met: (a) a City Council approved reimbursement agreement exists, (b) an applicant for development entitlements has deposited the full amount of the contract with the City, and (c) the funds are to be used for development related studies, such as an environmental impact report; or

(6) When, in the determination of the City Council, compliance with the procedure is not in the best interest of the City for those professional services, the costs of which exceed One Hundred Thousand and no/100ths (\$100,000.00) Dollars.”

SECTION 5: Section 2.20.180 of Chapter 2.20 of Title 2 of the Tracy Municipal Code is amended to read as follows:

“2.20.230 Local vendor preference.

“To the extent that such is not prohibited under State or Federal law, regulations, or funding restrictions, a bid or proposal from a local vendor, as defined in section 2.20.030(g), will be tabulated as if it were ten (10%) percent below the figure actually set forth in the bid or proposal to account for the financial advantages accruing to the City by the award of a bid to a local vendor. The City, when seeking bids or proposals for commodities or equipment, will notify bidders or proposers that bids or proposals will be evaluated on the basis of a local preference of ten (10%) percent of the bid or proposal price. The total amount of preference granted in a single bid shall not exceed Three Thousand and no/100ths (\$3,000.00) Dollars.”

SECTION 6: Section 2.20.250 of Chapter 2.20 of Title 2 of the Tracy Municipal Code is amended to read as follows:

“2.20.250 Public project defined.

The term “public project” is defined in section 2.20.030(i).”

SECTION 7: Section 2.20.260 of Chapter 2.20 of Title 2 of the Tracy Municipal Code is amended to read as follows:

“2.20.260 Bidding requirement.

(a) The City Council authorizes and approves the following bidding procedures for Public Projects:

(1) Informal and formal bidding procedures. Public projects, as defined by Public Contract Code section 22002 and in accordance with the monetary limits described in Public Contract Code section 22032 (as amended from time to time by the California Uniform Construction Cost Accounting Commission) shall be let to contract by procedures described in Public Contract Code section 22030 et seq.

(2) Procedures not established by the act. When the Act does not establish a procedure for bidding public projects, the procedure described in Public Contract Code section 20160 et seq. shall govern.

(3) Award to low bidder; no bids. All contracts must be awarded to the lowest responsible bidder. If two or more bids are the same and lowest, the city may accept the one it chooses. When no bids are received, the City may perform public projects with City employees or through a negotiated contract without further complying with this code section.

(4) Notice inviting informal bids. When a public project which is anticipated to fall within the monetary limits on informal bids described in Public Contract Code section 22032 (as amended from time to time by the Commission) is to be performed, the City shall prepare a notice of the opportunity to bid which describes the project in general terms, states the time and place for the submission of bids and describes how to obtain more detailed information about the project. The City shall mail the notice to all construction trade journals as specified by the Commission in accordance with Public Contract Code section 22036. Other contractors and/or construction trade journals may also be notified at the discretion of the department soliciting bids. Mailing shall be completed at least ten days before bids are due.

(5) Award of informally-bid contracts. The City Manager is authorized to award informal contracts as defined in Public Contract Code section 22032, except those with total initial compensation in excess of \$50,000 which shall be awarded by City Council resolution.

(6) Bids exceed informal bidding limit. If all informal bids received exceed the monetary limits on informal bids described in Public Contract Code section 22032 (as amended from time to time by the Commission) and the city determines that the cost estimate was reasonable, the City may award the contract at up to the limit described in Public Contract Code section 22034, subdivision (f), by resolution approved by a four-fifths (4/5) vote of the City Council.

(7) Bid documents for formal bids. The City Council shall adopt plans, specifications and working details for all public projects which are anticipated to fall outside the monetary limits on informal bids described in Public Contract Code section 22032 (as amended from time to time by the Commission).

(8) Notice inviting formal bids. When a public project which is anticipated to fall outside the monetary limits on informal bids described in Public Contract Code section 22032 (as amended from time to time by the Commission) is to be performed, the city shall publish a notice inviting formal bids in a newspaper of general circulation as described in Public Contract Code section 22037. The notice shall also be mailed to all construction trade journals as specified by the Commission in accordance with Public Contract Code section 22036. Other contractors and/or construction trade journals may also be notified, at the discretion of the department soliciting bids. Mailing shall be completed at least thirty (30) days before bids are due.

(9) Proprietary product or service. Notwithstanding subsections (3) and (6), if the product or service is proprietary in nature, such that it can be legally obtained only from a certain contractor(s) pursuant to Public Contract Code section 3400, the notice inviting informal bids may be sent exclusively to such contractor(s).

(10) Rejection of bids; re-solicitation; use of City employees. If the City intends to reject all bids, it must mail the apparent low bidders a written notice of the City's intent to reject

the bid at least two business days prior to the hearing at which the bids will be considered.

(11) After rejecting the bids, the City may:

(i) Abandon the project;

(ii) Re-advertise the project; or

(iii) Perform the work with City employees, after passing a resolution by a four-fifths (4/5) majority of the City Council declaring that the project can be performed more economically by City employees.

(b) Uniform cost accounting procedures. Whenever the City uses its own employees to perform a public works or maintenance project valued at more than the monetary limit on informal bidding described in Public Contract Code section 22032 (as amended from time to time by the Commission) it must implement the Uniform Construction Cost Accounting Policies and Procedures described in Public Contract Code sections 22042 et seq. and the Commission's policies and procedures manual."

SECTION 8: Section 2.20.270 of Chapter 2.20 of Title 2 of the Tracy Municipal Code is amended to read as follows:

"2.20.270 Exceptions.

(a) Emergencies. Emergency work resulting from a great public calamity such as an extraordinary fire, flood, storm, epidemic or other disaster is exempt from formal bidding requirements. The City Manager is authorized to repair or replace a public facility, take any directly related and immediate action required by that emergency and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts. The City Manager shall report to the City Council, at its next regular meeting, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency. (Reference: Public Contract Code sections 20168, 22035, and 22050 and Government Code section 8630.)

(b) Sole source bids. If a contract is for a unique product available from only one source so that competitive bidding would be meaningless, the City may enter into a contract without formal bidding. For this exception to apply, the City Council must approve the contract by a resolution which includes findings as to why the product is unique and only one source exists.

(c) Personal and professional services. Services of lawyers, architects, engineers, land surveyors, artists, accountants, consultants and similar professionals are exempt from competitive bidding requirements."

SECTION 9: Subsection (b)(1) of section 2.20.275 of Chapter 2.20 of Title 2 of the Tracy Municipal Code is amended to read as follows:

"(b) Prequalification of bidders.

(1) The City hereby establishes a system for prequalification of prospective bidders for public works construction projects in excess of the monetary limits described in Public Contract Code section 22032 (as amended from time to time by the California Uniform

Construction Cost Accounting Commission). The City may use the prequalification system identified in this section for any public works project that exceeds the monetary limits described in Public Contract Code section 22032 (as amended from time to time by the California Uniform Construction Cost Accounting Commission)."

SECTION 10: A new Section 2.20.262 is added to Chapter 2.20 of Title 2 of the Tracy Municipal Code to read as follows:

"2.20.262 Design-build.

Notwithstanding the requirements of section 2.20.260, for building construction projects in excess of one million dollars (\$1,000,000), the design-build process set forth in section 20175.2 of the California Public Contract Code may be used."

SECTION 11: Resolution 2004-229 is rescinded.

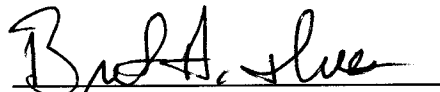
SECTION 12: The City Council shall review and evaluate the ongoing benefits of the local vendor preferences contained in this Ordinance approximately twenty-four (24) months after the effective date of this ordinance

SECTION 13: This Ordinance shall take effect thirty (30) days after its final passage and adoption.

SECTION 14: A summary of this ordinance shall be published and a certified copy of the full text posted in the office of the City Clerk at least five days before the City Council meeting at which the proposed ordinance is to be adopted. Within 15 days after adoption, the City Clerk shall publish a summary, and shall post in her office a certified copy, of the ordinance with the names of those Council Members voting for and against the ordinance. (Government Code section 36933(c)(1)).

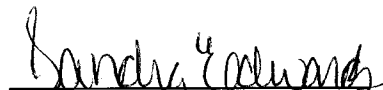
The foregoing Ordinance 1138 was introduced at a regular meeting of the Tracy City Council on the 4th day of August, 2009, and finally adopted on the 1st day of September, 2009, by the following vote:

AYES: COUNCIL MEMBERS: ABERCROMBIE, TOLBERT, TUCKER, IVES
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: MACIEL
ABSTAIN: COUNCIL MEMBERS: NONE



Mayor

ATTEST:



City Clerk

RESOLUTION 2009-160

ELECTING, UNDER PUBLIC CONTRACT CODE SECTION 22030, TO BE SUBJECT TO THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES

WHEREAS, prior to the passage of Assembly Bill No. 1666, Chapter 1054, Statutes 1983, which added Chapter 2, commencing with Section 22000, to Part 3 of Division 2 of the Public Contract Code, existing law did not provide a uniform cost accounting standard for construction work performed or contracted by local public agencies; and

WHEREAS, Public Contract Code Section 22000 et seq., the Uniform Public Construction Cost Accounting Act, establishes such a uniform cost accounting standard; and

WHEREAS, A method is necessary to permit the Director of Parks and Community Services to establish interim cultural arts and recreation program fees between annual adoption of new fees by City Council; and

WHEREAS, The Commission established under the Act has developed uniform public construction cost accounting procedures for implementation by local public agencies in the performance of or in the contracting for construction of public projects.

NOW, THEREFORE, BE IT RESOLVED, That the City Council hereby elects, effective on the effective date of Ordinance No. 1138 which was adopted on September 1, 2009 and adopts the procedures set forth in the Uniform Public Construction Cost Accounting Act (the "Act") under Public Contract Code Section 22030, to become subject to the uniform public construction cost accounting procedures set forth in the Act and to the Commission's policies and procedures manual and cost accounting review procedures, as they may each from time to time be amended, and directs that the City Clerk notify the State Controller forthwith of this election.

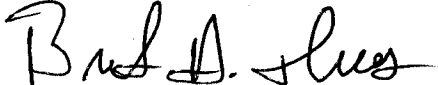
The foregoing Resolution 2009-160 was passed and adopted by the Tracy City Council on the 1st day of September, 2009, by the following vote:

AYES: COUNCIL MEMBERS: ABERCROMBIE, TOLBERT, TUCKER, IVES

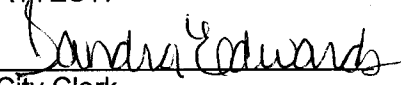
NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: MACIEL

ABSTAIN: COUNCIL MEMBERS: NONE



Mayor

ATTEST:


City Clerk

STATE OF CALIFORNIA**California Uniform Construction Cost Accounting Commission**

8/24/2021

Will Clemens
General Manager
Oceano Community Services District
*Special Districts
Chair-CUCCAC*

John Nunan
Consultant
General Contractors
Vice Chair-CUCCAC

Nathaniel Holt
Chief Facilities Officer & Bond
Program Director
Compton Unified School District
*School Districts
Secretary-CUCCAC*

Eddie Bernacchi
President
NECA, Politico Group
Subcontractors

Leeann Errotabere
Director of Purchasing
Clovis Unified School District
School Districts

Brad Farmer
Finance Director
City of Emeryville
Cities

Steven L. Hartwig
Deputy County Executive for Public
Works and Infrastructure
Sacramento County
Counties

Mike James
Assistant City Manager & Public
Works Director
City of Lemon Grove
Cities

Chad D. Rinde
Chief Financial Officer
County of Yolo
Counties

Hertz Ramirez
Business Manager
*Laborers' International Union of
North America*

Chuck Poss
President
Earth Construction & Mining
Subcontractors

Jeremy Smith
Deputy Legislative Director
State Building and Construction Trade
Council
Labor

Mary Teichert
General Contractors
*Contractors State License Board
Appointed*

Peter Wornunsky
President & CEO
Live Oak Utility Infrastructure, LLC
General Contractors

Don Scholl
Director of Public Works
City of Tracy
520 Tracy Blvd., Gate #3
Tracy, CA 95376

Re: CUCCAC Action – August 20, 2021

Dear Mr. Scholl:

The Construction Industry Force Account Council (CIFAC) filed a request with the California Uniform Construction Cost Accounting Commission (Commission) to perform an accounting review of the Corral Hollow Road Skin Patch Paving Project (Project) within the City of Tracy (City). CIFAC presented evidence that the work undertaken by the City, pursuant to Public Contract Code (PCC) section 22042

(b) Exceeded the force account limits.

After consideration of the evidence and deliberation, the Commission determined that the City did violate the Uniform Public Construction Cost Accounting Act (Act) by exceeding the force account limit of \$60,000, pursuant to PCC section 22032 (a) in performing the Project. This is the first violation by the City within a ten-year period.

Pursuant to PCC section 22044(b), the City "...shall present the commission's findings to its governing body within 30 calendar days of receipt of written notice of the findings and that governing body shall conduct a public hearing with regard to the commission's findings within 60 calendar days of receipt of the findings." A copy of this letter shall be made part of the record transmitted to the governing body in support of the public hearing.

Upon conclusion of the public hearing on this matter, please submit a copy of the meeting minutes by mail to:

California Uniform Construction Cost Accounting Commission
c/o State Controller's Office
Local Government Programs and Services Division
Local Government Policy Section
P.O. Box 942850
Sacramento, California 94250

State Controller's Office-Local Government Policy Section
P.O. Box 942850, Sacramento, CA 94250
LocalGovPolicy@sco.ca.gov

California Uniform Construction Cost Accounting Commission

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General Manager
Oceano Community Services District
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Jeremy Smith
Deputy Legislative Director
State Building and Construction Trade
Council
Labor

Mary Teichert
General Contractors
*Contractors State License Board
Appointed*

Peter Wrohunsky
President & CEO
Live Oak Utility Infrastructure, LLC
General Contractors

If you have any questions regarding this matter, please contact me at
(805) 481-6730.

Sincerely,

Will Clemens

Will Clemens, Chair

AGENDA ITEM 3.C

REQUEST

PUBLIC HEARING TO INTRODUCE AN ORDINANCE ADDING CHAPTER 7.32 TO THE TRACY MUNICIPAL CODE TO REPURPOSE ON-STREET PARKING SPACES IN THE DOWNTOWN AS OUTDOOR DINING AREAS, KNOWN AS PARKLETS, APPROVE THE DOWNTOWN PARKLET GRANT PROGRAM, AND APPROPRIATE \$500,000 FOR THE DOWNTOWN PARKLET GRANT PROGRAM FROM THE ECONOMIC DEVELOPMENT AMERICAN RESCUE PLAN ACT (ARPA) FUNDING

EXECUTIVE SUMMARY

City Council is being asked to introduce an ordinance adding Chapter 7.32, Parklets, to the Tracy Municipal Code to establish the manner by which on-street parking spaces in the Downtown may be repurposed as outdoor dining areas, known as parklets. With the reopening of indoor dining for restaurants in June of 2021, the special event permit for the Downtown Sreatery is set to expire on October 13, 2021. Working closely with the Tracy City Center Association (TCCA), City staff prepared a draft ordinance related to parklets, which would provide long-term outdoor dining opportunities in the Downtown.

City staff also designed a business grant program to reimburse restaurant owners for parklet construction costs. As a result, the Council is being asked to approve the Downtown Parklet Grant Program and appropriate \$500,000 from the American Rescue Plan Act (ARPA) to fund the grant program.

DISCUSSION

In July of 2020, the City, in collaboration with the Tracy City Center Association (TCCA), took two sets of actions related to temporarily expanding outdoor business activities in the Downtown. First, the City issued encroachment permits to allow businesses located within the TCCA district boundaries to expand their operations into the City's public right-of-way on Central Avenue, 10th Street, and 6th Street. Second, the City issued a special event permit to TCCA on July 15, 2020 and implemented a partial street closure on 10th Street between Central Avenue and "B" Street to allow for outdoor dining, known as the "Sreatery." Both sets of actions were part of the City's efforts to stabilize the economy in response to the COVID-19 pandemic's effects on local small businesses.

The Sreatery concept was well-received by the public, with some restaurants reporting record sales compared to pre-COVID-19 operation. However, the Sreatery concept was implemented as a temporary solution to alleviate restaurant closures during the pandemic with the permit expiration tied to full restaurant capacity being allowed indoors. With the decrease in COVID-19 rates during the Spring of 2021, the Governor announced full reopening of the State on June 15th, 2021, which would have ended the special event permit for the Sreatery. In early June 2021, TCCA applied for a four-month permit extension, in order to allow time for planning long-term outdoor dining solutions. The permit extension was granted and is currently set to expire on October 13, 2021.

TCCA's Board voted on June 10, 2021 to work with City staff to explore and implement parklet concepts as an outdoor dining enhancement strategy. During the past few months, the TCCA Board explored pathways towards balancing strong public demand for outdoor dining with reopening direct access and parking in front of businesses negatively affected by the Streatery with regard to visibility and parking limitations. Working closely with TCCA, City staff prepared a draft ordinance related to parklets, which would provide long-term outdoor dining opportunities in the Downtown, focusing on 10th Street, Central Avenue and 6th Street. City staff developed a Downtown Parklet Grant program, which consists of design guidelines, streamlined permitting process, and cost reimbursement for parklet construction.

Parklet Ordinance

The purpose of the proposed draft ordinance is to establish the manner by which on-street parking spaces in the downtown may be repurposed as outdoor dining areas, known as parklets, in order to expand outdoor dining opportunities and enhance the attractiveness, ambiance, and synergy of downtown.

The proposed draft ordinance would add a new Chapter 7.32, Parklets, to the Tracy Municipal Code. The complete draft ordinance is included as Attachment A. Key elements of the draft ordinance include the following:

- "Parklet" shall mean an outdoor dining area created by the repurposing of on-street parking spaces for exclusive use by an adjacent restaurant.
- An encroachment permit shall be required prior to installation of a parklet. An encroachment permit for a parklet shall be valid for a three-year term. The City may approve subsequent extensions with each extension having a three-year term. There shall be no limit on the number of extensions that the City may approve.
- Parklets shall only be allowed in the following locations:
 - Central Avenue between 11th Street and 6th Street,
 - 10th Street between Central Avenue and A Street, and
 - 6th Street between Central Avenue and D Street.
- A parklet must be located in front of the restaurant that the parklet is serving, except that a parklet may extend in front of an adjacent property or adjacent tenant space if the adjacent property owner and the adjacent tenant have provided signatures indicating endorsement of the application.
- A parklet shall be installed in accordance with the Parklet Design Standards approved by the Development Services Director and all applicable federal and state laws, regulations, or statutes. See below for further discussion regarding the Parklet Design Standards.
- An encroachment permit for a parklet shall grant exclusive use of the parklet to the permittee.

- The permittee shall be solely responsible for maintaining the parklet and the underlying and adjoining street, curb, gutter, sidewalk, and related appurtenances in a neat, clean, and orderly condition at all times, including the care of any plants, to the satisfaction of the Public Works Director.
- The permittee shall meet the City's requirements for indemnification and insurance.
- Any existing parklets would need to be brought into compliance with the provisions of the new parklet ordinance.
- If a restaurant with parklet changes ownership, the encroachment permit will need to be transferred to the new owner or the parklet will need to be removed within 30 days of the change in ownership.
- Once an encroachment permit has expired or been suspended or revoked, the permittee shall remove the parklet and restore the public right-of-way to its previous condition, including any necessary repairs to the street, curb, gutter, sidewalk, and related appurtenances. A bond or other acceptable means of deposit is required for this purpose prior to issuance of an encroachment permit.

Parklet Design Standards

The City Engineering Division is working closely with TCCA, Building Safety Division, Fire Authority, and other stakeholders to develop Parklet Design Standards that will make the permit approval process fast and efficient. Drawing on best practices around the region, the Parklet Design Standards will ensure design consistency and establish a uniform look for parklets. Engineering is including detailed design exhibits in the Parklet Design Standards in order to allow restaurants to use these same design exhibits in encroachment permit applications without needing to produce separate design documents. Staff is recommending that the ordinance allow the Parklet Design Standards be approved by the Development Services Director to allow for more flexibility and efficiency during implementation.

The design concept for parklets includes the use of concrete planter boxes and metal railing with anchors along the perimeter of the parklet, and with an asphalt curb along the street valley gutter. The parklet will include tables, chairs and umbrellas (Attachment B – Parklet Design Exhibit). It should be noted that this design concept is only compliant with the American Disabilities Act (ADA) if the restaurant also provides a sidewalk dining area that is compliant with ADA requirements. For cases where a restaurant is not able to provide a sidewalk dining area compliant with ADA, a second parklet design option is being prepared that will include a platform as the floor of the parklet that will be at grade with the sidewalk. The first design option is preferred because it will be less expensive to install, remove, and make repairs to the public right-of-way. This design option is estimated to cost below \$20,000.

Downtown Parklet Grant Program

This item also requests that Council approve a Downtown Parklet Grant Program to be funded through the American Rescue Plan Act (ARPA). Consistent with ARPA goals of providing support for businesses negatively impacted by the effects of COVID-19, this investment will enable restaurants to remain economically viable in outdoor venues. Restaurants have been disproportionately affected by COVID-induced restrictions in 2020 and early 2021. Specifically, restaurant sales in Tracy dropped by about 10 percent during Q3 and Q4 2020 relative to the last two quarters of 2019. The City has received about \$14 million in ARPA funding to help with expenses related to economic development, utilities, and other COVID-related recovery efforts. The City Council adopted an ARPA funding plan on July 20, 2021 and committed \$4.5 million to help address economic effects of COVID-19 (households, businesses, and non-profits). Staff is seeking an appropriation of \$500,000 for this Downtown Parklet Reimbursement Program from this allocation.

The funding is intended to provide grant funding up to \$50,000 for restaurants to design and construct the parklets in the downtown in front of their businesses. It is expected that initial parklet construction will be privately funded by the restaurant owners with the City reimbursing the cost upon completion based on submitted invoices and proof of payment. In addition, the proposed appropriation also includes a \$30,000 accessible parking enhancement on 10th Street and \$23,000 in staff recovery cost as part of the effort. Should the City Council approve the Downtown Parklet Grant Program, applications for the grant program will be accepted from October 21, 2021 and until current funds are exhausted.

Environmental Document

The proposed ordinance is not a project within the meaning of the California Environmental Quality Act because it does not have the potential for causing a significant effect on the environment (CEQA Guidelines, 14 California Code of Regulations, §15061(b)). Therefore, no further environmental review is necessary.

STRATEGIC PLAN

This agenda item supports the City of Tracy's Economic Development Strategic Priority, Goal 1, which is to support local businesses impacted by COVID-19.

FISCAL IMPACT

The program requires an appropriation of \$500,000; funded from ARPA funding under the allowable use of addressing the economic effects of COVID-19.

RECOMMENDATION

Staff recommends that the City Council introduce and waive the full reading of an ordinance adding Chapter 7.32, Parklets, to the Tracy Municipal Code, to repurpose on-street parking spaces in the Downtown as outside dining areas, known as parklets, and

approve, by resolution, the Downtown Parklet Grant Program, and appropriate \$500,000 for the Downtown Parklet Grant Program from the American Rescue Plan Act funding.

Prepared by: Scott Claar, Senior Planner

Reviewed by: Michael Nimon, Economic Development Manager
Bill Dean, Interim Development Services Director
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Bob Adams, Interim City Manager

ATTACHMENTS

Attachment A – Ordinance adding Chapter 7.32, Parklets, to the Tracy Municipal Code
Attachment B – Parklet Design Exhibit

ORDINANCE _____

AN ORDINANCE OF THE CITY OF TRACY ADDING A NEW CHAPTER 7.32, PARKLETS, TO TITLE 7, PUBLIC WORKS, OF THE TRACY MUNICIPAL CODE

WHEREAS, In July of 2020, the City, in collaboration with the Tracy City Center Association (TCCA), issued encroachment permits and implemented a partial street closure on 10th Street between Central Avenue and “B” Street to allow for outdoor dining, known as the “Streatery,” which was part of the City’s efforts to stabilize the economy in response to the COVID-19 pandemic’s effects on local small businesses; and

WHEREAS, The City issued encroachment permits to participating businesses located within the TCCA district boundaries that permitted businesses to expand business operations into the City’s public right-of-way on Central Avenue, Tenth Street, and Sixth Street; and

WHEREAS, The City issued a special event permit to TCCA to permit the Streatery dining concept starting on July 15, 2021 to ensure that restaurants had adequate capacity and could continue operation; and

WHEREAS, The Streatery concept was implemented as a temporary solution to alleviate restaurant closures during the pandemic with the permit expiration tied to full restaurant capacity being allowed indoors; and

WHEREAS, The Streatery concept was well-received by the public, with some restaurants reporting record sales compared to pre-COVID-19 operation; and

WHEREAS, The strong popularity of the Streatery concept highlighted consumer support and an economic development opportunity for activating the street environment and providing additional seating capacity for downtown restaurants long-term; and

WHEREAS, With the decrease in COVID-19 rates during the Spring of 2021, the Governor announced full reopening of the State on June 15th, 2021, which would have ended the outside dining permit; and

WHEREAS, In early June 2021, TCCA applied for a four-month permit extension with the City, in order to allow time for planning long-term outdoor dining solutions; and

WHEREAS, The permit extension was granted and is currently set to expire on October 13, 2021; and

WHEREAS, During the past few months, the TCCA Board explored pathways towards balancing strong public demand for outdoor dining with reopening direct access and parking in front of businesses negatively affected by the Streatery with regard to visibility and parking limitations; and

WHEREAS, TCCA’s Board voted on June 10, 2021 to work with City staff to explore and implement parklet concepts as an outdoor dining enhancement strategy; and

WHEREAS, Working closely with TCCA, City staff identified long-term outdoor dining concepts and new opportunities in downtown, focusing on 10th Street, 6th Street, and along Central Avenue; and

WHEREAS, The City prepared this ordinance to establish the manner by which on-street parking spaces in the downtown may be repurposed as outdoor dining areas, known as parklets, in order to expand outdoor dining opportunities and enhance the attractiveness, ambiance, and synergy of downtown; and

WHEREAS, The proposed amendments to the Tracy Municipal Code are not a project within the meaning of the California Environmental Quality Act because it does not have the potential for causing a significant effect on the environment (CEQA Guidelines, 14 California Code of Regulations, §15061(b)); and

WHEREAS, The City Council held a duly noticed public hearing to consider the ordinance on September 21, 2021;

The City Council of the City of Tracy does ordain as follows:

SECTION 1. A new Chapter 7.32, Parklets, is added to Title 7, Public Works, of the Tracy Municipal Code to read as follows:

“Chapter 7.32 – PARKLETS

7.32.010 – Purpose.

