

Tuesday, July 5, 2022, 7:00 P.M.

Tracy City Hall Chambers, 333 Civic Center Plaza, Tracy

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

**THIS MEETING WILL BE OPEN TO THE PUBLIC FOR IN-PERSON AND REMOTE PARTICIPATION PURSUANT TO GOVERNMENT CODE SECTION 54953(e).**

**THE CITY OF TRACY REMAINS UNDER A LOCAL EMERGENCY FOR COVID-19 AND IS NOW CONDUCTING TELECONFERENCE MEETINGS PURSUANT TO STATE LAW. TELECONFERENCED LOCATIONS MAY INCLUDE VARIOUS LOCATIONS INCLUDING TRACY CITY HALL. IN ACCORDANCE WITH THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH GUIDELINES, UNIVERSAL MASKING IS RECOMMENDED FOR ALL PERSONS REGARDLESS OF VACCINATION STATUS AND SOCIAL DISTANCING PROTOCOLS WILL BE IN PLACE FOR TRACY CITY HALL.**

**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](http://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: 2559 155 3181** 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](mailto:Anonymous@example.com) when prompted to provide an email address.
  - **Join by phone by dialing +1-408-418-9388, enter 25591553181#8722922#** Press \*3 to raise the hand icon to speak on an item.
- *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.*

*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](http://www.cityoftracy.org)

CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
INVOCATION  
ROLL CALL  
PRESENTATIONS

1. Employee of the Month
2. Proclamation – Parks and Recreation Month

1. CONSENT CALENDAR

- 1.A. ADOPTION OF JUNE 21, 2022, AND JUNE 24, 2022, SPECIAL MEETING MINUTES
- 1.B. ADOPT A RESOLUTION MAKING FINDINGS AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE CITY COUNCIL AND ALL LEGISLATIVE BODIES OF THE CITY OF TRACY FOR THE PERIOD FROM JULY 5, 2022 THROUGH AUGUST 4, 2022 PURSUANT TO THE BROWN ACT
- 1.C. WAIVE SECOND READING OF FULL TEXT AND ADOPT AN ORDINANCE AMENDING SECTION 6.36.080 OF THE TRACY MUNICIPAL CODE TOLLING THE EXPIRATION DATE OF EACH EXISTING COMMERCIAL CANNABIS BUSINESS PERMIT FOR AN ADDITIONAL 12 MONTHS
- 1.D. ADOPT A RESOLUTION TO AWARD A CONSTRUCTION CONTRACT TO TRACY GRADING AND PAVING, INC., IN THE AMOUNT OF \$897,672 FOR THE PAVEMENT REHABILITATION PROJECT FY 21-22 CIP 73183, WITH A NOT-TO-EXCEED BUDGET OF \$1,037,323 AND AUTHORIZE THE CITY MANAGER TO APPROVE CHANGE ORDERS, IF NECESSARY, FOR UP-TO A CONTINGENCY AMOUNT OF \$89,767
- 1.E. APPROVE AMENDMENT NO.1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. TO AMEND THE SCOPE FOR THE CITYWIDE ROAD AND TRANSPORTATION AND BIKEWAYS MASTER PLAN UPDATE CIP 73173 & CIP 78171, AND INCREASE THE COMPENSATION BY AN ADDITIONAL \$136,900, FOR A TOTAL CONTRACT AMOUNT OF \$748,485
- 1.F. ADOPT A RESOLUTION 1) AMENDING THE FISCAL YEAR 2022-23 ALLOCATION AMOUNTS APPROVED IN RESOLUTION NO. 2022-036, AS FOLLOWS: A) REDUCE THE COMMUNITY DEVELOPMENT BLOCK GRANT AWARDS FROM \$498,077 TO \$495,584, AND B) INCREASE THE HOME INVESTMENT PARTNERSHIPS PROGRAM AWARDS FROM \$163,461 TO \$180,173, WITH ADJUSTMENTS TO THE SUB-RECIPIENT AWARDS OF BOTH PROGRAMS TO REFLECT THE FINAL FORMULA ALLOCATIONS DETERMINED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND 2) AUTHORIZING THE CITY MANAGER TO EXECUTE FUNDING AGREEMENTS WITH SUB-RECIPIENTS OF BOTH PROGRAMS
- 1.G. ADOPT A RESOLUTION AUTHORIZING THE SUBMISSION OF CALL4ANIMALS GRANT APPLICATION FOR THE PROJECTED AMOUNT OF \$19,650 TO FUND SPAYING AND NEUTERING, RABIES VACCINATIONS, AND IDENTIFICATION TAGS FOR ANIMALS OF THE UNSHELTERED POPULATION AND AUTHORIZING ACCEPTANCE OF THE GRANT, IF AWARDED

- 1.H. ADOPT A RESOLUTION APPROVING A GENERAL SERVICES AGREEMENT WITH NAMAN TRUCKING, INC. FOR THE LOADING, HAULING, AND DISPOSAL OF SLUDGE AT THE CITY OF TRACY'S JOHN JONES WATER TREATMENT PLANT FOR A NOT TO EXCEED AMOUNT OF \$166,532 FOR A TERM OF ONE YEAR
  - 1.I. ADOPT A RESOLUTION APPROVING A GENERAL SERVICES AGREEMENT WITH JIM BRISCO ENTERPRISES, INC. FOR THE LOADING, HAULING, AND DISPOSAL OF WASTEWATER TREATMENT BIOSOLIDS FOR A NOT TO EXCEED AMOUNT OF \$148,700 FOR A TERM OF ONE YEAR
  - 1.J. APPROVE A PROCUREMENT AGREEMENT WITH SPRUNG INSTANT STRUCTURES, INC., FOR THE PURCHASE OF A SIXTY (60) FOOT WIDE BY ONE HUNDRED FIVE (105) FOOT LONG, HIGH TENSION MEMBRANE STRUCTURE TO BE INSTALLED AS PART OF THE SITE IMPROVEMENTS AT THE TEMPORARY EMERGENCY HOUSING PROJECT, CIP 71112, AT 370 W. ARBOR AVENUE, FOR A NOT-TO-EXCEED AMOUNT OF \$451,786
  - 1.K. APPROVE A PROCUREMENT AGREEMENT WITH LINKED EQUIPMENT, LLC FOR THE PURCHASE OF PRE-MANUFACTURED RESTROOM, SHOWER, LAUNDRY, STORAGE AND MECHANICAL BUILDING STRUCTURES IN THE AMOUNT OF \$550,000 TO BE INSTALLED AS PART OF THE SITE IMPROVEMENTS AT THE TEMPORARY EMERGENCY HOUSING PROJECT, CIP 71112, AT 370 W. ARBOR AVENUE
2. ITEMS FROM THE AUDIENCE
  3. REGULAR AGENDA
    - 3.A. CONDUCT A PUBLIC HEARING AND TAKE THE FOLLOWING ACTIONS: 1) INTRODUCE AND WAIVE THE FULL READING OF AN ORDINANCE APPROVING A REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE TO CENTRAL BUSINESS DISTRICT ZONE, APPLICATION NUMBER R22-0001, AND 2) ADOPT A RESOLUTION APPROVING A DEVELOPMENT REVIEW PERMIT FOR EXTERIOR MODIFICATIONS WITH A 317 SQ. FT. ADDITION TO AN EXISTING BUILDING LOCATED AT 205 W. 9TH STREET, APPLICATION NUMBER D22-0008
    - 3.B. CONDUCT A PUBLIC HEARING, AND UPON CONCLUSION, ADOPT A RESOLUTION AFFIRMING THE APPEAL OF THE PLANNING COMMISSION'S DECISION TO REVOKE A CONDITIONAL USE PERMIT (CUP14-0003) PREVIOUSLY GRANTED TO LEIA'S NIGHTCLUB, LOCATED AT 2706 PAVILION PARKWAY, UNIT 101, FOR AN EATING AND/OR DRINKING ESTABLISHMENT THAT SERVES ALCOHOL AND PROVIDES ENTERTAINMENT AFTER 11:00 P.M.
    - 3.C. CONDUCT A PUBLIC HEARING AND UPON THE CONCLUSION ADOPT RESOLUTIONS: (1) APPROVING THE ENGINEER'S REPORT REGARDING THE PROPOSED LEVY AND COLLECTION OF ASSESSMENTS FOR THE TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR FISCAL YEAR 2022/2023 AND DIRECT THE FINANCE DIRECTOR TO MAKE APPROPRIATE BUDGET ADJUSTMENTS TO REFLECT THE 2022/2023 ENGINEER'S REPORT; AND (2) ORDERING THE LEVY AND COLLECTION OF

ASSESSMENTS WITHIN THE TRACY CONSOLIDATED LANDSCAPE  
MAINTENANCE DISTRICT FOR FISCAL YEAR 2022/2023

- 3.D. CONDUCT A PUBLIC HEARING AND UPON THE CONCLUSION ADOPT A RESOLUTION ACCEPTING THE CITY OF TRACY'S 2022 PUBLIC HEALTH GOALS TRIENNIAL REPORT ON DRINKING WATER AS REQUIRED BY THE CALIFORNIA HEALTH AND SAFETY CODE SECTION 116470(b)
  
- 3.E. ADOPT A RESOLUTION DECLARING EL PESCADERO PARK AS THE SITE LOCATION FOR THE MULTI-GENERATIONAL RECREATION CENTER AND RECEIVE AN INFORMATIONAL REPORT REGARDING COMMUNITY OUTREACH, THE SITE SELECTION PROCESS, IMPROVEMENTS TO EL PESCADERO PARK, AND THE CONCEPTUAL DESIGN OF THE MULTI-GENERATIONAL RECREATION CENTER

- 4. ITEMS FROM THE AUDIENCE
- 5. STAFF ITEMS
- 6. COUNCIL ITEMS
- 7. ADJOURNMENT

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

June 21, 2022, 6:00 p.m.

Tracy City Hall, 333 Civic Center Plaza, Tracy

1. Mayor Young called the meeting to order at 6:19 p.m.
2. Roll Call found Council Member Davis and Mayor Young present. Council Member Arriola, Council Member Bedolla and Mayor Pro Tem Vargas absent. Mayor Young announced that due to a lack of quorum, Agenda Item 5A would be heard because it is an informational item only. The Consent Calendar for the Special Meeting, would be postponed along with the regular City Council Meeting to Friday June 24, 2022, at 7:00 p.m.
3. ITEMS FROM THE AUDIENCE – There was no public comment.
4. CONSENT CALENDAR
  - 4.A ADOPT A RESOLUTION MAKING FINDINGS AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE CITY COUNCIL AND ALL LEGISLATIVE BODIES OF THE CITY OF TRACY FOR THE PERIOD FROM JUNE 21, 2022 THROUGH JULY 22, 2022 PURSUANT TO THE BROWN ACT  
**Item moved to a special meeting to be held on Friday, June 24, 2022**
5. DISCUSSION ITEMS
  - 5.A RECEIVE AN INFORMATIONAL REPORT REGARDING THE CITY'S ANNUAL ECONOMIC DEVELOPMENT EFFORTS AND ONGOING STRATEGIES

Michael Nimon, Economic Development Manager and Barry Foster consultant from HDL, provided the staff report.

Robert Tanner asked about the \$2.7 million retail incentive agreement funds Macy's received and how much of that has been paid down, when is the expected balance due to be paid off, and if Macy's moves, does the City lose that money.

Michael Nimon responded to Mr. Tanner's questions regarding the Retail Incentive Agreement that the City offered Macy's.

Council questions and comments followed.

Council accepted the informational report regarding the City's annual economic development efforts and ongoing strategies.

6. Council Items and Comments - Mayor Young shared that she will be submitting her updates monthly and they will be available to the public.

Council Member Davis attended the South San Joaquin Fire Authority JPA meeting and congratulated Captain Roberson on his retirement after of 32 years of service.

Mayor Young congratulated Dave Bramell on becoming the new Fire Chief for Lathrop-Manteca Fire Department and thanked him for serving the Tracy Community for 28 years. Mayor Young announced that due to lack of quorum the Consent Items from the Special Meeting and all the items for the regular City Council meeting will be cancelled and moved to Friday, June 24, 2022. Due to staffing challenges and City events the Special Meeting will now be scheduled for Friday, June 24, 2022 at 5:00 p.m.

Michael Rogers, City Manager shared that due to current temperatures, residents can dial 211 or visit [sjready.org](http://sjready.org) to find a cooling location near them.

7. ADJOURNMENT: Time: 7:26 p.m.

The agenda was posted at City Hall on June 16, 2022. The above are action minutes.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

June 24, 2022, 5:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy

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

Mayor Young called the meeting to order at 5:01 p.m.

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

Mayor Young led the Pledge of Allegiance.

Deacon Jack Ryan, Saint Bernard's Catholic Church offered the invocation.

1. CONSENT CALENDAR – Following the removal of consent item 1.F by Robert Tanner, motion was made Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt the consent calendar. Roll call found all in favor, passed and so ordered.
  - 1.A ADOPTION OF JUNE 7, 2022 CLOSED SESSION AND REGULAR MEETING MINUTES – Minutes were approved.
  - 1.B ADOPT A RESOLUTION MAKING FINDINGS AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE CITY COUNCIL AND ALL LEGISLATIVE BODIES OF THE CITY OF TRACY FOR THE PERIOD FROM JUNE 24, 2022 THROUGH JULY 23, 2022 PURSUANT TO THE BROWN ACT – Resolution 2022-074 approved the findings and authorized remote teleconference meetings from June 24, 2022 through July 23, 2022.
  - 1.C ADOPT A RESOLUTION TO 1) AUTHORIZE STAFF TO INITIATE THE PROCESS OF PARTICIPATING IN THE PROPOSED B.F. SISK DAM RAISE & RESERVOIR EXPANSION PROJECT FOR WATER STORAGE, 2) APPROPRIATE \$35,000 FROM THE WATER FUND RESERVES TO PAY FAIR-SHARE START UP COSTS AND, 3) AUTHORIZE THE CITY MANAGER TO EXECUTE THE PROJECT ACTIVITY AGREEMENT– Resolution 2022-075 approved initiating participating in the proposed B.F. Sisk Dam Raise & Reservoir Expansion Project for water storage and an appropriation of \$35,000.
  - 1.D AUTHORIZE AMENDMENTS TO THE CITY'S CLASSIFICATION AND COMPENSATION PLANS, MASTER SALARY SCHEDULE RELATING TO THE REAL PROPERTY AGENT, DIRECTOR OF OPERATIONS AND UTILITIES, ASSISTANT DIRECTOR OF UTILITIES, ASSISTANT DIRECTOR OF OPERATIONS, POLICE HOMELESS OUTREACH COORDINATOR, MAINTENANCE WORKER I/II AND ENVIRONMENTAL COMPLIANCE TECHNICIAN– Resolution 2022-076 authorized amendments to the City's Classification and Compensation Plans and Master Salary Schedule.



- 1.E ADOPT A RESOLUTION APPROVING A GENERAL SERVICES AGREEMENT WITH DELTA WIRELESS, INC. FOR POLICE COMMUNICATIONS MAINTENANCE FOR A TOTAL NOT TO EXCEED AMOUNT OF \$400,000 FOR A TERM OF THREE YEARS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT– **Resolution 2022-077** approved a General Services Agreement with Delta Wireless, Inc.
- 1.G ADOPT A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$15,180 FROM THE CALIFORNIA ANIMAL WELFARE FUNDERS COLLABORATIVE TO FUND EARLY SPAYING/NEUTERING OF DOGS AND CATS AT THE CITY OF TRACY ANIMAL SHELTER– **Resolution 2022-078** authorized the acceptance of a grant from the California Animal Welfare Funders Collaborative.
- 1.H ADOPT A RESOLUTION APPROVING A GENERAL SERVICES AGREEMENT WITH KOEFRAN INDUSTRIES, INC. FOR REFRIGERATION, MAINTENANCE, AND DISPOSAL OF ANIMAL CARCASSES WITH A NOT TO EXCEED AMOUNT OF \$85,000 ANNUALLY FOR A TERM OF FIVE YEARS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT– **Resolution 2022-079** approved a General Services Agreement with Koefran Industries, Inc.
- 1.I ADOPT A RESOLUTION APPROVING THE SUBMISSION OF A CLAIM TO THE SAN JOAQUIN COUNCIL OF GOVERNMENTS FOR TRANSPORTATION DEVELOPMENT ACT FUNDS IN THE AMOUNT OF \$5,555,484 FOR FISCAL YEAR 2021-2022 AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE THE CLAIM– **Resolution 2022-080** approved the submission of a claim to San Joaquin Council of Governments for Transportation Development Act Funds.
- 1.J ADOPT A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH MTM TRANSIT, LLC TO INCREASE BASE WAGES: (1) \$18.50/HOUR TO \$21.00/HOUR FOR DRIVERS, (2) \$19.00/HOUR TO \$21.50 FOR DISPATCHERS, AND (3) \$16.00/HOUR TO \$18.00/HOUR FOR RESERVATIONISTS, AND INCREASING THE TOTAL CONTRACT PRICE FROM \$10,917,793.01 TO \$11,475,863.34– **Resolution 2022-081** approved Amendment No. 1 to the Professional Services Agreement with MTM Transit, LLC.
- 1.K ADOPT A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH TRACY CITY CENTER ASSOCIATION TO COORDINATE AND HOST THE ANNUAL 4TH OF JULY PARADE WITH A NOT TO EXCEED AMOUNT OF \$10,000– **Resolution 2022-082** approved a Professional Services Agreement with Tracy City Center Association.
- 1.L ADOPT A RESOLUTION: 1) CALLING AND GIVING NOTICE TO HOLD A GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 8, 2022, FOR THE ELECTION OF CERTAIN OFFICERS PURSUANT TO THE CALIFORNIA ELECTIONS CODE; 2) REQUESTING THE BOARD OF SUPERVISORS OF SAN JOAQUIN COUNTY TO CONSOLIDATE THE CITY OF TRACY'S GENERAL MUNICIPAL ELECTION WITH THE STATEWIDE GENERAL

ELECTION TO BE HELD ON NOVEMBER 8, 2022; 3) REQUESTING THE SERVICES OF THE SAN JOAQUIN COUNTY REGISTRAR OF VOTERS (REGISTRAR); AND 4) AUTHORIZING THE PAYMENT OF COSTS FOR SUCH SERVICES, FOR THE AMOUNT OF ACTUAL COSTS INCURRED – Resolution 2022-083 called and gave notice to hold a General Municipal Election on November 8, 2022, and requested the Board of Supervisors of San Joaquin County to consolidate the City's General Municipal Election with the Statewide Election, requested services of the San Joaquin County Registrar of Voters, and authorized payment of cost for services.

- 1.F ADOPT A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH ALL CITY MANAGEMENT SERVICES, INC. FOR SCHOOL PEDESTRIAN CROSSING GUARD SERVICES IN A TOTAL AMOUNT NOT TO EXCEED \$1,731,744 FOR A TERM OF THREE YEARS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

Beth Lyons-McCarthy, Police Support Operations Manager provided the staff report.

Robert Tanner pulled the item to state the City has no control over the school budget and asked why the City is chipping in for crossing guards. Mr. Tanner was glad staff clarified it is shared with the schools, and the City pays 50 percent.

Council questions followed.

**ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adopt **Resolution 2022-084** approving a Professional Services Agreement with All City Management Services, Inc. for school pedestrian crossing guard services in a total amount not to exceed \$1,731,744 for a term of three years and authorizing the City Manager to execute the agreement. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Robert Tanner shared his concerns regarding fireworks and stated all fireworks should be eliminated from the City.

Mayor Young asked for an update on fireworks from Police Chief Sekou Millington during staff items.

Dan Evans stated he submitted a blue line flag request for Council's consideration to fly at City Hall and asked a Council Member to agendaize for review. Law Enforcement Day is January 29<sup>th</sup> so there is time.

Dotty Nygard spoke about the following: The need for more than one public pool during the heatwave and suggested dialogue with Tracy Unified to see if they could share pools, shared concerns regarding the downtown eatery parklets not being ADA accessible, thanked the Police Department for helping with crime at El Pescadero Park and for making our community safe, and stated there has been a lot more crime in Tracy and would like to have forum to talk about crime.

Mayor Pro Tem Vargas asked for a brief update on the status of the parklets under staff items.

### 3. REGULAR AGENDA

#### 3.A CONDUCT A PUBLIC HEARING, AND UPON CONCLUSION, ADOPT THE FOLLOWING RESOLUTIONS:

- 1) ADOPT THE CITY OF TRACY FISCAL YEARS (FY) 2022/23 ANNUAL OPERATING AND CAPITAL BUDGET AND AUTHORIZE THE BUDGET OFFICER TO AMEND THE CITY'S POSITION CONTROL ROSTER FOR FY 2022/23;
- 2) ADOPT A FISCAL SUSTAINABILITY FUNDING POLICY FOR THE CITY OF TRACY AND APPLY SUCH POLICY RETROACTIVELY TO THE AMENDED FISCAL YEAR 2021-22 ANNUAL BUDGET;
- 3) AUTHORIZE THE COMMITMENT OF MEASURE V FUNDS FOR SPECIFIED PURPOSES, FOR THE AMENDED FISCAL YEAR 2021/22 ANNUAL BUDGET AND THE PROPOSED FISCAL YEAR 2022/23 ANNUAL BUDGET;
- 4) ADOPT COMMITTED FUND BALANCES (GASB 54) FOR FISCAL YEAR ENDING JUNE 30, 2022 IN COMPLIANCE WITH STATEMENT 54 OF THE GOVERNMENTAL ACCOUNTING STANDARDS BOARD; AND
- 5) ESTABLISH FISCAL YEAR 2022/23 APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION.

Michael Rogers, City Manager introduced the item.

Felicia Galindo, Budget Officer provided the staff report.

Robert Tanner spoke about the following: The Police Department needing more officers, car and substation, unacceptable response times, asked how the homeless shelter will be staffed, if the shelter takes in 68 people, how long can they stay, what happens to remaining homeless, and asked about the difference between the City's homeless count versus the School Districts count. Does Boise rule go back into effect, will the homeless go back to Pescadero or move on to other parks.

William Muetzenberg shared support for the creation of a Housing and Mobility Department and asked the following: Will the Homeless Director be working with the mobility housing unit, is the Mobility and Housing Department going to be looking at ways to acquire land to provide more of the sustainable and long-term housing for homeless residents, will the Homeless Outreach Coordinators be wearing plain clothed attire to make sure the homeless feel they are not being accosted, and asked for clarification regarding hiring folks using Measure V Funds. How much is set aside for staffing.

Midori Lichtwardt, Assistant City Manager, Sekou Millington, Police Chief, Karin Schnaider, Finance Director and Michael Rogers, City Manager responded to questions from members of the public.

City Council questions and comments followed.

Council Member Bedolla asked had the City gone against State Health Orders during the pandemic would the CARES Act or ARPA fund monies been taken away or at risk, if a majority had voted for a sanctuary city. Mayor Young offered that staff could do research and do a memo about the likelihood as it was something Council did not do and copy all Council on it.

**ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Bedolla to adopt **Resolution 2022-085** approving the City of Tracy Fiscal Year (FY) 2022/23 Annual Operating and Capital Budget and authorizing the Budget Officer to amend the City's Position Control Roster for FY 2022/23. Roll call found all in favor; passed and so ordered.

**ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Bedolla to adopt **Resolution 2022-086** approving a Fiscal Sustainability Funding Policy for the City of Tracy and apply such policy retroactively to amended Fiscal Year 2021-22 Annual Budget. Roll call found all in favor; passed and so ordered.

**ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Bedolla to adopt **Resolution 2022-087** authorizing the commitment of Measure V Funds for specified purposes, for the amended FY 2021/22 Annual Budget and the Proposed FY 2022/23 Annual Budget. Roll call found all in favor; passed and so ordered.

**ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Bedolla to adopt **Resolution 2022-088** approving the Committed Fund Balances for Fiscal Year ending June 30, 2022 in compliance with Statement 54 of the Governmental Accounting Standards Board. Roll call found all in favor; passed and so ordered.

**ACTION:** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Bedolla to adopt **Resolution 2022-089** establishing Fiscal Year 2022/23 Appropriation Limit (GANN) pursuant to Article XIII B of the California State Constitution. Roll call found all in favor; passed and so ordered.

3.B ADOPT A RESOLUTION APPROVING THE DISPLAY OF THE LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND QUEER (LGBTQ) PRIDE FLAG ON THE FLAGPOLE OUTSIDE OF THE TRACY CITY HALL OCTOBER 6th THROUGH OCTOBER 9th, 2022, TO COMMEMORATE LGBTQ HISTORY MONTH AND OCTOBER 11, 2022, TO COMMEMORATE NATIONAL COMING OUT DAY

Adrienne Richardson, City Clerk provided the staff report.

Council Member Arriola clarified his original request was not to commemorate LGBTQ History Month but was specifically to commemorate the first ever Tracy Pride celebration and asked why that language was excluded from the staff report. Ms. Richardson responded she had misunderstood the request. Council Member Arriola confirmed this year there is a Tracy Pride committee, and they will be having their first ever

Tracy Pride celebration and the ask previously made was to commemorate the inaugural Tracy Pride celebration.

William Muetzenberg supported the raising of the Pride flag in honor of National Coming Out Day and Tracy's first Pride celebration. Mr. Muetzenberg spoke about the Supreme Court's decision on Roe versus Wade and highlighted tidbits found in the decision by Justice Clarence Thomas, and stated the decision invites the court to reconsider the rulings that are connected from the right of privacy from the government. Mr. Muetzenberg urged Council to raise the flag in October to tell LGBTQ residents that they are seen and heard.

Council questions and comments followed.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Bedolla to adopt **Resolution 2022-090** as amended approving the LGBTQ Pride flag on the flagpole outside of the Tracy City Hall: (1) from October 6<sup>th</sup> through 9<sup>th</sup>, 2022, consistent with the City's Flag Policy, to commemorate ~~LGBTQ History Month~~ the inaugural Tracy Pride Celebration; and (2) on October 11, 2022, to commemorate National Coming Out Day. Roll call found Council Members Arriola, Bedolla, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Member Davis opposed.

4. ITEMS FROM THE AUDIENCE – Robert Tanner referred to an article in the Record stating the financing of Valley Link was to be approximately \$40 million per City station and asked if the City is not reserving for it now, when will we start thinking about it. The Antennae Farm was given to Valley Link for a maintenance station which is not worth \$40 million.

Dotty Nygard suggested balancing our industry that shouldn't just focus on the logistics opportunity. Council opened up the cannabis industry that has potential of bringing in millions of dollars of tax monies. Ms. Nygard also suggested putting utilities underground when doing big projects and suggested irrigating Legacy Fields in the evening instead of the afternoon as we are in a critical drought and encouraged Council to bring back every opportunity to mention the drought and where we are in our stages.

William Muetzenberg referred to transit budget notice and steady decrease and asked what the City is doing with investment into City transit, and make sure we are not cutting services or not disinvesting in public transit. Spoke about the potential benefits of hiring a full-time grant writer.

Michael Rogers, City Manager shared his thoughts on having a full-time grant writer.

Karen Moore stated she was excited to hear about the investment the Council is making in the City. Spoke about the Parks Coordinator who will be responsible for grant writing. Measure V funds can be stretched wider if we are using grants and can get water park, multi-gen, and nature park.

5. STAFF ITEMS – Michael Rogers, City Manager responded to a comment from a member of the public regarding ADA compliance at the downtown parklets. Continuously looking at processes. All of the eateries need to be in compliance with the ADA standards.

Mr. Rogers announced the sales of safe and sane fireworks will begin on Tuesday, June 28, 2022 at noon and will continue through July 4. Discharge of safe and sane fireworks are permissible in the City of Tracy only during the hours of 12:00 p.m. and 10:00 p.m. June 28 through July 3 and midnight on July 4. Any discharged outside of those hours are illegal and those that are not safe and sane should be reported to the Tracy Police Department.

Sekou Millington, Police Chief provided more details on the fireworks, enforcement and impacts. Started education campaign through social media and on their website. Only use the number 209-831-6550 to report fireworks (non-emergency dispatch).

Mayor Young spoke about the Central Valley Explorer Competition hosted by the City of Tracy Police Department at Kimball High.

Mr. Rogers announced the following:

- City offices will be closed on Monday, July 4, 2022, in observance of Independence Day and hoped everyone can join in the community activities that will be taking place in partnership with Tracy City Center Association and Tracy Chamber.
- Free COVID Antigen rapid self-test kit distribution event will be taking place. County Public Health office reported the County is experiencing an uptick of COVID-19 which is comparable to the alpha and delta surges in the past. Case rate is 30.5 new cases per day per 100,000 people. Test positivity rate is 13.6% which does not include at home test results. Creating demand for test kits. The City is in partnership with the County Public Health Services will be distributing 5,200 free COVID Antigen rapid self-test kits at the Tracy Sports Complex on Tuesday beginning at 9:00 a.m. until the supplies run out.
- The Tracy Chamber of Commerce will be doing a job fair on Tuesday, June 28, 2022, from 10:00 am to 2:00 pm at the Holiday Inn Suites.
- The first Movies on the Plaza begins tonight.

Mayor Young confirmed with the City Manager that on the evening of July 4 fireworks will be going on at Kimball High.

6. COUNCIL ITEMS – Council Member Davis thanked the Police Chief for reassigning his special enforcement team to El Pescadero Park in an effort to alleviate some of the concerns and mitigate some of the crime and nuisance behavior at the park. The neighbors expressed appreciation and are looking forward to what that looks like next week. Council Member Davis stated she had great time looking at art displays and meeting local artists at the Tracy Art Walk last Saturday, and wished everyone a happy 4<sup>th</sup> of July.

Council Member Arriola acknowledged the Supreme Court ruling today stating he was frustrated and disappointed with it and shared he was appreciative it does not affect women in our City because we live in California and have access to reproductive freedoms here. Any time the courts decide approximately 50% of populations

constitutional rights be overturned, that is something he disagrees with, believe it is unjust and will continue to fight for women's rights and believe now is the time to get involved. We are the next era of the civil rights movement and now is the time to act. Council Member Arriola wished everyone a happy 4<sup>th</sup> of July.

Mayor Pro Tem Vargas thanked the City Manager and staff for the repainting of the crosswalks near schools and 11<sup>th</sup> street. Also saw bike racks downtown were now painted bright green and more visible. Mayor Pro Tem Vargas requested from the Valley Link board to open it up again to meet in person and use the Chambers on our first meeting – 2<sup>nd</sup> Wednesday of every month, start the first hybrid meeting in July and coordinate that with Kevin Sheridan and provided an update on Valley Link. Mayor Pro Tem Vargas reminded people in general to be tolerant, courteous and be kind and respectful to one another, wished everyone a happy 4<sup>th</sup> of July.

Council Member Bedolla heard comments from the audience regarding Valley Link station funding and requested a memo. Comments from Mr. Tanner and Mr. Muetzenberg regarding the shelter, if they could make it to the Homeless Committee for consideration. Requested staff to look into expanding hours for public pool access for both free swim and lap swim and have a discussion with the City Schools Committee about public use of School District pools. Council Member Arriola seconded the request.

Council Member Bedolla requested staff look into making the Go Request App more accessible via website/text/email not just the mobile app and also transparent on the City's website with a search feature. Council Member Arriola seconded the request.

Council Member Bedolla referred to Ms. Nygard's comment about taking a look at the irrigation schedule. They might be able to be done operationally. Make sure we waste the least amount of water as possible.

Council Member Bedolla requested support for discussion about creating a buffer zone around the Planned Parenthood on Tracy Blvd to have a policy regarding anti-abortion protests that could happen. For public safety and health care access. Mayor Pro Tem Vargas seconded the request.

Council Member Bedolla referred to Council Items #466 on November 2021 to assess options on daytime camping, use and curfews at parks and Council Item #510 in May of 2022. Will it be included in the homeless ordinance coming up. Also, Council Item #504 regarding assessing options on vacant commercial buildings. These are pending Council items that we want to move forward on.

Mayor Young wished everyone a happy July 4. Many nonprofits will be supported during this season and many people within the community will benefit. Tonight there is Movies in the Park. Yesterday at SJCOG meeting a 14-page report was given to them by the County and read out information regarding Interstate I-5, 99 and 205 maintenance safety enhancements coming up in various locations. Also, more safety enhancements in various locations to replace existing crosswalk pavement markings with ladder style crosswalks. There was a number of encampments they have worked on that is on the Caltrans right of way and one in Tracy adjacent to the I-205 and Byron Rd at Clyde Bland Park that they did remove that is in their right of way.

7. ADJOURNMENT – Time: 7:59 p.m.

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

The above agenda was posted at the Tracy City Hall on June 22, 2022. The above are action minutes. A recording is available at the office of the City Clerk.

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Mayor

ATTEST:

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City Clerk



July 5, 2022

AGENDA ITEM 1.B

REQUEST

**ADOPT A RESOLUTION MAKING FINDINGS AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE CITY COUNCIL AND ALL LEGISLATIVE BODIES OF THE CITY OF TRACY FOR THE PERIOD FROM JULY 5, 2022 THROUGH AUGUST 4, 2022 PURSUANT TO THE BROWN ACT**

EXECUTIVE SUMMARY

AB 361 allows legislative bodies to use abbreviated teleconferencing procedures during a declared state of emergency upon the making of required findings. These abbreviated procedures allow a body to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953 of the Ralph M. Brown Act (Cal. Gov. Code section 54950 – 54963).

On March 17, 2020, the City Council of the City of Tracy ratified the declaration of an emergency by the City Manager due to COVID-19 in accordance with Chapter 3.26 of the Tracy Municipal Code. The City Council subsequently adopted resolutions with requisite findings authorizing remote teleconference meetings of the City Council and all legislative bodies of the City of Tracy, including Boards and Commissions, pursuant to AB 361.

While the City has allowed in-person attendance at City Council meetings, the City is experiencing an increase in rates of COVID-19 cases within the County of San Joaquin and amongst the City staff pool. Due to this increase, the City reinstated social distancing protocols at in-person attendance at City Hall and encouraged the use of teleconferencing for City Council meetings.

On June 21, 2022, City Council adopted Resolution 2022-074, which made findings and authorized remote teleconference meetings of the City Council and all legislative bodies of the City of Tracy, including Boards and Commissions, for the period of June 21, 2022 through July 22, 2022. In order to maintain compliance with Section 54953(e) of the Ralph M. Brown Act (Gov. Code section 54950 – 54963) which allows the continued use of teleconferencing, Council must make the required findings and re-authorize remote teleconferencing meetings of the legislative bodies for the City of Tracy.

This item requests that the City Council approve this proposed action for continued compliance with the Brown Act.

DISCUSSION

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which among other things rescinded his prior Executive Order N-29-20 and set a date of October 1, 2021, for public agencies to transition back to public meetings held in full compliance with the Brown Act.

As the Delta variant has surged in California, the Legislature took action to extend the COVID-19 exceptions to the Brown Act's teleconference requirements, subject to some additional safeguards. On September 16, 2021, Governor Newsom signed Assembly Bill 361, to allow a local agency to use teleconferencing if certain circumstances exist without complying with the Brown Act's traditional agenda posting, physical access, and quorum requirements for teleconferencing provisions (Attachment A).

The goal of AB 361 is "to improve and enhance public access to local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options" consistent with Executive Order N-29-20. The bill contains an urgency clause, which made the bill effective upon signing with a sunset date of January 1, 2024.

The new Section 54953(e)(1) of the Brown Act, as amended by AB 361, allows legislative bodies to continue to meet via teleconference without complying with the Brown Act's teleconferencing requirements, but only during a state of emergency proclaimed by the Governor, in which, 1) state or local health officials have imposed or recommended measures to promote social distancing, or 2) the legislative body has determined by majority vote that meeting in person would present an imminent risk to the health or safety of the attendees.

A local agency that holds a meeting under these circumstances would be required by AB 361 to follow the steps listed below, in addition to giving notice of the meeting and posting agendas as required under the Brown Act. These additional requirements are intended to protect the public's right to participate in the meetings of local agency legislative bodies.

Pursuant to AB 361 local agencies are required to do all of the following in addition to meeting notice requirements under the Brown Act:

- Allow the public to access the meeting and require that the agenda provide an opportunity for the public to directly address the legislative body pursuant to the Brown Act's other teleconferencing provisions.
- In each instance when the local agency provides notice of the teleconferenced meeting or posts its agenda, give notice for how the public can access the meeting and provide public comment.
- Identify and include in the agenda an opportunity for all persons to attend via a call-in or an internet-based service option; the legislative body needs not provide a physical location for the public to attend or provide comments.
- Conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the public.
- Stop the meeting until public access is restored in the event of a service disruption that either prevents the local agency from broadcasting the meeting to the public using the call-in or internet-based service option or is within the local agency's control and prevents the public from submitting public comments (any actions taken during such a service disruption can be challenged under

- the Brown Act's existing challenge provisions).
- Not require comments be submitted in advance (though the legislative body may provide that as an option) and provide the opportunity to comment in real-time.
  - Provide adequate time for public comment, either by establishing a timed public comment period or by allowing a reasonable amount of time to comment.
  - If the legislative body uses a third-party website or platform to host the teleconference, and the third-party service requires users to register to participate, the legislative body must provide adequate time during the comment period for users to register and may not close the registration comment period until the comment period has elapsed.