The purpose of this chapter is to establish the manner by which on-street parking spaces in downtown Tracy may be repurposed as outdoor dining areas, known as parklets, in order to expand outdoor dining opportunities and enhance the attractiveness, ambiance, and synergy of downtown.

7.32.020 – Definition.

For the purposes of this chapter, the following definition shall apply:

“Parklet” shall mean an outdoor dining area created by the repurposing of on-street parking spaces for exclusive use by an adjacent restaurant.

7.32.030 – Parklet Encroachment Permit Required; Term.

- (a) An encroachment permit shall be required prior to installation of a parklet. An encroachment permit application for a parklet must be in the form required by the Development Services Department and subject to a fee as established by resolution of the City Council. The application must be signed by the property owner and the restaurant owner proposing the parklet. The encroachment permit may include conditions of approval as deemed necessary by the City.
- (b) An encroachment permit for a parklet shall be valid for a three-year term. The permittee may apply for an extension of the encroachment permit up to 30 days before the permit expires. An application for extension shall take the same form as a new encroachment permit application, including all applicable materials, documentation, and signatures. The Development Services Director or designee

may approve an extension of up to a three-year term. There shall be no limit on the number of extensions that the City may approve.

- (c) An encroachment permit for a parklet, or an extension request, may be approved by the Development Services Director, except for in the following circumstances:
 - (1) If it is determined that the parklet would interfere with street improvement activities, construction activities, or other similar activities.
 - (2) If the City wishes to maintain the space as, or return the space to, on-street parking or has other needs for the public right-of-way.
 - (3) If the parklet creates a public health or safety hazard.
 - (4) If the application is not in compliance with all provisions of this Chapter.In instances where any of the above circumstances apply, no permit shall be approved.
- (d) Failure to obtain an encroachment permit to install or maintain a parklet is a violation of this Code and may be subject to administrative citation and penalty in accordance with Chapter 1.28.

7.32.040 – Location Criteria.

The following location criteria shall apply:

- (a) Parklets shall only be allowed in the following locations:
 - (1) Central Avenue between 11th Street and 6th Street,
 - (2) 10th Street between Central Avenue and A Street, and
 - (3) 6th Street between Central Avenue and D Street.
- (b) A parklet must be located in front of the restaurant that the parklet is serving, except that a parklet may extend in front of an adjacent property or adjacent tenant space if the adjacent property owner and the adjacent tenant have provided signatures indicating endorsement of the application.

7.32.050 – Design Standards.

A parklet shall be installed in accordance with the parklet design standards approved by the Development Services Director and all applicable federal and state laws, regulations, or statutes.

7.32.060 – Exclusive Use.

An encroachment permit for a parklet shall grant exclusive use of the parklet to the permittee.

7.32.070 – Signs.

No signs shall be permitted with a parklet, except in accordance with Article 35 of the Tracy Municipal Code.

7.32.080 – Alcoholic Beverages in Parklets.

The permittee shall comply with all applicable California Department of Alcoholic Beverage Control (ABC) regulations.

7.32.090 – Maintenance.

The permittee shall be solely responsible for maintaining the parklet and the underlying and adjoining street, curb, gutter, sidewalk, and related appurtenances in a neat, clean, and orderly condition at all times, including the care of any plants, to the satisfaction of the Public Works Director. Cleaning requirements shall include the sweeping of any and all areas of the street that become inaccessible to the City's street sweeping service provider's equipment as a result of the placement of the parklet. All such cleaning and maintenance must comply with all local and state regulations and standards. At no time shall litter, debris, food or liquids related to such cleaning and maintenance tasks be allowed to enter the storm water conveyance system or be dumped into temporary or permanent planter beds. All tables, chairs, umbrellas, railing, platform, planter boxes, or other items included in the parklet must not only be clean, but also repaired or replaced as needed, due to weathering, wear and tear, or damage, to the satisfaction of the Public Works Director. Additionally, all access required by the City for maintenance of infrastructure and City assets such as trees shall be accommodated by the permittee. This shall include the removal of all non-fixed obstacles. If permanent or fixed portions of the parklet are required to be moved for City maintenance or repair operations, or are damaged by such operations or City assets, those costs shall be borne solely by the permittee.

7.32.100 – Indemnification/ Insurance.

- (a) Indemnification. Permittee shall, to the fullest extent permitted by law, indemnify, defend (with independent counsel approved by the City), and hold harmless the City from and against any claims arising out of Permittee's performance or failure to comply with any conditions of approval, except to the extent caused by the sole, active negligence or willful misconduct of the City.

In this section, "City" means the City, its officials, officers, agents, employees and volunteers; "Permittee" means the Permit holder, its employees, agents and subcontractors; "Claims" includes claims, demands, actions, losses, damages, injuries, and liability, direct or indirect (including any and all related costs and expenses) and any allegations of these; and "Arising out of" includes "pertaining to" and "relating to".

- (b) Insurance. Permittee shall, throughout the term of the encroachment permit for the parklet, maintain insurance to cover Permittee, its agents, representatives, and employees in connection with this encroachment permit at the minimum levels set forth herein, covering the area subject to the permit.
- (1) Commercial General Liability (with coverage at least as broad as ISO form CG 00 01 01 96) "per occurrence" coverage shall be maintained in an amount not less than \$4,000,000 general aggregate and \$2,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.
- (c) Endorsements. Permittee shall obtain endorsements to the commercial general liability insurance policies with the following provisions:

- (1) The City (including its elected officials, officers, employees, agents, and volunteers) shall be named as an additional “insured.”
 - (2) For any claims related to an encroachment permit for a parklet, Permittee’s coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Permittee’s insurance and shall not contribute with it.
- (d) Notice of Cancellation. Permittee shall notify the City if the policy is canceled before the expiration date. For the purpose of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation. Permittee shall immediately obtain a replacement policy.
- (e) Insurance Certificate. Permittee shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance and endorsements, in a form satisfactory to the City, before the City issues an encroachment permit for a parklet.

7.32.110 – No Vested Right.

No Vested Rights. No person(s) shall have any vested rights to any permit, right or interest under this Chapter, regardless of whether such person(s) maintained or operated a parklet prior to adoption of the ordinance codified in this Chapter.

7.32.120 – Suspension or Revocation.

An encroachment permit for a parklet may be suspended or revoked at any time at the discretion of the Development Services Director or designee, in the event of any of the following:

- (a) If it is determined that the parklet would interfere with street improvement activities, construction activities, or other similar activities.
- (b) If any portion of a parklet obstructs the public right-of-way beyond that which was provided for by the encroachment permit.
- (c) If the parklet creates a public health or safety hazard.
- (d) If the permittee has not complied with the provisions of this Chapter or any conditions of approval.

7.32.130 – Change of Ownership.

If a restaurant with parklet changes ownership, the encroachment permit will need to be transferred to the new owner or the parklet will need to be removed within 30 days of the change in ownership. Transfer of an encroachment permit shall take the same form as a new encroachment permit application, including all applicable materials, documentation, and signatures. If the tenant space changes to a non-restaurant use, the parklet will need to be removed by the permittee within 30 days of occupancy by the new tenant.

7.32.140 – Removal of Parklet.

Once an encroachment permit has expired or been suspended or revoked, the permittee shall remove the parklet and restore the public right-of-way to its previous condition, including any necessary repairs to the street, curb, gutter, sidewalk, and related appurtenances within 30 days of the permit expiration, suspension, or revocation, to the satisfaction of the Development Services Director.

7.32.150 – Bond Requirement.

Prior to issuance of an encroachment permit for a parklet, a performance bond or other acceptable means of deposit, as determined by the Development Services Director or designee, shall be provided to the City to ensure that once an encroachment permit for a parklet has expired or been suspended or revoked, the parklet will be removed and the public right-of-way will be restored to its previous condition, including any necessary repairs to the street, curb, gutter, or sidewalk. The amount of the performance bond or other acceptable means of deposit shall be based on a cost estimate of the project specific details, to the satisfaction of the Development Services Director or designee.”

SECTION 2. This Ordinance is not a project within the meaning of the California Environmental Quality Act because it does not have the potential for causing a significant effect on the environment (CEQA Guidelines, 14 California Code of Regulations, §15061(b)); and

SECTION 3. This Ordinance shall take effect 30 days after its final passage and adoption.

SECTION 4. This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk’s office at least five days before the Ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the Ordinance. (Gov’t. Code §36933.)

* * * * *

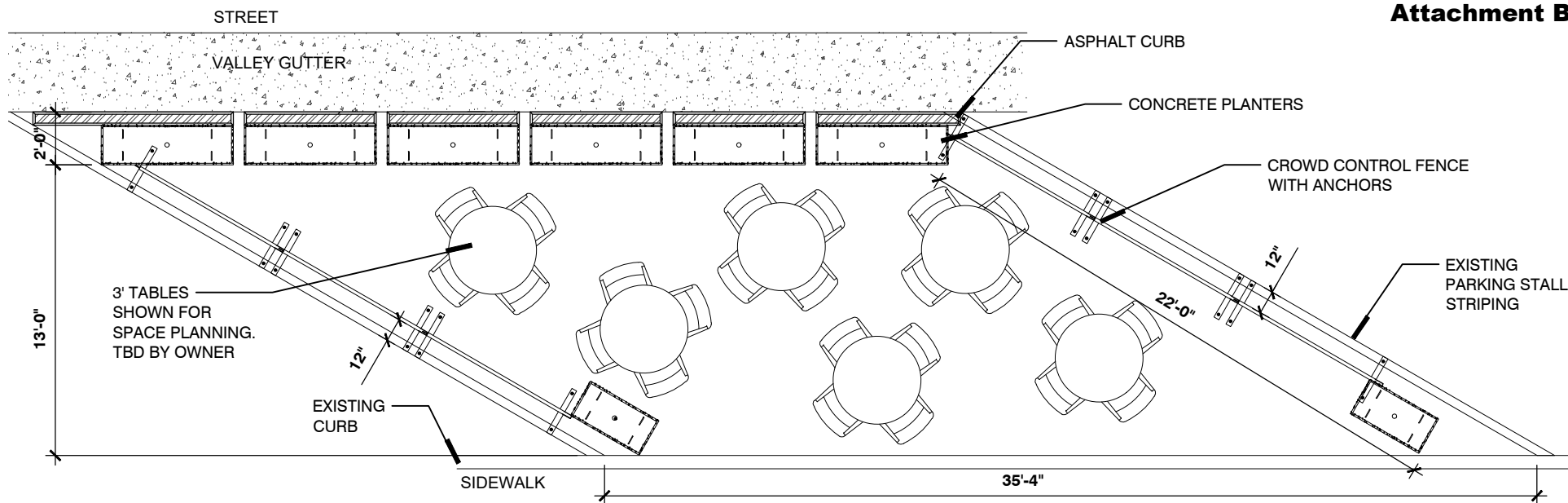
The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the 21st day of September, 2021, and finally adopted on the _____ day of _____ 2021, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

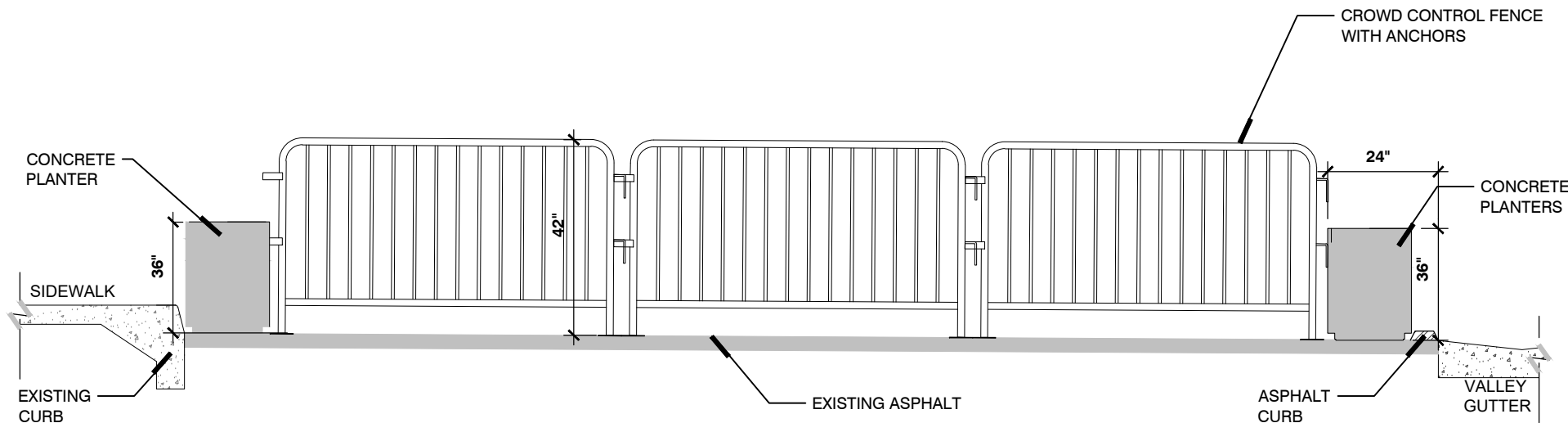
MAYOR

ATTEST:

CITY CLERK



PARKLET
TYPICAL PLAN



PARKLET
TYPICAL ELEVATION



RESOLUTION 2021- _____

APPROVING THE DOWNTOWN PARKLET GRANT PROGRAM AND APPROPRIATING \$500,000 FOR THE DOWNTOWN PARKLET GRANT PROGRAM FROM THE ECONOMOIC DEVELOPMENT ARPA FUNDING

WHEREAS, In July of 2020, the City, in collaboration with the Tracy City Center Association (TCCA), issued encroachment permits and implemented a partial street closure on 10th Street between Central Avenue and “B” Street to allow for outdoor dining, known as the “Streatery,” which was part of the City’s efforts to stabilize the economy in response to the COVID-19 pandemic’s effects on local small businesses, and

WHEREAS, The City issued encroachment permits to participating businesses located within the TCCA district boundaries that permitted businesses to expand business operations into the City’s public right-of-way on Central Avenue, Tenth Street, and Sixth Street, and

WHEREAS, The City issued a special event permit to TCCA to permit the Streatery dining concept starting on July 15, 2020 to ensure that restaurants had adequate capacity and could continue operation, and

WHEREAS, The Streatery concept was implemented as a temporary solution to alleviate restaurant closures during the pandemic with the permit expiration tied to full restaurant capacity being allowed indoors, and

WHEREAS, The Streatery concept was well-received by the public, with some restaurants reporting record sales compared to pre-COVID-19 operation, and

WHEREAS, The strong popularity of the Streatery concept highlighted consumer support and an economic development opportunity for activating the street environment and providing additional seating capacity for downtown restaurants long-term, and

WHEREAS, With the decrease in COVID-19 rates during the Spring of 2021, the Governor announced full reopening of the State on June 15th, 2021, which would have ended the outside dining permit, and

WHEREAS, In early June 2021, TCCA applied for a four-month permit extension with the City, in order to allow time for planning long-term outdoor dining solutions, and

WHEREAS, The permit extension was granted and is currently set to expire on October 13, 2021, and

WHEREAS, During the past few months, the TCCA Board explored pathways towards balancing strong public demand for outdoor dining with reopening direct access and parking in front of businesses negatively affected by the Streatery with regard to visibility and parking limitations, and

WHEREAS, TCCA’s Board voted on June 10, 2021 to work with City staff to explore and implement parklet concepts as an outdoor dining enhancement strategy, and

WHEREAS, Working closely with TCCA, City staff identified long-term outdoor dining

concepts and new opportunities in downtown, focusing on 10th Street, 6th Street, and along Central Avenue, and

WHEREAS, The City prepared the ordinance to establish the manner by which on-street parking spaces in the downtown may be repurposed as outdoor dining areas, known as parklets, in order to expand outdoor dining opportunities and enhance the attractiveness, ambiance, and synergy of downtown, and

WHEREAS, A \$500,000 appropriation for the downtown parklet grant program from the economic development ARPA funding will enable restaurants to improve sales through provision of additional seating capacity, and

WHEREAS, Initial parklet construction will be privately funded by restaurant owners with the City reimbursing the cost upon completion based on submitted invoices and proof of payment;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves the Downtown Parklet Grant Program and appropriate \$500,000 for the downtown parklet grant program from the economic development ARPA funding.

* * * * *

The foregoing Resolution 2021-_____ was passed and adopted by the Tracy City Council on the 21st day of September, 2021, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 3.D

REQUEST

RECEIVE UPDATE ON CITY OF TRACY HOMELESS INITIATIVES INCLUDING COMMUNITY PRESERVATION EFFORTS, TEMPORARY EMERGENCY HOUSING FACILITY PROJECT, FUNDING STRATEGIES AND STAFFING, AND PROVIDE DIRECTION ON PHASING OF THE EMERGENCY HOUSING FACILITY PROJECT AND A TEMPORARY WARMING CENTER DURING FISCAL YEAR 2021-2022

EXECUTIVE SUMMARY

This report provides an update on the City's efforts to address homelessness and quality of life issues in the community, including a status update on the City's Temporary Emergency Housing Facility project located on Arbor Road, and resources needed to operate and manage the facility on an ongoing basis. This report also requests Council direction on phasing of the emergency housing facility project and implementation of a temporary warming center during the current fiscal year.

DISCUSSION

The purpose of this report is to provide a status update to Council on the City of Tracy's homelessness initiatives, including:

- Community preservation efforts
- Temporary Emergency Housing Project on Arbor Road
- Funding strategies and resources needed for on-going homelessness operations
- Warming Center for FY 2021-2022

Background

The City, not unlike many other areas in California, has experienced an increase in the number of unsheltered or homeless individuals over the past several years. This increase has had a significant impact on City operations and resources, including, but not limited to: Police, Public Works, Code Enforcement, Parks and Recreation, legal services and general administration. As a result, resources are re-deployed and re-assigned on a daily basis to address homelessness, often at a cost to other competing priorities.

From 2017 to 2019, homelessness across San Joaquin County increased by 170%, and in Tracy, the homeless population grew from 90 unsheltered individuals in 2017 to 155 in 2019. Due to the COVID-19 pandemic, the San Joaquin Continuum of Care (SJCoC) postponed their Point in Time (PIT) count of the homeless population that occurs in the

last week of January in odd numbered years. Many individuals and families have experienced or will experience sudden income loss due to COVID-19, leaving them vulnerable to eviction and homelessness.

Homelessness Strategic Plan

To address the issues surrounding homelessness strategically, both regional and Tracy-specific strategic plans were drafted in the Fall 2019. The Tracy City Council's Ad Hoc Committee on Homelessness provided guidance to inform the development of the Tracy Homelessness Strategic Plan (Attachment A & B) specific to the needs of Tracy, while being complimentary to regional homelessness efforts. In May 2020, the Tracy City Council adopted the Tracy Homeless Strategic Plan (Plan). Following the adoption of the Plan, the Council subsequently adopted the San Joaquin Community Response to Homelessness – 2020 San Joaquin Strategic Plan in October 2020.

The City's Plan established both short and long-term goals to address housing issues and bolstering support services to those experiencing homelessness within the City.

Community Preservation Unit Update

In FY 2018/19, Council approved the formation of a Community Preservation Unit (CPU) within the Public Works Department. The approval included a two-person crew, one mid-sized truck and a supplemental contracted biohazard removal services. The original focus of the CPU was to address blight on City property and in the City right-of-way. At the time of creation, the CPU's primary tasks were to address illegal dumping throughout the City, collect and process abandoned shopping carts, remove illegal garage sale signs from traffic signs and poles, and to a lesser extent, perform homeless encampment clean-up duties as needed.

Over the past two years, the responsibilities of the CPU expanded to include posting of encampment clean-ups following established policies, coordination of clean-ups with the Police Department's Code Enforcement Unit and Neighborhood Resource Officers (NROs), and the collection of comprehensive data of site locations and off haul amounts to name a few. In just a few years, the amount of illegal dumping tonnage has continued to increase, while the size and scope of encampment clean-ups has accelerated exponentially. These increases have resulted in almost daily reallocation of resources such as: vehicles and equipment; staff time from other work groups including street/sidewalk repairs, parks maintenance, and utility infrastructure repair – usually including two additional staff, but often up to four or more; and, additional costs to implement contracted biohazard remediation and tree removal/trimming services for more extreme encampment clean-ups.

The City's unsheltered population tends to reside at City parks, detention basins, and channel ways. The most densely populated of the encampments is at El Pescadero Park which tends to average over 90 unsheltered residents at any point in time. El Pescadero is an appealing location for the City's unsheltered community given its proximity to the recycling center, two convenience stores, Tracy Interfaith Ministries (a source of food), and mobile showers that were temporarily provided by Tracy Community Connections Center at the onset of the pandemic (now discontinued).

The Public Works Department, in coordination with the Tracy Police Department and its Code Enforcement Division, perform twice-weekly posted encampment clean-ups with encampment debris removal efforts on all other regular workdays. The Police Department actively works to ensure abandoned vehicles are removed and implements strategies to enhance safety at the park. In addition to clean up and enforcement duties, these teams of City employees have cultivated working relationships with the unsheltered individuals who call Tracy home. These relationships allow staff to leverage cooperation and gain voluntary compliance with the least amount of risk of conflict or unnecessary escalation.

The fiscal cost to manage and address safety and quality of life issues has also increased. In less than three years, the Public Works Department has recorded roughly 2,000 additional labor hours dedicated solely to encampment/homeless related clean-ups resulting in almost 218 tons of debris being hauled off at a cost of over \$104,000 for the debris disposal alone. Additionally, Public Works expended approximately \$45,000 in contracted biohazard removal services in 2021 alone and currently has additional biohazard abatements tentatively scheduled for late-September or early-October at an estimated cost of \$10,000. It is important to note that these figures do not include other blight abatement tasks such as the clean-up of illegal dumping, abandoned shopping cart collection or the removal of illegal yard sale signs from City property. This data does not quantify the impacts on the City facilities or their conditions. Additionally, it does not capture the impacts of diverted resources from other maintenance and repair functions such as street and sidewalk repair in order to perform these large-scale encampment clean-ups.

Code Enforcement and Neighborhood Resource Officers (NROs)

NROs will typically lead all police related matters regarding park/public blight issues, while serving as the point of contact for other City partners related to this operation. NROs deploy weekly with Code Enforcement Officers in a proactive education and enforcement operation; to include patrols of known problem areas and calls for service at known problem areas. They also serve as an enforcement and security force, as needed and requested, for Public Works and Code Enforcement during cleaning or enforcement events. NROs partner with Operation Helping Hands (OHH), to coordinate and facilitate wraparound services twice a month for unsheltered individuals wanting support and access to resources.

They also work with Public Works to advise on environmental elements with respect to crime prevention strategies pertaining to building design and landscaping. This partnership is particularly valuable in areas impacted by blight and crime.

Patrol and Special Enforcement Team (SET) Officers

The San Joaquin County District Attorney's Office reached out to the City of Tracy on a potential partnership opportunity to strengthen crisis response protocols, transportation services, and resource connectivity amongst Tracy's homeless population. The effort is modeled after the Olympia, Washington "One Community Plan" and aims to engage homeless, triage needs and make warm hand-offs to appropriate care teams, shelters, clinics, or other support services as necessary. The District Attorney's Office plans to

present this concept before the Tracy Homeless Advisory Committee for discussion and consideration.

Community Partnerships to Address Homelessness

The City actively coordinates with a team of key stakeholders to address homelessness and impacts to Tracy's quality of life. This coordination includes a partnership led by the Tracy Police Department Neighborhood Resource Officers (NRO), the SJCoC, Housing Authority of San Joaquin County, County Behavioral Health and support operations like Operation Helping Hands (OHH) which is a multi-agency outreach that addresses the needs of the Tracy unsheltered community and transitions individuals to more permanent housing. The City also works closely with several local partners including Interfaith Ministries and Tracy Community Connections Center (TCCC) to connect the unsheltered with needed resources, such as food, shelter, and clothing.

While the partnerships in the City are extremely valuable and impactful, Tracy has a limited social service and non-profit infrastructure, which makes it challenging to address the complex needs of the unsheltered in a comprehensive way. This limitation became more evident when the City took steps to implement a safe parking and warming center service program in February 2020. While comprehensive outreach was conducted, the issuance of a Request for Proposal (RFP) resulted in zero responsive proposals for both safe parking and warming center services. Eventually, the City was able to contract with FIX'D Inc. to provide warming center services from January – March 2021 at the Tracy Community Center.