While the City has allowed in-person attendance at City Council meetings, the City is experiencing an increase in rates of COVID-19 cases within the County of San Joaquin and amongst the City staff pool. The San Joaquin County Public Health Services provided an update to the City Council of this situation at the June 7, 2022 meeting. In addition, the Human Resources Department of the City of Tracy has documented an increase in COVID-19 positive test rates amongst City staff in recent weeks. To minimize the exposure to COVID-19 from this recent surge, the City is reinstating social distancing protocols at in-person attendance at City Hall and encouraging the use of teleconferencing for City Council meetings.

Given these changed circumstances created by the increasing rates of COVID-19, the recommendation is that City Council make the following finds by majority vote every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules.

If Council approves the proposed resolution, staff will present a staff report to Council every thirty days to verify that the circumstances continue to exist.

#### STRATEGIC PLAN

This agenda item relates to the City Council's Strategic Priorities in the area of Public Safety (Goal #1 Support COVID-19 Public Health Recovery).

#### FISCAL IMPACT

There is no fiscal impact related to this agenda item.

#### RECOMMENDATION

Staff recommends that Council adopt a resolution making findings and re-authorizing remote teleconference meetings of all legislative bodies of the City of Tracy for the period of July 5, 2022, to August 4, 2022, pursuant to the Brown Act.

Agenda Item 1.B  
July 5, 2022  
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Prepared by: Bijal Patel, City Attorney

Reviewed by: Adrienne Richardson, City Clerk

Approved by: Midori Lichtwardt, Acting City Manager

ATTACHMENTS

A – Assembly Bill 361

**Assembly Bill No. 361**

**CHAPTER 165**

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 2021. Filed with Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly

resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and

to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

*The people of the State of California do enact as follows:*

SECTION 1. Section 89305.6 is added to the Education Code, to read:  
89305.6. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing



and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically

or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3.1. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body

shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter



2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for

the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting

of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting,

members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 4.1. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the

legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint

powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 5. Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6. It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7. The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

SEC. 8. (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.

TRACY CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

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**MAKING FINDINGS AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE CITY COUNCIL AND ALL LEGISLATIVE BODIES OF THE CITY OF TRACY FOR THE PERIOD OF JULY 5, 2022, TO AUGUST 4, 2022, PURSUANT TO THE BROWN ACT**

**WHEREAS**, The City of Tracy is committed to preserving and nurturing public access and participation in meetings of the City Council; and

**WHEREAS**, All meetings of the City of Tracy's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code section 54950 – 54963), so that any member of the public may attend, participate, and watch the City's legislative bodies conduct their business; and

**WHEREAS**, AB 361 allows legislative bodies to use abbreviated teleconferencing procedures during a declared state of emergency upon the making of required findings, so as to allow a body to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953 of Brown Act; and

**WHEREAS**, On March 17, 2020, the City Council of the City of Tracy ratified the declaration of an emergency by the City Manager due to COVID-19 in accordance with Chapter 3.26 of the Tracy Municipal Code; and

**WHEREAS**, While the City has allowed in-person attendance at City Council meetings, the City is experiencing an increase in rates of COVID-19 cases within the County of San Joaquin and amongst the City staff pool; and

**WHEREAS**, The San Joaquin County Public Health Services provided an update of the increasing rates at the June 7, 2022, City Council meeting; and

**WHEREAS**, the Human Resources Department of the City of Tracy has documented an increase in COVID-19 positive test rates amongst City staff in recent weeks; and

**WHEREAS**, To minimize the exposure to COVID-19 from this recent surge, the City reinstated social distancing protocols at in-person attendance at City Hall and encouraged the use of teleconferencing for City Council meetings; and now therefore be it

**RESOLVED:**

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution as findings of this City Council by this reference.

Section 2. Findings. The City Council hereby finds the following:



- A. That due to COVID-19, including the recent surge being experienced in the City of Tracy, holding City Council and other legislative body meetings exclusively in person will present imminent risk to the health and safety of attendees.
- B. That COVID-19 has caused, and will continue to cause, conditions of peril to the safety of persons within the City that are likely to be beyond the control of services, personnel, equipment, and facilities of the City, and desires to affirm a local emergency exists and re-ratify the proclamation of a state of emergency by the Governor of the State of California.

Section 3. Remote Teleconference Meetings. The City Council, including Council subcommittees, and all Boards and Commissions of the City of Tracy are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act for the period of July 5, 2022 through August 4, 2022.

\* \* \* \* \*

The foregoing Resolution 2022-\_\_\_\_\_ was adopted by the Tracy City Council on July 5, 2022, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTENTION:	COUNCIL MEMBERS:

\_\_\_\_\_  
NANCY D. YOUNG  
Mayor of the City of Tracy, California

ATTEST: \_\_\_\_\_  
ADRIANNE RICHARDSON  
City Clerk and Clerk of the Council of the  
City of Tracy, California

July 5, 2022

## AGENDA ITEM 1.C

### REQUEST

#### **WAIVE SECOND READING OF FULL TEXT AND ADOPT AN ORDINANCE AMENDING SECTION 6.36.080 OF THE TRACY MUNICIPAL CODE TOLLING THE EXPIRATION DATE OF EACH EXISTING COMMERCIAL CANNABIS BUSINESS PERMIT FOR AN ADDITIONAL 12 MONTHS**

### EXECUTIVE SUMMARY

Ordinance 1328 was introduced at the regular Council meeting held on June 7, 2022. Ordinance 1328 is before Council for adoption.

### DISCUSSION

Under the current ordinance (TMC Section 6.36.080), each Cannabis Business Permit issued expires 12 months after the date of issuance. TMC Sections 6.36.050 and 6.36.150 require that all interested parties and employees undergo fingerprint-based background checks. In order for the City to conduct fingerprint based background checks, the Department of Justice (DOJ) must approve a Resolution so the City may access such criminal history information. Due to the delay in obtaining DOJ approval, the proposed ordinance will facilitate permit holders' ability to establish and become operable prior to the expiration of the permits.

The first four provisional Cannabis Business Permits were issued June 21, 2021, with an expiration date of June 20, 2022. The next 13 were issued March 3, 2022, with an expiration date of March 2, 2023. Per City Council's direction on May 17, 2022, in order to assist this group of permittees to have the ability to establish and become operable prior to expiration of the permits, rather than expiration occurring 12 months after the issuance of each respective permit, the expiration date will be tolled for an additional 12 months.

Proposed Ordinance 1328 was introduced at the regular Council meeting held on June 7, 2022, to approve amending Section 6.36.080 of the Tracy Municipal Code tolling the expiration of each existing commercial cannabis business permit for an additional 12 months. Proposed Ordinance 1328 is before Council for adoption.

### STRATEGIC PLAN

This agenda item supports the City of Tracy's Public Safety and Quality of Life Strategic Priorities.

### FISCAL IMPACT

There is no fiscal impact associated with this agenda item.

RECOMMENDATION

Staff recommends that Council waive the full reading of the text and adopt Ordinance 1328, amending Section 6.36.080 of the Tracy Municipal Code tolling the expiration of each existing commercial cannabis business permit for an additional 12 months.

Prepared by: Necy Lopez, Deputy City Clerk

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

Approved by: Michael Rogers, City Manager

ATTACHMENTS:

Attachment A: Ordinance 1328

APPROVED AS TO FORM AND LEGALITY

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CITY ATTORNEY'S OFFICE

**TRACY CITY COUNCIL**

**ORDINANCE NO. 1328**

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**AN ORDINANCE AMENDING SECTION 6.36.080 OF THE TRACY MUNICIPAL CODE TOLLING THE EXPIRATION DATE OF EACH EXISTING COMMERCIAL CANNABIS BUSINESS PERMIT FOR AN ADDITIONAL 12 MONTHS**

**WHEREAS**, The Tracy Municipal Code ("TMC") Chapter 6.36, Commercial Cannabis Activity, establishes regulations for commercial cannabis activity in the City of Tracy; and

**WHEREAS**, TMC section 6.36.080 provides that cannabis business permits shall expire twelve months after the date of issuance; and

**WHEREAS**, TMC sections 6.36.050 and 6.36.150 require that all interested parties and employees of a cannabis business undergo fingerprint based background checks; and

**WHEREAS**, in order for the City to conduct fingerprint based background checks, the Department of Justice (DOJ) must approve a Resolution so the City may access such criminal history information; and

**WHEREAS**, due to the delay in obtaining DOJ approval, the City Council desires to amend TMC section 6.36.080 to toll the expiration of existing cannabis business permits issued twelve months; and

**WHEREAS**, tolling the expiration of existing cannabis business permits twelve months will allow permit holders additional time to comply with the requirements under Chapter 6.36 to operate a cannabis business within the City.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TRACY DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Incorporation of Recitals/Findings.** The City Council finds and determines the foregoing recitals are true and correct and are hereby incorporated herein as findings and determinations of the City.

**SECTION 2. Amendment of Section 6.36.080.** Section 6.36.080, Expiration of Cannabis Business Permits, of the Tracy Municipal Code is hereby amended to read as follows (with additions underlined, and deletions in ~~striketrough~~):

Each cannabis business permit issued pursuant to this chapter shall expire twelve (12) months after the date of its issuance, except that the expiration date of any cannabis business permit issued prior to May 2022 shall be tolled for an additional twelve (12) months from the date of

issuance of any such permit. Cannabis business permits may be renewed as provided in section 6.36.100.

**SECTION 3. CEQA Determination.** The City Council finds that this Ordinance is exempt from CEQA in accordance with Business and Professions Code section 26055(h) because it requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity.

**SECTION 4. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 5. Effective Date.** This ordinance shall become effective upon the thirtieth (30<sup>th</sup>) day after final adoption.

**SECTION 6. Publication.** The City Clerk is directed to publish this ordinance in a manner required by law.

**SECTION 7. Codification.** This Ordinance shall be codified in the Tracy Municipal Code.

\*\*\*\*\*

The foregoing Ordinance 1328 was introduced at a regular meeting of the Tracy City Council on the 5th day of July 2022, and finally adopted on \_\_\_\_\_, 2022, by the following vote:

AYES: COUNCIL MEMBERS:  
NOES: COUNCIL MEMBERS:  
ABSENT: COUNCIL MEMBERS:  
ABSTENTION: COUNCIL MEMBERS:

---

NANCY D. YOUNG  
Mayor of the City of Tracy, California

ATTEST: \_\_\_\_\_  
ADRIANNE RICHARDSON  
City Clerk and Clerk of the Council of the  
City of Tracy, California

Date of Attestation: \_\_\_\_\_

**NOTICE AND DIGEST**

**AN ORDINANCE AMENDING SECTION 6.36.080 OF THE TRACY MUNICIPAL CODE TOLLING THE EXPIRATION DATE OF EACH EXISTING COMMERCIAL CANNABIS BUSINESS PERMIT FOR AN ADDITIONAL 12 MONTHS**

The Ordinance (Ordinance) amends Tracy Municipal Code section 6.36.080 to toll the expiration date of each existing commercial cannabis business permit for an additional 12 months. This Ordinance does not change the 12-month expiration period for any new cannabis business permits obtained after adoption of the Ordinance.

AGENDA ITEM 1.D

REQUEST

**ADOPT A RESOLUTION TO AWARD A CONSTRUCTION CONTRACT TO TRACY GRADING AND PAVING, INC., IN THE AMOUNT OF \$897,672 FOR THE PAVEMENT REHABILITATION PROJECT FY 21-22 CIP 73183, WITH A NOT-TO-EXCEED BUDGET OF \$1,037,323 AND AUTHORIZE THE CITY MANAGER TO APPROVE CHANGE ORDERS, IF NECESSARY, FOR UP-TO A CONTINGENCY AMOUNT OF \$89,767**

EXECUTIVE SUMMARY

City staff requests that City Council award a construction contract for the Pavement Rehabilitation Project FY 21-22 CIP 73183. The Pavement Rehabilitation Project will be completed on the following: 1) Valpico Road, between the signalized driveway east of Tracy Blvd to 2100 feet east of the driveway, 2) Clover Road between the west City limits and 184 feet west of Tracy Boulevard, 3) Grant Line Road between 75 feet east of Lammers Road and 135 east of Walmart's signalized driveway, 4) Tracy Boulevard between 12<sup>th</sup> Street and Lowell Avenue. The project is part of City's annual street improvement program and is funded through Measure K, Gas Tax, and SB1 RMRA (Road Maintenance and Rehabilitation Account) revenues.

DISCUSSION

This project is part of the City's annual street improvement program and consists of asphalt concrete (AC) overlay on Valpico Road (signalized driveway east of Tracy Boulevard to 2100 feet east of the driveway), Clover Road (west City limits to 184 feet west of Tracy Boulevard), Grant Line Road (75 feet east of Lammers Road to 135 east of Walmart's signalized driveway), and pavement repair on Tracy Boulevard (12<sup>th</sup> Street to Lowell Avenue), including AC grinding, paving, slurry sealing, pavement repair, signing, striping, traffic signal loop replacement, sidewalk repair, curb and gutter repair, curb ramp replacement, and drop inlet replacement.

Street selections were based on life-cycle and cost-benefit analysis using the City's Pavement Management Program and coordinated with the Public Works Department's Street Maintenance Division.

Engineering staff prepared the plans and specifications and advertised the project for competitive bids on May 6, 2022, and May 13, 2022.

Bids were received and publicly opened in City Hall Room 203/Teleconference at 2:00 p.m. on Tuesday, May 31, 2022, with the following results:

<b>Contractor</b>	<b>Base Bid</b>
Tracy Grading and Paving, Inc., Tracy, CA	\$897,671.71
United Pavement Maintenance, Inc., Hughson, CA	\$1,088,550.11
Knife River Construction, Inc., Stockton, CA	\$1,108,183.65
Mountain Cascade, Inc., Livermore, CA	\$1,193,599.07
McGuire and Hester, Sacramento, CA	\$1,309,312.50
Dirt Dynasty, Inc., Farmington, CA	\$1,309,657.00

Bid analysis indicates that the lowest monetary bid is responsive and the bidder, Tracy Grading and Paving, Inc., of Tracy, California, is responsible. The bidder has the appropriate contractor's license in active standing with the State of California and has completed similar projects within the City of Tracy.

The total estimated cost of this project, if awarded to the lowest bidder, is as follows:

Construction Bid	\$897,672
Construction Management (5%)	\$44,884
Design Support During Construction	\$5,000
Contingency @ 10%	\$89,767
<b>Total Project Cost</b>	<b>\$1,037,323</b>

Tracy Municipal Code Section 2.20.090(b) authorizes the City Manager to approve change orders up to the contingency amount approved by Council. City staff recommends the contingency amount for this project to be \$89,767, which is 10% of the construction contract cost.

### STRATEGIC PLAN

This agenda item supports the City of Tracy's Quality of Life Strategic Priority, and specifically implements the following goal: Goal 1: Advance green and roadway infrastructure project that improve connectivity, including bike lanes.

### FISCAL IMPACT

The estimated project cost is \$1,037,323 and will be funded by Pavement Rehabilitation Project FY21-22 CIP 73183. CIP 73183 has a current available budget of \$1,817,979 as follows:

Measure K	\$540,000
Gas Tax	\$135,000
SB1 RMRA	\$1,142,979
<b>Total Available Budget</b>	<b>\$1,817,979</b>

The budget balance will be carried over to the next pavement rehabilitation project.



RECOMMENDATION

That City Council, by resolution, award a construction contract to Tracy Paving and Grading, Inc., of Tracy, California, for the Pavement Rehabilitation Project FY 21-22 CIP 73183, with a not-to-exceed budget of \$1,037,323, and authorize the City Manager to approve change orders up to the specified project contingency amount of \$89,767, if needed.

Prepared by: Anju Pillai, PE, Senior Civil Engineer  
Edgar Torres, Assistant Engineer

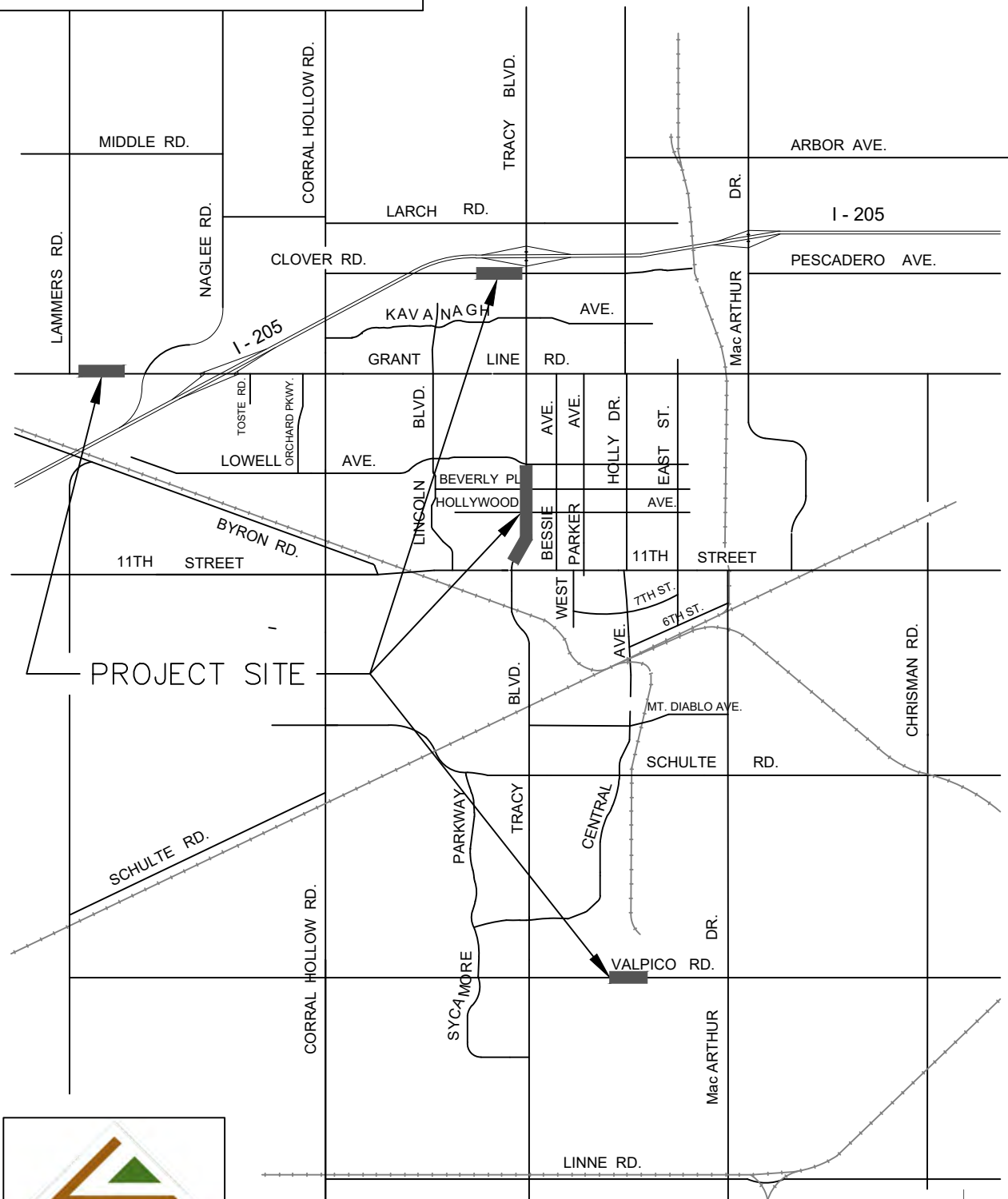
Reviewed by: Robert Armijo, PE, City Engineer/Assistant Development Services Director  
Kris Balaji, PE, Development Services Director  
Karin Schnaider, Finance Director  
Midori Lichtwardt, Assistant City Manager

Approved by: Michael Rogers, City Manager

ATTACHMENTS

Attachment A – Location Map

# CITY OF TRACY



PAVEMENT REHABILITATION  
 PROJECT FY 21/22  
 CIP 73183  
 LOCATION MAP



NOT TO SCALE

CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION 2022-\_\_\_\_\_

---

**ADOPTING A RESOLUTION TO AWARD A CONSTRUCTION CONTRACT TO TRACY GRADING AND PAVING, INC., IN THE AMOUNT OF \$897,672 FOR THE PAVEMENT REHABILITATION PROJECT FY 21-22 CIP 73183, WITH A NOT-TO-EXCEED BUDGET OF \$1,037,323 AND AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS, IF NECESSARY, FOR UP-TO A CONTINGENCY AMOUNT OF \$89,767**

**WHEREAS**, This project is part of the City's annual street improvement program and consists of asphalt concrete (AC) overlay on Valpico Road (signalized driveway to 2100 feet east of the driveway), Clover Road (west City limits to 184 feet west of Tracy Boulevard), Grant Line Road (75 feet east of Lammers Road to 135 east of Walmart's signalized driveway), and pavement repair on Tracy Boulevard (12<sup>th</sup> Street to Lowell Avenue), including AC grinding, paving, slurry sealing, pavement repair, signing, striping, traffic signal loop replacement, sidewalk repair, curb and gutter repair, curb ramp replacement, and drop inlet replacement; and

**WHEREAS**, The street selections were based on life-cycle and cost-benefit analysis using the City's Pavement Management Program and coordinated with the City's Public Works Department Street, Maintenance Division; and

**WHEREAS**, The project was advertised for competitive bids on May 6, 2022, and May 13, 2022. Bids were received and publicly opened in City Hall Room 203/Teleconference at 2:00 p.m. on Tuesday, May 31, 2022; and

**WHEREAS**, Tracy Grading and Paving, Inc., of Tracy, California was the apparent lowest bidder; and

**WHEREAS**, The bid analysis indicates their bid is "responsive" and the bidder is "responsible;" and

**WHEREAS**, Tracy Municipal Code Section 2.20.090(b) authorizes the City Manager to approve change orders up to the contingency amount approved by City Council; and

**WHEREAS**, The recommended contingency amount for this project is \$89,767; and

**WHEREAS**, These are approved Capital Improvement Projects funded through Measure K, Gas Tax and SB1 RMRA (Road Maintenance and Rehabilitation Account) revenues with no impact to the General Funds; and now, therefore; be it

**RESOLVED**, That City Council of the City of Tracy hereby awards a construction contract to Tracy Paving and Grading, Inc., of Tracy, California, for the Pavement Rehabilitation

Project FY 21-22 CIP 73183, with a not-to-exceed budget of \$1,037,323 and authorizes the City Manager to approve change orders up to the specified project contingency amount of \$89,767, if needed.

\* \* \* \* \*

The foregoing Resolution 2022-\_\_\_\_\_ was adopted by the Tracy City Council on the 5<sup>th</sup> day of July 2022, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTENTION:	COUNCIL MEMBERS:

\_\_\_\_\_  
 NANCY D. YOUNG  
 Mayor of the City of Tracy, California

ATTEST: \_\_\_\_\_  
 ADRIANNE RICHARDSON  
 City Clerk and Clerk of the Council of the  
 City of Tracy, California

AGENDA ITEM 1.E

REQUEST

**APPROVE AMENDMENT NO.1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. TO AMEND THE SCOPE FOR THE CITYWIDE ROAD AND TRANSPORTATION AND BIKEWAYS MASTER PLAN UPDATE CIP 73173 & CIP 78171, AND INCREASE THE COMPENSATION BY AN ADDITIONAL \$136,900, FOR A TOTAL CONTRACT AMOUNT OF \$748,485**

EXECUTIVE SUMMARY

This agenda item, with City Council approval, would approve Amendment No.1 to the Professional Services Agreement with Kimley-Horn and Associates, Inc. for Professional Engineering Services for the Citywide Road and Transportation and Bikeways Master Plan Update CIP 73173 & 78171, to amend the scope of services and increase compensation by an additional \$136,900 for a total contract amount of \$748,485.

DISCUSSION

On September 18, 2018, Resolution No. 2018-187 was adopted by Council, approving a Professional Services Agreement (PSA) with Kimley-Horn and Associates, Inc. (Consultant) for the Citywide Road and Transportation and Bikeways Master Plan Update CIP 73173 & CIP 78171, for a total contract amount of \$611,585.

The Citywide Road and Transportation and Bikeways Master Plan update is a planning level document, that will outline existing Master Plan facilities, and upgrades needed to accommodate the traffic that is forecasted to be generated within the City's Sphere of Influence (SOI) under a fully developed condition. The Citywide Road and Transportation and Bikeways Master Plan update will also reflect changes and refinements in roadway infrastructure planning approaches for some areas, and new regulatory requirements that have been adopted at the State and Local level.

In accordance with the California Environmental Quality Act (CEQA) Guidelines, an Initial Study/California Environmental Quality Act Guidelines Section 15183 Analysis and Mitigated Negative Declaration (IS/MND) is being prepared to evaluate potential environmental effects of this Master Plan Update. The Citywide Road and Transportation and Bikeways Master Plan update, along with the supporting CEQA documentation is planned to be adopted by September 2022.

It is required to perform additional tasks under this PSA to accommodate the City's latest Specific Plan cumulative land use assumptions, creation of the traffic model validation report, creation of the VMT banking program and the creation of the Complete Streets Chapter per Caltrans requirement.

The City requested a proposal from the Consultant for the time and materials required to complete the additional tasks. On December 13, 2021, the Consultant submitted its proposal to the City. Staff negotiated with the Consultant to provide professional engineering services on a time and material basis, for an amount not-to-exceed \$136,900.

**STRATEGIC PLAN**

This agenda item supports the City of Tracy’s Quality of Life Strategic 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**

The Citywide Road and Transportation and Bikeways Master Plan Update is budgeted under two approved Capital Improvement Projects, CIP 73173 & 78171, with an available balance of \$274,370. There are sufficient funds for Amendment No.1 to the PSA in the not-to-exceed amount of \$136,900.

<b>CIP</b>	<b>Fund</b>	<b>Budget</b>	<b>Expense</b>	<b>Balance</b>
73173	363 - TIMP Traffic	\$ 550,000	\$ 354,121	\$ 195,879
73173	391 - Program Management	\$ 250,000	\$ 171,509	\$ 78,491
78171	241 - TDA	\$ 100,000	\$ 100,000	\$ -
			Total Balance	\$ 274,370

**RECOMMENDATION**

Staff recommends that City Council, by resolution, approve Amendment No.1 to the PSA with Kimley-Horn and Associates, Inc. to amend the scope for the Citywide Road and Transportation and Bikeways Master Plan Update CIP 73173 & CIP 78171, and increase the compensation by an additional \$136,900, for a total contract amount of \$748,485.

Prepared by: Anju Pillai, PE, Senior Civil Engineer

Reviewed by: Robert Armijo, PE, City Engineer / Assistant Director of Development Services  
Karin Schnaider, Finance Director  
Kris Balaji, Development Services Director  
Midori Lichtwardt, Assistant City Manager

Approved by: Michael Rogers, City Manager

**ATTACHMENTS**

Attachment A – Amendment No. 1 to PSA with Kimley-Horn and Associates, Inc.

**CITY OF TRACY  
AMENDMENT NO. 1 TO  
PROFESSIONAL SERVICES AGREEMENT  
FOR  
CITYWIDE ROAD AND TRANSPORTATION AND BIKEWAYS  
MASTER PLAN UPDATE  
CIP NOS. 73173 & 78171**

This Amendment No. 1 (**Amendment**) to the Professional Service Agreement for the Citywide Road and Transportation and Bikeways Master Plan Update is entered into between the City of Tracy, a municipal corporation (**City**), and Kimley-Horn and Associates, Inc. City and Consultant are referred to individually as "**Party**" and collectively as "**Parties**."

**Recitals**

- A.** The City and Consultant entered into a Professional Service Agreement (**Agreement**) for the Citywide Road and Transportation and Bikeways Master Plan Update in the amount not to exceed \$611,585 which was approved by the City Council on September 18, 2018, under Resolution No. 2018-187.
- B.** A contract amendment request is needed to perform additional tasks to accommodate the latest Specific Plan cumulative land use assumptions, creation of the model validation report, creation of the VMT banking program and the creation of the Complete Streets Chapter per Caltrans requirement. The terms and requirements stated on the original contract remain in full force and effort.
- C.** This Amendment is being executed pursuant to Resolution No. \_\_\_\_\_ approved by Tracy City Council on July 5, 2022.

**Now therefore, the Parties mutually agree as follows:**

- 1. Incorporation by Reference.** This Amendment incorporates by reference all terms set forth in the Agreement, unless specifically modified by this Amendment. The terms which are not specifically modified by this Amendment will remain in effect.
- 2. Terms of Amendment.**
  - A.** The following language shall be added to Section 1. SCOPE OF SERVICES of the Agreement:

"For services performed pursuant to Exhibit A-1, City shall pay Consultant a not-to-exceed amount of \$136,900 at the billing rates set forth in Exhibit B-1.
  - B.** Exhibit A-1 "Scope of Services," attached hereto shall supplement Exhibit "A" of the Agreement. Consultant is responsible for completing all tasks identified in Exhibits "A" and "A-1."
- 3. Modifications.** This Amendment may not be modified orally or in any manner other than by an agreement in writing signed by both parties, in accordance with the requirements of the Agreement.

**4. Severability.** If any term of this Amendment is held invalid by a court of competent jurisdiction, the Amendment shall be construed as not containing that term, and the remainder of this Amendment shall remain in effect.

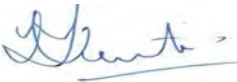
**5. Signatures.** The individuals executing this Amendment represent and warrant that they have the right, power, legal capacity and authority to enter into and to execute this Amendment. This Amendment shall inure to the benefit of and be binding upon the parties and their respective successors and assigns.

The Parties agree to the full performance of the terms set forth here.

City of Tracy

Kimley-Horn & Associates, Inc.

By: \_\_\_\_\_  
Nancy D. Young

By:   
Frederik Venter, PE# C64621

Title: Mayor  
Date: \_\_\_\_\_

Title: Vice President  
Date: 3/8/22

Federal Employer Tax ID No. 56-0885615

Attest:

By: \_\_\_\_\_  
Adrienne Richardson, City Clerk

By:   
Peter Meyerhofer, PE# 68778

Title: Secretary  
Date: 3/8/22

Approved as to form

By: \_\_\_\_\_  
Bijal M. Patel, City Attorney



## EXHIBIT A-1 – Additional Services

1. **MODEL LAND USE UPDATE:** The Consultant will revise the travel demand model to reflect the latest Specific Plan cumulative land use assumptions as requested by Staff. These changes were brought about review of existing land uses and updates by the developers. The areas that were updated include:
  - a. West Side Ranch Specific Plan area
  - b. Ellis and Avenues Specific Plan area

For the West Side Ranch area, educational land uses were removed, and for Ellis/Avenues, less units were assumed for 2042 conditions. Full buildout was assumed for General Plan conditions. Tracy Hills has assumed to be built out by 2042. Changes in the specific plan areas affect the trip generation, distribution, LOS analysis, and requirements for roadway/bridge/RR Xing widening by 2042. ROW would remain the same for buildout.

2. **MODEL VALIDATION REPORT:** The Consultant will prepare a model validation report for City and Caltrans review. The purpose of this memorandum is to indicate how the model presents accurate baseline and future conditions analysis for the City of Tracy road network. It is not anticipated that this model would be adopted by Caltrans, because the model update did not make changes to the mainline freeway volumes along I580 and I-205. The purpose of this model is to calculate future traffic volumes on the City road network. The model will be coded to assess peak spreading, which is initiated by the congestion on the freeways. The update will also include a review of trip generation for the residential development based on the peak spreading characteristics that would occur. Peak spreading will only be assumed for traffic that travel onto the freeway system, because of the congestion. Traffic on the City street system will not be assigned peak spreading characteristics. The model validation report will be attached in the appendix of the TMP.
3. **VMT ANALYSIS FOR CEQA PURPOSES:** A VMT analysis needs to be conducted for the CEQA analysis for the TMP. This analysis is different from SB 743 thresholds and the City policy but will tier from it. The VMT analysis for CEQA will be conducted for the following Project scenarios:
  - Existing
  - Existing Plus Project (the TMP road network)
  - Horizon year with Horizon year land uses
  - Horizon Year Plus Project (the TMP road network)

It is anticipated that the VMT impacts may be significant, and the SB 743 policy TDM reductions and the VMT Banking Fee program will be used to potentially mitigate the VMT impacts. The analysis will be prepared in a CEQA memorandum and be part of the CEQA analysis for the TMP.

4. **CUMULATIVE CONDITIONS LEVEL OF SERVICE ANALYSIS REVISIONS:** The Consultant will use the updated travel demand model and reanalyze level of service for Horizon Year (Cumulative Conditions) to reflect the latest land use and travel demand model assumptions for the study intersections. The traffic volumes and LOS will be reported. This analysis will include the removal cut through traffic from the City corridors. Goals and measures to achieve this will be added to the TMP.

**5. ROADWAY IMPROVEMENT UPDATE REVISIONS:** The roadway improvements for the TMP road network will be identified and documented in the TMP document, for use in the TIF calculations. The improvements will include:

- Intersection widening
- Signalization
- RAB's
- Segment widening
- ROW determination

The Consultant will update the required improvements for the TIF Program.

Updates will also be made to bridge and railroad crossing as required by segment widening projects.

**6. VMT BANKING FEE PROGRAM:** The Consultant will prepare a VMT banking fee program to mitigate VMT impacts. The program will identify bicycle, pedestrian, and transit projects for inclusion in the Banking Fee program. For the infrastructure project, map0ping and cost estimates will be prepared. VMT assigned to the bicycle improvement projects, the pedestrian project will be calculated using NCHRP methodologies, as well as using Big Data. The results of this analysis will result in a fee per VMT reduced by a project.

**7. COMPLETE STREETS CHAPTER:** The Consultant will prepare a Complete Streets Chapter consistent with Caltrans and State requirements, grant funding applications, and implementation. The chapter will include the following sections:

- Pedestrians
- Bicycles
- Transit
- Streetscape
- Street types and space
- Equity
- Mobility hubs
- Car share
- SRTS
- TDM
- Vision Zero

**8. REPORT UPDATES:** The Consultant will update the following sections of the report:

- Forecasting
- VMT
- Banking Fees
- LOS
- Improvements
- Cost Estimates
- VMT Banking Fee Program



TRACY CITY COUNCIL

RESOLUTION 2022-\_\_\_\_\_

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**APPROVING AMENDMENT NO.1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. TO AMEND THE SCOPE FOR THE CITYWIDE ROAD AND TRANSPORTATION AND BIKEWAYS MASTER PLAN UPDATE CIP 73173 & CIP 78171, AND INCREASING THE COMPENSATION BY AN ADDITIONAL \$136,900, FOR A TOTAL CONTRACT AMOUNT OF \$748,485**

**WHEREAS**, On September 18, 2018, Resolution No. 2018-187 was adopted by Council, approving a Professional Services Agreement (PSA) with Kimley-Horn and Associates, Inc. (Consultant) for the Citywide Road and Transportation and Bikeways Master Plan Update CIP 73173 & CIP 78171, for a total contract amount of \$611,585; and

**WHEREAS**, The Citywide Road and Transportation and Bikeways Master Plan update is a planning level document, that will outline existing Master Plan facilities, and upgrades needed to accommodate the traffic that is forecasted to be generated within the City's Sphere of Influence (SOI) under a fully developed condition; and

**WHEREAS**, It is required to perform additional tasks under this PSA to accommodate the City's latest Specific Plan cumulative land use assumptions, creation of the traffic model validation report, creation of the VMT banking program and the creation of the Complete Streets Chapter per Caltrans requirement; and

**WHEREAS**, The City requested a proposal from the Consultant for the time and materials required to complete the additional tasks and on December 13, 2021, the Consultant submitted its proposal to the City; and

**WHEREAS**, Staff negotiated with the Consultant to provide professional engineering services on a time and material basis, for an amount not-to-exceed \$136,900; and

**WHEREAS**, The Citywide Road and Transportation and Bikeways Master Plan Update is budgeted under two approved Capital Improvement Projects CIP 73173 & 78171, with sufficient funds available for Amendment No.1 to the PSA, in the not-to-exceed amount of \$136,900; now, therefore, be it

**RESOLVED**, That the City Council of the City of Tracy, by resolution, hereby approves Amendment No.1 to the PSA with Kimley-Horn and Associates, Inc. to amend the scope for the Citywide Road and Transportation and Bikeways Master Plan Update CIP 73173 & CIP 78171, and increases the compensation by an additional \$136,900 for a total contract amount of \$748,485.