Temporary Emergency Housing Facility Update

On September 1, 2020, the Council gave direction to move forward with the development of plans for the design and construction a temporary emergency housing facility (Attachment C). Subsequently, on March 2, 2021, the Council received an update on the project and allocated funding for design and construction. The project is located at 370 W. Arbor Avenue and the first phase of construction will include a 60' x 105' structure that will accommodate up to 68 guests, a day room, and offices for operations, administration and client services in an accessible climate controlled space with fire alarm and sprinkler systems. The 6,300 square foot low-barrier shelter will accommodate people, pets, and possessions. Auxiliary structures will be prefabricated and will include a kitchen, restrooms, showers, laundry, and storage. The site improvements include security fencing, fire access lanes, parking, landscaping and space for future expansion based on funding availability. The first phase of the project will also include selection of a service provider(s) to operate the facility and provide case management to connect clients experiencing homelessness with health, employment and housing resources.

The federal funding, in the form of CDBG grants secured for the project, requires the City to follow the federal environmental review process, the National Environmental Policy Act (NEPA). The NEPA environmental review process takes between 75 – 120 days to complete and cannot be shortened significantly due to the periods of public

noticing and comment that are required at various steps. Although the NEPA environmental review was not anticipated and will impact the construction schedule, a consultant specializing in this work was immediately secured and the review was initiated in early August.

The project is currently in the construction design phase and the plans and specifications for preliminary site work, including the demolition of an existing structure, removal of debris, rough grading, installation of underground utilities are 90% complete. This package of plans will be completed, permitted and ready to advertise for construction bids prior to the completion of the environmental review process. Construction will begin as soon as the NEPA is completed.

The site improvement plans, including the structures, sidewalks, paving, security fencing, etc., are currently 40% complete. The improvement plan package will be complete by the end of the environmental review process, submitted for permit review, and will be advertised for bids as soon as permits are approved.

Weather permitting, construction is anticipated to take place this fall with an estimated project completion of spring 2022. Staff will begin its outreach process in advance of any construction to ensure adequate responses to the City's Request for Proposals to operate and manage the Temporary Emergency Housing Facility.

Funding Sources

The total project costs and funding sources associated with the design and construction the Temporary Emergency Housing Facility is as follows:

SECURED PROJECT FUNDING (CAPITAL FUNDING)	AMOUNT
City of Tracy – Project Location/ Land (est. \$5/ sq.ft)	\$180,000
Housing Asset Funds (Reso 2020-163)	\$690,000
Community Development Block Grant – San Joaquin County allocation via COVID-19 relief funds (Reso 2020-163)	\$100,000
Community Development Block Grant – City of Tracy FY 21-22 allocation (2021-032)	\$403,365
Homeless Housing, Assistance and Prevention Funds (HHAP) – San Joaquin County (2021-062)	\$329,400
American Rescue Plan Act (ARPA) (Pending Appropriation)	\$4,500,000
Allocation for Regional Homeless Shelter Projects and Services - San Joaquin County Board of Supervisor's (Pending Appropriation)	\$3,666,113
SECURED PROJECT FUNDING TOTAL	\$9,868,878
PROJECT EXPENSES (CAPITAL EXPENSES)	AMOUNT
Site preparation - utilities, earthworks, pavements, and existing building	\$537,907
New construction – utilities, pavement, fencing, building, and accessories	\$5,207,584
Additive alternatives – administration building, emergency generators, etc.	\$996,300
Project design – staff time, consultant services	\$575,000
GRAND TOTAL – SPRUNG STRUCTURE AND OUTFIT	\$6,320,492
GRAND TOTAL – SPRUNG STRUCTURE & OUTFIT WITH ALTERNATIVES	\$7,316,792

On July 13, 2021, the San Joaquin County Board of Supervisors approved a \$3.66 million funding allocation to support the construction of the Temporary Emergency Housing Facility. The County's contribution filled a previous funding gap and made it possible for the City to move forward with the first phase of the project. During the meeting, Tracy City Council Member and Homelessness Advisory Committee Chair Dan Arriola presented the City's plan for a temporary emergency housing facility and requested funding support from the Board of Supervisors to begin construction on the project. The Board of Supervisors also approved funding requests from the cities of Manteca and Lodi to support similar homelessness and housing initiatives, highlighting the ongoing collaborative regional efforts to address homelessness in our county.

The City has also committed \$1.8 million for approximately two years of ongoing operations and maintenance expenses via the City's General Fund. Staff is seeking Council direction to proceed with the second phase of the project, which will include an administration building, dog run, and additional structure to increase bed capacity, once the first phase of the project is at or near completion.

Ongoing Operational Expenses and Resources

Given that the City will be establishing its own temporary emergency housing facility, it will be responsible for providing the necessary resources for this new City core service. At a minimum, additional services will include the need to procure one or more service providers to operate and manage the new facility. Depending on the outcome of this process and the terms of the agreement, resources will likely also be needed for maintenance, repair and capital replacement of the facility. Estimates for these items cannot be prepared until the design of the facility and the specific components and systems are finalized. It should be noted that while external grants may be available to offset expenses associated with homeless services, they will likely be limited and/or one-time monies. As a result, the City will likely have to budget for future associated operational facility expenses using General Fund dollars. Given the overall impact of homelessness on staff resources and operations coupled with the introduction of new core services focused on homelessness response and prevention, Council will need to consider directing additional resources to support the creation of a Housing and Human Services Division in FY 2021-2022 to provide dedicated services in a more efficient manner.

Tracy Homelessness Advisory Committee

The Tracy Homeless Advisory Committee was established by Council Resolution No. 2021-033 on March 16, 2021 to implement the City's Homelessness Strategic Plan and address homelessness in Tracy. The committee is comprised of two seated Council Members, Council Member Dan Arriola (Chair) and Council Member Eleassia Davis. The committee meets on a quarterly basis on the third Thursday in January, April, July, and October at 7:00 p.m., and as-needed.

Recently, the Tracy Homelessness Advisory Committee met on July 15, 2021 to receive an update on the Temporary Emergency Housing Facility and Homelessness Strategic Plan. During the meeting, Council Member Arriola requested and Council Member Davis supported having a faith based community roundtable meeting to discuss homeless services, gaps, and potential partnership opportunities. On September 8, 2021, a special

committee meeting was held with faith based leaders, non-profit representatives, and City staff to discuss community-wide homelessness services, quality of life concerns, and the status of the Temporary Emergency Housing Facility. During the meeting, several faith based and non-profit organizations expressed interest in assisting with providing more structured services to the homeless, such as the distribution of meals and clothing. These organizations also expressed interest in setting up schedules to continue services once the Temporary Emergency Housing Facility opens.

Temporary Warming Center for the Homeless

During Fiscal Year 2020-2021, the Council directed staff to stand up a warming center to help protect Tracy's unsheltered population from the winter elements. With roughly \$150,000 in State housing assistance funding, the City issued a Request for Proposals and entered into a contract with FIX'D Inc. to operate a warming center at the Tracy Community Center from December 2020 – March 2021, seven days a week from 7:00 p.m. to 7:00 a.m. The warming center supported an average of 15 individuals per night and provided intake services. Three staff members operated the Tracy Warming Center on nightly basis, along with volunteers. Nearly 15 staff members were hired to operate the Warming Center and the maximum capacity for the Warming Center was 40. FIX'D also bought two kennels for small pets. Socks, gloves, warming pocket pouches, and bus passes for errands and appointments were provided to meet client needs. Clients also received help with IDs, medical cards, and other services free of charge. Case management was provided as feasible with staff helping clients navigate resources.

During that time, the Community Center was not being rented or programmed due to the pandemic, however, with recreation programming and indoor activities resuming, an overnight warming center can no longer be accommodated at the Community Center.

Given the Temporary Emergency Housing Facility will not be completed and operational by this winter, staff is requesting Council direction to contract with a service provider to operate a warming center from November 2021 – March 2022. This process would include issuing a Request for Proposal, selecting a service provider (preference will be given to those who have a location secured), and returning to Council to authorize the contract and funding source.

Council may also propose other alternatives to provide temporary relief and respite to the homeless during the winter months.

Project Homekey

On September 9, 2021, the State Department of Housing and Community Development (HCD) issued a Notice of Funding Availability (NOFA) for Round 2 Project Homekey grant funding. Approximately \$1.4 billion (FY 2021-22) in funding will be made available to local public entities, including cities, counties, other local public entities, such as housing authorities or Tribal Entities within California to purchase and rehabilitate properties into permanent, long term housing for people experiencing homelessness.

Staff has preliminary information on the grant opportunity, but would need Council direction to expend additional staff resources to delve more deeply into the grant

requirements to potentially develop a plan to submit for grant award consideration.

Prior to applying, the HCD requires all applicants to engage in a pre-application consultation to discuss the proposed project, related site acquisition, CEQA and land use considerations, Continuum of Care coordination and service partnerships, and financing approaches. Staff will need to assess the feasibility of pursuing a project under Homekey, including potential sites, funding sources, resource capacity, and partnerships with service providers.

It should be noted that accepting an award for Project Homekey would require some level of match from the City and would require the City to take on a new core service - landlord/housing manager and a financial commitment to ongoing maintenance, insurance, and increase service provider/staffing cost.

STRATEGIC PRIORITY

This agenda item supports the Public Safety Strategic Priority, Goal 2 - Implement the Adopted Homelessness Strategic Plan.

FISCAL IMPACT

The City has already committed approximately two years of ongoing operations and maintenance funding for the Temporary Emergency Housing Facility, totaling \$1.8 million. Staff will request ongoing funding for operations and personnel to manage the growing homeless and housing issues through the annual City budget process.

RECOMMENDATION

It is recommended that the Council receive an update on the City of Tracy's homeless initiatives including community preservation efforts, Temporary Emergency Housing Facility project, funding strategies and staffing, and provide direction on phasing of the emergency housing facility project and a temporary warming center during Fiscal Year 2021-2022.

Prepared by: Vanessa Carrera, Assistant to the City Manager
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Reviewed by: Midori Lichtwardt, Assistant City Manager
Karin Schnaider, Finance Director

Approved by: Bob Adams, Interim City Manager

ATTACHMENTS:

- A - City of Tracy – Homelessness Strategic Plan
- B - City of Tracy – Homelessness Strategic Plan Summary Page
- C - Temporary Emergency Housing Facility Site Rendering



CITY OF TRACY

HOMELESSNESS STRATEGIC PLAN

As approved and amended May 5, 2020

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Last Revised: 05-05-2020

EXECUTIVE SUMMARY

This Homelessness Strategic Plan outlines an ongoing comprehensive strategy to make homelessness rare, brief, and non-recurring in the City of Tracy. The direction and goals included in this plan build upon the recent progress the City has made towards ending homelessness while also recognizing new practices, emerging challenges, and opportunities to develop a system that uses all available resources to house people experiencing homelessness.

In response to the growing number of people experiencing homelessness within the City of Tracy, a collaboration of stakeholders, local service providers, community members and elected officials have mobilized to address the challenges related to homelessness. These stakeholders include a collective of various organizations including those with educational, legal, business, and faith-based interests; local homeless service providers; city, county, and state agencies; private businesses and non-profit organizations; as well as private individuals and consumer advocates. This strong collaboration represents one of the greatest tools within the City of Tracy to combat homelessness.

Trends in homelessness in the City of Tracy speak to the need for a comprehensive, coordinated community effort to address the issue. The 2019 biannual point in time count reports that there are 155 unsheltered persons living on the streets, cars, or places not meant for human habitation and 21 sheltered persons within city limits. The number of people experiencing unsheltered homelessness has increased dramatically (520%) since 2011. This large increase is attributable to under counting in previous years. Service providers working in Tracy reported that a change in the count methodology—including the establishment of a homeless outreach project on the day of the count and an increase in the number of volunteers—has helped to produce a more accurate count of people experiencing homelessness in the City.

While conversation and ideas are being discussed within the City of Tracy, the experience of homelessness continues to affect many individuals and families, while others live one pay-check or unforeseeable circumstance away from falling into homelessness, *i.e.* at-risk of homelessness. These realities propel city and county officials, nonprofit service providers, local businesses, faith-based organizations, and other stakeholders to continually strive to address the issue of homelessness.

This plan proposes a series of steps to strategically utilize existing resources and place the City in a position to access new resources. It intentionally builds upon the strengths of the community, namely the City and the San Joaquin County Continuum of Care, and the capacity of its individual stakeholders; to leverage existing resources to address challenges—such as the shortages of affordable housing and permanent supportive housing. However, the first priority of the City must be to create emergency shelter.

Specific strategies are organized under four primary goals:

STRATEGIC PLAN GOALS

GOAL 1: Increase Housing Options in Tracy

GOAL 2: Increase Access to Coordinated Support Services for People Experiencing Homelessness

GOAL 3: Develop Action Plans for Engaging with People Experiencing Homelessness

GOAL 4: Enact Specific Strategies for Vulnerable Subpopulations Experiencing Homelessness

As the City of Tracy embarks on the implementation of this plan, the City must communicate and promote this vision and strategy for implementation; update the plan as needed; continuously identify and seek out resources; and provide the leadership to make mid-course adjustments. The plan identifies outcomes that should be measured to ensure constant and consistent attention to the action steps and to measure success. Success will depend on the willingness and commitment of key stakeholders to embrace innovation and adopt a culture open to change.

BACKGROUND

In January of 2019, California’s Department of Housing and Community Development (HCD) presented the opportunity for Continuums of Care (CoC) and counties across the State of California to request technical assistance in three different areas of focus: capacity building, housing first, and housing stability. Eligible recipients of the technical assistance included those CoCs and counties that were direct recipients or administrators of California’s Emergency Solutions Grant Program (ESG) or No Place Like Home funding. In July of 2019, the City of Tracy, as a member of the San Joaquin Continuum of Care, submitted a request for support in developing a strategic plan to end homelessness. HCD approved the City of Tracy’s request as an exception—as the only city provided direct assistance—and it did so with the understanding that the City would coordinate with the CoC to compliment efforts.

The Technical Assistance Collaborative (TAC) was retained by HCD to engage with CoCs and Counties that submitted requests for “capacity building” technical assistance. TAC worked with HCD and the City of Tracy to develop a work plan, and engagement began in August of 2019. The goal of the public process was to enhance transparency and help the City of Tracy establish intentional and meaningful strategies to end homelessness, which culminated in a written plan.

Prior to this engagement, much of the planning around homelessness occurred at the CoC and county level. While the City of Tracy is unique in their capacity and needs, the city has expressed a commitment to collaborate efforts with the county to address homelessness within the framework of the San Joaquin CoC. Therefore, the planning process which produced this document focused on a more systemic-level approach to prevent and end homelessness within the city. As such, TAC conducted a thorough document and resource review. In addition to remote planning sessions and communication with the City, TAC facilitated an on-site strategic planning meeting in November 2019. Subsequently, three community forums were held in

December and January to obtain public input and promote transparency. Throughout the process, it was important to include the voice of those with lived experiences by inviting persons currently living on the streets or in places not meant for human habitation in Tracy to the community meetings.

In developing the plan, TAC drafted initial goals and objectives, based on the community planning session and additional feedback from the community workshops. The public comments were incorporated into the plan and, subsequently, the City's Ad Hoc Committee on Homelessness revised the draft goals and objectives. This collaborative effort produced the goals, objectives, and action steps outlined in this plan to end homelessness in the City of Tracy.

OVERVIEW OF HOMELESSNESS IN TRACY

The State of California is in the midst of an unprecedented homelessness and housing crisis. The number of individuals and families experiencing homelessness far exceeds any other state in the country. As of the January 2019 point in time count, the number of persons experiencing homelessness in California was 151,278. Nearly half of all people experiencing homelessness in the country were in three states: California (27% or 151,278 people); New York (16% or 92,091 people); and Florida (5% or 28,328 people). While the highest counts of homelessness exist in some of California's larger metropolitan areas, Tracy is not untouched by the crisis.

COST OF HOMELESSNESS IN TRACY

Nationally, a chronically homeless person costs the tax payer an average of \$35,578 per year. Costs on average are reduced by 49.5% when they are placed in supportive housing. Supportive housing costs on average \$12,800, making the net savings roughly \$4,800 per year.

Key findings from a study in Santa Clara, California found "overall, clients connected to permanent housing showed greater reduction in both emergency department use and charges compared to those who remained homeless or in less stable housing arrangements (a 34% reduction compared to a 12% reduction in emergency department visits, a 31% reduction compared to a 2% reduction in emergency department charges)." "The group connected to housing showed significantly greater reductions in the inpatient charges (a 27% decrease for those connected vs. a 49% increase for those not connected)."

Regarding the specific needs of the City of Tracy, there is a cost to the city as people continue to experience homelessness. The City is working to document the costs of the following services:

- Hospital Emergency Room Services
- Emergency Medical Resources
- Law Enforcement and Prosecution Resources
- County Jail, Court, and Criminal Justice System Resources

Often, these costs are actually higher than the cost of dedicating resources to provide people with permanent housing.

EXISTING RESOURCES IN TRACY

The strategic planning process requires the identification of existing resources to households experiencing or at-risk of homelessness, as well as any gaps in resources and those that may require strengthening or refining. The effort to prevent and end homelessness in Tracy must also take into considerations the state and federal funding climates and evolving policy priorities. No community can address homelessness by relying solely on dedicated homeless resources, but must access and leverage other more mainstream housing and service resources.

- **HUD RESOURCES**

The San Joaquin CoC has successfully obtained competitive federal homeless assistance funds through the Continuum of Care Program. In Fiscal Year 2018 the CoC received \$4,490,004 and, of that amount, 67% is for permanent supportive housing, 28% is for rapid rehousing, 2% is for the Homeless Management Information System, and 3% is for planning CoC activities. At the time of publication of this report the FY19 CoC Program awards were not fully announced.

- **CALIFORNIA RESOURCES**

The State of California, through inter-state agency partnerships and collaboration, has created and funded programs to complement federal and local/philanthropic funding for county and CoC crisis response systems. **TABLE A** outlines some of the funding opportunities available to support CoCs in California. The San Joaquin CoC currently receives funding through several of these opportunities.

- **TRACY RESOURCES**

There are 28 local service providers that make up the Tracy Community Homeless Task Force. The services offered include shelters; subsidized housing; community meals; food delivery to encampments; food pantries, markets, and produce; and hygiene programs.

IDENTIFIED GAPS & CHALLENGES

The City of Tracy faces significant challenges in its work to prevent and end homelessness. These difficulties and resource gaps have been identified in an effort to inform the goals and objectives included in this plan. They have been outlined below in four categories.

- **CRISIS RESPONSE**

This resource gap relates to the city's crisis response system and capacity for assisting households at-risk of and currently experiencing homelessness. It is imperative that people understand the risk of homelessness, and the relative fragility of many households' housing situations. Households at risk of homelessness are often one paycheck, utility bill, or medical bill away from an episode of homelessness. Those with

untreated behavioral health needs may be forced to leave housing due to related behaviors and risks. For those households that do enter the homeless crisis response system, the availability and access to safe shelter and outreach services are essential.

➔ **CURRENT RESOURCE GAPS AND CHALLENGES RELATED TO CRISIS RESPONSE**

- Not enough family shelters
- Lack of low barrier shelters
 - Need to allow families to stay together (without restrictions on the age of children)
 - Need to allow people to shelter with their pets
 - Need to have a place for people to store their possessions
- Need more behavioral health services and quick access to the services while people are in crisis
- Need for access to services after normal business hours/evening and weekends

• **HOUSING**

This resource gap relates to the availability of both public and private housing resources. The City is experiencing a severe lack of affordable housing for households at-risk of and experiencing homelessness, particularly those extremely and very low income households. The long term success in addressing homelessness in the City will involve both increasing the affordable housing stock and obtaining rental subsidies.

➔ **CURRENT RESOURCE GAPS AND CHALLENGES RELATED TO HOUSING**

- Lack of affordable housing
- No local provider funded to provide permanent supportive housing
- Huge deficit of landlords
- Existing housing stock is limited and unaffordable

• **SUPPORTIVE SERVICES**

This resource gap relates to the availability and access to services and other supports that aid households in their ability to successfully maintain housing. Supportive services are often the key to ensuring that households at-risk of homelessness are able to maintain their housing and avoid the need for crisis services. Similarly, supportive services also serve as the primary mechanism for ensuring that formerly homeless households are able to successfully maintain housing.

➔ **CURRENT RESOURCE GAPS AND CHALLENGES RELATED TO SUPPORTIVE SERVICES**

- Need for employment services
- Lack of transitional age youth resources
- No South County service center

- **SYSTEM LEVEL**

This resource gap relates to challenges experienced at the systems or community level that likely expand beyond the homeless services system. These challenges may involve systems of care other than the homeless crisis response system, and are likely bigger than any one project or resource.

➔ **CURRENT RESOURCE GAPS AND CHALLENGES RELATED TO SYSTEM LEVEL**

- Need for increased participation in Homeless Management Information System (HMIS) to help inform data-driven systemic level decisions
- Feeding schedules need to be coordinated to reduce waste of resources
- Lack of transportation throughout the City and connections with other cities within San Joaquin County

THEMES IDENTIFIED VIA COMMUNITY INPUT

TAC identified the following themes based on discussions regarding goals from the community planning session and additional feedback from the community workshops. The four identified themes include:

1. Move people who are experiencing homelessness into permanent housing as quickly as possible
2. Increase understanding regarding issues people experiencing homelessness face and/or increase the general understanding of homelessness
3. Strengthen capacity to increase resources for the homeless crisis response system
4. Prevent and divert new households from becoming homeless

GOALS & OBJECTIVES

Homelessness ends with a crisis response system that is able to provide housing and ensure that the root causes of homelessness are rare, brief, and non-reoccurring. These goals and objectives should maximize “housing first” principles. “Housing First” is a best practice and a requirement of many funding sources at both the state and federal levels. This approach should be implemented both at the systemic-level as well as at the local project level.

GOAL 1: INCREASE HOUSING OPTIONS IN TRACY

Objectives for GOAL 1:

- (1) SHORT-TERM: Identify immediate temporary “Emergency Housing” options and integrate crisis support services.
- (2) MID-TERM: Identify “Transitional Housing” options and integrate wrap-around support services with Navigation Center.
- (3) LONG-TERM: Increase affordable housing stock and assist in securing “Permanent Housing” with continued support services from Case Managers.
- (4) CONTINUOUS: Proactively pursue local, state, and federal funding to support housing options and support services.
- (5) Create property-owner economic initiative to increase the number of private housing options to support housing for people transitioning out of homelessness.

GOAL 2: INCREASE ACCESS TO COORDINATED SUPPORT SERVICES FOR PEOPLE EXPERIENCING HOMELESSNESS

Objectives for GOAL 2:

- (1) Create a centralized location to serve as a “Navigation Center” where people experiencing homelessness can gain access to appropriate services and resources based on their immediate needs.
- (2) Secure access to addiction, mental health, family reunification, job training, and other appropriate support services at the Navigation Center.
- (3) Enhance coordination between local service providers and county agencies.
- (4) Evaluate effectiveness of current spending and consider reallocating resources, while continuing to pursue other funding options.

GOAL 3: DEVELOP ACTION PLANS FOR ENGAGING WITH PEOPLE EXPERIENCING HOMELESSNESS

Objectives for GOAL 3:

- (1) Establish “Law Enforcement Protocol” for initiating contact with people experiencing homelessness that complies with the recent *Martin v. Boise* decision.
- (2) Establish “Crisis Response Protocol” for local service providers to render rapid crisis support — including after-hour services for people experiencing or at-risk of homelessness.
- (3) Partner with county agencies (including the District Attorney’s Office and the San Joaquin County Jail) to evaluate opportunities for diversion programs or other alternatives to incarceration for people experiencing homelessness—including a warm “hand off” to service providers to render immediate crisis support services or emergency housing.

GOAL 4: ENACT SPECIFIC STRATEGIES FOR VULNERABLE SUBPOPULATIONS EXPERIENCING HOMELESSNESS

Objectives for GOAL 4:

- (1) Identify people experiencing or at-risk of homelessness in vulnerable subpopulations within the City of Tracy—including, but not limited to, veterans, youth, the LGBTQ community, victims of crime, and people with behavioral health needs.
- (2) Ensure access to “Case Managers” for vulnerable subpopulations who will educate and provide connections to appropriate support services and housing options.
- (3) Identify and apply for funding opportunities to secure resources that are specifically available to support people from vulnerable subpopulations.
- (4) Develop a targeted initiative program to prevent “new” individuals in vulnerable subpopulations from becoming homeless.

CONCLUSION

For a community the size of the City of Tracy, the City must prioritize the need to prevent and end homelessness. While there are significant challenges ahead—due both to local circumstances and national trends—the City is working to meet these challenges, and is fortunate to have a team of committed organizations and agencies.

This Strategic Plan provides a framework to target resources to manage and decrease homelessness. The City of Tracy, with the cooperation of local elected officials and stakeholders, will oversee implementation of this plan.

The following key metrics should be used to evaluate the effectiveness of this Plan:

- Increase in the number of affordable housing units dedicated to people who are experiencing homelessness
- Decrease in homelessness in the community—including in key subpopulations such as families, veterans, and people who are chronically homeless
- Decrease in the number of persons who become homeless for the first time
- Decrease in the average and median length of time persons remain homeless
- Decrease in the percentage of persons who return to homelessness
- Increase in the percentage of adults who gain or increase employment or non-employment cash income over time
- Increase in the percentage of persons who exit to or retain permanent housing

To be successful, this Strategic Plan will require broad community support for expanding data collection, sharing data, and using accurate data as a planning tool. The City of Tracy and its elected officials should continue to sponsor community meetings to build public support, consensus, and commitment to the plan and to create a sense of urgency about these time-sensitive strategies. Since it is a perennial plan, quarterly meetings to report on progress and challenges will keep momentum going and allow for mid-course adjustments as needed. The community's support will be vital in affirming the Strategic Plan so that all stakeholders understand and fulfill their specific roles.