\* \* \* \* \*

The foregoing Resolution 2022-\_\_\_\_\_ was passed and adopted by the Tracy City Council on the 5<sup>th</sup> day of July 2022, by the following vote:

AYES:                   COUNCIL MEMBERS:  
NOES:                   COUNCIL MEMBERS:  
ABSENT:                COUNCIL MEMBERS:  
ABSTENTION:        COUNCIL MEMBERS:

\_\_\_\_\_  
NANCY D. YOUNG  
Mayor of the City of Tracy, California

ATTEST: \_\_\_\_\_  
ADRIANNE RICHARDSON  
City Clerk and Clerk of the Council of the City  
of Tracy, California

July 5, 2022

AGENDA ITEM 1.F

REQUEST

**ADOPT A RESOLUTION 1) AMENDING THE FISCAL YEAR 2022-23 ALLOCATION AMOUNTS APPROVED IN RESOLUTION NO. 2022-036, AS FOLLOWS: A) REDUCE THE COMMUNITY DEVELOPMENT BLOCK GRANT AWARDS FROM \$498,077 TO \$495,584, AND B) INCREASE THE HOME INVESTMENT PARTNERSHIPS PROGRAM AWARDS FROM \$163,461 TO \$180,173, WITH ADJUSTMENTS TO THE SUB-RECIPIENT AWARDS OF BOTH PROGRAMS TO REFLECT THE FINAL FORMULA ALLOCATIONS DETERMINED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND 2) AUTHORIZING THE CITY MANAGER TO EXECUTE FUNDING AGREEMENTS WITH SUB-RECIPIENTS OF BOTH PROGRAMS**

EXECUTIVE SUMMARY

City of Tracy receives annual Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funding from the U.S. Department of Housing and Urban Development. Funding allocation for the Fiscal Year (FY) 2022-23 and award of subrecipients were adopted by the City Council on March 29, 2022 via Resolution No. 2022-036. However, the United States Department of Housing and Urban Development (HUD) has subsequently revised its funding allocations, which affects award amounts for several subrecipients awarded by the City Council. Staff recommends the City Council adopt the proposed Resolution, which amends these award amounts to reflect HUD's final formula allocations.

BACKGROUND

CDBG and HOME funds are allocated to cities and counties by HUD for use in projects that make for a viable community, with local programs and services that provide decent housing, a suitable living environment, and expand economic opportunities for low- and moderate-income individuals and families. The City of Tracy receives an annual pass-through allocation from the County of San Joaquin ("County"), which serves as the entitlement agency under these two federal programs.

On November 15, 2016, the City Council adopted local funding priorities to be considered in the annual allocation process and to be used as a guide for the Parks and Community Services Commission (Commission) in formulating proposed award recommendations through Fiscal Year 2021-2022. These priorities are listed below by category and in priority order:

CDBG

Public Services Category:

- (1) Food Distribution Services
- (2) Homelessness Prevention, Intervention and Transitional Housing Services
- (3) Senior and Special Needs Services

- (4) Domestic Violence Services
- (5) Youth Education and Enrichment Services

Public Facilities/Improvements Category:

- (1) Public Parks and Facilities
- (2) Removal of Architectural Barriers (ADA)

HOME

- (1) Address issues of public safety, health and welfare
- (2) Rehabilitate residential properties occupied by low-income persons
- (3) Partner to construct income restricted family and senior housing facilities

Funding allocation for the Fiscal Year (FY) 2022-23 and award of subrecipients were adopted by the City Council on March 29, 2022 via Resolution No. 2022-036, consistent with the above priorities. However, subsequently to the Council's action, the County provided CDBG and HOME funding allocations to the City, for the FY 2022-2023 program year, in aggregate amounts different than what was approved by the City Council on March 29, 2022.

Funding Availability

In light of the aggregate amounts allocated by the County, Staff proposes that the Council revise allocation amounts as follows:

Item	Proposed Revision	Adopted on 03/29/2022	Difference
<u>CDBG</u>			
Public Services Allocation (15%)	\$ 74,338	\$ 74,712	\$ (374)
Public Improvements/Public Facilities	\$ 421,246	\$ 423,365	\$ (2,119)
Total	\$ 495,584	\$ 498,077	\$ (2,493)
<u>HOME</u>			
Home Eligible Activities	\$ 180,173	\$ 163,461	\$ 16,712

The actual amounts available for allocation will be based on a final funding determination by HUD. HUD regulations, codified in the Code of Federal Regulations (CFR) Title 24, Part 570, require CDBG Public Services allocations to be limited to 15% of the total annual CDBG allocation. Up to 20% of the funding may be allocated for grant administration, and the remaining CDBG funding is dedicated to Public Improvements/Public Facilities projects.

The following amendments are proposed for the subrecipient awards, which changes are still reflective of the City Council funding priorities and recommendations from the Parks Commissioners' project ranking system. For public services allocation, deductions are proposed for the lowest ranking project. A deduction is also proposed to the City of Tracy Grant Administration funds. The HOME allocation increase is proposed for the amount awarded to the sole applicant. The comparison of project

allocations to subrecipients is below:

<b>Item</b>	<b>Proposed Revision</b>	<b>Adopted on 03/29/2022</b>
<u>Public Services Allocation</u>		
Direct Allocation to San Joaquin County Fair Housing	\$ 5,500	\$ 5,500
Direct Allocation to the County food services pool (mobile farmer's market and meals on wheels)	\$ 10,000	\$ 10,000
Applications ranked 1 and 2 will be funded the requested amount up to a max of \$12,000 each		
Tracy Interfaith Ministries (ranked 1)	\$ 12,000	\$ 12,000
Tracy Seniors Association	\$ 12,000	\$ 12,000
Applications ranked 3 and 4 will be funded the requested amount up to maximum allocation of \$8,000 each		
Boys and Girls Clubs of Tracy	\$ 8,000	\$ 8,000
McHenry House Tracy Family Shelter	\$ 8,000	\$ 8,000
Application ranked 5 and 6		
Tracy Earth Project, Inc.*	\$ 5,185	\$ 5,185
Women's Center	\$ 8,000	\$ 8,000
Application ranked 7		
Coalition of Tracy Citizens to Assist the Homeless	\$ 5,653	\$ 6,027

*\*Reflects full funding request*

<u>Public Facilities/Improvements Allocation</u>		
Direct Allocation to City of Tracy for Grant Administration	\$ 81,881	\$ 84,000
Application ranked 2 will be funded \$339,365		
Coalition of Tracy Citizens to Assist the Homeless	\$ 339,365	\$ 339,365

<u>Home Investment Partnership Allocation</u>		
Application ranked 1 will be funded in full		
Housing Authority of San Joaquin	\$ 180,173	\$ 163,461

Staff requests that City Council authorize the City Manager, or designee, to execute the funding agreements, consistent with the proposed amendments, with the recipients, on behalf of the City.

## STRATEGIC PLAN

This agenda item supports the City of Tracy's Quality of Life Strategic 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

The City of Tracy, as a subrecipient of the County, was allocated \$495,584 in CDBG funds for FY 2022-2023 for use by its selected grantees. The City will also be allocated \$180,173 in HOME funds for FY 2022-2023.

### RECOMMENDATION

That the City Council adopt a Resolution:

1) amending the Fiscal Year 2022-23 allocation amounts approved in Resolution No. 2022-036, as follows:

A) reduce the Community Development Block Grant awards from \$498,077 to \$495,584, and

B) increase the HOME investment partnerships program awards from \$163,461 to \$180,173, with adjustments to the sub-recipient awards of both programs to reflect the final formula allocations determined by the United States Department of Housing and Urban Development, and

2) authorizing the City Manager to execute funding agreements with sub-recipients of both programs.

Prepared by: Michael Nimon, Economic Development Manager

Reviewed by: Kris Balaji, Development Services Director  
Karin Schnaider, Finance Director

Approved by: Midori Lichtwardt, Acting City Manager

TRACY CITY COUNCIL

RESOLUTION NO. 2022-\_\_\_\_\_

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**RESOLUTION 1) AMENDING THE FISCAL YEAR 2022-23 ALLOCATION AMOUNTS APPROVED IN RESOLUTION NO. 2022-036, AS FOLLOWS: A) REDUCE THE COMMUNITY DEVELOPMENT BLOCK GRANT AWARDS FROM \$498,077 TO \$495,584, AND B) INCREASE THE HOME INVESTMENT PARTNERSHIPS PROGRAM AWARDS FROM \$163,461 TO \$180,173, WITH ADJUSTMENTS TO THE SUB-RECIPIENT AWARDS OF BOTH PROGRAMS TO REFLECT THE FINAL FORMULA ALLOCATIONS DETERMINED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND 2) AUTHORIZING THE CITY MANAGER TO EXECUTE FUNDING AGREEMENTS WITH SUB-RECIPIENTS OF BOTH PROGRAMS**

**WHEREAS**, Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds are allocated to cities and counties by the United States Department of Housing and Urban Development (HUD) for use in projects, programs, and services that demonstrate a benefit to low and moderate income persons; and

**WHEREAS**, The City of Tracy (City) receives an annual pass-through allocation from the County of San Joaquin (County), which serves as the entitlement agency for these two federal programs; and

**WHEREAS**, On November 15, 2016, the City Council adopted local funding priorities to be considered in the annual allocation process and to be used as a guide for the Parks and Community Services Commission (Commission) in formulating proposed award recommendations through Fiscal Year 2021-2022; and

**WHEREAS**, Aggregate funding allocations for the Fiscal Year (FY) 2022-23 and award of subrecipients were adopted by the City Council on March 29, 2022 via Resolution No. 2022-036; and

**WHEREAS**, The City of Tracy, as a subrecipient of the County of San Joaquin, has received final allocations of \$495,584 in CDBG funds and \$180,173 in HOME funds for Fiscal Year (FY) 2022-2023, which amounts are different than what was approved by the City Council; and

**WHEREAS,** To reflect the final allocations from HUD, Staff has proposed adjustments to the sub-recipient awards originally approved by the City Council in Resolution No. 2022-036; such adjustments are reflected in more detail in the attached **Exhibit A**; and

**WHEREAS,** A comparison of the proposed adjustments to the sub-recipient awards originally approved by the City Council is reflected in the report for this Agenda item; and

**WHEREAS,** The sub-recipients receiving CDBG and HOME funding are required to enter into an agreement with the City and/or the County of San Joaquin to ensure funds are spent in accordance with the applications that were evaluated to determine funding eligibility and amounts; now therefore be it

**RESOLVED:** That the City Council does hereby approve the amendment of the Fiscal Year 2022-23 allocation amounts approved in Resolution No. 2022-036, as follows: a) reduce the Community Development Block Grant awards from \$498,077 to \$495,584, and b) increase the Home Investment Partnerships Program awards from \$163,461 to \$180,173, with adjustments to the sub-recipient awards of both programs to reflect the final formula allocations determined by the United States Department of Housing and Urban Development; and be it further

**RESOLVED:** That the City Council does hereby authorize the City Manager to execute funding agreements, on behalf of the City, with the sub-recipients in the amounts reflected in **Exhibit A**.

\* \* \* \* \*

The foregoing Resolution 2022-\_\_\_\_\_ was adopted by the Tracy City Council on the 5<sup>th</sup> day of July 2022, by the following vote:

AYES: COUNCIL MEMBERS:  
NOES: COUNCIL MEMBERS:  
ABSENT: COUNCIL MEMBERS:  
ABSTENTION: COUNCIL MEMBERS:

\_\_\_\_\_  
NANCY D. YOUNG  
Mayor of the City of Tracy, California

ATTEST: \_\_\_\_\_  
ADRIANNE RICHARDSON  
City Clerk and Clerk of the Council of the City  
of Tracy, California

EXHIBIT A

Public Services Allocation:

- Direct Allocation to San Joaquin County Fair Housing \$5,500
- Direct Allocation to the County food services pool (Mobile Farmer's Market and Meals on Wheels) \$10,000
- Applications ranked 1 and 2 will be funded the requested amount up to a max of \$12,000 each
  - Tracy Interfaith Ministries (ranked 1) \$12,000
  - Tracy Seniors Association \$12,000
- Applications ranked 3 and 4 will be funded the requested amount up to a maximum allocation of \$8,000 each
  - Boys and Girls Clubs of Tracy \$8,000
  - McHenry House Tracy Family Shelter \$8,000
- Application ranked 5 and 6
  - Tracy Earth Project, Inc. \$5,185
  - Women's Center \$8,000
- Application ranked 7
  - Coalition of Tracy Citizens to Assist the Homeless \$5,653

\*Reflects full funding request

Public Facilities/Improvements Allocation:

- Direct Allocation to City of Tracy for Grant Administration \$81,881
- Application ranked 2 will be funded at \$339,365
  - Coalition of Tracy Citizens to Assist the Homeless \$339,365

HOME Investment Partnership Allocation:

- Application ranked 1 will be funded in full
  - Housing Authority of San Joaquin \$180,173

AGENDA ITEM 1.G

REQUEST

**ADOPT A RESOLUTION AUTHORIZING THE SUBMISSION OF CALL4ANIMALS GRANT APPLICATION FOR THE PROJECTED AMOUNT OF \$19,650 TO FUND SPAYING AND NEUTERING, RABIES VACCINATIONS, AND IDENTIFICATION TAGS FOR ANIMALS OF THE UNSHELTERED POPULATION AND AUTHORIZING ACCEPTANCE OF THE GRANT, IF AWARDED**

EXECUTIVE SUMMARY

The Tracy Animal Shelter has identified an opportunity to apply for a \$19,650 grant from the Call4Animals organization for funding 100 alterations, rabies vaccinations, and identification tags for unsheltered pet owners. Staff recommends that the City of Tracy accept the grant, if awarded, and authorize an appropriation of \$19,650 to the Animal Services budget for FY 22/23.

DISCUSSION

The City of Tracy Animal Services Unit identified an opportunity to apply for a grant through the Call4Animals organization to help maintain the overall animal health, prevent unwanted litters, and provide pet identification to unsheltered pet owners. The grant award has potential awards up to \$19,650.

The grant provides for the funding of 100 spay/neuter costs to animals that are owned by Tracy's unsheltered population. By providing alterations, this will reduce unwanted litters and potential overcrowding of the animal shelter.

Along with the 100 spay/neuters, 100 rabies vaccinations, and an identification tag maker with tags will also be funded through the grant funding.

The funding will help keep the unsheltered pet population healthy, easily identifiable, and provide a means to better provide pet retention for unsheltered pet owners.

Over the last year and a half, Tracy Animal Services staff have been participating in Operation Helping Hands, a multi-agency, multi-disciplinary team formed to provide street level collaboration of services to the City's homeless community. Through these outreach efforts, staff have built relationships with unsheltered pet owners and they are actively seeking and requesting services for their pets.

**Grant requirements:**

- Issue a press release announcing the grant being awarded;
- Report requested data and tracking (as required) by Call4Animals; and
- Provide basic pet services to unsheltered pet owners free of charge.

### **Goals**

- Prevent unwanted litters;
- Provide vaccinations to maintain the health of the pets in the community;
- Provide easily communicated pet identification to increase pet retention; and
- Prevent the shelter from impounding additional pets.

### **STRATEGIC PLAN**

This agenda item relates to Council's Strategic Priorities for Public Safety.

### **FISCAL IMPACT**

If awarded, the Tracy Animal Shelter will receive up to \$19,650 from the 2022 Call4Animals grant. The full award amount would be appropriated to the Police Department's (Animal Services) Operating Budget for FY 22/23. No City match is required.

### **RECOMMENDATION**

That the City Council adopt a resolution authorizing the submission of the Call4Animals grant application for the projected amount of \$19,650 to fund spaying and neutering, rabies vaccinations, and identification tags for animals of the unsheltered population and authorizing the acceptance of the grant, if awarded.

Prepared by: Brittany Pasquale, Animal Services Supervisor

Reviewed by: Beth Lyons-McCarthy, Police Support Operations Manager  
Sekou Millington, Chief of Police  
Karin Schnaider, Finance Director

Approved by: Midori Lichtwardt, Acting City Manager

CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

**AUTHORIZING THE SUBMISSION OF CALL4ANIMALS GRANT APPLICATION FOR THE PROJECTED AMOUNT OF \$19,650 TO FUND SPAYING AND NEUTERING, RABIES VACCINATIONS, AND IDENTIFICATION TAGS FOR ANIMALS OF THE UNSHELTERED POPULATION AND AUTHORIZING ACCEPTANCE OF THE GRANT, IF AWARDED**

**WHEREAS**, the City of Tracy Animal Shelter has identified an opportunity to apply for a \$19,650 grant from the Call4Animals organization to fund 100 alterations, rabies vaccinations, and identification tags for animals of the unsheltered population; and

**WHEREAS**, alterations of animals will reduce unwanted litters and potential overcrowding of the animal shelter; and

**WHEREAS**, the grant award will provide an opportunity to keep the unsheltered pet population healthy, easily identifiable, and provide a means to better provide pet retention for unsheltered pet owners;

**WHEREAS**, award of the grant does not require a City match of funds; now, therefore, be it

**RESOLVED:** That the City Council of the City of Tracy hereby authorizes the submission of the Call4Animals grant application for a projected amount of \$19,650 to fund spaying and neutering, rabies vaccinations, and identification tags for animals of the unsheltered population, and authorizes the acceptance of the grant, if awarded.

\* \* \* \* \*

The foregoing Resolution 2022-\_\_\_\_\_ was adopted by the Tracy City Council on July 5, 2022, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTENTION:	COUNCIL MEMBERS:

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NANCY D. YOUNG  
Mayor of the City of Tracy, California

ATTEST: \_\_\_\_\_  
ADRIANNE RICHARDSON  
City Clerk and Clerk of the Council of the  
City of Tracy, California



AGENDA ITEM 1.H

REQUEST

**ADOPT A RESOLUTION APPROVING A GENERAL SERVICES AGREEMENT WITH NAMAN TRUCKING, INC. FOR THE LOADING, HAULING, AND DISPOSAL OF SLUDGE AT THE CITY OF TRACY'S JOHN JONES WATER TREATMENT PLANT FOR A NOT TO EXCEED AMOUNT OF \$166,532 FOR A TERM OF ONE YEAR**

EXECUTIVE SUMMARY

The City of Tracy generates alum sludge (sludge) as a byproduct of its operation at the City's John Jones Water Treatment Plant (JJWTP). The sludge is generated by injecting Aluminum sulfate in the water treatment process, which produces the sludge. Annually, the City engages the services of qualified haulers (vendors) to remove and dispose of this material at an approved and permitted landfill, in accordance with all applicable Federal, State, and local regulations. This agenda item requests approval of a General Services Agreement with the lowest monetary proposer, Naman Trucking, Inc., to provide such services for a not to exceed amount of \$166,532 on per ton basis.

DISCUSSION

The City engages the services of qualified haulers to remove, load, haul and dispose approximately 3,000 cubic yards of alum sludge in the drying beds or stockpiled at the Water Treatment Plant located at 6649 S. Tracy Blvd. The alum sludge is a by-product of the water treatment. The sludge is disposed of at an approved and permitted landfill, in accordance with the local, state, and federal requirements. Such services are acquired from qualified vendors to complete this work in a cost-effective manner. The scope of work also requires the qualified vendor to provide certified mobile scales to weigh the trucks before leaving the plant site to determine the tonnage of sludge hauled, or each truck may be weighed at a certified scale. The work is completed in accordance with all applicable laws, rules, and regulations.

On April 14, 2022, a Request for Proposal with relevant requirements was posted on the City's website. Various experienced vendors were also contacted to submit proposals. Six proposals were received and opened at 1:00pm on May 18, 2022, as follows:

<u>Vendor Name</u>	<u>Price/Ton</u>
Naman Trucking, Inc.	\$55.51
JHA Remediation	\$61.66
SVG Contractors, Inc.	\$71.95
Synagro – WWT, Inc.	\$79.84
ACT Environmental Services.	\$92.00
Patriot Environmental Services	\$212.58

Naman Trucking, Inc. is the qualified proposer with the lowest cost of services, has good references, and has completed similar work with other agencies in a satisfactory manner.

A total of \$180,000 is available in the Utilities water operating budget for this service in FY 2022-23. Based upon the estimated quantities, a General Services Agreement with Naman Trucking, Inc. is recommended for not to exceed amount of \$166,532 to complete the services at a rate of \$55.51 per ton. All unused funding will remain in the operational budget and will be used in the water treatment plant for other operational and maintenance priorities.

#### STRATEGIC PLAN

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

#### FISCAL IMPACT

A total of \$180,000 is budgeted in the Utilities-Water Fund (F513) operating budget for the removal of alum sludge in Fiscal Year 2022-23. However, based upon the estimated quantity of sludge available for disposal, the agreement for disposal services is recommended for approval with not to exceed amount of \$166,532. The unused budgeted funds will remain in the water operational budget and will be available for other operational and maintenance priorities. Funding for the disposal of the water treatment alum sludge is collected through the water rates charged to customers of the water enterprise.

#### RECOMMENDATION

That the City Council, by resolution, approve a General Services Agreement with Naman Trucking, Inc., for the purposes of loading, hauling, and disposal of sludge at the City's John Jones Water Treatment Plant for a not to exceed amount of \$166,532 for a term of one year.

Prepared by: Lemar Saffi, Assistant Engineer

Reviewed by: Kuldeep Sharma, Director of Utilities  
Karin Schnaider, Finance Director

Approved by: Midori Lichtwardt, Acting City Manager

#### ATTACHMENTS

Attachment A – General Services Agreement – Naman Trucking, Inc.

**CITY OF TRACY  
GENERAL SERVICES AGREEMENT WITH  
Naman Trucking, Inc. for Loading, Hauling, and Disposal of Sludge at the City’s John Jones  
Water Treatment Plant (JJWTP)**

This General Services Agreement (**Agreement**) is entered into between the City of Tracy, a municipal corporation (**City**), and Naman Trucking, Inc, a California Corporation (**Contractor**). City and Contractor are referred to individually as “Party” and collectively as “Parties.”

**Recitals**

- A. City desires to retain Contractor to provide loading, hauling, and disposal services; and
- B. On April 14, 2022, the City issued a Request for Proposals (RFP) for Loading, Hauling, and Disposal of Sludge at the City’s John Jones Water Treatment Plant (JJWTP) (**Project**). On May 18, 2022, Contractor submitted its proposal for the Project to the City. City has determined that Contractor possesses the skills, experience and certification required to provide the services.”
- C. After negotiations between the City and Contractor, the Parties have reached an agreement for the performance of services in accordance with the terms set forth in this Agreement.
- D. This Agreement is being executed pursuant to Resolution No. 2022- approved by Tracy City Council on July 5, 2022.

**Now therefore, the Parties mutually agree as follows:**

- 1. **Scope of Work.** Contractor shall perform the services described in Exhibit “A” attached and incorporated by reference. The services shall be performed by, or under the direct supervision of, Contractor’s Authorized Representative: Dinesh Bhalla. Contractor shall not replace its Authorized Representative, nor shall Contractor replace any of the personnel listed in Exhibit “A,” nor shall Contractor use or replace any subcontractors or subconsultants, without City’s prior written consent. A failure to obtain the City’s prior written consent for any change or replacement in personnel or subcontractor may result in the termination of this Agreement.
- 2. **Time of Performance.** Time is of the essence in the performance of services under this Agreement and the timing requirements set forth shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. Contractor shall begin performance, and shall complete all required services no later than the dates set forth in Exhibit “A.” Any services for which times for performance are not specified in this Agreement shall be started and completed by Contractor in a reasonably prompt and timely manner based upon the circumstances and direction communicated to the Contractor. Contractor shall submit all requests for time extensions to the City in writing no later than ten days after the start of the condition which purportedly caused the delay, and not later than the date on which performance is due. City shall grant or deny such requests at its sole discretion.
  - 2.1 **Term.** The term of this Agreement shall begin on July 5, 2022 and end on July 5, 2023, unless terminated in accordance with Section 6.
- 3. **Compensation.** City shall pay Contractor on a time and expense basis, at the billing rates set forth in Exhibit “B,” attached and incorporated by reference for services performed under this Agreement.

**3.1 Not to Exceed Amount.** Contractor's total compensation under this Agreement shall not exceed \$166,532. Contractor's billing rates shall cover all costs and expenses for Contractor's performance of this Agreement. No work shall be performed by Contractor in excess of the total compensation amount provided in this section without the City's prior written approval.

**3.2 Invoices.** Contractor shall submit monthly invoices to the City that describe the services performed, including times, dates, and names of persons performing the services.

**3.2.1.** Contractor's failure to submit invoices in accordance with these requirements may result in the City rejecting said invoices and thereby delaying payment to Contractor.

**3.3 Payment.** Within 30 days after the City's receipt of invoice, City shall make payment to the Contractor based upon the services described on the invoice and approved by the City.

**4. Indemnification.** Contractor 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 Contractor's performance or failure to comply with obligations under this Agreement, 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; "Contractor" means the Contractor, 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".

The provisions of this section survive completion of the services or the termination of this Agreement, and are not limited by the provisions of Section 5 relating to insurance.

**5. Insurance.** Contractor shall, throughout the duration of this Agreement, maintain insurance to cover Contractor, its agents, representatives, and employees in connection with the performance of services under this Agreement at the minimum levels set forth herein.

**5.1 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.

**5.2 Automobile Liability** (with coverage at least as broad as ISO form CA 00 01 07 97, for "any auto") "claims made" coverage shall be maintained in an amount not less than \$1,000,000 per accident for bodily injury and property damage.

**5.3 Workers' Compensation** coverage shall be maintained as required by the State of California.

**5.4 Professional Liability** "claims made" coverage shall be maintained to cover damages that may be the result of errors, omissions, or negligent acts of Contractor in an amount not less than \$1,000,000 per claim.

**5.5 Endorsements.** Contractor shall obtain endorsements to the automobile and commercial general liability insurance policies with the following provisions:

**5.5.1** The City (including its elected officials, officers, employees, agents, and volunteers) shall be named as an additional "insured."

**5.5.2** For any claims related to this Agreement, Contractor's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Contractor's insurance and shall not contribute with it.

**5.6 Notice of Cancellation.** Contractor 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. Contractor shall immediately obtain a replacement policy.

**5.7 Authorized Insurers.** All insurance companies providing coverage to Contractor shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

**5.8 Insurance Certificate.** Contractor 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 signs this Agreement.

**5.9 Substitute Certificates.** Contractor shall provide a substitute certificate of insurance no later than 30 days prior to the policy expiration date of any insurance policy required by this Agreement.

**5.10 Contractor's Obligation.** Maintenance of insurance by the Contractor as specified in this Agreement shall in no way be interpreted as relieving the Contractor of any responsibility whatsoever (including indemnity obligations under this Agreement), and the Contractor may carry, at its own expense, such additional insurance as it deems necessary. Failure to provide or maintain any insurance policies or endorsements required herein may result in the City terminating this Agreement.

**6. Termination.** The City may terminate this Agreement by giving ten days' written notice to Contractor. Upon termination, Contractor shall give the City all original documents, including preliminary drafts and supporting documents, prepared by Contractor for this Agreement. The City shall pay Contractor for all services satisfactorily performed in accordance with this Agreement, up to the date notice is given.

**7. Dispute Resolution.** If any dispute arises between the City and Contractor that cannot be settled after engaging in good faith negotiations, City and Contractor agree to resolve the dispute in accordance with the following:

**7.1** Each Party shall designate a senior management or executive level representative to negotiate the dispute;

**7.2** The representatives shall attempt, through good faith negotiations, to resolve the dispute by any means within their authority.

**7.3** If the issue remains unresolved after fifteen (15) days of good faith negotiations, the Parties shall attempt to resolve the disagreement by negotiations between legal counsel. If the aforementioned process fails, the Parties shall resolve any remaining disputes through mediation to expedite the resolution of the dispute.

**7.4** The mediation process shall provide for the selection within fifteen (15) days by both Parties of a disinterested third person as mediator, shall be commenced within thirty (30) days and shall be concluded within fifteen (15) days from the commencement of the mediation.

**7.5** The Parties shall equally bear the costs of any third party in any alternative dispute resolution process.

**7.6** The dispute resolution process is a material condition to this Agreement and must be exhausted prior to either Party initiating legal action. This dispute resolution process is not intended to nor shall be construed to change the time periods for filing a claim or action specified by Government Code §§ 900 et seq.

**8 Labor Code Compliance.** Contractor is aware of the requirements of Chapter 1 of Part 7 of Division 2 of the California Labor Code and applicable regulations which require the payment of prevailing wage rates (§1771, §1774, and §1775); employment of apprentices (§1777.5), certified payroll records (§1776), hours of labor (§1813 and §1815), debarment of contractors and subcontractors (§1777.1) and the performance of other requirements on "public works" and "maintenance" projects. The services being performed under this Agreement are part of a "public works" or "maintenance" project, as defined in the Prevailing Wage Laws, Contractor agrees to fully comply with such Prevailing Wage Laws.

**8.1 Rates.** These prevailing wage rates are on file with the City and are available online at <http://www.dir.ca.gov/DLSR>. Each Contractor and Subcontractor must pay no less than the specified

rates to all workers employed to perform the services described herein. The schedule of per diem wages is based upon a working day of eight hours. The rate for holiday and overtime work must be at least time and one-half. Contractor assumes all responsibility for such payments and shall defend, indemnify and hold the City harmless from any and all claims made by the State of California, the Department of Industrial Relations, any subcontractor, any worker, or any other third party.

**8.2 Registration with DIR.** Contractor warrants that it is registered with the Department of Industrial Relations and qualified to perform the services consistent with Labor Code section 1725.5.

**8.3 Monitoring.** This Agreement will be subject to compliance monitoring and enforcement by the DIR, under Labor Code section 1771.4.

**9. Ownership of Work.** All original documents prepared by Contractor for this Agreement, whether complete or in progress, are the property of the City, and shall be given to the City at the completion of Contractor's services, or upon demand from the City. No such documents shall be revealed or made available by Contractor to any third party without the City's prior written consent.

**10. Independent Contractor Status.** Contractor is an independent contractor and is solely responsible for the acts of its employees or agents, including any negligent acts or omissions. Contractor is not City's employee and Contractor shall have no authority, express or implied, to act on behalf of the City as an agent, or to bind the City to any obligation, unless the City provides prior written authorization. Contractor is free to work for other entities while under contract with the City. Contractor, and its agents or employees, are not entitled to City benefits.

**11. Conflicts of Interest.** Contractor (including its employees, agents, and subcontractors) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. If Contractor maintains or acquires such a conflicting interest, the City may terminate any contract (including this Agreement) involving Contractor's conflicting interest.

**12. Rebates, Kickbacks, or Other Unlawful Consideration.** Contractor warrants that this Agreement was not obtained or secured through rebates, kickbacks, or other unlawful consideration either promised or paid to any City official or employee. For breach of this warranty, City shall have the right, in its sole discretion, to terminate this Agreement without liability; to pay only for the value of the work actually performed; or to deduct from the contract price; or otherwise recover the full amount of such rebate, kickback, or other unlawful consideration.

**13. Notices.** All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or mailed to the other party to the addresses listed below. Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the address designated below, or (2) three working days after the deposit in the United States Mail of registered or certified mail, sent to the address designated below.

To City:

Utilities Director  
Kul Sharma  
3900 Holly Drive  
Tracy, CA 95304

To Contractor:

Naman Trucking Inc.  
Dinesh Bhalla  
27664 Gerhart Lane  
Tracy, CA 95304

With a copy to:  
City Attorney  
333 Civic Center Plaza  
Tracy, CA 95376

**14. Miscellaneous.**

**14.1 Standard of Care.** Unless otherwise specified in this Agreement, the standard of care applicable to Contractor's services will be the degree of skill and diligence ordinarily used by reputable professionals performing in the same or similar time and locality, and under the same or similar circumstances.

**14.2 Amendments.** This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both Parties.

**14.3 Waivers.** Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

**14.4 Assignment and Delegation.** Contractor may not assign, transfer or delegate this Agreement or any portion of it without the City's written consent. Any attempt to do so will be void. City's consent to one assignment shall not be deemed to be a consent to any subsequent assignment.

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**14.6 Compliance with the Law.** Contractor shall comply with all applicable local, state, and federal laws, whether or not those laws are expressly stated in this Agreement.

**14.6.1 Hazardous Materials.** Contractor is responsible for all costs of clean up and/or removal of hazardous and toxic substances spilled as a result of performing their services.

**14.6.2 Non-discrimination.** Contractor represents and warrants that it is an equal opportunity employer and it shall not discriminate against any subcontractor, employee or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex or age. Contractor shall also comply with all applicable anti-discrimination federal and state laws, including but not limited to, the California Fair Employment and Housing Act (Gov. Code 12990 (a-f) et seq.).

**14.7 Business Entity Status.** Contractor is responsible for filing all required documents and/or forms with the California Secretary of State and meeting all requirements of the Franchise Tax Board, to the extent such requirements apply to Contractor. By entering into this Agreement, Contractor represents that it is not a suspended corporation. If Contractor is a suspended corporation at the time it enters this Agreement, City may take steps to have this Agreement declared voidable.

**14.8 Business License.** Before the City signs this Agreement, Contractor shall obtain a City of Tracy Business License. Contractor shall maintain an active City of Tracy Business License during the term of this Agreement.

**14.9 Successors and Assigns.** This Agreement shall inure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

**14.10 Construction of Agreement.** Each Party hereto has had an equivalent opportunity to participate in the drafting of this Agreement and/or to consult with legal counsel. Therefore, the usual construction of an agreement against the drafting Party shall not apply hereto.

**14.11 Severability.** If a term of this Agreement is held invalid by a court of competent jurisdiction, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in effect.

**14.12 Controlling Provisions.** In the case of any conflict between the terms of this Agreement and the Exhibits hereto, and Contractor's proposal (if any), the Agreement shall control. In the case of any conflict between the Exhibits hereto and the Contractor's proposal (if any), the Exhibits shall control.

**14.13 Entire Agreement.** This Agreement and the attached Exhibits comprise the entire integrated understanding between the Parties concerning the services to be performed. This Agreement supersedes all prior negotiations, representations or agreements. All exhibits attached hereto are incorporated by reference herein.

**15. Signatures.** The individuals executing this Agreement on behalf of Contractor represent and warrant that they have the right, power, legal capacity and authority to enter into and to execute this Agreement on behalf of Contractor.

**[SIGNATURES ON FOLLOWING PAGE]**



The Parties agree to the full performance of the terms set forth here.

**City of Tracy**

\_\_\_\_\_  
By: Nancy D. Young  
Title: Mayor  
Date: \_\_\_\_\_

Attest:


\_\_\_\_\_  
Adrienne Richardson, City Clerk

Approved as to form:


\_\_\_\_\_  
Bijal M. Patel, City Attorney

**Contractor**

Naman Trucking, Inc., a California Corporation

  
\_\_\_\_\_  
By: DINESH BHALLA  
Title: PRESIDENT  
Date: 06/02/22

Federal Employer Tax ID No. \_\_\_\_\_

  
\_\_\_\_\_  
By: NAMAN BHALLA  
Title: C.E.O  
Date: 06/02/22

**Exhibits:**

- A Scope of Work, including personnel and time of performance (See Agreement sections 1 and 2.)
- B Compensation (See Agreement section 3.)

## EXHIBIT A - Scope of Work

Loading, hauling and disposal of approximately 3,000 tons of alum sludge from the John Jones Water Treatment Plant. Disposal to take place at an approved and permitted landfill in accordance with all applicable federal, state, and local regulations.

EXHIBIT B - Compensation

Approximately 3,000 tons of Alum Sludge Loading, Hauling and Disposal to an approved landfill.

\$55.61 per ton      Not to exceed \$166,532

CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL  
RESOLUTION 2022-\_\_\_\_\_

**APPROVING A GENERAL SERVICES AGREEMENT WITH NAMAN TRUCKING, INC. FOR THE LOADING, HAULING, AND DISPOSAL OF SLUDGE AT THE CITY OF TRACY'S JOHN JONES WATER TREATMENT PLANT FOR A NOT TO EXCEED AMOUNT OF \$166,532 FOR A TERM OF ONE YEAR**

**WHEREAS**, the City of Tracy generates alum sludge (sludge) as a byproduct of its operation at the City's John Jones Water Treatment Plant (JJWTP); and

**WHEREAS**, the City engages the services of qualified vendors to remove and dispose of this material at an approved and permitted landfill, in accordance with all applicable Federal, State, and local regulations; and

**WHEREAS**, on April 14, 2022, a Request for Proposal was posted on the City's website and various experienced vendors were also contacted to submit proposals; and

**WHEREAS**, Naman Trucking, Inc. was selected as the most qualified proposer with the lowest cost of services and has completed similar work with other agencies in a satisfactory manner; and

**WHEREAS**, the City and Naman Trucking, Inc. reached an agreement, the General Services Agreement, for the loading, hauling, and disposal of sludge at the JJWTP for a not to exceed amount of \$166,532 for a term of one year; and now, therefore it be

**RESOLVED**, that the City Council of the City of Tracy approve a General Services Agreement with Naman Trucking, Inc. for the purposes of loading, hauling, and disposal of sludge at the City's John Jones Water Treatment Plant for a not to exceed amount of \$166,532 for a term of one year.