IMPLEMENTATION PLAN

GOAL 1: INCREASE HOUSING OPTIONS IN TRACY

OBJECTIVE 1: [SHORT-TERM] Identify immediate temporary “Emergency Housing” options and integrate crisis support services.

TASKS:**EMERGENCY SHELTER**

- Identify local facility to use as Emergency Shelter for short-term *temporary* housing option
 - Prioritize low-barrier entry qualifications to Emergency Shelter
 - Access should be 24 hours a day, 7 days per week
 - Facility should include: beds/lofts, bathrooms, showers, heat/air-conditioning
 - Designate goal for number of beds at facility
 - Consider time-restraint to encourage transitioning to more permanent housing options
- **Consider re-purposing newly approved “Warming Center” as “Emergency Shelter”**
- Identify partners to manage daily operations at Emergency Shelter
- Draft RFP/MOU for organization to manage operations at Emergency Shelter
- Ensure access to local support services at Emergency Shelter
- Evaluate funding options [*See GOAL 1:4*]

SAFE PARKING AREA

- Identify local private/public parking lot to use as Safe Parking Area for individuals not amenable to entering Emergency Shelter
 - Prioritize low-barrier entry qualifications to Safe Parking Area
 - Designate time limitations on access to Safe Parking Area (*e.g.*, between 7:00pm and 7:00am)
 - Facility should include: bathroom access, security
- **Consider continuing newly approved “Safe Parking Area” through December 2020.**
- Draft RFP/MOU for organization to manage operations at Safe Parking Area
- Ensure access to local support services at Safe Parking Area
- Evaluate funding options [*See GOAL 1:4*]

CRISIS SUPPORT SERVICES

- Provide access to “Crisis Support” services to individuals experiencing crisis at Emergency Shelter
- Outreach and partner with local hospitals and institutions to collaborate on housing-focused discharge plans from hospitals and medical facilities
- Utilize “Crisis Support Protocol” [*GOAL 3:2*]
- Evaluate funding options [*See GOAL 1:4*]

OBJECTIVE 2: [MID-TERM] Identify “Transitional Housing” options and integrate wrap-around support services with the Navigation Center.

TASKS:**TRANSITIONAL HOUSING OPTIONS**

- Identify local facilities to use as “Transitional Housing” for mid-term *transitional* housing option
 - Facilities should include: individual rooms, bathrooms, showers, heat/air-conditioning
 - Designate goal for number of beds at facility

- Designate goal for percentage of people transitioned into permanent housing each year
 - Consider time-restraint to encourage transition to permanent housing options
 - Consider use of “tiny homes” development and zoning
- Draft RFP/MOU for organization to manage operations at Emergency Shelter
- Ensure access to any previous local “case management” resources
- Ensure access to local support services at Navigation Center
- Evaluate funding options [*See GOAL 1:4*]
 - Consider requiring residents to pay percentage of income towards rent

ACCESS TO SUPPORT SERVICES

- Provide access to local support services to residents at Transitional Housing facilities
 - Consider requiring regular check-ins and evaluations with a case manager
 - Provide aftercare services to people experiencing homelessness who have secured housing to ensure they remain housed
 - Ensure that case management from partner organizations includes support for households attempting to leave shelters and enter permanent housing
- Evaluate funding options [*See GOAL 1:4*]

OBJECTIVE 3: [LONG-TERM] Increase affordable housing stock and assist in securing “Permanent Housing” with continued support services from Case Managers.

TASKS:

INCREASE AFFORDABLE HOUSING STOCK

- Increase available “Affordable Housing” stock in the City of Tracy
- **Consider adopting the “Affordable Housing” strategies reviewed at previous City Council Affordable Housing workshop**
- Outreach and partner with a local housing provider) to consider the following opportunities:
 - Identify projects and opportunities that will result in more “Affordable Housing” units
 - Provide treatment-based housing for people with physical and behavioral health needs
 - Creating affordable housing policies that may encourage developers to build units that would support people experiencing or at-risk of homelessness

PERMANENT HOUSING

- Identify “Affordable Housing” facilities to use as long-term *permanent* housing option
 - Designate goal for percentage of people transitioned into permanent housing each year
 - Increase the number of “Affordable Housing” units dedicated to people experiencing homeless
- Ensure access to any previous local “case management” resources
- Ensure access to local support services at Navigation Center

ACCESS TO SUPPORT SERVICES

- Provide access to local support services to residents at Transitional Housing facilities
 - Consider requiring regular check-ins and evaluations with a case manager
 - Provide aftercare services to people experiencing homelessness who have secured housing to ensure they remain housed
 - Ensure that case management from partner organizations includes support for households attempting to leave shelters and enter permanent housing
- Evaluate funding options [*See GOAL 1:4*]

OBJECTIVE 4: [CONTINUOUS] Proactively pursue local, state, and federal funding to support housing options and support services.

TASKS:

FUNDING OPPORTUNITIES

- Compile information related to funding opportunities for addressing homelessness
 - Identify local, state, and federal agencies that distribute funding to address homelessness
 - Identify grants that distribute funding to address homelessness
- Create list of funding sources that the City of Tracy may be qualify for to address homelessness
 - Create calendar of dates for applying to funding sources
 - Consider assigning dedicated individual or organization to complete funding applications

REDISTRIBUTION OF RESOURCES

- Evaluate current resources spent on homelessness and consider reallocation [*See GOAL 2:4*]

OBJECTIVE 5: Create property-owner economic initiative to increase number of private housing options to support housing for transitioning homeless people.

TASKS:

LANDLORD INCENTIVE PROGRAM

- Create outreach efforts to link landlords with low-income tenants and tenants with rapid re-housing or housing vouchers
- Consider a local funding source to create gap financing to:
 - Make a rapid re-housing and housing voucher support match market rental rates
 - Provide finance support for permanent affordable housing developments
 - Provide eviction prevention services, including rental assistance and landlord mediation

GOAL 2: INCREASE ACCESS TO COORDINATED SUPPORT SERVICES FOR PEOPLE EXPERIENCING HOMELESSNESS

OBJECTIVE 1: Create a centralized location to serve as a “Navigation Center” where people experiencing homelessness can gain access to appropriate services and resources based on their immediate needs.

TASKS:

NAVIGATION CENTER

- Identify location and secure facility to serve as a Navigation Center
- Partner with local service providers, non-profit organizations, and faith-based groups to coordinate procurement of services and resources at the Navigation Center
- Retain “Case Managers” to ensure that people experiencing homelessness are supported in accessing addiction, mental health, family reunification, job training, and other appropriate support services
- Ensure that resources and services are available to people who have formerly experienced homelessness to maintain their stable housing

OBJECTIVE 2: Secure access to addiction, mental health, family reunification, job training, and other appropriate support services at the Navigation Center.

TASKS:

ACCESS TO SUPPORT SERVICES

- Identify service providers and county agencies that provide necessary support services for some people experiencing homelessness
 - Identify service providers/agencies for alcohol and narcotics addiction services
 - Identify service providers/agencies for mental and behavioral health services
 - Identify service providers/agencies for family reunification services
 - Identify service providers/agencies for job training services
 - Identify other appropriate service providers/agencies as needed
- Work with providers/agencies to bring access to such services directly at the Navigation Center

OBJECTIVE 3: Enhance coordination between local service providers and county agencies.

TASKS:

COORDINATION EFFORTS

- Invite local service providers, county agencies, non-profit organizations, and faith-based groups to coordinate providing services to people experiencing homelessness at the Navigation Center
- Ensure access to services for people at-risk of homelessness and people exiting homelessness
- Strengthen partnerships between the City, county agencies, and local service providers by coordinating access, collection, analysis of data; using HMIS & CoC data programs; and enhancing data cross-checking
- Partner with other agencies to evaluate how to leverage resources and pursue funding opportunities.
- Commit to actively participating with the Continuum of Care

OBJECTIVE 4: Evaluate effectiveness of current spending and consider reallocating resources, while continuing to pursue other funding options.

TASKS:

RESOURCE ASSESSMENT

- Conduct an audit and create a report that identifies all city resource allocations currently used to address homelessness within the City of Tracy
- Identify opportunities and adopt a plan to effectively reallocate funds that are used on repetitive temporary tasks—such as posting notices for cleaning of encampment debris

GOAL 3: DEVELOP ACTION PLANS FOR ENGAGING WITH PEOPLE EXPERIENCING HOMELESSNESS

OBJECTIVE 1: Establish “Law Enforcement Protocol” for initiating contact with people experiencing homelessness that complies with the recent *Martin v. Boise* decision.

TASKS:

LAW ENFORCEMENT PROTOCOL

- Request memorandum defining the requirements of the recent *Martin v. Boise* decision from the Tracy City Attorney
- Direct City Attorney and City Manager to work collaboratively with law enforcement partners to develop protocol for law enforcement officers to utilize while engaging with people experiencing homelessness that considers the strategies and goals of the Tracy Homelessness Strategic Plan
- Develop report for transparency purposes that defines the protocol and the legal compliance required
- Educate law enforcement officers in utilization of the protocol

OBJECTIVE 2: Establish “Crisis Response Protocol” for local service providers to render rapid crisis support — including after-hour services for people experiencing or at-risk of homelessness.

TASKS:

CRISIS RESPONSE PROTOCOL

- Invite local service providers to convene and develop a “Crisis Response Protocol” based on best practices and in consideration of the strategies and goals of the Tracy Homelessness Strategic Plan
- Identify qualified partners to render the crisis support services as identified within the protocol
 - Consider the use of peer support specialist to provide after-hour support services
- Provide access to “Crisis Support” services to individuals experiencing crisis at Emergency Shelter

OBJECTIVE 3: Partner with county agencies (including the District Attorney’s Office and the San Joaquin County Jail) to evaluate opportunities for diversion programs or other alternatives to incarceration for people experiencing homelessness — including a warm “hand off” to service providers to render immediate crisis support services or emergency housing.

TASKS:

OPPORTUNITIES WITH COUNTY AGENCIES

- Invite San Joaquin County agencies (including the District Attorney’s Office, the County Jail, Superior Court, Continuum of Care, Human Services Agency, and Behavior Health) to convene and assess opportunities for serving people experiencing homelessness in the City of Tracy
- Consider opportunities for diversion programs or alternatives to incarceration for people experiencing homelessness that have pending criminal charges
 - Consider programmatic solutions including: LEAD (Law Enforcement Assisted Diversion); Community Prosecution; Collaborative Courts (including Drug Court, Mental Health Court, Homelessness Court, and Veterans Court)
- Consider partnership/MOU with County Agencies to facilities such alternatives

GOAL 4: ENACT SPECIFIC STRATEGIES FOR VULNERABLE SUBPOPULATIONS EXPERIENCING HOMELESSNESS

OBJECTIVE 1: Identify people experiencing or at-risk of homelessness in vulnerable subpopulations within the City of Tracy — including, but not limited to, veterans, youth, the LGBTQ community, victims of crime, and people with behavioral health needs.

TASKS:

VULNERABLE SUBPOPULATIONS

- Invite organizations that serve similar subpopulations to convene together and collaborate with the City of Tracy to support subpopulation-specific needs
- Coordinate with HMIS to track progress of individuals from vulnerable subpopulations

OBJECTIVE 2: Ensure access to “Case Managers” for vulnerable subpopulations who will educate and provide connections to appropriate support services and housing options.

TASKS:

CASE MANAGEMENT

- Ensure that partners’ “Case Management” program includes linkage to navigation, healthcare, and mainstream benefit programs—such as:
 - CalFresh, CalWORKs, General Assistance, Medi-Cal, Supplemental Security Income (SSI), Social Security Disability Income (SSDI), and Veteran’s Benefits
 - Assistance in obtaining important identification documents, including identification cards and birth certificates to ensure that people experiencing homelessness are able to apply for benefits, employment, and housing
 - Education regarding the use of public transportation systems to empower people experiencing homelessness to transport themselves independently
- Ensure that partners have resources to link homeless individuals to primary care, urgent and emergency care, detox, residential and outpatient substance use treatment, and mental health services

OBJECTIVE 3: Identify and apply for funding opportunities to secure resources that are specifically available to support people from vulnerable subpopulations.

TASKS:

FUNDING FOR VULNERABLE SUBPOPULATIONS

- Work with organizations that serve subpopulations to collaborate on funding opportunities with the City of Tracy to support subpopulation-specific needs
- Create a list of opportunities and qualification (such as HEAP, ESG, CDBG) that may be available to specific vulnerable subpopulations

OBJECTIVE 4: Develop a targeted initiative program to prevent “new” individuals in vulnerable subpopulations from becoming homeless.

TASKS:

PUBLIC AWARENESS CAMPAIGN

- Create a public awareness campaign around homelessness issues and available local resources.

ATTACHMENT A

- Develop awareness and understanding of the issues that people experiencing homelessness face
- Sponsor a community campaign on literal homelessness, risk of homelessness, and prevention of homelessness
- Distribute information on the risk of homelessness, key indicators of possible risk, and available resources to schools, faith-based organizations, and county agencies frequented by the public

**AMENDMENT 1
To Tracy Homelessness Strategic Plan
Approved May 5, 2020**

The Tracy Homelessness Strategic Plan was developed and drafted in late 2019 to early 2020, just prior to the emergence of the global COVID-19 pandemic health crisis in the U.S. This section was added to recognize the unique circumstances and potential opportunities presented by the COVID-19 pandemic.

IMPLEMENTATION PLAN

GOAL 1: INCREASE HOUSING OPTIONS IN TRACY

OBJECTIVE 1: [SHORT-TERM] Identify immediate temporary “Emergency Housing” options and integrate crisis support services.

TASKS:

“PANDEMIC” EMERGENCY SHELTER

- Consider re-purposing previously approved “Warming Center” as temporary “Pandemic Emergency Shelter” during COVID-19 pandemic
- Communicate information to the public and local organizations to support/access this temporary shelter

“PROJECT ROOMKEY” HOUSING OPPORTUNITY

- Investigate whether City of Tracy may access “Project Roomkey” temporary housing resources from State of California for people experiencing homelessness
- If opportunity is unavailable, then evaluate the viability of partnering with local hotels to provide temporary shelter during COVID-19 pandemic

UNAUTHORIZED SETTLEMENT IN PUBLIC SPACES

- Identify locations where significant unauthorized settlement is occurring in public spaces
- Provide access to temporary restroom facilities near these unauthorized settlements to reduce spread of COVID-19 during the pandemic
- Provide access to temporary hygiene stations near these unauthorized settlements to reduce spread of COVID-19 during the pandemic
- Provide information for individuals to transition to “Pandemic Emergency Shelter” once established

DONATION CENTER

- Identify location/organization for donations of essential items for people experiencing homelessness
 - Including: Sanitizer, Face masks, Soap, Shampoo/Conditioner, Feminine hygiene items
- Communicate information to the public and local organizations to support/access these donations

OBJECTIVE 4: [CONTINUOUS] Proactively pursue local, state, and federal funding to support housing options and support services.

TASKS:

CENTRALIZE COMMUNICATIONS RELATED TO HOMELESSNESS

- Create specific contact resources for communications related to homelessness in the City of Tracy
 - Including: Email, Phone number, Informational webpage, Social media platforms

“PANDEMIC” FUNDING OPPORTUNITIES

- Identify local, state, and federal funding opportunities to address homelessness support services during COVID-19 pandemic
- Assign department to evaluate and complete applications for any available funding opportunities specific to COVID-19 pandemic

REDISTRIBUTION OF RESOURCES

- Monitor amount of resources spent on COVID-19 pandemic (including staff hours) for potential reimbursement by future funding opportunities
- Evaluate current resources spent on homelessness and consider reallocation to homelessness support services during COVID-19 pandemic

GOAL 2: INCREASE ACCESS TO COORDINATED SUPPORT SERVICES FOR PEOPLE EXPERIENCING HOMELESSNESS

OBJECTIVE 3: Enhance coordination between local service providers and county agencies.

TASKS:

PRIORITIZE COORDINATION EFFORTS RELATED TO COVID-19 PANDEMIC

- Partner with other agencies to evaluate how to leverage resources and pursue funding opportunities.
- Commit to actively coordinating support services and funding opportunities with local service providers, and local, state, and federal government agencies.

GOAL 4: ENACT SPECIFIC STRATEGIES FOR VULNERABLE SUBPOPULATIONS EXPERIENCING HOMELESSNESS

OBJECTIVE 1: Identify people experiencing or at-risk of homelessness in vulnerable subpopulations within the City of Tracy — including, but not limited to, veterans, youth, the LGBTQ community, victims of crime, and people with behavioral health needs.

TASKS:

IDENTIFY VULNERABLE SUBPOPULATIONS DURING COVID-19 PANDEMIC

- Identify vulnerable subpopulations during COVID-19 pandemic

- Suggested subpopulations include:
 - Veterans of Armed Forces
 - Youth (Aged 17 and below)
 - LGBTQ Community
 - Victims of Crime
 - People with Mental/Behavioral Health Needs
 - People with Disabilities
 - Non-Native English Speakers
 - Undocumented Immigrants

OBJECTIVE 3: Identify and apply for funding opportunities to secure resources that are specifically available to support people from vulnerable subpopulations.

TASKS:

IDENTIFY SUPPORT SERVICES DURING COVID-19 PANDEMIC

- Identify organizations & government agencies that generally provide support to these identified groups

CONTACT ORGANIZATIONS/AGENCIES FOR SUPPORT DURING COVID-19 PANDEMIC

- Contact government agencies & organizations that support these identified groups for possible collaboration of services, and information about potential funding opportunities related to the COVID-19 pandemic
- Create a list of funding opportunities that may be available to offer support services for these identified groups during the COVID-19 pandemic
- Apply for available funding opportunities to support identified groups during the COVID-19 pandemic

TABLE A: California State-Funded Resources

Program	Eligible uses	Eligible Applicants
Multifamily Housing Program- Supportive Housing (SHMHP)	Provides construction, rehabilitation, or acquisition of permanent supportive housing.	Nonprofits and/or for-profit developers and organizations.
California Emergency Solutions and Housing Program (CESH)	Provides housing relocation and stabilization services (including rental assistance), operating subsidies for permanent housing, flexible housing subsidy funds, operating support for emergency housing interventions, systems support for homelessness services and housing delivery systems, and can support homelessness planning.	Administrative Entities -- local governments, nonprofit organizations, or unified funding agencies -- designated by the Continuum of Care to administer CESH funds in their service area.
Housing for a Healthy California	Provides construction, rehabilitation, or acquisition of affordable housing; operating assistance (including long-term rental assistance and operating costs); administrative costs.	Counties and/or developers.
Emergency Solutions Grant Program (ESG)	Provides street outreach; emergency shelter; homelessness prevention; rapid re-housing; data collection; administrative costs.	Local government and private non-profit organizations.
No Place Like Home (NPLH)	Provides acquisition, design, construction, rehabilitation, or preservation of supportive housing.	Counties and counties in partnership with the development sponsor.
Permanent Local Housing Allocation (PLHA) (SB 2)	70 percent of the proceeds will be allocated to local governments (through both over-the-counter and competitive processes) for specified local projects or programs. Ten percent to assist the development of farmworker housing and five percent HCD to administer a program to incentivize the permitting of affordable housing. Fifteen percent will be allocated to CalHFA to assist mixed-income multifamily developments.	Local governments, eligibility of other entities TBD

Program	Eligible uses	Eligible Applicants
Veterans Housing and Homelessness Prevention Program (VHHP)* *Also a project with CalVet and CalHFA	Provides acquisition and/or construction or rehabilitation of an Affordable Rental Housing Development or Transitional Housing, or the conversion of an existing structure into one of these housing types.	Counties and nonprofits.
Affordable Housing and Sustainable Communities (AHSC)	Transportation stop required. Offers 3 types of grants, one specifically for rural projects.	Govt. agencies, localities, project sponsors.
Transformative Climate Communities (TCC)	Limited to projects, or planning for projects, that reduces GHG or VMT. Requires reporting of GHG/VMT progress. Offers two types of grants, including a planning option that could lead to future TCC grant approvals.	Businesses, organizations, stakeholders.
Homeless Emergency Aid Program (HEAP)	Provides one-time funding to enable local governments to respond to homelessness through the following eligible activities; emergency housing vouchers, rapid rehousing, emergency shelter construction and use of armories to provide temporary shelters.	City, county or joint power must declare an emergency shelter crisis (waiver processes for smaller cities/counties that do not declare a shelter emergency). CoC must demonstrate collaboration with other city, county or nonprofit partners.
Homeless Housing and Assistance Prevention (HHAP)	Provides one-time block grant funding to local jurisdictions with funds to support regional coordination and expand or develop local capacity to address their immediate homelessness challenges.	Continuums of Care; Largest Cities, with populations of 300,000 or more (as of January 2019); and Counties



HOMELESSNESS STRATEGIC PLAN – SUMMARY

GOAL 1

**Increase Housing Options
in the City of Tracy**

1. SHORT-TERM: Identify immediate temporary “Emergency Housing” options & integrate crisis support services.
2. MID-TERM: Identify “Transitional Housing” options & integrate wrap-around support services with Navigation Center.
3. LONG-TERM: Increase affordable housing stock & assist in securing “Permanent Housing” with continued support services from Case Managers.
4. CONTINUOUS: Proactively pursue local, state, and federal funding to support housing options and support services.
5. Create property-owner economic initiative to increase the number of private housing options to support housing for people transitioning out of homelessness.

GOAL 2

**Increase Access to Coordinated
Support Services for People
Experiencing Homelessness**

1. Create a centralized location to serve as a “Navigation Center” where people experiencing homelessness can gain access to appropriate services and resources based on their immediate needs.
2. Secure access to addiction, mental health, family reunification, job training, & other appropriate support services at the Navigation Center.
3. Enhance coordination between local service providers and county agencies.
4. Evaluate effectiveness of current spending and consider reallocating resources, while continuing to pursue other funding options.

GOAL 3

**Develop Action Plans for
Engaging with People
Experiencing Homelessness**

1. Establish “Law Enforcement Protocol” for initiating contact with people experiencing homelessness that complies with the recent *Martin v. Boise* decision.
2. Establish “Crisis Response Protocol” for local service providers to render rapid crisis support — including after-hour services for people experiencing or at-risk of homelessness.
3. Partner with county agencies (including the D.A.’s Office & County Jail) to evaluate opportunities for diversion programs or other alternatives to incarceration for people experiencing homelessness — including a warm “hand off” to service providers to render immediate crisis support services or emergency housing.

GOAL 4

**Enact Specific Strategies for
Vulnerable Subpopulations
Experiencing Homelessness**

1. Identify people experiencing or at-risk of homelessness in vulnerable subpopulations within the City of Tracy — including, but not limited to, veterans, youth, the LGBT community, victims of crime, and people with behavioral health needs.
2. Ensure access to “Case Managers” for the vulnerable subpopulations who will educate and provide connections to appropriate support services and housing options.
3. Identify and apply for funding opportunities to secure resources that are specifically available to support people from the vulnerable subpopulations.
4. Develop a targeted initiative program to prevent “new” at-risk individuals from becoming homeless.

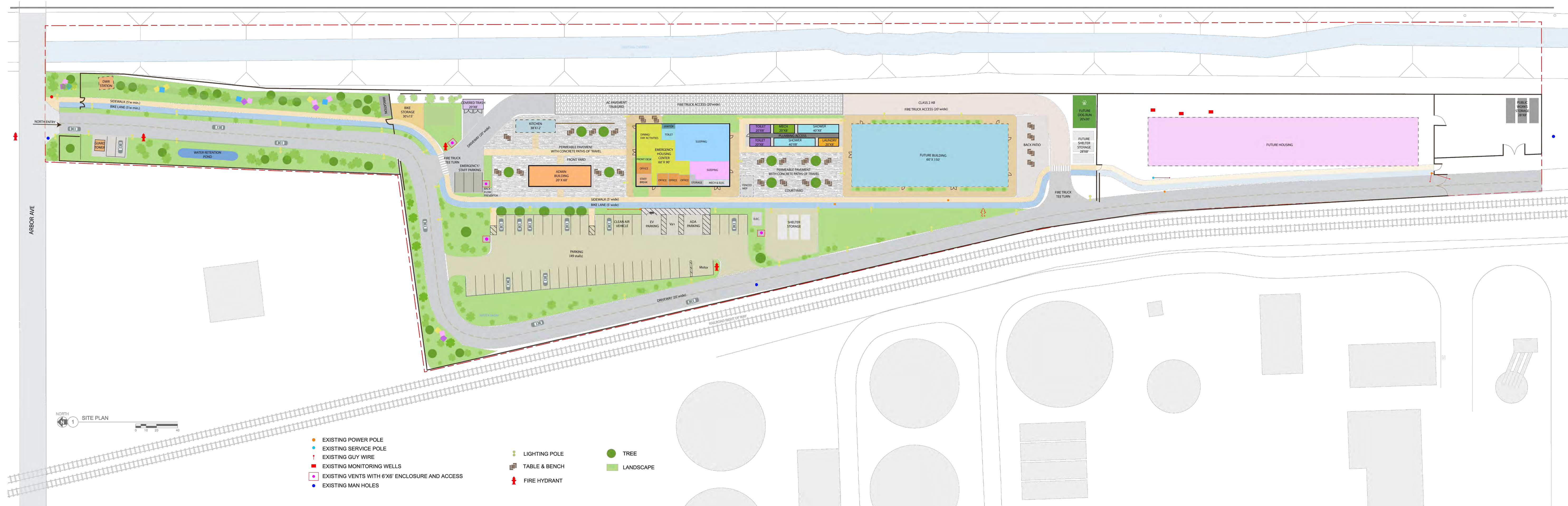
OBJECTIVES

CITY OF TRACY SAN JOAQUIN COUNTY, CALIFORNIA

TEMPORARY EMERGENCY HOUSING PROJECT ON ARBOR AVENUE

370 W. ARBOR AVE

C.I.P. No. 71112



PACKAGE 1- ROUGH GRADING AND UTILITIES

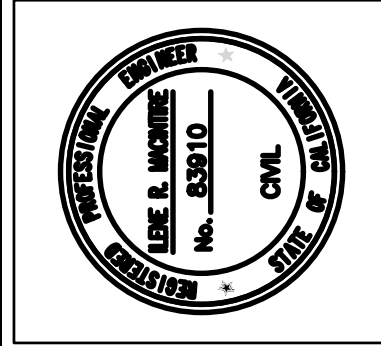
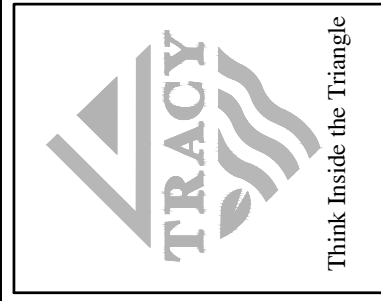
PROJECT DESCRIPTION:

PACKAGE 1 OF PROJECT CONSTRUCTION WILL INCLUDE DEMOLITION OF AN EXISTING STRUCTURE AND ACCESS ROAD, CLEARING & GRUBBING, EARTHWORK AND INSTALLATION OF UNDERGROUND INFRASTRUCTURE IN PREPARATION FOR PACKAGE 2 CONSTRUCTION DOCUMENT FOR SITE IMPROVEMENTS, WORK TO BE DONE UNDER SEPARATE CONTRACT.