\* \* \* \* \*

The foregoing Resolution 2022-\_\_\_\_\_ was adopted by the Tracy City Council on July 5, 2022, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTENTION:	COUNCIL MEMBERS:

---

NANCY D. YOUNG  
Mayor of the City of Tracy, California

ATTEST: \_\_\_\_\_  
ADRIANNE RICHARDSON  
City Clerk and Clerk of the Council of the  
City of Tracy, California

AGENDA ITEM 1.I

REQUEST

**ADOPT A RESOLUTION APPROVING A GENERAL SERVICES AGREEMENT WITH JIM BRISCO ENTERPRISES, INC. FOR THE LOADING, HAULING, AND DISPOSAL OF WASTEWATER TREATMENT BIOSOLIDS FOR A NOT TO EXCEED AMOUNT OF \$148,700 FOR A TERM OF ONE YEAR**

EXECUTIVE SUMMARY

The City of Tracy generates biosolids, a nutrient rich organic material, at the Wastewater Treatment Plant as a by-product of wastewater treatment. Annually, the City engages the services of qualified vendors to remove and dispose of this material out of San Joaquin County, in accordance with all applicable Federal, State, and local regulations. This agenda item requests authorization to enter into a General Services Agreement with the lowest monetary proposer, Jim Brisco Enterprises, Inc. to provide such services for a not to exceed amount of \$148,700. Funding for the disposal of the wastewater treatment biosolids is collected through the wastewater rates charged to customers of the wastewater enterprise.

DISCUSSION

The City engages the services of qualified haulers to remove, load, haul and dispose biosolids from the drying beds stockpiled at the Wastewater Treatment Plant located at 3900 Holly Drive. These biosolids are a by-product of wastewater treatment. The biosolids are disposed of outside of San Joaquin County in accordance with the local, state and federal requirements. Such services are acquired every year from qualified entities to complete this work in a cost-effective manner. The scope of work also requires the qualified entity to provide certified mobile scales to weigh the trucks before leaving the plant site to determine the tonnage of biosolids hauled, or each truck may be weighed at a certified scale. The work is completed in accordance with all applicable laws, rules, and regulations.

On April 13, 2022, a Request for Proposal with relevant requirements was posted on the City's website. Various experienced vendors were also contacted to submit proposals. Six proposals were received and opened at 2:00pm on May 18, 2022, as follows:

<u>Vendor Name</u>	<u>Price/Ton</u>
Jim Brisco Enterprises	\$59.48
JHA Remediation, LLC	\$61.53
Denali Water Solutions	\$67.66
Synagro – WWT, Inc.	\$74.00
Naman Trucking, Inc.	\$90.60
Advanced Chemical Transport	\$123.00

Jim Brisco Enterprises is the qualified proposer with the lowest cost of services, has good references, and has completed similar work with other agencies in a satisfactory

manner. Based upon the estimated quantities of biosolids available for disposal, a General Services Agreement is needed with Jim Brisco Enterprises for a not to exceed amount of \$148,700 on per ton rates basis.

Sufficient funding is available in the Utilities wastewater operating budget for this service in FY 2022-23.

#### STRATEGIC PLAN

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

#### FISCAL IMPACT

Sufficient funding is budgeted in the Utilities-Wastewater Fund (F521) operating budget for the removal of biosolids in Fiscal Year 2022-23. Based upon the estimated quantity of biosolids available for disposal, the agreement for disposal services is recommended for approval with not to exceed amount of \$148,700. Funding for the disposal of the wastewater treatment biosolids is collected through the wastewater rates charged to customers of the wastewater enterprise.

#### RECOMMENDATION

That the City Council, by resolution, approve a General Services Agreement with Jim Brisco Enterprises, Inc., for the purposes of loading, hauling, and disposal of Wastewater Treatment biosolids for a not to exceed amount of \$148,700 for a term of one year.

Prepared by: Alope Vaid, Wastewater Operations Superintendent

Reviewed by: Kul Sharma, Director of Utilities  
Karin Schnaider, Finance Director

Approved by: Midori Lichtwardt, Acting City Manager

#### ATTACHMENTS

Attachment A – General Services Agreement Jim Brisco Enterprises, Inc.

**CITY OF TRACY  
GENERAL SERVICES AGREEMENT WITH  
Jim Brisco Enterprises, Inc., for Biosolids Loading, Hauling and Disposal from the City's  
Wastewater Treatment Plant (WWTP)**

This General Services Agreement (**Agreement**) is entered into between the City of Tracy, a municipal corporation (**City**), and Jim Brisco Enterprises, Inc., a California Corporation (**Contractor**). City and Contractor are referred to individually as "Party" and collectively as "Parties."

**Recitals**

A. City desires to retain Contractor to perform loading, hauling and disposal services; and

B. On April 13, 2022, the City issued a Request for Proposals (RFP) for Biosolids Loading, Hauling, and Disposal 2022 (**Project**). On May 11, 2022, Contractor submitted its proposal for the Project to the City. City has determined that Contractor possesses the skills, experience and certification required to provide the services.

C. After negotiations between the City and Contractor, the Parties have reached an agreement for the performance of services in accordance with the terms set forth in this Agreement.

D. This Agreement is being executed pursuant to Resolution No. 2022- approved by Tracy City Council on July 5, 2022.

**Now therefore, the Parties mutually agree as follows:**

1. **Scope of Work.** Contractor shall perform the services described in Exhibit "A" attached and incorporated by reference. The services shall be performed by, or under the direct supervision of, Contractor's Authorized Representative: George Morrow. Contractor shall not replace its Authorized Representative, nor shall Contractor replace any of the personnel listed in Exhibit "A," nor shall Contractor use or replace any subcontractors or subconsultants, without City's prior written consent. A failure to obtain the City's prior written consent for any change or replacement in personnel or subcontractor may result in the termination of this Agreement.

2. **Time of Performance.** Time is of the essence in the performance of services under this Agreement and the timing requirements set forth shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. Contractor shall begin performance, and shall complete all required services no later than the dates set forth in Exhibit "A." Any services for which times for performance are not specified in this Agreement shall be started and completed by Contractor in a reasonably prompt and timely manner based upon the circumstances and direction communicated to the Contractor. Contractor shall submit all requests for time extensions to the City in writing no later than ten days after the start of the condition which purportedly caused the delay, and not later than the date on which performance is due. City shall grant or deny such requests at its sole discretion.

**2.1 Term.** The term of this Agreement shall begin on July 5, 2022 and end on July 5, 2023, unless terminated in accordance with Section 6

3. **Compensation.** City shall pay Contractor on a time and expense basis, at the billing rates set forth in Exhibit "B," attached and incorporated by reference for services performed under this Agreement.



**3.1 Not to Exceed Amount.** Contractor's total compensation under this Agreement shall not exceed \$148,700. Contractor's billing rates shall cover all costs and expenses for Contractor's performance of this Agreement. No work shall be performed by Contractor in excess of the total compensation amount provided in this section without the City's prior written approval.

**3.2 Invoices.** Contractor shall submit monthly invoices to the City that describe the services performed, including times, dates, and names of persons performing the services.

**3.2.1.** Contractor's failure to submit invoices in accordance with these requirements may result in the City rejecting said invoices and thereby delaying payment to Contractor.

**3.3 Payment.** Within 30 days after the City's receipt of invoice, City shall make payment to the Contractor based upon the services described on the invoice and approved by the City.

**4. Indemnification.** Contractor 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 Contractor's performance or failure to comply with obligations under this Agreement, 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; "Contractor" means the Contractor, 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".

The provisions of this section survive completion of the services or the termination of this Agreement, and are not limited by the provisions of Section 5 relating to insurance.

**5. Insurance.** Contractor shall, throughout the duration of this Agreement, maintain insurance to cover Contractor, its agents, representatives, and employees in connection with the performance of services under this Agreement at the minimum levels set forth herein.

**5.1 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.

**5.2 Automobile Liability** (with coverage at least as broad as ISO form CA 00 01 07 97, for "any auto") "claims made" coverage shall be maintained in an amount not less than \$1,000,000 per accident for bodily injury and property damage.

**5.3 Workers' Compensation** coverage shall be maintained as required by the State of California.

**5.4 Professional Liability** "claims made" coverage shall be maintained to cover damages that may be the result of errors, omissions, or negligent acts of Contractor in an amount not less than \$1,000,000 per claim.

**5.5 Endorsements.** Contractor shall obtain endorsements to the automobile and commercial general liability insurance policies with the following provisions:

**5.5.1** The City (including its elected officials, officers, employees, agents, and volunteers) shall be named as an additional "insured."

**5.5.2** For any claims related to this Agreement, Contractor's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Contractor's insurance and shall not contribute with it.

**5.6 Notice of Cancellation.** Contractor 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. Contractor shall immediately obtain a replacement policy.

**5.7 Authorized Insurers.** All insurance companies providing coverage to Contractor shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

**5.8 Insurance Certificate.** Contractor 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 signs this Agreement.

**5.9 Substitute Certificates.** Contractor shall provide a substitute certificate of insurance no later than 30 days prior to the policy expiration date of any insurance policy required by this Agreement.

**5.10 Contractor's Obligation.** Maintenance of insurance by the Contractor as specified in this Agreement shall in no way be interpreted as relieving the Contractor of any responsibility whatsoever (including indemnity obligations under this Agreement), and the Contractor may carry, at its own expense, such additional insurance as it deems necessary. Failure to provide or maintain any insurance policies or endorsements required herein may result in the City terminating this Agreement.

**6. Termination.** The City may terminate this Agreement by giving ten days' written notice to Contractor. Upon termination, Contractor shall give the City all original documents, including preliminary drafts and supporting documents, prepared by Contractor for this Agreement. The City shall pay Contractor for all services satisfactorily performed in accordance with this Agreement, up to the date notice is given.

**7. Dispute Resolution.** If any dispute arises between the City and Contractor that cannot be settled after engaging in good faith negotiations, City and Contractor agree to resolve the dispute in accordance with the following:

**7.1** Each Party shall designate a senior management or executive level representative to negotiate the dispute;

**7.2** The representatives shall attempt, through good faith negotiations, to resolve the dispute by any means within their authority.

**7.3** If the issue remains unresolved after fifteen (15) days of good faith negotiations, the Parties shall attempt to resolve the disagreement by negotiations between legal counsel. If the aforementioned process fails, the Parties shall resolve any remaining disputes through mediation to expedite the resolution of the dispute.

**7.4** The mediation process shall provide for the selection within fifteen (15) days by both Parties of a disinterested third person as mediator, shall be commenced within thirty (30) days and shall be concluded within fifteen (15) days from the commencement of the mediation.

**7.5** The Parties shall equally bear the costs of any third party in any alternative dispute resolution process.

**7.6** The dispute resolution process is a material condition to this Agreement and must be exhausted prior to either Party initiating legal action. This dispute resolution process is not intended to nor shall be construed to change the time periods for filing a claim or action specified by Government Code §§ 900 et seq.

**8 Labor Code Compliance.** Contractor is aware of the requirements of Chapter 1 of Part 7 of Division 2 of the California Labor Code and applicable regulations which require the payment of prevailing wage rates (§1771, §1774, and §1775); employment of apprentices (§1777.5), certified payroll records (§1776), hours of labor (§1813 and §1815), debarment of contractors and subcontractors (§1777.1) and the performance of other requirements on "public works" and "maintenance" projects. The services being performed under this Agreement are part of a "public works" or "maintenance" project, as defined in the Prevailing Wage Laws, Contractor agrees to fully comply with such Prevailing Wage Laws.

**8.1 Rates.** These prevailing wage rates are on file with the City and are available online at <http://www.dir.ca.gov/DLSR>. Each Contractor and Subcontractor must pay no less than the specified

rates to all workers employed to perform the services described herein. The schedule of per diem wages is based upon a working day of eight hours. The rate for holiday and overtime work must be at least time and one-half. Contractor assumes all responsibility for such payments and shall defend, indemnify and hold the City harmless from any and all claims made by the State of California, the Department of Industrial Relations, any subcontractor, any worker, or any other third party.

**8.2 Registration with DIR.** Contractor warrants that it is registered with the Department of Industrial Relations and qualified to perform the services consistent with Labor Code section 1725.5.

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To City:

Utilities Director  
Kul Sharma  
3900 Holly Drive  
Tracy, CA 95304

With a copy to:  
City Attorney  
333 Civic Center Plaza  
Tracy, CA 95376

To Contractor:

Jim Brisco Enterprises, Inc.  
George Morrow  
221 Airpark Road  
Suite A  
Atwater, CA 95301

**14. Miscellaneous.**

**14.1 Standard of Care.** Unless otherwise specified in this Agreement, the standard of care applicable to Contractor's services will be the degree of skill and diligence ordinarily used by reputable professionals performing in the same or similar time and locality, and under the same or similar circumstances.

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**14.5 Jurisdiction and Venue.** The interpretation, validity, and enforcement of the Agreement shall be governed by and construed under the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of San Joaquin.

**14.6 Compliance with the Law.** Contractor shall comply with all applicable local, state, and federal laws, whether or not those laws are expressly stated in this Agreement.

**14.6.1 Hazardous Materials.** Contractor is responsible for all costs of clean up and/or removal of hazardous and toxic substances spilled as a result of performing their services.

**14.6.2 Non-discrimination.** Contractor represents and warrants that it is an equal opportunity employer and it shall not discriminate against any subcontractor, employee or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex or age. Contractor shall also comply with all applicable anti-discrimination federal and state laws, including but not limited to, the California Fair Employment and Housing Act (Gov. Code 12990 (a-f) et seq.).

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**14.13 Entire Agreement.** This Agreement and the attached Exhibits comprise the entire integrated understanding between the Parties concerning the services to be performed. This Agreement supersedes all prior negotiations, representations or agreements. All exhibits attached hereto are incorporated by reference herein.

**15. Signatures.** The individuals executing this Agreement on behalf of Contractor represent and warrant that they have the right, power, legal capacity and authority to enter into and to execute this Agreement on behalf of Contractor.

[SIGNATURES ON FOLLOWING PAGE]

The Parties agree to the full performance of the terms set forth here.

**City of Tracy**

By: Nancy D. Young  
Title: Mayor  
Date: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Adrienne Richardson, City Clerk

Approved as to form:

\_\_\_\_\_  
Bijal M. Patel, City Attorney

**Contractor**

Jim Brisco Enterprises, Inc., a California Corporation

*George Morrow*  
By: \_\_\_\_\_  
Title: *President*  
Date: *8/18/2022*

Federal Employer Tax ID No. *91-7015259*

*Chris Morrow*  
By: \_\_\_\_\_  
Title: *Gen. Secretary*  
Date: *6/8/2022*

**Exhibits:**

- A Scope of Work, including personnel and time of performance (See Agreement sections 1 and 2.)
- B Compensation (See Agreement section 3.)

## EXHIBIT A - Scope of Work

The work to be done includes removing approximately 2,500 wet tons of biosolids, which are currently stockpiled in or near the drying beds at the Wastewater Treatment Plant.

- Removal to be completed by loading, hauling, and disposing of the material out of San Joaquin County in accordance with all applicable federal, state and local regulations.
- The amount of tonnage of biosolids stockpiled in the drying beds may vary and the contractor shall be paid for the actual tons of biosolids disposed.
- The biosolids shall largely conform to the typical results given as an example in the bid package, and the solids content should not be less than 90% as specified in the RFP.
- Contractor shall provide certified mobile scales and weigh the trucks before leaving the plant site to determine the tonnage of biosolids hauled, or the Contractor may have each truck weighed at a certified scale.
- Contractor shall conform to all applicable laws, rules and regulations in performing this work. Care shall be taken not to damage any site improvements at the Wastewater Treatment Plant during the operation.
- Any damage shall be Contractor's responsibility to repair.
- The biosolids will be placed in multiple piles. The City shall rank them from first to last in order the piles will be removed.

**EXHIBIT B - Compensation**

**2,500 Wet Tons Biosolids Loading, Hauling and Disposal outside San Joaquin County, in accordance with the federal, state and local regulations at \$59.48 per ton. Not to exceed \$148,700.00**



\_\_\_\_\_  
CITY ATTORNEY'S OFFICE

**TRACY CITY COUNCIL**

**RESOLUTION 2022-\_\_\_\_\_**

**APPROVING A GENERAL SERVICES AGREEMENT WITH JIM BRISCO ENTERPRISES, INC. FOR THE LOADING, HAULING, AND DISPOSAL OF WASTEWATER TREATMENT BIOSOLIDS FOR A NOT TO EXCEED AMOUNT OF \$148,700 FOR A TERM OF ONE YEAR**

**WHEREAS**, the City of Tracy generates biosolids, a nutrient rich organic material, at the Wastewater Treatment Plant as a by-product of wastewater treatment; and

**WHEREAS**, the City engages the services of qualified vendors to remove and dispose of this material out of San Joaquin County annually in accordance with all applicable Federal, State, and local regulations; and

**WHEREAS**, on April 13, 2022, a Request for Proposal was posted on the City's website and various experienced vendors were also contacted to submit proposals; and

**WHEREAS**, Jim Brisco Enterprises, Inc. was determined to be the qualified proposer with the lowest cost of services and has completed similar work with other agencies in a satisfactory manner; and

**WHEREAS**, the City and Jim Brisco Enterprises, Inc. reached an agreement, the General Services Agreement, for the loading, hauling, and disposal of wastewater treatment biosolids for a not to exceed amount of \$148,700 for a term of one year; and now, therefore, be it

**RESOLVED**: That the City Council of the City of Tracy hereby approves a General Services Agreement with Jim Brisco Enterprises, Inc. for the purposes of loading, hauling, and disposal of wastewater treatment biosolids for a not to exceed amount of \$148,700 for a term of one year.

\* \* \* \* \*

The foregoing Resolution 2022-\_\_\_\_\_ was adopted by the Tracy City Council on July 5, 2022, by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTENTION:	COUNCIL MEMBERS:

---

NANCY D. YOUNG  
Mayor of the City of Tracy, California

ATTEST: \_\_\_\_\_  
ADRIANNE RICHARDSON  
City Clerk and Clerk of the Council of  
the City of Tracy, California

AGENDA ITEM 1.J

REQUEST

**APPROVE A PROCUREMENT AGREEMENT WITH SPRUNG INSTANT STRUCTURES, INC., FOR THE PURCHASE OF A SIXTY (60) FOOT WIDE BY ONE HUNDRED FIVE (105) FOOT LONG, HIGH TENSION MEMBRANE STRUCTURE TO BE INSTALLED AS PART OF THE SITE IMPROVEMENTS AT THE TEMPORARY EMERGENCY HOUSING PROJECT, CIP 71112, AT 370 W. ARBOR AVENUE, FOR A NOT-TO-EXCEED AMOUNT OF \$451,786**

EXECUTIVE SUMMARY

Staff requests approval of the Procurement Agreement for the direct purchase of equipment from Sprung Instant Structures, Inc. for the purchase of a sixty (60) foot wide by one hundred five foot (105) long high-tension membrane structure to be installed as part of the site improvements at the Temporary Emergency Housing Facility Project, CIP 71112, at 370 W. Arbor Avenue, for a not-to-exceed amount of \$451,786.