UTILITY IMPROVEMENTS INCLUDE INSTALLATION OF A PRIMARY POTABLE WATER SUPPLY AND A SANITARY SEWER MAIN.

**FIRST INFORMATION REVIEW - PLEASE
PROVIDE COMMENTS BY 9/30/2021**

CITY OF TRACY
APPROVED FOR CONSTRUCTION:
ROBERT ARMILLO CITY ENGINEER
DATE: _____



COVER SHEET

STAMP	DATE	REVISIONS	DESCRIPTION	APPROVED

DESIGNED BY: COT / KPA
DRAWN BY: THE RPA GROUP
CHECKED BY: IRM / PWP
SCALE: AS SHOWN
DATE: SEPT. 13, 2021

TEMPORARY EMERGENCY HOUSING
370 W. ARBOR AVE.
C.I.P. No. 71112
PACKAGE 1

G000
SHEET 1 OF 30

AGENDA ITEM 3.E

REQUEST

REVIEW AND DISCUSS STATUS OF THE CITY'S CANNABIS PROGRAM CHANGES DIRECTED AT THE SEPTEMBER 7, 2021 CITY COUNCIL MEETING, AND PROVIDE DIRECTION AS NECESSARY

EXECUTIVE SUMMARY

This agenda item responds to City Council's request to continue discussing the City's Commercial Cannabis Ordinance, the Cannabis Business Permit Application Procedures and Guidelines, and implementation of the current application cycle, collectively referred to as the Cannabis Program. Specifically, this agenda item identifies follow-up items from the Council workshop on the Cannabis Program on September 7, 2021, including a status update on how and when each item would be addressed and potential remedies regarding a specific cannabis applicant (CBP 20-0024). This agenda item requests further City Council discussion and direction to implement the various Council-requested items.

DISCUSSION

The following list identifies each City Council requested item related to the Cannabis Program and provides a status update and whether or not additional discussion and direction is necessary.

- 1) **SHORT TERM:** Increase the number of Cannabis Business Permits to one permit per 10,000 population. While the final census numbers are still being tabulated, the State Department of Finance has Tracy's population listed as 98,601. Rounding up (City Council direction) would result in ten permits. Work on the ordinance is underway and will result in an ordinance being brought for consideration by the City Council on October 5, 2021. Pending outcome of the discussion of number 2 below, the number of business permits allowed by the ordinance may change, which would not affect the timing for City Council consideration on October 5, 2021.
- 2) **SHORT TERM:** Options to re-consider evaluating Cannabis Business Permit number CBP20-0024 (Embarc). The Cannabis Business Permit Application Procedures and Guidelines require the submittal of an electronic copy of the materials, for example on a thumb drive. As discussed with City Council on September 7, 2021, Embarc submitted the required application binders yet the thumb drive containing the electronic version of the application materials was deemed unreadable by the City after numerous attempts by staff, including the City's IT staff. Moving forward with scoring of Embarc's application could have one of three possible outcomes:
 - a. The score fails the required 80% threshold to advance to Community Benefit scoring and no further action on the application would be taken;
 - b. The score passes the 80% threshold and is a higher score than applications currently with the top 10 scores, meaning one of the other applications currently in a top 10 position is bumped out;

- c. The score passes the 80% threshold and ranks number 11.

City Council may desire to direct staff to increase the number of Cannabis Business Permits permissible pursuant to the ordinance to 11 instead of 10. The ordinance will be brought back on October 5, 2021. Directing that CBP20-0024 (Embarc) be re-evaluated would require a change to the Guidelines to establish that minor corrections to filed applications can be made. Attachment A is the letter received from Embarc Tracy on September 16, 2021. Such a modification to the Guidelines can be made by City Council resolution and could be brought back to City Council on October 5, 2021. No other Guidelines changes could be made to the Guidelines without further discussion, as discussed in number three, below.

- 3) **SHORT TERM:** Refund of Application Fees: City Council requested that applications that were not fully reviewed by staff be refunded. Only one application fell into this category: Embarc, application number CBP20-0024. Depending on whether the application review process is modified to include Embarc (question #2 above), a 75% refund would be made. Staff arrived at this figure due to the fact the application was reviewed by a portion of the Review Committee (hard copy binder review).
- 4) **LONG TERM:** Changes to the Merit Based Evaluation Criteria (which is an appendix to the Guidelines). City Council requested that after this round of applications, the Guidelines and Evaluation Criteria be brought back for further modification so that revised Guidelines and Criteria would be used for subsequent application cycles. Given that the current application cycle is not complete and the processing of Conditional Use Permits (required land use permits) has not begun (no applications have been filed), that staff work will not begin until after the CUPs have been processed. Also, in the event a permittee has difficulty obtaining a CUP, there could be a situation where an applicant requests an extension of their Cannabis Business Permit. For these reasons, it will be more efficient to begin revisions to the Guidelines and Criteria after more is known about the implementation of the current cohort of applicants/permit holders. Below is a summary of the requested changes:
 - a. Additional focus in the criteria on labor practices, wages, and benefits;
 - b. Staff suggested changes from the September 7, 2021 City Council workshop that included a page limit to applications, a single review phase, scoring business, security and community relations plans on a pass/fail with social justice and local preference plans scored with points, additional clarity to standardize/quantify community benefits.
 - c. Review criteria to possibly separate competitive and non-competitive applications for scoring/evaluation.

New Discussion Item

Prior to the September 7, 2021 City Council workshop, the Council received correspondence from one permit awardee expressing concern that adding additional 6 (or possibly more) permits has the effect of changing the viability of the community benefits that were proposed and scored because the cannabis marketplace in Tracy would (conceivably) have 10 operators instead of four (Attachment B is a letter received on September 5, 2021 from Megan's Organic Market). Inasmuch as six additional applications will be allowed to operate once the ordinance is revised and the Police

Department issues the Cannabis Business Permits, City Council has discretion to allow all applicants (including the current four permit holders) to re-submit the Community Benefits Plan. Of course, City Council could not change the Guidelines and require the Community Benefits Plan as submitted. Several options related to potential re-consideration of the Community Benefits Plans are as follows:

- 1) No change to community Benefits Plan, City would move forward with current proposed plans;
- 2) Allow a resubmittal of all 10 applicants' (including existing four permit holders) Community Benefits Plans. No review would be conducted;
- 3) Allow a resubmittal of all 10 applicants' Community Benefit Proposals for City Council to review and approve;
- 4) Allow a resubmittal of all 10 applicants' Community Benefit Proposals only after City Council amends the Guidelines to specifically state the required Community Benefit, for example 1.5% of gross receipts annually and a certain number of volunteer hours donated to various local organizations. Such an amendment to the Guidelines could be brought back on October 5, 2021 if City Council decides on a specific figure during this agenda item.
- 5) Implement idea #4 above however on a sliding scale, where the community benefit is scaled based on the number of operators actually open for business in any given year. For example, if there are 4 operators functioning then the community benefit is 1.5% of gross receipts; with every additional operator, the benefit reduces by 25 basis points to a floor of .75% if 7 or more are operating. This is provided as an example only.

STRATEGIC PLAN

This agenda item relates to Economic Development Strategy Priority Number 5: Develop policies to target new jobs in innovative industries (e.g. cannabis, green industry).

FISCAL IMPACT

The review of the cannabis business permits was funded through application fees paid by each applicant. The preparation of this agenda item was funded through the Development Services operating budget for staff time. Depending on City Council direction, the fiscal impacts could vary; increased numbers of permits would yield additional revenues. Fiscal impacts would vary depending on City Council direction on Community Benefit requirements.

RECOMMENDATION

Staff recommends that City Council review the status report and provide direction to staff as necessary.

Prepared by: Bill Dean, Interim Development Services Director

Reviewed by: Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Bob Adams, Interim City Manager

ATTACHMENTS

Attachment A – Letter received on September 16, 2021 on behalf of Embarc Tracy
Attachment B – Letter received on September 5, 2021 from Megan’s Organic Market



150 E. GAY STREET, SUITE 2400
COLUMBUS, OH 43215
TELEPHONE: 614-744-2570
FACSIMILE: 844-670-6009
<http://www.dickinsonwright.com>

LLOYD PIERRE-LOUIS
LPierre-Louis@dickinsonwright.com
614-591-5490

September 16, 2021

VIA Email to:
c/o City Clerk Adrienne.Richardson@cityoftracy.org

The Honorable Nancy Young
Mayor, City Council Chairperson
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

Re: Embarc Tracy – Remedy Request

Dear Mayor Young & Members of the Tracy City Council:

On behalf of our client, Embarc Tracy (“Embarc”), an applicant for a Cannabis Business Permit that was improperly disqualified, the purpose of this letter is to follow-up on Council’s September 7 request that City staff or others propose a remedy to the issues raised by Embarc’s representative during the public comment portion of the hearing. Below is a brief, but not all-encompassing, summary of our request and rationale.

1. Scoring Embarc’s Application is the Sole Adequate Remedy.

There is only one adequate remedy to the problems Embarc articulated in connection with the Cannabis Business Permit Application (the “CBPA”) process:

City Council should direct staff or the Review Committee to grade Embarc Tracy’s application (the “Embarc Application”), and if qualified, to add them to the qualified applicant list.

Qualification should be according to the Review Criteria, pursuant to *City Ordinance § 6.26.050(c)*. To be clear, a refund or return of Embarc’s application filing fee is wholly inadequate and is not a remedy.

The Honorable Nancy Young
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 September 16, 2021
 Page 2

2. It is **NOT** too late for the City to provide this adequate remedy.

First, City Council has authority to instruct that Embarc's application be scored immediately. If that weren't the case, the hearing process afforded Embarc and/or others would be rendered meaningless.

Second, suggesting that it "too late" to review Embarc's application is a continuation of the City's mismanagement of this process, and encourage a City process of stonewalling while frustrating an applicant's rights to demand fairness. In fairness, the City should have notified Embarc of a potential issue that required resolution in November 2021 at the latest – there was a window of opportunity for corrective action that was completely within the control of the City. Instead, the City thwarted Embarc's efforts to find out for months despite Embarc's 5 opportunities seeking transparency.

For example, Embarc first sought on February 26, 2021 an informal discussion with the City staff pursuant to Municipal Code § 1.12. Embarc then followed up with another email to City staff on March 3, 2021 to no avail. Instead, the City's response merely indicated it would not respond to individual emails and that the permit process would conclude by end of May 2021, and did not mention a flash drive.

That notwithstanding, Embarc (through counsel) next sought to ascertain the facts behind the scoring of its application on March 15, 2021 by public records request. Embarc even asked for:

"A copy of all documentation that purportedly substantiates the Phase 1 Evaluation/Eligibility Screening Score for Application Number CBPA20-0024 and the Phase 2 Evaluation/Eligibility Screening Score for Application Number CBPA20-0024, including all notes, memoranda or other writings related to such scores."

The City's response did not reference a flash drive.

On July 6, 2021, Embarc again requested all scoring information, specifying: "Embarc has been provided no information regarding why its application was deemed ineligible to proceed to Phase 3 of the application process other than that it did not meet the minimum percentage threshold." The City did not respond or reference a flash drive.

On August 3, Embarc (through counsel) sent yet another correspondence referencing its July 6 request to provide "it with sufficient information to determine the City's basis for its Phase 1 and 2 scores." On August 4, Embarc finally learned about the purported unreadable flash drive through a phone call.

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 September 16, 2021
 Page 3

There is no valid or reasonable rationale to have withheld this fundamental information for 9 months. It's even more incredulous that City staff can suggest it would be unfair to *them* or other applicants if Embarc was to be scored after the delay was completely within the City's control.

3. City Staff improperly disqualified Embarc Tracy

An allegedly unreadable flash drive is not a disqualifying condition in the application. First, Embarc vehemently disputes the notion that the flash drive was corrupt at submission. Second and importantly, **neither the Cannabis Ordinance, Guidelines nor the Zoning Ordinance identify an unreadable flash drive as a disqualifying matter.**¹

City Staff provided no opportunity to provide a new flash drive – and in fact did not communicate with Embarc before it was prejudiced. Nine months after submitting its application for the permit, and nearly 5 months after demanding information about why its application was not fully scored, the City Attorney informed Embarc's counsel that the City found the flash drive that accompanied the Embarc Application unreadable. Embarc later learned through public records requests that the City so determined on November 3, 2020.

Third, there is no ascertainable, definable or articulable advantage to Embarc, or disadvantage to other applicants for Embarc to have had an opportunity to replace the allegedly unreadable flash drive. All scoring committee members could review a hard copy of the application, and having a flash drive is not a scoring issue.

4. City's Inconsistently & Arbitrary Discretion on Substantive Issues Created this Due Process Issue.

City staff made numerous arbitrary decisions throughout this process and without direct City Council authority that provided direct benefit to other applicants. It is disingenuous to now take the position that to score Embarc or to have contacted Embarc to submit another flash drive would violate the CBPA process.

For example, City staff re-opened the application submission window after it had closed. The Application Instructions state:

To be considered for a Cannabis Business Permit, applications must be submitted by September 30, 2020 to the City Development Services Department located at 333 Civic Center Plaza, Tracy, CA, 95376 by 3: 00 PM. This application process is established pursuant to Section 6. 36. 050(a) of the TMC.

¹ Embarc wishes to incorporate by reference the facts and legal issues Lauren Carpenter raised in her public comment testimony provided to City Council on Tuesday, September 6 on behalf of Embarc Tracy.

The Honorable Nancy Young
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 September 16, 2021
 Page 4

Late applications WILL BE REJECTED.

Application, p. 2. Yet, City staff unilaterally extended the application period of submission beyond September 30, 2021 without direct City Council authority. This is not the only example of deviation from the CBPA process.

Disqualifying Embarc was clearly arbitrary and an abuse of discretion. At least one Review Committee member reviewed and scored Embarc's application. Not only is this proof that Embarc submitted a "complete application," as defined in the application instructions, but it is also proof that a new flash drive would provide no benefit or advantage to Embarc or any other applicant. If Embarc's application were clearly disqualified under the CBPA, no Review Committee member would have scored it.

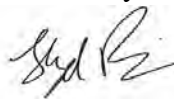
At best, the presence of the flash drive is a matter of mere convenience for City staff. The City's application intake listing indicates that all applicants submitted a flash drive and were accepted, with only Embarc's marked as "unreadable." The hard copies could have been scanned by the City – a ministerial task routinely performed, which does not create an advantage or prejudice to any applicant. A new flash drive could have been easily compared to the five hard copies submitted. Disqualification for such a ministerial issue is so grossly disproportionate to the alleged violation so as to make it a due process violation.

5. The City Has an Interest in Ensuring Due Process and Fairness to Embarc.

The City has an obligation to ensure fairness in this process. City leaders have been presented with undisputed facts regarding deviations from the CBPA process that benefited other applicants, a specific refusal to provide adequate and timely information in response to requests, and an unreasonable and rigid clinging to the draconian penalty of disqualification for the most trivial of reasons.

Accordingly, we respectfully request that the City grant Embarc's request.

Sincerely,



Lloyd Pierre-Louis

cc: City Attorney Leticia Ramirez
leticia.ramirez@cityoftracy.org

4850-9045-6570 v3 [93414-3]



MOM TR, Inc.
300 Higuera Street
San Luis Obispo, CA 93401

September 5, 2021

Dear Honorable Mayor and City Council,

RE: Item 4 on the Tracy City Council September 7, 2021 Agenda

On behalf of MOM TR, Inc. dba Megan's Organic Market (MOM Tracy), we submit the following comments regarding the City's cannabis business permit application procedures and guidelines, commercial cannabis activity ordinance, and cannabis business permit issuance process.

MOM Tracy was one of the four companies which received a conditional Cannabis Business Permit awarded by the Chief of Police in June 2021. MOM Tracy urges the Mayor and City Council to consider and support staff report Option #3, which would help to improve the development of a sustainable, robust, and successful City of Tracy cannabis program by allowing for more local distribution, cultivation, manufacturing, and testing operators - but not increasing the number of retail operators above four retail operators, at this time.

Option #3 provides for the expansion of the non-retail license types. At the same time, this approach allows for a prudent and calculated expansion of retail operator opportunities in the City of Tracy cannabis program after the City's initially selected retail operators begin operating for some time and the City can observe and evaluate implementation of its current cannabis retail program before expanding on it. MOM Tracy's analysis of the options presented in the staff report leads to a conclusion that Option #1 and Option #2 have a high probability of detrimentally affecting the short-term and long-term development of a sustainable, robust, and successful City of Tracy cannabis program. Accordingly, MOM Tracy respectfully requests the Mayor and City Council consider adoption of staff report Option #3.

The adoption of staff report Ordinance Changes Option #1 (increasing the number of retail permits to ten) or Option #2 (increasing the number of retail permits by four annually) would fundamentally alter the economic viability of MOM Tracy's proposed project and likely that of other quality cannabis operators in the City. Cannabis retailers are subject to high compliance and operational costs as well as a heavy Federal tax burden due to IRS Section 280E, which limits the ability of cannabis retailers to write off ordinary business expenses. Therefore, companies who operate at the highest regulatory, customer, employee, and community standards and who properly pay all Federal, State, and Local taxes, require relatively high revenue thresholds to maintain operations.

Adopting Options #1 or #2 and increasing the number of retailers in the City of Tracy could result in licensed operator revenue dropping below the revenue threshold that create conditions

for quality and compliant operators to conduct business in a sustainable manner. While it is clear that the City of Tracy should explore expansion of its retail cannabis program in a manner that is compatible with its growth plan, mission, and vision, it seems prudent to implement the current retail cannabis program and revisit the issue of expanding the cannabis retail program with the benefit of experience and data from operations of the City's first four cannabis retail operators. With that experience and data in hand, it seems to follow that this Council will be best equipped to consider and adopt expansion measures to the cannabis retail program that seek to meet the community need for access, and maximizes the City's potential tax revenue receipts - all within a framework of stewarding the City of Tracy cannabis retail program and its development in the City of Tracy in a manner compatible with the character, vision, and plan of the City.

Further, the Community Benefit Proposals submitted by applicants were based on the assumption that four City cannabis retail operator permits would be issued. Adopting measures now to increase the number of retail cannabis permits awarded in the immediate term, before the initially selected retail operators even open, would seem to violate fundamental rules of fairness. Further, making a premature move to increase the number of cannabis retail permits in the City may render some of the commitments in the applicants' Community Benefit Proposals impossible or unduly onerous to fulfill as a direct result of the number of operators being increased above the number of permits assumed when developing its projections and commitments; in the same manner that the City thoughtfully considered its cannabis retail program, applicants' thoughtfully considered their projections and commitments. Of course the City must have flexibility and has the authority to implement its programs to benefit its residents and further its goals; however, our analysis clearly indicates that the City's best course of action for its residents, tax revenue opportunity, and long-term robust participation in the California cannabis economy is to support Option #3 and revisit expansion of the cannabis retail program after implementation and observation of the four cannabis retail operators already selected by the City.

The most appropriate approach would be to adopt Ordinance Changes Option #3. Option #3 provides for the potential of more non-retail operators in the City in the near-term and deferring the decision to increase the number of retail operators until after the four selected retailers have been open and operating. At that time, the City will have been able to gather far more information about the number of retailers that are compatible and viable with the City of Tracy.

MOM Tracy strongly supports the development of a robust local supply chain and advocates that the Council allow for scoring by cannabis business type, rather than combining and mixing all reviews. This approach could allow the City the opportunity to approve additional distribution, cultivation, manufacturing, and testing operations within the City, which in turn would boost tax revenue, economic benefit, and make it possible for the four storefront retailers awarded permits to source hyper-local products and support those local distributors, producers, and service providers. MOM Tracy respectfully requests that the Council focus on finding ways to develop a

strong local supply chain by expanding the non-retail cannabis operator opportunities in the City of Tracy rather than making changes to the storefront retail process.

MOM Tracy is honored to be selected as one of the City's first retail operators and we look forward to building a lasting relationship with the City of Tracy and its community. The City, its residents, and its leaders have laid out a clear vision for the City and the City's cannabis program. It is understandable that unsuccessful retail applicants would raise all available arguments; however, the courts and relevant agencies have repeatedly deferred to the discretion and authority of local jurisdictions, especially in cases such as this where the City of Tracy has developed, implemented, and maintained a fair, equitable, and legal process. MOM Tracy encourages the City to focus on bringing to fruition the clear vision laid out for the City's success. Thank you for allowing MOM Tracy to be a part of your community.

Sincerely,

DocuSigned by:
Mark Cardona
DBE40199594D4D2...



Mark Cardona
Chief Legal Officer
Megan's Organic Market
mark@megansorganicmarket.com

AGENDA ITEM 3.F

REQUEST

PROVIDE AN UPDATE TO THE CITY COUNCIL ON THE POLICE DEPARTMENT'S RESPONSE TO FIREWORKS COMPLAINTS AND OFFICIAL CITY EVENTS DURING THE JULY 4TH WEEKEND

EXECUTIVE SUMMARY

Building on lessons learned from prior years, the Police Department developed an operational plan for the July 2-4, 2021 period to include both responses to fireworks complaints as well as staffing City of Tracy events during that weekend. This report explains new strategies used this year as well as roadblocks that prevented the deployment from being fully effective. Several suggestions are included for implementation in the future.

DISCUSSION

In response to a request by City Council members, this report provides an update to the deployment of Police Department personnel and resources during the July 4th, 2021 weekend, specifically related to fireworks complaints. In addition, the report includes details of the staffing and plans for City of Tracy events on July 4th, 2021.

The operational plan built on prior years' responses, including lessons learned and the application of new technology and statutes. Two of the most significant additions for 2021 were the use of drones to aid in the location of fireworks violations, as well as the use of the "social host" ordinance approved by the Council in late 2020. As a result, TPD noted a significant increase in our capabilities, but we also observed that the great potential was hindered by staffing issues.

Details of the deployment models, the results, the challenges and a list of recommendations for the future are included in the attached After Action Report.

FISCAL IMPACT

There is no fiscal impact as a result of this agenda item.

STRATEGIC PLAN

This agenda item relates to the Council's Strategic Plan in the area of Public Safety, specifically Goal #3: Strengthen community safety through crime prevention reduction activities.

RECOMMENDATION

Staff recommends that City Council receive the update.

Agenda Item 3.F
September 21, 2021
Page 2

Prepared by: Alex Neicu, Police Captain

Reviewed by: Sekou Millington, Chief of Police
Midori Lichtwardt, Assistant City Manager

Approved by: Bob Adams, Interim City Manager

ATTACHMENTS:

ATTACHMENT A: Tracy PD Operations Plan for July 4, 2021 weekend

ATTACHMENT B: Tracy PD After Action Report for July 4, 2021 weekend

ATTACHMENT C: Fireworks Enforcement Update Presentation

**TRACY POLICE DEPARTMENT
OPERATIONS PLAN**

**Fourth of July in the Park
Operational Period: July 2nd to July 4th 2021**

DATE OF EVENT: July 2 through 4th 2021

UPDATED:

PREPARED BY: Lt. M. Contreras

I. SITUATION

A. General Situation

The Tracy Chamber of Commerce is hosting their annual 4th of July Downtown Parade and “Day in the Park” celebration at Lincoln Park. It is anticipated over 3,000 people will be in attendance. The Fourth of July holiday weekend also results in a significant increase of calls for service related to illegal fireworks.

B. Background/Recent Events

In celebration of the 4th of July, the Tracy Chamber of Commerce has annually hosted a downtown parade and fireworks event. The downtown parade is followed by festivities and vendors in the park and concludes with a fireworks show from the old Heinz Factory located behind Tracy High School east of Lincoln Park. The Fourth of July event is one of the largest community events in the City of Tracy. Tracy PD anticipates a larger call for service volume pertaining to illegal fireworks. A Fireworks Enforcement Team will be scheduled for July 2, July 3rd and July 4th. (See attached appendix A and B)

C. Specific

The 4th of July event has been promoted on the Tracy Chamber of Commerce webpage and the Tracy Press.

4 July 2021	
Group	Tracy Chamber of Commerce
Participation	Approximately 3,000
Event	4th of July Parade, Lincoln Park festivities and Fireworks show
Location(s)	<ul style="list-style-type: none"> • Parade: Downtown Tracy • Park Event: Lincoln Park (200 E. Eaton Avenue)
Times	Parade: (1000 to 1100 hours). Lincoln Park festivities (0500 to 2200).
Purpose	Celebration of the 4th of July
Goal	Facilitate a peaceful and organized 4 th of July event.

06-02-2021

CLASSIFIED--FOR LAW ENFORCEMENT USE ONLY

D. Intelligence

The Tracy Police Department has been meeting regularly with representatives of the Tracy Chamber of Commerce along with City Departments to include Public works, Parks and South County Fire.

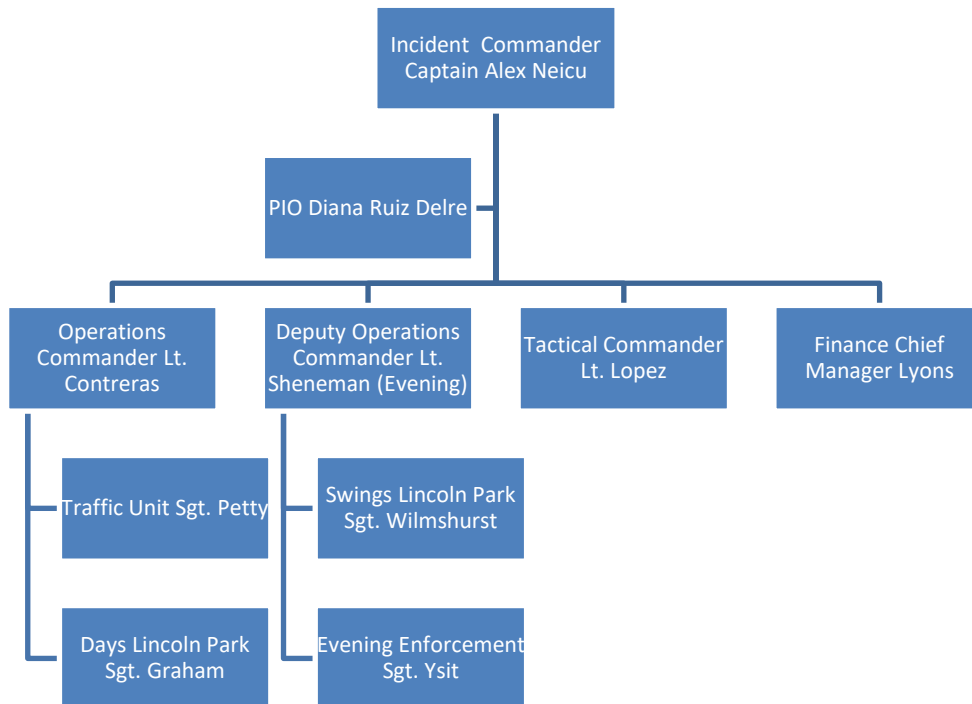
E. Organization

TPD Personnel will utilize the Incident Command System (ICS) to manage our efforts. All operations will be managed out of the Tracy PD Emergency Operations Center (EOC). In addition our Command Post vehicle will be parked at Lincoln Park on Eaton Avenue.

TPD Personnel assigned to the events will be assigned to the Operations Commander.

TPD will staff the event with Tracy PD resources. Public Works, Parks and South County Fire will be called upon to assist with logistic and medical aid if needed. Patrol staff assigned to patrol duties will assist if needed. There is no request for mutual aid at this time. However, the regional mutual aid coordinator at SJCO will be advised of the potential need for assistance.

The Overall **ICS Structure for the Operational Period of 4 July 21** is as follows:



II. MISSION

The Mission of the Tracy Police Department, is to provide a law enforcement presence and promote positive community relations while maintaining public safety throughout the event. Officers will provide foot patrols within the park throughout the day and evening. Officers assigned to enforcement efforts will be utilized to handle fireworks related calls for service and enforce violations of fireworks laws. This will be done with an effort to:

1. Protect Life and Property;
2. Maintain Officer Safety;
3. Maintain Public Peace and Order

III. EXECUTION

A. Commander's Intent

Purpose: To provide a law enforcement presence and promote positive community relations while maintaining public safety during and after the Fourth of July event. Tracy PD will provide traffic controls for the downtown parade and around the vicinity of Lincoln Park as needed. Officers will provide foot patrols within the park throughout the day and evening.

Tracy PD personnel and the TPD Command Post Vehicle will be onsite during the festivities at Lincoln Park. In addition, patrol teams targeting illegal fireworks will be actively patrolling neighborhoods, responding to calls for service and ensure laws regarding illegal fireworks are strictly enforced.

The Fourth of July event in the park is a well-attended community event. Police personnel must maintain a professional demeanor and remain neutral in word and deed despite unlawful or anti-social behavior on the part of individuals or crowd members at the park. Unprofessional police behavior can inflame a tense situation and make crowd control efforts more difficult and dangerous. Strong supervision and command are essential to maintaining a unified, measured, and effective police response. Impulsive or independent actions by officers are to be avoided. TPD will endeavor to enforce applicable laws and arrest specific individuals who are committing crimes. In the event an officer on views a crime or disturbance a radio call for an additional cover units should be made.

Traffic congestion from event participants is guaranteed at the conclusion of the fireworks show. In the years past, traffic has been allowed to flow away from the event after the fireworks show, without police traffic control. A supervisor may direct others to control intersections if needed; however, it is our plan to allow traffic to flow out of the area without police intervention. This will free up officers assigned to the celebration allowing them to respond to calls for service in and around the park.

In the event of a declaration of an unlawful assembly, TPD will disperse crowds in an orderly manner to predetermined egress routes and arrest individuals who fail to disperse.

Repeated announcements will be made advising them of our intent to arrest them if they do not leave. Announcements shall be made in different locations if the crowd is large and noisy. Sufficient time will be allotted for those who wish to leave before any further police action is taken. Those remaining and refusing to leave will be cited or arrested.

TPD will follow and will request all law enforcement agencies participating pursuant to a mutual aid request to follow TPD policies respecting crowd control management, unlawful assemblies, use of chemical agents and less-lethal impact munitions, use of force, arrests and transporting in-custody individuals to jail. Responding units will be briefed on the operation at the designated staging locations and their crowd control munitions will be inspected. Chemical agents may be used to disperse riotous crowds ONLY at the direction of the Incident Commander. Use of chemical agents may be deployed at the supervisor and command level under exigent circumstances.

Key Tasks – The following is our list of our mission-essential tasks:

- Work with event organizers and city departments to gather intelligence regarding planning, crowd size, park events and time frames.
- Provide traffic and pedestrian controls for the downtown parade and around Lincoln Park as needed.
- Promote positive community relations while maintaining public safety for the Fourth of July event.
- Establish a Command Post utilizing our mobile command vehicle at Lincoln Park.
- Utilize uniformed patrol teams to provide firework enforcement.
- Enforce applicable laws by identifying and arresting specific individuals engaged in unlawful behavior when safe to do so.
- If necessary, issue dispersal orders and disperse crowds in an orderly manner to predetermined egress routes. Safely cite/arrest individuals who fail to disperse.
- Process arrestees in accord with TPD policy/procedures.
- Investigate uses of force, complaints and criminal acts in accord with TPD policy/procedures.
- Maintain strong team discipline.

End State – This operation will be successful if the following conditions are achieved:

- TPD promotes positive community relations.
- No acts of violence or vandalism occur.
- No officers are injured.
- Only reasonable force is employed in executing the mission.

B. Concept of Operations and TPD Organization

1. The Incident Commander and all subordinate units will utilize the Incident Command System for command and control.

2. TPD will deploy 3 squads throughout the day for this event:

- Dayshift Park and Parade detail (0800 – 1630)
- Swing shift Park detail (1530-2230)
- Evening Fireworks Enforcement detail (1900 – 0200)

Involved personnel will deploy to their designated assignments following and acknowledging understanding of the Operational Briefing.

3. Operational briefings will be held in the EOC and are scheduled as follows:

- Dayshift Park detail with motors (0810 hours).
- Swing shift Park detail (1540 hours).
- Evening Fireworks Enforcement detail (1910 hours)

4. After receiving the Operations Briefing, personnel will be deployed as follows:

- Dayshift park detail respond to assigned locations by (0845 hours)
- Swingshift park detail respond to Lincoln Park by (1600 hours)
- Evening patrol detail beginning patrolling by (1945 hours)

The complement of operational assets available to the operation include:

- The TPD motors unit will facilitate parade, provide traffic control and enforcement.
- Dayshift park detail will provide security at the park, conduct community outreach and enforce law violations.
- Swing shift park detail will provide security at the park, conduct community outreach and enforce law violations.
- Evening patrol detail will handle calls for service regarding illegal fireworks.
- The TPD Drone Unit will provide aerial surveillance as needed.
- South County Fire will be available along with American Medical Response for medical emergencies

During operations, uniformed teams will maintain a visible presence in and around their assigned areas. They will remain mobile, flexible, and ready to respond to address issues and crime concerns (violence or vandalism). Outside LE Agencies (mutual aid) may be used for crowd management and/or deployment to predetermined locations if needed.

5. If mutual aid is requested, each agency which responds to the City's request for mutual aid will be briefed in the north parking lot of TPD on Crowd Management and Use of Force policies and given an overview of the operation plan detailing the Commander's intent. Each agency will be assigned a TPD liaison to maintain the Incident Commander's command and control, communication, and situational awareness while executing the mission.

C. Tasks to Subordinate Units

1. Operations Section

- a. Provide traffic controls for the Downtown parade.
- b. Maintain a visible presence in and around the downtown area and Lincoln Park.
- c. Identify and arrest individuals committing crimes.
- d. If the circumstances require, request Mutual Aid resources from the Incident Commander.
- e. Be prepared to develop operations portions of the Incident Action Plan.
- f. Prepare, publish and notify assignments.
- g. Compile and display incident status information, reporting significant changes in incident status to the Incident Commander.
- h. Prepare and supervise the preparation of the Incident Operational Plan.
- i. Prepare and supervise the Demobilization plan.
- j. Prepare and supervise preparation of After Action Report (AAR).

Personnel Deployment:

Dayshift Motor Squad detail

- Deploy with the parade procession, maintaining a visible presence to monitor parade route and provide rolling closure of intersections and driveways as needed.

Dayshift and Swingshift Park detail

- Provide foot patrols, monitor park functions, offer community outreach and provide enforcement when needed.
- Maintain public safety and provide surveillance of the surrounding area.
- Identify and cite/arrest individuals committing crimes, when safe and tactically feasible to do so.

Evening Patrol Detail.

- Provide additional patrol services to neighborhoods with an emphasis on illegal fireworks enforcement.
- Identify and cite/arrest individuals committing crimes, when safe and tactically feasible to do so.

Tracy PD Drone Unit

- Provide overhead surveillance of park event and assist with surveillance and enforcement of illegal fireworks. Relay information to Operations Commander for situational updates. Information to include but not limited to crowd size and activity.

EMS/AMR

- Respond to medical emergencies and render appropriate aid.

SCFA

- Respond to medical emergencies and render appropriate aid.
- Respond to any fire emergencies.

Logistics and Finance

- Alicia Carson and Beth Lyons providing finance logistical support.

D. Arrest Procedures in Major Crowd Situations

Where a criminal act occurs within a large crowd, efforts shall be made to identify the suspect(s) for arrest(s). Field commanders shall consider the safety of officers and bystanders in their decision to move into a crowd to make an arrest. Where directed, arrest teams shall deploy to make surgical arrests. Arrest teams will be equipped with sufficient protective gear to complete the arrest or possible officer rescue. The field commander shall assess the situation and request the necessary resources to take action. On-scene personnel shall advise the best route to respond. Officers shall not abandon their posts, unless it becomes unsafe, to respond to other problems unless directed to do so by a supervisor or commander.

Individual arrests shall comply with Departmental policies and procedures. The field commanders maintain the responsibility to ensure the procedures briefing takes place prior to deployment. Juveniles shall be separated from adult offenders and processed in accordance with Departmental policy. Arrest teams shall be responsible for completing and submitting a separate supplemental report documenting each arrest at the conclusion of the operation.

Officers shall cite out misdemeanor violations unless there is reasonable likelihood that the offense would continue or resume or that the safety of persons or property would be immediately endangered by the release of the person (853.6i(7) PC). Offenses that are likely to continue must be supported by articulable facts.

In the event of riotous behavior, a field commander will evaluate and recommend if the crowd should be dispersed. The Incident Commander or Operations Commander shall make the determination. Dispersal orders *may be* made in the following conditions:

- ◆ When crowd violence targets law enforcement personnel at a level likely to cause injury to personnel and arrests are not possible or are not likely to succeed.
- ◆ When crowd violence includes arson and arrests are not possible or likely to succeed.
- ◆ When crowd violence targets buildings/property with felony malicious mischief and arrests are not possible or likely to succeed.
- ◆ When individuals in the crowd begin to attack other people in the crowd with force likely to produce injuries requiring medical assistance and arrests are not possible or likely to succeed.

Dispersal orders may be given even if arrests are possible and have been made so that order may be restored among the remaining members of the group. The field commander will give or direct another to provide the dispersal order.

E. Anticipated Scenarios

1. Illegal fireworks can result in property damage and injuries. This will generate an increase for calls for service.
2. Although not anticipated, discuss response plans to possible indiscriminate gunfire in the crowd occurring during the Independence Day celebration. This can cause injuries,

- death and property damage.
3. Expect an increase of incidents involving intoxicated drivers and intoxicated persons.
 4. With a large number of people congregating in a park anticipate a higher probability for disturbances, fights and law violations. This can also lead to a riotous crowd.
 5. Expect an increase in vehicle and pedestrian traffic near and around Lincoln Park and the Downtown area.

Each of these anticipated scenarios requires an increase in officer safety and overall situational awareness. Throughout the 4th of July event, our mission is to provide a law enforcement presence by maintaining public safety and promoting positive community relations.

In the event a decision is made by the Incident Commander to confront any number of civilians for any reason, the safety of officers and uninvolved persons shall be considered. Additionally, the capacity of police resources to manage an anticipated scenario shall be considered.

In the event a crowd become riotous, our mission is not to arrest every law violator but instead to manage the entire event. Police shall strive to not create a situation – unless necessary to prevent the loss of life, serious bodily injury, and major property damage.

In the event of a riotous crowd, the Incident Commander must consider the impact of minimizing police responses during a crowd control or riot situation. Such a strategy can actually escalate violence and vandalism by members of the crowd who observe no response from the police thereby empowering individuals and groups in the crowd to act even more recklessly and without consequences.

F. Use of Force in Major Crowd Situations

- The IC, field commanders and field supervisors shall make every effort to ensure that the police mission is accomplished as efficiently and unobtrusively as possible with the highest regard for the human dignity and liberty of all persons and with minimal reliance on the use of physical force.
- Departmental Policy 300 applies. The deployment of chemical agents shall be at the direction of the Incident Commander (unless exigent circumstances exist). If command directed, field commanders shall provide specific direction on the type of munition and location of deployment. If an Unlawful Assembly (407 PC) is declared and a dispersal order, and persons refuse to leave, a second warning(s), if feasible, shall be made prior to the use of chemical agents, allowing persons another opportunity to leave voluntarily. Use of specialty impact munitions shall not be indiscriminate nor used to disperse a non-violent crowd. Officers shall make an effort to arrest suspects when force is used to gain compliance. Chemical agents and specialty impact munitions shall only be deployed as authorized by TPD policy.
- Personnel using specialty impact munitions shall account for and report, to their supervisor, each individual use of force and document it in a report.
- All personnel involved in a use of force shall complete a report and supplemental reports articulating the circumstances and justifications for their individual decision to

use force per Department Policy 300.

G. Reporting/Evidence Collection

In the event a *major crowd disturbance occurs*, each member involved in the major crowd disturbance operation shall complete a supplemental report documenting his or her activities and observations during the course of the operation. ***Such an incident shall be properly identified by the Incident Commander.*** Individual members are required to document each use of force.

Members using specialty impact munitions shall account for and report, to their supervisor, each individual use of force and document it in a report. Supervisors shall be responsible for collecting the reports and submitting them as a complete package to their respective commanders.

Commanders shall ensure, in the event of a criminal act, an arrest, or any deployment of gas or specialty impact munitions, all involved personnel and their immediate supervisor(s) complete the appropriate report (crime report, supplemental report, etc.). Officers shall document specific acts of the individuals, list witnesses and take witness statements when appropriate.

The recovery of physical evidence (i.e. projectiles) shall be the responsibility of every member. Supervisors shall ensure that their assigned personnel collect, document, package, and catalog relevant physical evidence.

The supervisor of the officers involved shall ensure the proper reports are completed in accordance with Departmental policies, or in compliance with the procedures in this operation (i.e. mass arrest). When more than one team is involved, the field commander at the scene shall designate a single supervisor to coordinate the completion of the necessary reports.

Officers who have been assigned a BWC shall activate the camera when directly engaged with the crowd or individuals and shall document activation of the BWC in the appropriate report.

If the BWC is lost, stolen, damaged, or malfunctions during the duration of the incident, the circumstances shall be documented in the appropriate Departmental reports. BWCs shall be inspected to prior to deployment.

At the conclusion of the operation, all personnel shall be responsible for submitting the appropriate Crime Reports and supplements. The assigned supervisor shall be responsible for reviewing the reports and preparing UOF Report paperwork as follows:

1. Supplemental Reports, – to identified Primary Assigned Officer
2. UOF Report – to immediate supervisor/commander

At the conclusion of the operation, the Team Supervisor/Commander will be responsible for:

1. Determining the number of force incidents, types, locations, injuries, and identities of involved members.

2. Briefing the Incident Commander and Operations Commander on the totality of force used during the operational period.

H. Complaints

1. Complaints will be handled by supervisors in the field based on the following circumstances:
 - a. Under normal circumstances, when officers are in a static position and not engaged in confrontations with unlawful individuals: In such circumstances, officers shall advise their supervisor of the complaint, without delay. Supervisors shall then advise radio dispatch, without delay.
 - b. Under circumstances in which officers are moving as part of a skirmish line and in contact with unlawful individuals:

In such circumstances, officers shall advise their supervisor, as soon as tactically feasible. Supervisors shall then advise radio dispatch, as soon as tactically feasible.
 - c. Under circumstances in which officers are in direct contact with confrontational individuals: In such circumstances, officers shall note the time, location, and description of the complainant, and advise their supervisor, as soon as tactically feasible. Supervisors shall then advise radio dispatch, as soon as tactically feasible.

I. Mutual Aid

1. As the Law Enforcement Region Mutual Aid Coordinator, the San Joaquin County Sheriff will coordinate the mutual aid response by police departments throughout the region. All requests for mutual aid will be made through the Incident Commander. All mutual aid responders shall check in at the main staging area. Relevant TPD policies shall be provided to all participating outside agencies responding to a request for mutual aid.
2. All mutual aid agencies shall be briefed on the current Operations Plan by the Operations Commander or Deputy Commander.
3. Prior to deployment, a complete inventory of all munitions and chemical agents possessed by mutual aid responders shall be completed and documented to ensure identification and approval by a TPD commander. The approving TPD commander shall brief the Operations Commander for final approval of munitions and chemical agents possessed by mutual aid responders. Munitions and chemical agents not approved by the Operations Commander shall not be deployed by any agency. If a mutual aid responder refuses to comply with this directive that agency shall not be utilized for any assignment where munitions are likely to be deployed. The inventory shall be attached to the After Action Report.

J. Reporting Injuries

Injuries to an officer or private person shall be reported to an immediate supervisor. Supervisors shall notify the Incident Commander or the Operations Commander of any significant injuries or need for medical treatment. Supervisors/Commanders will

coordinate the treatment and transport of assigned personnel and complete the appropriate documentation prior to going off duty.

K. Contingency Plans

If individuals obstruct free flow of vehicle traffic at major thoroughfares or intersections causing significant disruption to commute traffic, safety and/or commerce: TPD will assess the time, place and manner in which people are engaged in these acts. The Incident Commander shall make the determination whether or not to remove people from intersections or thoroughfares based on the severity of the impacts if nothing is done to remove them. The Incident Commander shall balance the level of disruption to traffic against the TPD policy of facilitating 1st Amendment activity; the practicality of relegating the crowd to sidewalks or an alternate-route; the expected duration of the disruption, and the traffic disruption expected in making a mass arrest if demonstrators refuse to leave the street.

If individuals enter and take over a building or private lot refusing to leave: TPD will identify the building owner and determine if police services are requested to remove the trespassing occupants (unless obvious and on-going crimes are occurring; fire set, vandalism). If police services are requested, TPD shall surround the building or lot and contain the occupants. TPD will provide announcements directing trespassers to immediately leave and shall arrest anyone found exiting the building or lot. TPD shall determine a tactical plan to enter the building or lot and arrest remaining trespassers.

If individuals damage property: At the direction of a commander and when tactically feasible, arrest team(s) will make surgical arrests of individuals who damage or destroy property.

If individuals set fires: TPD will use fire extinguishers to put out small trash can fires. If needed, TPD escort officers will provide force protection to SCFA to put out larger fires. At the direction of a commander, arrest team(s) will make surgical arrests of individuals who set fires.

If shots are fired from within the crowd: TPD officers shall try and identify the shooter and react with the appropriate force, if possible. If there is no immediately identifiable target then officers shall seek immediate cover positions. The on-scene supervisor/commander will decide if the use of chemical agents, smoke or diversionary devices should be deployed to disperse the crowd, and/or shooter.

L. Pursuits

Departmental Policy 307 applies. Supervisors are responsible for authorizing, monitoring, and reporting pursuits involving personnel assigned to them. Units in a pursuit shall switch to TPD Primary.

IV. ADMINISTRATION AND SUPPORT

Administration

A. Pay

Overtime forms will be completed noting the event name for tracking purposes. Supervisors will review and endorse accurate overtime forms and forward them to their commander for approval.

B. After Action Reporting

The After Action Report will be completed by the Incident Commander (or designee).

C. Uniform for the operation

Class B with gun belt and all safety equipment and BWC.

D. Reporting

All reports will be or completed prior to leaving following the event and approved by a supervisor assigned to the event.

E. Key Locations

Name	Location
Emergency Operations Center	TPD 1000 Civic Center Drive
Mutual Aid Staging	TPD North Parking Lot
AMR	TPD North Lot

F. Medical

- ◆ Sutter Tracy Community Hospital – 1420 N Tracy Boulevard
- ◆ Kaiser Hospital – 1777 W Yosemite Ave, Manteca
- ◆ San Joaquin County General Hospital – 500 W Hospital Rd, French Camp

Individuals that are arrested and require medical treatment shall be transported to Tracy Community Hospital.

V. COMMAND AND COMMUNICATION

A. ICS Command Structure

Commander/Supervisor	Name	Contact
Incident Commander	Captain Alex Neicu	209-321-3954

Operations Section Chief	Lieutenant Miguel Contreras	209-321-3969
Deputy Operations Chief	Lieutenant Tony Sheneman	209-612-6144
Traffic Unit Supervisor	Sgt. Joel Petty	209-679-5067
Tactical Commander	Lieutenant Octavio Lopez	209-988-5397
Finance Chief	Manager Beth Lyons	209-814-1327
Public Information	Diana Ruiz Delre	510-908-1611

B. Communications

Primary communications shall utilize the TPD radio system. Cellular telephones may be used for secondary communications in the event of a system failure or problematic communication conditions.

C. Media

A Department Public Information Officer will be available during this operation. All media inquiries shall be referred to the Public Information Officer and/or the Incident Commander. Police operational information shall not be discussed with the media. All individuals possessing official media identification, or claiming media affiliation, shall be allowed to engage in activity afforded to media personnel in accordance with our policy. All personnel are reminded to respect the right of the media during times of civil unrest.

Public trust and confidence in law enforcement are dependent upon open and honest communication with the public, most often through media access and reports. Department policy requires officers to make every reasonable effort to help reporters cover police actions and activity. Media representatives shall be treated in a fair and impartial manner.

Formal press releases and/or press conferences with City Officials is the preferred method of distributing information; circumstances immediately or imminently affecting traffic flow or public safety may be communicated by TPD PIO, Incident Commander, or his/her designee through a field command post or through press briefings in the field.

For mobile and stationary events/coverage alike, all individuals claiming media affiliation shall be allowed to engage in activity afforded to media personnel in accordance with our policy.

D. Fire or Medical Assistance

All requests for fire department services or medical aid shall be made through the dispatcher. All personnel must provide as much information about the emergency as possible. Special arrangements may be needed to escort fire and medical response.

MC #1114

**Miguel Contreras
Police Lieutenant
Operations Commander
Bureau of Field Operations**

A. Neicu

**Alex Neicu
Police Captain
Incident Commander
Bureau of Field Operations**

APPENDIX A – Personnel Assignments for Fireworks Enforcement for Friday July 2nd .

Staff	Assignment	Call Sign
[REDACTED]	Fireworks Enforcement	S-12
	Fireworks Enforcement	F-1
	Fireworks Enforcement	F-2

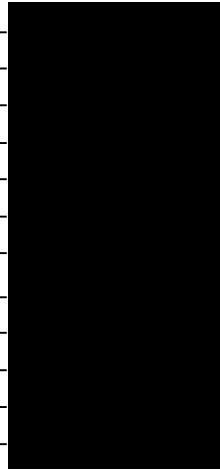
APPENDIX A – Personnel Assignments for Fireworks Enforcement for Saturday July 3rd .

Staff	Assignment	Call Sign
[REDACTED]	Fireworks Enforcement	S-12
	Fireworks Enforcement	F-1
	Fireworks Enforcement	F-2
	Fireworks Enforcement	F-3


APPENDIX C – Personnel Assignments for Parade, Park Festivities and Enforcement for July 4th 2021

(0800-1630)

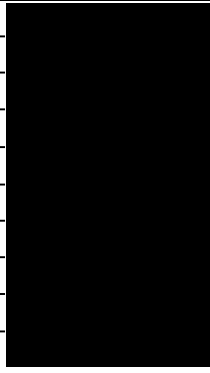
Briefing at 0810 Hours, EOC-Lt. Contreras (W-14)

Staff	Assignment	Call Sign
	Parade Supervisor	S-7
	Park Supervisor	S-12
	CP Drop Off @ 0830	NR-1
	Lead Car	NR-2
	6th and Central/Tail car	O-27
	9th & Central	F-2
	10 th & Central	F-1
	11th & Central	F-3 (ATV)
	11 th & Central	M-1
	Holly & Eaton	M-2
	Holly & Eaton	M-3
	Drone Unit	
	Comm. Center Ch. 2	Tracy


**Day Shift in the Park (1000-1630)
Lt. Contreras (W-14) Incident Commander**

Staff	Assignment	Call Sign
	Park Supervisor	S-12
	Foot Patrol/Co-Supervisor	NR-1
	Foot Patrol	F-1
	Foot Patrol	F-2
	ATV @ Lincoln Park	F-3
Comm. Center Ch. 2	Tracy	

**Swing Shift in the Park (1530-2230)
Briefing @ 1540 hours in EOC
Lt. Sheneman (W-12) Incident Commander**

Staff	Assignment	Call Sign
	Swings Event Supervisor/Drone	S-4
	Foot Patrol	F-4
	Foot Patrol	F-5
	Foot Patrol	F-6
	Foot Patrol	F-7
	Foot patrol	F-8
	Foot Patrol	F-9
	Foot Patrol	F-10
	Comm. Center Ch.2	Tracy
	CP Pick Up@ 2230	S-13

**Additional Enforcement Staff (1900-0200)
Briefing @ 1910 hours in EOC**

Staff	Assignment	Call Sign
	Enforcement Supervisor	S-13
	Enforcement	
	Enforcement	F-11
	Enforcement	F-12
	Drone Unit	
	Drone Unit	F-13

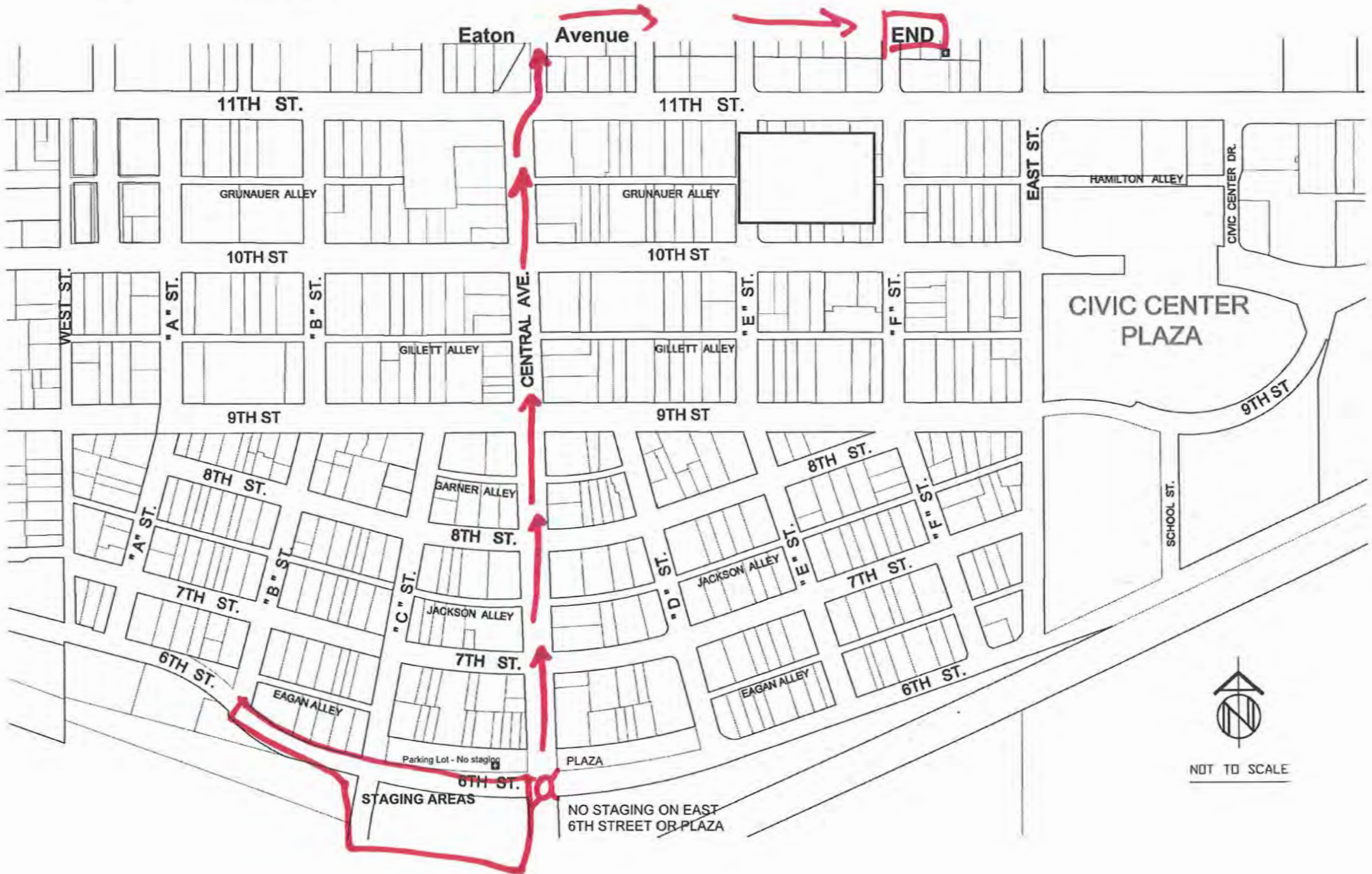
The Additional Enforcement team (1900-0200) will be divided into two teams providing coverage and responding to fireworks calls for service. The first group Supervised by Corporal Troy Silcox will handle fireworks calls north of 11th Street and the second team Supervised by Sgt. Ysit will handle fireworks calls south of 11th Street.

Tracy Chamber of Commerce 4th of July Day in the Park Sunday, July 4, 2021 @ Lincoln Park

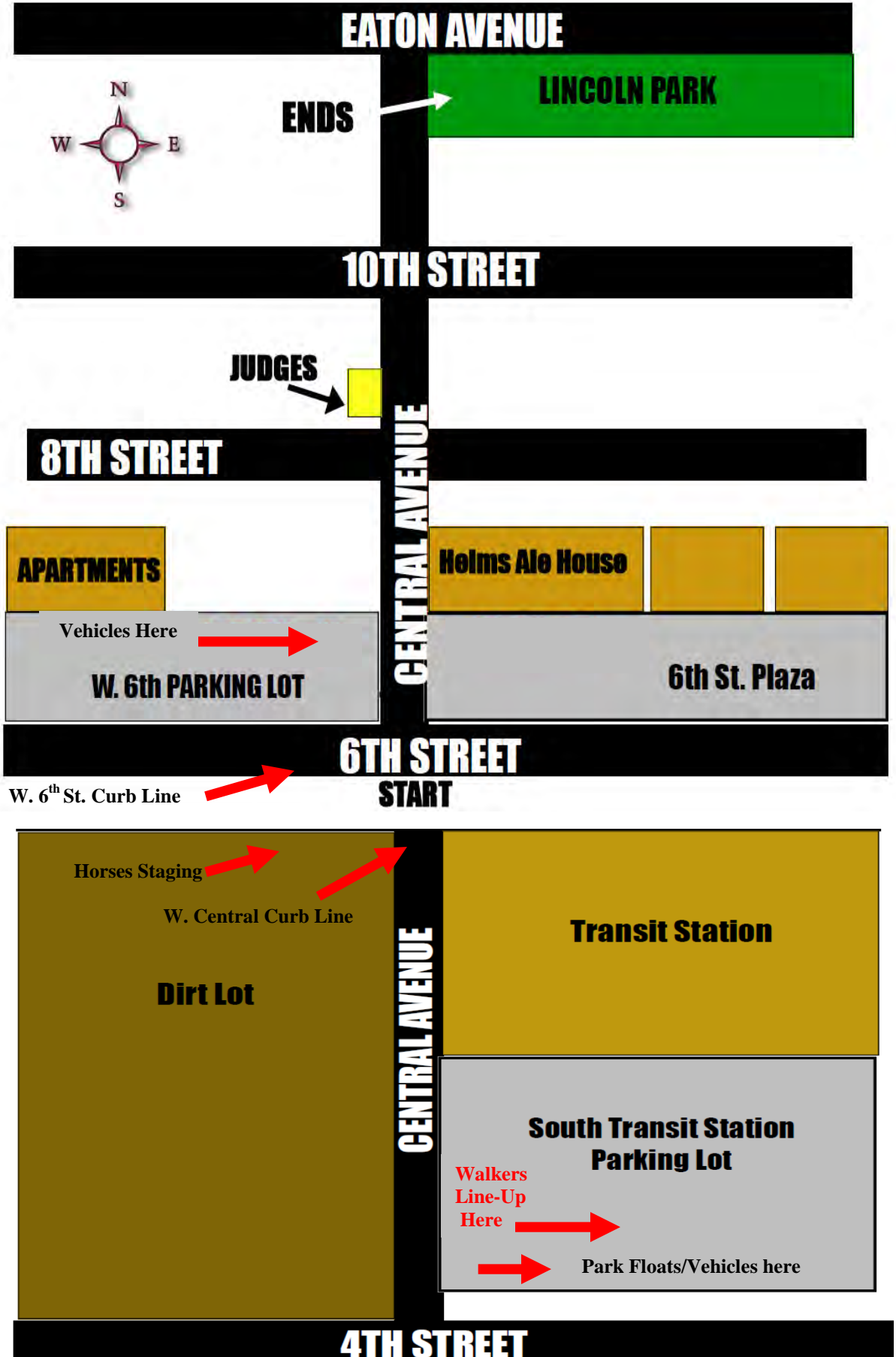


- = 10'x10' canopy, no walls
- = portapotties
- x = alcohol tent (vendor TBD)
- 🚧 = street/parking lot closure
- = ramp for vehicle entry/exit

LONG PARADE



MAP NOT TO SCALE





Attachment B

MEMORANDUM

Date: August 9, 2021

To: Sekou Millington, Chief of Police

From: Captain Alex Neicu, Bureau of Field Operations

Re: AAR July 4, 2021 operations and response to fireworks

Date of Operation	July 2-4, 2021
Time Period	24 hours daily
Location of Event	City of Tracy, Downtown area, Lincoln Park
Name of Event	4 th of July events
Name of Operation	
Incident Number	None
Report Number(s)	
Incident Commander	Captain Alex Neicu

Background Information	What information and/or incident(s) occurred which caused the event and/or operation? How many subjects or protesters were expected?
<p>The Tracy Chamber of Commerce hosted their annual 4th of July Downtown Parade and “Day in the Park” celebration at Lincoln Park. It was anticipated over 3,000 people were in attendance. The Fourth of July holiday weekend also resulted in a significant increase of calls for service related to illegal fireworks.</p>	

Objectives	What were the primary objectives and sub-tasks for this event?
<p>The Mission of the Tracy Police Department, is to provide a law enforcement presence and promote positive community relations while maintaining public safety throughout the event. Officers will provide foot patrols within</p>	



the park throughout the day and evening. Officers assigned to enforcement efforts will be utilized to handle fireworks related calls for service and enforce violations of fireworks laws. This will be done with an effort to:

1. Protect Life and Property;
2. Maintain Officer Safety;
3. Maintain Public Peace and Order

Key Tasks – The following was our list of our mission-essential tasks:

- Work with event organizers and city departments to gather intelligence regarding planning, crowd size, park events and time frames.
- Provide traffic and pedestrian controls for the downtown parade and around Lincoln Park as needed.
- Promote positive community relations while maintaining public safety for the Fourth of July event.
- Establish a Command Post utilizing our mobile command vehicle at Lincoln Park.
- Utilize uniformed patrol teams to provide firework enforcement.
- Enforce applicable laws by identifying and arresting specific individuals engaged in unlawful behavior when safe to do so.
- If necessary, issue dispersal orders and disperse crowds in an orderly manner to predetermined egress routes. Safely cite/arrest individuals who fail to disperse.
- Process arrestees in accord with TPD policy/procedures.
- Investigate uses of force, complaints and criminal acts in accord with TPD policy/procedures.
- Maintain strong team discipline.

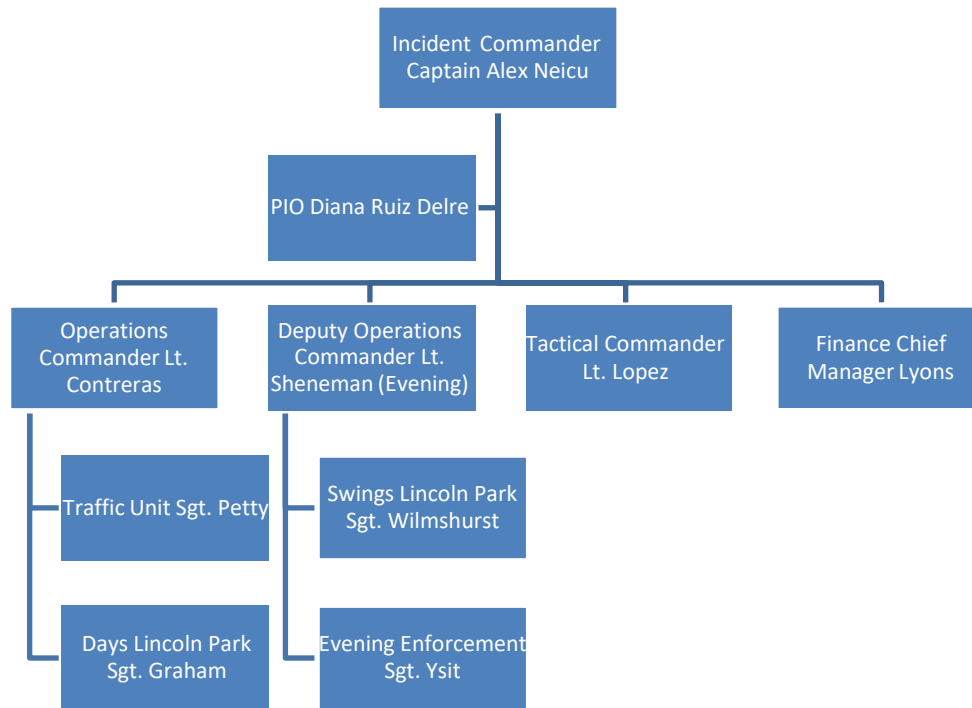
Operations	Was there an Operations Chief for this event? Who were the key personnel assigned operational tasks during this event? Was there a field Command Post(C/P)? Where did the event take place and did it move to another location? Where was the location of the C/P? Was the C/P mobile? Was the Emergency Operations Center (EOC) activated?



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The Overall **ICS Structure for the Operational Period of 4 July 21** was as follows:



Significant Events	Describe the following significant events: When did the event start? When did crimes and arrests take place? When did the event conclude? How many subjects or protesters were at the event? Precede each significant event with the time it occurred.
Refer to “Summary” at end of document	

Planning	Was there a Planning Chief assigned to this event? Who was the lead planner for the event? Who else took part in the planning meetings? Who completed the operations plan, briefing and personnel detail?
The Operations Plan was developed by Lt. Contreras, in consultation with Lt. Lopez (Tactical Commander).	
Logistics	Was there a Logistics Chief assigned to this event? Did all personnel bring their own equipment? Was any specialized equipment or munitions needed or



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	utilized during the event? Did any other agency provide specialized equipment?
There was no Logistics Chief. Each team was tasked with providing their own necessary equipment.	

Finance	Was there a Finance Chief assigned to this event? Were personnel required to work overtime for this event? Was a mass overtime sheet used for this event? What were the pay codes for this event? Was there any unusual/extraordinary expenditures for this event?
Manager Lyons-McCarthy was assigned as Finance Chief.	

Intelligence	Was there an Intelligence Officer assigned to this event? What was the intelligence information for this event? Was it open source information? Was it provided by an informant? Was information obtained through negotiations with event organizers? Were negotiators assigned to this event?
The Tracy Police Department has been meeting regularly with representatives of the Tracy Chamber of Commerce along with City Departments to include Public works, Parks and South County Fire. There was nobody specifically assigned to the intelligence position for this operation.	

Safety	Was there a Safety Officer assigned to this event? Were there any significant safety issues? Were there any accidents? Were there any equipment failures?
No Safety Officer – Not needed for this operation	

Liaison	Was there a Liaison Officer assigned to this event? Did outside agencies respond for assistance? What other agencies (city, state or federal) responded or assisted? Was there a mutual aid request?
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None.

Public Information Officer	Was there a Public Information Officer assigned to this event? Was the media present? Did anyone provide information to the media? Was the media coverage favorable to the agency and/or City?
PIO Diana Del Re was assigned to this event. Leading up to 4th of July, we worked with Fire and City personnel to craft and deliver safety messages and tips. Additionally, District Attorney's personnel had a presence at the Downtown Farmers' Market distributing fireworks safety literature. Related directly to our response, the PIO responded to several requests for information from the media, which resulted in published articles:	
Tracy Press Article: https://www.ttownmedia.com/tracy_press/news/tracy-police-has-new-strategies-to-tackle-illegal-fireworks/article_b37b6460-d521-11eb-9529-9b8dba606ac2.html	
Fox 40 news: https://fox40.com/news/local-news/tracy-pd-uses-new-program-to-crack-down-on-illegal-fireworks/	
PSA: https://www.facebook.com/TracyPolice/posts/4463386730360115	
On the day of the event: https://www.facebook.com/TracyPolice/posts/4468103689888419	

Staging Area	Was a staging area established? Was a staging manager assigned? Who was the staging manager? Where was the staging area located? Did outside agencies respond to the staging area?
Briefing and Staging all took place at the Tracy Police Department (TPD). Deployments continued to several designated locations, depending on the mission.	

SERVICE ♦ INTEGRITY ♦ EXCELLENCE



TRACY POLICE DEPARTMENT

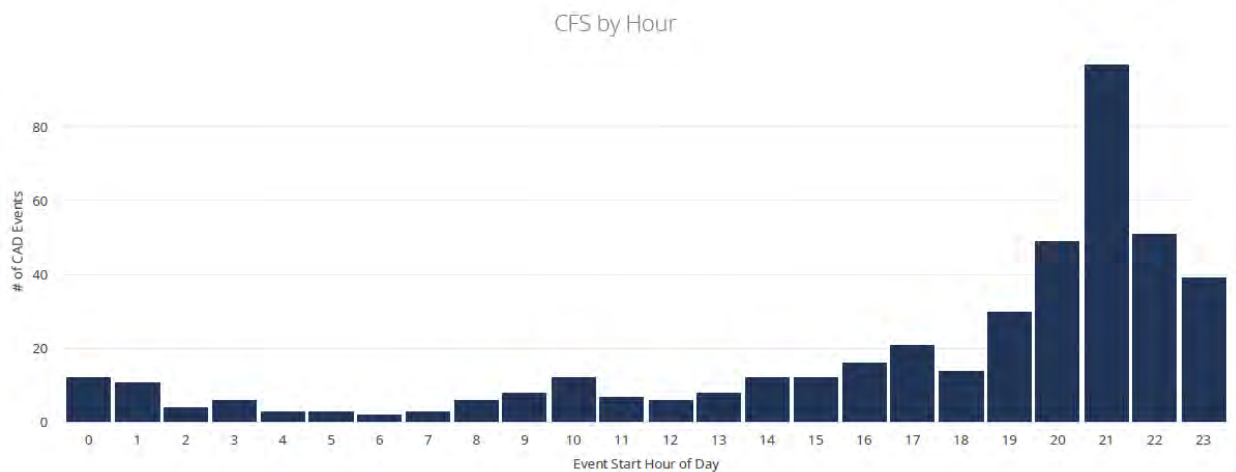
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Use of Force	Were there any significant uses of force? Were impact weapons used? Were chemical agents used? Were chemical agents checked out and deployed in the field? Was a police firearm used? Were there significant injuries to subjects?
There was no use of force warranted or used during this event.	

Arrests	Were there any significant arrests? Did mass arrests take place? What were the predominant charges for arrests?
There were no incidents requiring physical arrests during this event. There were several citations issued for fireworks-related violations, as described in the SUMMARY section below.	

Statistical Data (COLLECTIVELY FOR THIS SPECIFIC EVENT)

July 4, 2021: number of calls for service by hour:





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July 4, 2021: top calls for service broken down by type:

CFS by Type

Call for Service Type	# of CAD Events
1 FIREWORKS	167
2 911 CELL PHONE	44
3 FIRE ASSIST	29
4 AUDIBLE ALARM	21
5 911 MISTAKE	18
6 SECURITY CHECK	14
7 RECKLESS DRIVE	11
8 INFO	8
9 MEDICAL ASSIST	8
10 DISCONNECT CELL	7
11 STANDBY CALLOUT	7
12 VERBAL DISPUTE	6
13 DISTURBANCE	6

Over the weekend the PD received several complaints regard a failure to answer non-emergency calls for service. There were four (4) dispatch lines working at full capacity on July 4th. One additional dispatched position was mandatorily filled to assist with the increased calls for service during the holiday weekend. An audit of all calls received and answered on the 4th of July was conducted. It was an exceptionally busy night for the police department. The Communication Dispatch Center utilizes the Emergency Call Tracking System (ECATS), which is the first universal 911 Call Reporting System that provides real-time reporting to our dispatch center. Details captured in ECATS report for 7/4/2021 which shows the number of calls, split into 9-1-1, Non ER, and Administrative Calls for the entire day. Noted in the breakout of calls answered is the % of time it took for us to answer within a designated time frame. The calls will reflect how many were answered and how many calls were abandoned. Abandoned means – callers hung up before being answered. The highest call volume occurred in the 2100 hour with 149 calls to our 7 digit phone number and 77 calls on our 9-1-1 line. TPD took in double the amount of calls for service from midnight-1159pm on the 4th of July.



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Tracy PD 7/4/2021

911 Count	219
911 Calls Answered	197
Abandoned 911 Calls	22 – (Callers hung up and didn't wait for response)
Average Duration	75 seconds
Answered within 10 seconds	95%
Answered within 15 seconds	98%
Answered within 20 seconds	99%
Answered within 40 seconds	100%
Answered within 60 seconds	100%
Answered within 120 seconds	100%
Answered over 120 seconds	0%

10 Digit Emergency Call Count (X4553)

Total 10 Digit Count	105
10 Digit Calls Answered	105
Abandoned 10 Digit Calls	0
Average Duration	106 seconds
Answered within 10 seconds	94%
Answered within 15 seconds	99%
Answered within 20 seconds	100%
Answered within 40 seconds	100%
Answered within 60 seconds	100%
Answered within 120 seconds	100%
Answered over 120 seconds	0%

Admin Call Count (X4552)

Total Administrative Count	276
Administrative Calls Answered	272
Abandoned Administrative Calls	4
Average Duration	99 seconds
Answered within 10 seconds	91%
Answered within 15 seconds	100%
Answered within 20 seconds	100%
Answered within 40 seconds	100%
Answered within 60 seconds	100%
Answered within 120 seconds	100%
Answered over 120 seconds	0%

Outbound Call Count

Outbound Administrative Calls	181
Outbound 10 Digit Calls	1

SERVICE ♦ INTEGRITY ♦ EXCELLENCE



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Top 5 Busiest Hours (911 Calls)

7/4/2021 9:00:00 PM 77
7/4/2021 8:00:00 PM 24
7/4/2021 11:00:00 PM 15
7/4/2021 10:00:00 PM 14
7/4/2021 6:00:00 PM 13

Top 5 Busiest Hours (All Call Types)

7/4/2021 9:00:00 PM 149
7/4/2021 10:00:00 PM 69
7/4/2021 8:00:00 PM 66
7/4/2021 11:00:00 PM 45
7/4/2021 7:00:00 PM 32

As a result of the newly implemented “social host” ordinance, **nine** new cases were initiated through administrative citations. In addition, **six** other cases were referred to the District Attorney’s Office for criminal prosecution. (As of August 10, 2021, the outcome for all these cases is still pending.)

Successes	What was done well? Was the event successfully planned? Did everyone know their mission? Were all end-states achieved? Did the tactics and deployment methods work?
Control and flow of the parade on July 4 went well. The deployment at Lincoln Park also worked well. For future events, modifications to the deployment should include staffing the park and parade route with professional staff personnel (e.g. CSO, VIP) or staff from Parks & Recreation Department.	

Shortfalls	Was there a significant failure? Did anyone or any unit fail to complete their mission? What was missed or forgotten? Did the tactics and deployment methods work? Was certain equipment or technology needed to be more effective or efficient?
See SUMMARY and DELIVERABLES section below for recommendations.	



Training Needs	What training needs to be conducted to better prepare for the next event.
None Noted	

Deliverable Items	Has anyone been assigned a specific task to complete as a result of the debriefing or after action reporting?
<p>Our deployment plans and subsequent execution were discussed in a statewide call, organized by the League of California Cities, which included numerous other jurisdictions. We found out that while some of our responses were on the more innovative end of the spectrum, there were several measures that could improve our results, especially in the area of stronger legal statutes.</p> <p>Based on discussions with Officers and Supervisory staff, the following recommendations are suggested for future Fourth of July planning</p> <p>Recommendations #1 (Fireworks Enforcement Team)</p> <p>Based on discussion with officers to include drone operator. The Fireworks Enforcement Team should consist of a 5 person element to include the following:</p> <ul style="list-style-type: none"> • One Drone Operator • One Spotter for the Drone operator (this could be a civilian employee or VIP). The spotter is responsible for watching the sky to ensure the drone does not come into contact with objects. • One undercover officer to confirm the address location of the suspected fireworks and provide suspect description • Two Field Officers to issue any citations after the address is confirmed. Code Enforcement can also be used to work alongside officers as the citation is a violation of the Tracy municipal code. <p>The teams would target specific areas within the City based on existing fireworks frequency data from Mark 43. Initially the team was responding only to calls for service regarding fireworks. Responding to fireworks related calls for service is not the most productive method due to time being divided to halt operations, transport and relocated to other areas in the City.</p>	



Ideally 4 teams could be used to provide fireworks enforcement for each of the 4 Watch Commander quadrants in the City.

Another deployment strategy for the fireworks enforcement team is not to issue a citation immediately. Speaking with officers it typically takes 20 to 30 minutes to coordinate a respond to a home, talk to the residents and issue a citation. In speaking with a drone operator, the operator can video record violations and a home address. The operator can then fly to nearby residences and do the same. This would significantly increase the number of violations captured on film. Code enforcement or an investigating officer can then take the time in an office setting to review the video footage and mail out an administrative citation.

Recommendation #2 (Illegal Fireworks enforcement scheduling)

Fireworks enforcement can begin on the weekends leading up to the Fourth of July holiday. This would lead to an increase in overall citations and maximize available Tracy PD personnel resources. The number of illegal fireworks calls on the Fourth of July far surpassed the Tracy Police Department's bandwidth to respond and enforce. (See calls for service).

Recommendation #3 (Illegal fireworks enforcement penalties)

The penalties for discharging, possessing illegal fireworks per the Tracy Municipal Code section begins at \$100. Our officers were told by a violators who was cited that the penalty is less than the amount of money he spent on the fireworks, therefore making it not enough of a deterrent. In comparison, many cities throughout the state have special fines for fireworks violations that range from \$500 to \$2000.

Recommendation #4 (Fireworks mitigation fee)

A fireworks mitigation fee should be attached to the sale of Safe and Sane fireworks and be used combat the enforcement efforts of illegal fireworks.

SUMMARY:

An Operational Plan was authored for the time period of July 2nd to July 4th with an emphasis on fireworks enforcement. A fireworks enforcement team worked on July 2nd, July 3rd and July 4th.



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Friday July 2nd Fireworks Enforcement Team (1900 to 0200 hours).

6 overtime slots were made available however only 2 slots were voluntarily filled. An officer from patrol with drone training was used bringing the team to 3. This was the first time PD utilized the drone to assist with Fireworks enforcement. Deployment strategies were developed. **2 Citations were issued.**

Saturday July 3rd Fireworks Enforcement (1900 to 0200 hours)

6 overtime slots were made available however 4 slots were voluntarily filled by available Officers/Sergeants. An officer from patrol with drone training was used to supplement the team. **4 Citations were issued.**

Sunday July 4th Additional Patrols (Payback event) (1900 to 0200 hours)

The team comprised of 6 officers to include 1 Sergeant, 1 Corporal, 2 Officers and 2 Drone Operators. **5 Citations were issued.** Originally the SET Team was going to be added to the team however they were used to fill staffing on Patrol. This would have brought the total enforcement team up to 11. Throughout the night team was pulled away from the Fireworks enforcement efforts to assist with the high volume of calls for service.

The Swing shift in the park detail and 4th of July evening (Patrol) detail was comprised of officers working a payback day of 7 hours:

Swing shift in the park (1530 – 2230):

The original signup list had 10 positions consisting of 1 Sergeant, 1 Corporal and 8 Officers. Due to a promotion, Time off given to one officer and the reassignment of another officer to Motors, 3 Officers did not staff the park shift leaving only **7 officers.**

Additional Patrols for Fourth of July (1900 – 0200):

The original signup list had 9 positions consisting of 1 Sergeant, 1 Corporal and 7 Officers. Due to leaves of [REDACTED] and reassignment of Officer Contreras to SRO, staffing was reduced. This brought the total number of officer from 9 officers to **5 officers.**

In total, the Fourth of July payback deployment model of 19 Officers was reduced to 12 Officers. Note: Officer [REDACTED] (Motors) and Officer [REDACTED] (SRO) assisted with the daytime parade and park activities.

The SET team consisting of 4 officers were originally assigned to work the evening of the 4th of July and to assist with Fireworks Enforcement. They were redeployed back to their respective patrol teams to assist with patrol staffing. In essence a total team of 23 officers were initially planned but due to circumstances and staffing only **12 officers** were deployed to complement the patrol teams.



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In response to claims from the community that phone calls were being routed to an automated message that stated TPD could not respond to calls, Communications Supervisor M. Clubb researched the issue. She discovered that TPD does not use any messages that refer to not responding to calls. While there is a scenario that could result in a busy signal when all incoming lines are in use, the more likely situation was that callers heard the phone tree greeting (“If this is an emergency, hang up and call 911”) and did not stay on the line long enough to be routed to the dispatch center.

One of the elements that did affect our ability to respond to calls for service and the concurrent occurrence of several priority calls and the continuation of staffing issues that were unrelated to the July 4th weekend:

- There were two unanticipated vacancies from Patrol staffing due to sick leave on the Graveyard team, severely impacting patrol’s ability to properly respond to dispatched calls for service.
- Patrol responded to a gunshot victim and conducted a thorough preliminary investigation.
- The Bearcat was deployed on 3 occasions that night for tactical incidents requiring pulling officers from the fireworks detail to assist with shots fired.
- Due to staffing and priority calls, patrol went into **Code Red** mode for a period of time, meaning we were only able to respond to in-progress high priority calls (not fireworks).
- In spite of these difficulties, there were at least 12 citations (both PC and Muni Code) for fireworks violations with several social host citation pending as a result of Drone footage and follow up investigations.
- The PD assisted with a major fireworks-caused fire that engulfed 2 vehicles and was threatening to burn a house. The vehicles had a large amount of illegal fireworks contained within them.
- Multiple DUI arrests

Below is a summary of several priority calls for service that negatively impacted the officers’ ability to respond to lower ranked calls, including reports of fireworks:



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Daily Activity Report for Sunday, July 04, 2021

Page 1 of 1

PATROL DAY SHIFT Sergeant Craig Kootstra

Shift Notes:

Time: 6:30 Case #: Incident: PD Security Check Location:

Facility secure. No one in custody, no contraband or damage found, Jail Logs Updated,

Time: 9:30 Case #: 21-03129 Incident: 5150 Location: Rochester St

was placed a mental health hold after he made threats to harm himself. He was transported to STCH and released to medical staff. Case by Ventling

PATROL SWING SHIFT Sergeant Brett Hicks

Shift Notes: Busy shift. Five officers with days staying and graves coming in early.

Time: 0:55 Case #: Incident: PD Security Check Location:

Facility secure. No one in custody, no contraband or damage found, Jail Logs Updated.

PATROL GRAVEYARD SHIFT Corporal Troy Silcox

Shift Notes:

Time: 1:23 Case #: 21-03144 Incident: 12671 H&S Location: W Decilio Way

Officers were dispatched to Cecilio Way for a vehicle that was on fire. On the way there were more reports that a second vehicle and possibly a house was on fire with explosions coming from the vehicles. Once there Officers observed two vehicles on fire and fireworks blowing up and shooting out of both the vehicles. Tracy Fire eventually put the fire out but both vehicles were completely destroyed. It was clear there was a large amount of illegal fireworks located in both vehicles. One owner of one of the vehicles was located, and she was cited for possessing the illegal fireworks. Case by Officer Pineo with several supplements.

Time: 2:52 Case #: 21-03143 Incident: DUI Collision with Injury Location: Tracy Blvd and Grantline Rd.

Officers were called to a scene of a T/C involving two vehicles at the above location. Upon arrival officers located the suspect, fleeing from the collision. was located and found to be intoxicated. SFST's were conducted and the did not do well. blew a .21 and a .22 %. The driver of the other vehicle had minor injuries and was not transported. was arrested for felony DUI. DUI by Officer M. Singh. Collision by Officer Friend.

Time: 3:55 Case #: Incident: PD Security Check Location:

Facility secure. No one in custody, no contraband or damage found, Jail Logs Updated.

Time: 18:20 Case #: 21-03134 Incident: 242, 594, 166.4, 148 Location: Gallery

Officers were dispatched to the above address for a family fight. arrived at this location and got into a fight with his father. punched his father in the face and family said was dilusional and needed help. Because of prior incidents with the PD and 's violent tendencies the armored vehicle was utilized at the residence. After setting a perimeter around the house was contacted and detained without incident. was arrested for the above charges. Case by Officer M. Singh and several other officers.

Time: 20:57 Case #: 21-03138 Incident: Domestic Violence and 246.3 Location: Jonathan PL

Officers were dispatched to a possible domestic violence incident that was happening inside a vehicle. Eventually there were witnesses that pointed officers to Jonathan PL. The female victim left the residence prior to officers getting to the scene. While officers were talking to the witnesses there were several small caliber gunshots that were heard coming from the backyard of Jonathan. More officers arrived and surrounded the residence. The female victim was eventually located and she confirmed a misdemeanor domestic violence occurred but did not want police involvement. The armored vehicle was utilized. was contacted via phone but denied any involvement in the DV or shooting a firearm but refused to come outside the residence. At that point it the decision was made to not press the issue and walk away from the situation. Reports will be forwarded to the District Attorney. Case by Officer Coss with several supplements.

Time: 22:21 Case #: 21-03139 Incident: 647(f) Location: W 11th St

Officers were called to the above address for a subject who had a knife and was attacking cardboard boxes. The subject, was contacted and was found to be under the influence. was unable to care for himself, therefore he was arrested for drunk in public. Case by Officer B. Singh

Time: 22:38 Case #: 21-03140 Incident: 245 PC Location: Central at 4th St

Officers were called to STCH for a victim of a gunshot wound. The victim was The victim was uncooperative and said he was shot while watching fireworks near Central and 4th. A family member of the victim told the same story. No crime scene was located. Case by Officer M. Singh.



Fireworks Enforcement Update

Tracy Police Department

September 21, 2021

Background

- In October 2020, the City Council approved the adoption of a “social host ordinance” to address the use of illegal fireworks
- Tracy PD is tasked with enforcement of fireworks laws as well as providing security for several city-sponsored events during the July 4 weekend.
- The deployment plan, as well as results, were discussed with many other jurisdictions during statewide forums organized by the League of California Cities, using best practices

Changes from prior years

- New social host ordinance allowed for cases to be developed based on a different legal standard (property owner or renter)
- The use of drones to identify locations is proving promising and it is consistent with results seen by other agencies

Challenges

- Staffing shortage
- Competing missions
- High priority calls
- Phones/communications center



Case Outcomes

- Criminal cases

- 1 Felony (under arraignment)
- 2 Misdemeanor (under arraignment)
- 1 Misdemeanor (pled guilty)
- 2 Under review
- 1 Declined

- Administrative cases

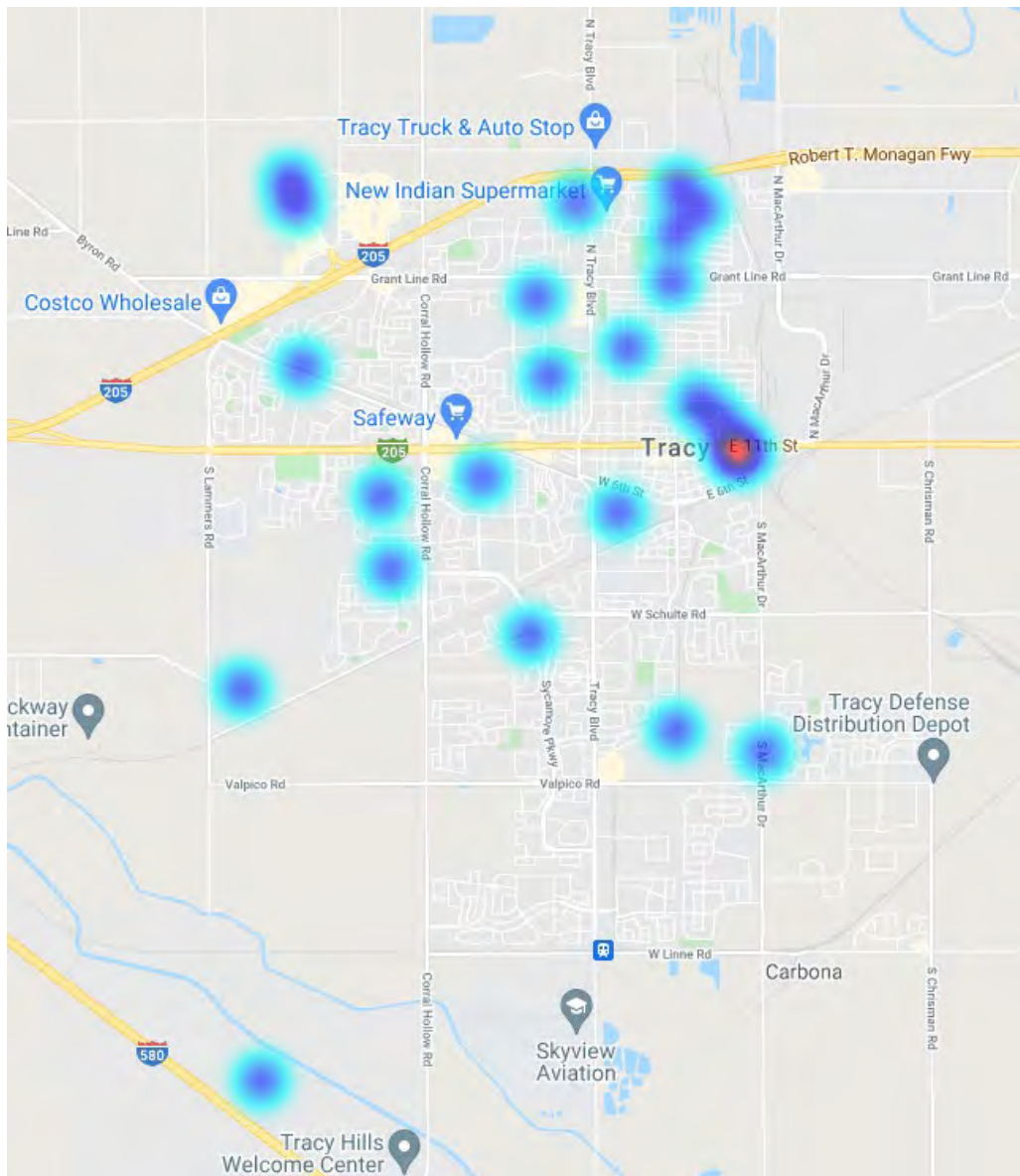
- 7 administrative citations (Tracy Municipal Code) issued, currently in the process of collecting fines



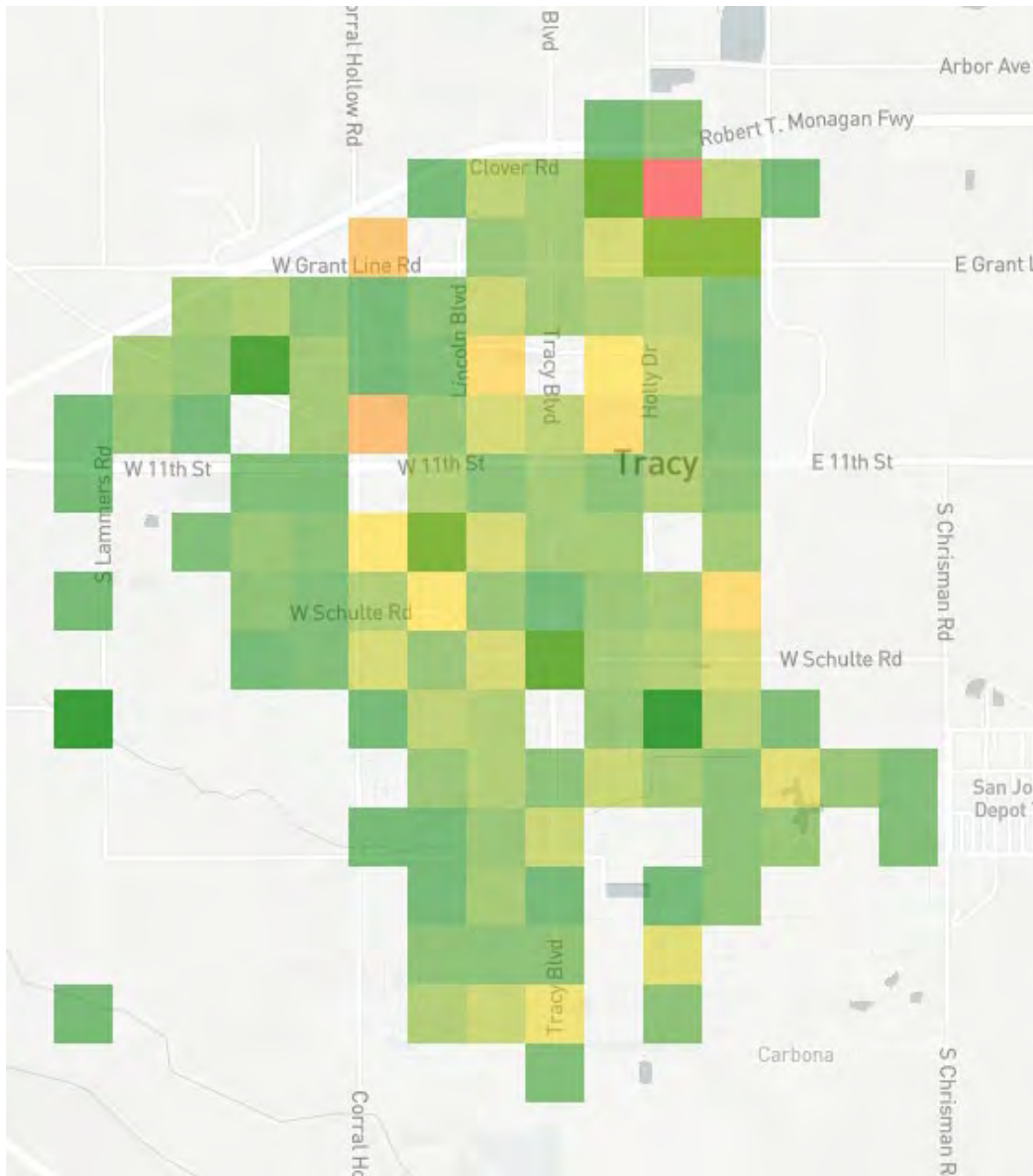
Possible future remedies

- Deployment model modifications
 - Increase the use of non-sworn personnel
 - Partner with other City departments
 - Increase the use of drone teams for fireworks response
- Increase penalties for the use of illegal fireworks (requires City Council action)
- Implementation of fireworks mitigation fee (requires City Council action)

Heat map – Jan-Feb 2021 (40 calls)



Heat map - Mar-Jul 2021 (620 calls)



End of report



AGENDA ITEM 3.G

REQUEST

DISCUSS AMENDING REQUIREMENT FOR A SUPERMAJORITY VOTE (OR FOUR-FIFTHS VOTE) OF THE CITY COUNCIL TO REMOVE THE CITY MANAGER OR CITY ATTORNEY AND PROVIDE DIRECTION TO STAFF

EXECUTIVE SUMMARY

On August 18, 2020, the City Council adopted Ordinance No. 1295, which established the requirement that a supermajority vote (four-fifths vote) of the Council is needed in order to remove the City Manager or the City Attorney.

On August 31, 2021, Mayor Pro Tem Veronica Vargas, with a second from Mayor Nancy Young, requested that staff agendize a discussion regarding this voting requirement. This item provides Council with an opportunity to discuss this requirement and provide direction to staff. Any amendment to the current ordinance would return to Council for action.

DISCUSSION

The 2018-2019 San Joaquin County Grand Jury Report regarding the Tracy City Council (Case # 0418) contained various findings and recommendations. Some of the findings and recommendations commented on the administrative and fiscal impact of executive staff separations from the City in 2017 and 2018.

The City Manager and the City Attorney serve at the pleasure of and are appointed by City Council. The City Manager serves as the administrative head of the government while the City Attorney serves as legal counsel to the City and advises the City Council and City Manager in administering the affairs of the City.

On December 17, 2019, Council directed staff to prepare and return with an ordinance amending the Tracy Municipal Code (TMC) to establish the supermajority vote requirement to remove the City Manager or City Attorney. The ordinance was presented to Council in July of 2020 and adopted in August of 2020. Ordinance No. 1295 (Attachment A) amended section 2.08.080 (b) of Chapter 2.08 of the TMC requiring a four-fifths vote of the members of Council to remove the City Manager. In addition, this ordinance added Chapter 2.10 to Title 2 of the TMC to include provisions regarding the appointment and removal of the City Attorney including the requirement of a four-fifths vote of the members of Council to remove the City Attorney.

The City is currently recruiting for a new City Manager. Staff notes that any changes to the provisions of the TMC regarding the City Manager's tenure should be completed soon so that potential candidates are aware of the terms of their employment. Like most ordinances, a majority vote of Council is needed to amend these sections of the TMC. Based on Council's direction, staff will return to Council for further action.

STRATEGIC PLAN

This agenda item supports the City's Governance Strategic Priority:

Governance Strategy

Purpose: To enhance fiscal stability, retain and attract new talent, improve the use of technology, and enhance transparency for the betterment for the Tracy community.

FISCAL IMPACT

This agenda item will not require any expenditure of funds.

RECOMMENDATION

That the City Council discuss amending the requirement for a supermajority vote (four-fifths) of the City Council to remove the City Manager or City Attorney and provide direction to staff.

Prepared by: Kimberly Murdaugh, Director of Human Resources
Leticia Ramirez, City Attorney

Reviewed by: Karin Schnaider, Director of Finance
Midori Lichtwardt, Assistant City Manager

Approved by: Bob Adams, Interim City Manager

ATTACHMENTS:

A – Ordinance No. 1295

ORDINANCE 1295

AN ORDINANCE OF THE CITY OF TRACY, AMENDING SECTION 2.08.080 OF CHAPTER 2.08 OF, AND ADDING CHAPTER 2.10 TO, TITLE 2 "ADMINISTRATION" OF THE TRACY MUNICIPAL CODE REGARDING TENURE OF THE CITY MANAGER AND THE CITY ATTORNEY

WHEREAS, The electorate of the City of Tracy established the City Manager form of government in April 1954, and

WHEREAS, In Chapter 2.08 of Title 2 of the Tracy Municipal Code, the City Council has adopted the powers, duties, and tenure of the City Manager, and

WHEREAS, Pursuant to Government Code Sections 36505 and 36506, the City Council may appoint a city attorney and the city attorney holds office during the pleasure of the City Council, and

WHEREAS, The City Council has undertaken a review of the term of office and removal of the City Manager and the City Attorney and desires to establish a requirement of a four-fifths vote of the City Council for the removal of the City Manager or the City Attorney, and

WHEREAS, It is proposed to add Chapter 2.10 to Title 2, entitled "Administration" of the Tracy Municipal Code to include provisions regarding the appointment and removal of the City Attorney to accomplish the request of the City Council;

The City Council of the City of Tracy does ordain as follows:

SECTION 1. Amended Section. Section 2.08.080 of Chapter 2.08 of Title 2 of the Tracy Municipal Code is hereby amended to read as follows:

"2.08.080 - Tenure of the City Manager.

(a) The City Manager shall hold office for and during the pleasure of the Council.

(b) Removal of the City Manager shall be only by a four-fifths vote of the members of the Council.

(c) The City Manager shall not be removed from office during or within a period of 120 days immediately succeeding any general municipal election held in the City at which election a member of the Council is elected. The purpose of this provision is to allow any newly elected member of the Council or a reorganized Council to become familiar with the affairs of the City and to observe the actions and ability of the City Manager in the performance of the powers and duties of his or her office. After the expiration of said 120-day period, the provisions of this section as to the removal of the City Manager shall apply and be effective."

SECTION 2. Added Chapter. Chapter 2.10 of Title 2 of the Tracy Municipal Code is hereby added to read as follows:

"Chapter 2.10 - CITY ATTORNEY

2.10.010 - Office and appointment of the City Attorney

The City Attorney shall be appointed by and serve at the pleasure of the City Council. The City Attorney shall serve as legal counsel to the City government and all officers, departments, boards, commissions, and agencies thereof and shall have such other powers and duties as may be prescribed by state law and by ordinance or resolution of the City Council. In situations where the City Attorney determines there is a conflict in representation by that office, the City Council may authorize the retention or other legal counsel to represent one of the conflicting parties. The City Attorney shall appoint all other members of the City Attorney's Office.

2.10.020 - Tenure of the City Attorney

Removal of the City Attorney shall be only by a four-fifths vote of the members of the Council."

SECTION 3. If any provision or the application of this Ordinance is for any reason held to be unconstitutional, invalid, or otherwise unenforceable, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each subsection or provision of this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance enforced.

SECTION 4. This Ordinance shall take effect 30 days after its final passage and adoption.

SECTION 5. This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk's office at least five days before the ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the ordinance. (Gov't. Code §36933.)

* * * * *

The foregoing Ordinance 1295 was introduced at a regular meeting of the Tracy City Council on the 21st day of July 2020, and finally adopted on the 18th day of August, 2020, by the following vote:

AYES: COUNCIL MEMBERS: ARRIOLA, RANSOM, VARGAS, YOUNG, RICKMAN
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: NONE
ABSTAIN: COUNCIL MEMBERS: NONE


MAYOR

ATTEST:

CITY CLERK