DISCUSSION

Approve the Procurement Agreement with Sprung Instant Structures, Inc. for the purchase of a sixty (60) foot wide by one hundred five foot (105) long high-tension membrane structure to be installed as part of the site improvements at the Temporary Emergency Housing Facility Project, CIP 71112, at 370 W. Arbor Avenue, for a not-to-exceed amount of \$451,786.

On December 21, 2021, via Resolution No. 2021-196, amended on May 3, 2022, via Resolution No. 2022-056, Council authorized the direct purchase of a sixty (60) foot wide by one hundred five foot (105) long high-tension membrane structure to be installed as part of the site improvements at the Temporary Emergency Housing Facility Project, CIP 71112, at 370 W. Arbor Avenue from the manufacturer, Sprung Instant Structures, Inc.

On September 1, 2020, Council authorized the creation of a Capital Improvement Project for the Temporary Emergency Housing Project on Arbor Avenue, CIP 71112, to create a safe and dignified facility for residents experiencing homelessness.

It was determined in design development that the use of prefabricated structures would best meet the City's goal to expedite the facility occupancy schedule. A steel component building structure was considered, however, lead times for a standard steel building component package was anticipated to take eleven (11) months. Sprung Instant Structures utilizes aluminum structural ribs and bracing components that are kept in stock and a complete structure package can be delivered in about six weeks. The structure has a high-tension membrane interior and exterior skin with an insulation layer in between, that fully encloses the structure and provides energy efficiency as required by California energy codes. The structure package will include doors, windows and specialized fittings at the locations required to meet the City's design layout. By purchasing the structures in advance and directly from the manufacturer, staff expects to minimize production time delays to the Project.

Staff is currently soliciting bids for the construction of the Temporary Emergency Housing Project Site Improvements and will return to Council to award contracts for site improvement work. Foundation preparation and utility connections for the facilities listed in this staff report will be a part of the site improvement bid package. These materials, including notations regarding the City's purchase of said materials, have been coordinated into the plans and specifications within the bid documents.

### STRATEGIC PLAN

This agenda item is consistent with the City Council's adopted 2021-2023 Strategic Priorities, Public Safety Strategy Plan, Goal No. 2, Implementation of the Adopted Homelessness Strategic Plan, Item No. 1, to secure capital funding to construct a Temporary Emergency Housing Facility.

### FISCAL IMPACT

The cost of the equipment is \$451,786; CIP 71112 has an approved budget of \$10,013,851, with an available amount of \$6,636,294.

### RECOMMENDATION

Staff recommends that the City Council, by resolution, authorize the approval of the Procurement Agreement for the direct purchase of equipment from Sprung Instant Structures, Inc. for the purchase of a sixty (60) foot wide by one hundred five foot (105) long high-tension membrane structure to be installed as part of the site improvements at the Temporary Emergency Housing Facility Project, CIP 71112, at 370 W. Arbor Avenue, for a not-to-exceed amount of \$451,786.

Prepared by: Ilene Macintire, PE, Senior Civil Engineer

Reviewed by: Vanessa Carrera, Assistant to the City Manager  
Robert Armijo, PE, City Engineer / Assistant Development Services Director  
Karin Schnaider, Finance Director  
Kris Balaji, Director of Development Services

Approved by: Midori Lichtwardt, Acting City Manager

### ATTACHMENTS

Attachment A – Procurement Agreement, with Exhibits A-D

**CITY OF TRACY  
PURCHASE AGREEMENT FOR GOODS, COMMODITIES, AND ANCILLARY SERVICES  
WITH SPRUNG INSTANT STRUCTURES, INC.**

This Purchase Agreement for Goods, Commodities, and Ancillary Services (**Agreement**) is entered into between the City of Tracy, a municipal corporation (**City**), and Sprung Instant Structures, Inc. a Texas Corporation (**Vendor**). City and Vendor are sometimes referred to individually as "**Party**" and collectively as "**Parties**."

**Recitals**

- A. City is actively pursuing the construction of Temporary Emergency Housing, CIP 71112, pursuant to which the City may provide up to 68 beds on a nightly basis to unhoused residents in the City, along with ancillary services (**Project**), on City-owned land of 4.8 acres located at Arbor Avenue (**Project Site**).
- B. The Project is partially being funded by Community Development Block Grant (**CDBG**) funds, through the Department of Housing and Urban Development (**HUD**), and partially with local funds.
- C. During preliminary design, City staff researched the available options for main shelter structures suitable for timely implementation of the Project and initially concluded that purchasing a sixty (60) foot wide by one hundred five (105) foot long high predesigned and fabricated tension membrane structure (**Goods**) through the United State General Services Agency's Cooperative Purchasing (**GSA**) program was the best option for meeting the City's timeframe for implementing the Project.
- D. Vendor is a participating member of the GSA program.
- E. The Tracy Municipal Code (**TMC**) section 2.20.220 allows the use of cooperative purchasing agreements with other public agencies.
- F. On December 21, 2021, the City Council adopted Resolution No. 2021-196, based on the understanding that local funds could be used to purchase the Goods through the GSA program.
- G. Subsequently, staff learned that the City did not fully meet the requirements of the GSA program and requested the Vendor to submit a proposal for the Goods as a direct purchase by the City.
- H. Staff determined that Vendor possesses the skills, experience, and certification required to provide the requisite Goods for the Project and that the Vendor was the only manufacturer able to provide the City with the required Goods within the City's timelines.
- I. On May 3, 2022, City Council approved the amended Resolution No. 2021-196 to authorize the direct purchase of Goods from the Vendor.

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- J. Under Chapter 14.1.4 Non-competitive Proposals section of the CDBG procurement guidelines, the City can procure a single-sourced item when that item is only available from that single source.
- K. Consistent with the authority granted in Resolution No. 2021-196, the Parties have reached an agreement for the City's purchase of the agreed-upon Goods and ancillary services by the terms outlined in this Agreement.

Now, therefore, the Parties mutually agree as follows:

1. **CITY PURCHASE.**

- 1.1. **GOODS.** The City agrees to purchase, and the Vendor agrees to sell, the Goods as more specifically outlined and described in the attached **Exhibit A** and incorporated by reference. The Goods shall comply with all of the standards and specifications outlined in **Exhibit A**.
- 1.2. **SERVICES.** The City also agrees to purchase from Vendor the services related to the installation or delivery of such Goods, as more specifically outlined and described in the attached **Exhibit B (Ancillary Services)**. Ancillary Services shall be provided in a manner consistent with the level of care and skill ordinarily exercised by members in the same profession, practicing in the same locality under similar conditions.
- 1.3. **NO SUBSTITUTIONS; AUTHORIZED REPRESENTATIVE.** There shall be no substitution of Goods or Ancillary Services, without the prior written authorization of the City. All Ancillary Services shall be performed by or under the direct supervision of, the Vendor's Authorized Representative: Bo Comings, Business Development Manager. Vendor shall not replace its Authorized Representative without City's prior written consent. A failure to obtain the City's prior written consent for any change or replacement in personnel may result in the termination of this Agreement. A list of all personnel who will be conducting the Ancillary Services in conjunction with this Agreement will be outlined in **Exhibit B**.

2. **DELIVERY DATES.** The Goods must be shipped and must arrive at the destination of 370 W Arbor Avenue, Tracy CA, 95304 and Ancillary Services must be provided by the Vendor as outlined in the detailed Delivery Timeline, specified in **Exhibit C**.

- 2.1 Any failure by the vendor to meet the Delivery Timeline will constitute a material default of this Purchase Agreement and the City may cancel any Goods and Ancillary Services not delivered in a timely manner without liability. The Vendor must notify the City immediately if the Vendor reasonably believes the Vendor will not be able to meet the Delivery Timeline for any reason and provide the City with a schedule that the Vendor reasonably believes it will be able to meet. It is within the City's discretion whether it will accept the revised timeline.

3. **PURCHASE PRICE.** City shall pay Vendor on a fixed fee basis, at the fee amounts outlined in **Exhibit D**, attached and incorporated by reference. The purchase price will

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be broken down by price of the Goods, and the price of the Ancillary Services, with a total calculation at the end.

- 3.1 NOT TO EXCEED AMOUNT.** Vendor's total contract amount, for the aggregate of the Goods and the Ancillary Services, under this Agreement shall not exceed \$451,786. No work shall be performed by Vendor in excess of the total contract amount provided in this section without the City's prior written approval.
- 3.2 INVOICES.** Vendor shall submit invoices per the outlined schedule in Purchase of Goods and Ancillary Services in **Exhibits A** and **B**. Vendor's failure to submit invoices in accordance with these requirements may result in the City rejecting said invoices and thereby delaying payment to Vendor.
- 3.3 PAYMENT.** Within 30 days after the City's receipt of the invoice, City shall make payment to the Vendor based upon the Goods and Ancillary Services described on the invoice and approved by the City.
- 4. CANCELLATION AND TERMINATION.** The City reserves the right to terminate or cancel any portion of this Purchase Agreement at any time prior to the delivery of Goods and Ancillary Services, with or without cause, by giving Vendor written notice. There shall be no period of grace after giving the notice of cancellation or termination. Cancellation or termination shall become effective immediately upon the giving of notice by personal delivery or mail.
- 5. BREACH.** In the event of a breach of the Purchase Agreement by Vendor, City may terminate the Purchase Agreement immediately without notice, may reduce payment to the Vendor in the amount necessary to offset City's resulting damages, may procure substitute Goods or Ancillary Services at Vendor's expense, and/or may pursue any other available recourse against Vendor. Vendor may not terminate this Purchase Agreement except for cause.
- 6. DELIVERY RISK OF LOSS.** All orders will be Free on Board (**FOB**) destination if not otherwise specified. Risk of loss or damage to the Goods must remain with the Vendor until the Goods have been delivered to and accepted by the City. All Goods and Ancillary Services will be received by the City subject to its right of inspection, rejection, and revocation of acceptance under the Uniform Commercial Code. The City will be allowed a reasonable period of time to inspect the Goods and Ancillary Services and to notify Vendor of any nonconformance with the terms and conditions of the specifications. The City may reject any Goods and Ancillary Services that do not conform to the terms and conditions outlined under **Exhibits A** and **B**. Any Goods and Ancillary Services rejected may be returned to the Vendor at the Vendor's risk and expense.
- 7. INDEMNIFICATION.** Vendor 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 Vendor's performance or failure to comply with obligations under this Agreement, except to the extent caused by the sole, active negligence or willful misconduct of the City.



- 7.1 **DEFINITION.** For the purposes of this section, “City” means the City, its officials, officers, agents, employees, and volunteers; “Vendor” means the Vendor, its employees, and agents; “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”.
- 7.2 **PROVISION SURVIVAL.** The provisions of this Section 7 survive the completion of the services or the termination of this Agreement and are not limited by the provisions of Section 7 relating to insurance.
8. **INSURANCE.** Vendor shall, throughout the duration of this Agreement, maintain insurance to cover Vendor, its agents, representatives, and employees in connection with the performance of services under this Agreement at the minimum levels set forth herein.
- 8.1 **COMMERCIAL GENERAL LIABILITY.** 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.
- 8.2 **AUTOMOBILE LIABILITY.** (with coverage at least as broad as ISO form CA 00 01 07 97, for “any auto”) “claims made” coverage shall be maintained in an amount not less than \$1,000,000 per accident for bodily injury and property damage.
- 8.3 **WORKERS’ COMPENSATION.** coverage shall be maintained as required by the State of California.
- 8.4 **ENDORSEMENTS.** Vendor shall obtain endorsements to the automobile and commercial general liability insurance policies with the following provisions:
- 8.4.1 The City (including its elected officials, officers, employees, agents, and volunteers) shall be named as an additional “insured.”
- 8.4.2 For any claims related to this Agreement, Vendor’s coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Vendor’s insurance and shall not contribute with it.
- 8.5 **NOTICE OF CANCELLATION.** Vendor 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. Vendor shall immediately obtain a replacement policy.

Handwritten signature in blue ink, followed by the date 6-23-22.



- 8.6 INSURANCE CERTIFICATE.** Vendor 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 signs this Agreement.
- 8.7 SUBSTITUTE CERTIFICATES.** Vendor shall provide a substitute certificate of insurance no later than 30 days prior to the policy expiration date of any insurance policy required by this Agreement.
- 8.8 VENDOR'S OBLIGATION.** Maintenance of insurance by the Vendor as specified in this Agreement shall in no way be interpreted as relieving the Vendor of any responsibility whatsoever (including indemnity obligations under this Agreement), and the Vendor may carry, at its own expense, such additional insurance as it deems necessary. Failure to provide or maintain any insurance policies or endorsements required herein may result in the City terminating this Agreement.
- 9. PACKING AND SHIPPING.** Deliveries must be made as specified, without charge, for boxing, crating, or storage unless otherwise specified. Goods must be suitably packed to secure the lowest transportation costs and, in accordance with the requirements of common carriers, in a manner to assure against damage from weather or transportation. The City's order numbers and symbols must be plainly marked on all invoices, packages, and shipping orders. Packing lists specifying the quantity, description, and Purchase Agreement Number must accompany each box or packing shipment. The City's count or weight will be final and conclusive on shipments not accompanied by packing lists. Shipments for two or more destinations when so directed by the City will be shipped in separate boxes or containers for each destination, at no charge.
- 10. TAXES.** The Vendor must separately state on all invoices any taxes imposed by the local, state, or federal state government applicable to furnishing of Goods and Ancillary Services; provided, however, where a tax exemption is available, the tax must be subtracted from the total price and identified. Unless otherwise outlined in the Purchase Agreement, the Purchase Price will be considered to include state and city sales or use tax.
- 11. WARRANTY.** The Vendor warrants that all Goods will conform to applicable specifications, drawings, descriptions, and samples, and will be merchantable, of good workmanship in material, and free from defect. Unless manufactured according to detailed design furnished by the City, the Vendor assumes design responsibility and warrants the Goods to be free from design defect and suitable for the purposes intended by the City, and that such Goods if installed by the Vendor shall conform to applicable specifications.
- 11.1** The Vendor's warranties, together with its service guarantees, must run to the City and its customers or users of the Goods and Ancillary Services and must not be deemed exclusive. The City's inspection, approval, acceptance, use of, and payment for all or any part of the Goods and Ancillary Services must in no way affect its warranty rights whether or not a breach of warranty had become evident in time.



12. **DUTY TO DEFEND.** Vendor agrees, (1) at its cost and expense, to promptly defend the City and the City's employees, officers, managers, agents, and council members (collectively the **Parties to be defended**) from and against any and all claims, allegations, lawsuits or other legal proceedings which arise out of, or are related to, or are in any manner connected with: (i) the Goods and Ancillary Services provided pursuant this Purchase Agreement; (ii) allegations that the Goods are defective in manufacture or design; (iii) any patent or other intellectual property right related to the Goods and (iv) the work, activities, operations, or duties of Vendor, or of anyone employed by or working under the Vendor, or (2) any breach of this Agreement by Vendor.

12.1 This duty to defend shall apply whether or not such claims, allegations, lawsuits, or proceedings have merit or are meritless, or which involve claims or allegations that any of the Parties to be defended were actively, passively, or concurrently negligent, or which otherwise assert that the parties to be defended are responsible, in whole or in part, for any loss, damage or injury. Vendor agrees to provide this defense immediately upon written notice from the City, and with well-qualified, adequately insured, and experienced legal counsel acceptable to the City.

13. **REBATES, KICKBACKS, OR OTHER UNLAWFUL CONSIDERATIONS.** Vendor warrants that this Agreement was not obtained or secured through rebates, kickbacks, or other unlawful consideration either promised or paid to any City official or employee. For breach of this warranty, City shall have the right, in its sole discretion, to terminate this Agreement without liability; to pay only for the value of the work performed, or to deduct from the contract price; or otherwise recover the full amount of such rebate, kickback, or other unlawful consideration.

14. **NOTICES.** All notices, demands, or other communications that this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or mailed to the other party at the addresses listed below. Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the address designated below, or (2) three working days after the deposit in the United States Mail of registered or certified mail, sent to the address designated below.

To City:  
Ilene Macintire, P.E.  
Senior Civil Engineer, Engineering Division  
City of Tracy, Development Services  
333 Civic Center Plaza  
Tracy, CA 95376

To Vendor:  
Bo Comings  
Business Development Manager  
Sprung Instant Structures Inc.  
5711 West Dannon Way  
West Jordan, UT 84081

With a copy to:  
City Attorney  
333 Civic Center Plaza  
Tracy, CA 95376



**15. MISCELLANEOUS**

- 15.1 STANDARD OF CARE.** Unless otherwise specified in this Agreement, the standard of care applicable to Vendor's services will be the degree of skill and diligence ordinarily used by reputable professionals performing in the same or similar time and locality, and under the same or similar circumstances.
- 15.2 AMENDMENTS.** This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both Parties.
- 15.3 WAIVER.** Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.
- 15.4 ASSIGNMENT AND DELEGATION.** Vendor may not assign, transfer, or delegate this Agreement or any portion of it without the City's written consent. Any attempt to do so will be void. City's consent to one assignment shall not be deemed to be consent to any subsequent assignment.
- 15.5 JURISDICTION AND VENUE.** The interpretation, validity, and enforcement of the Agreement shall be governed by and construed under the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of San Joaquin.
- 15.6 COMPLIANCE WITH THE LAW.** Vendor shall comply with all applicable local, state, and federal laws, whether or not those laws are expressly stated in this Agreement.
- 15.6.1 HAZARDOUS MATERIAL.** Vendor is responsible for all costs of clean up and/or removal of hazardous and toxic substances spilled as a result of performing their services.
- 15.6.2 NON-DISCRIMINATION.** Vendor represents and warrants that it is an equal opportunity employer and it shall not discriminate against any third-party vendor, employee, or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex, or age. Vendor shall also comply with all applicable anti-discrimination federal and state laws, including but not limited to, the California Fair Employment and Housing Act (Gov. Code 12990 (a-f) et seq.).
- 15.7 BUSINESS ENTITY STATUS.** Vendor is responsible for filing all required documents and/or forms with the California Secretary of State and meeting all requirements of the Franchise Tax Board, to the extent such requirements apply to Vendor. By entering into this Agreement, Vendor represents that it is not a suspended corporation. If Vendor is a suspended corporation at the time, it enters this Agreement, City may take steps to have this Agreement declared voidable.

Handwritten signature in blue ink, followed by the date "6-23-21".

- 15.8 **BUSINESS LICENCE.** Before the City signs this Agreement, Vendor shall obtain a City of Tracy Business License. Vendor shall maintain an active City of Tracy Business License during the term of this Agreement.
- 15.9 **SUCCESSORS AND ASSIGNS.** This Agreement shall inure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.
- 15.10 **CONSTRUCTION OF AGREEMENT.** Each Party hereto has had an equivalent opportunity to participate in the drafting of this Agreement and/or to consult with legal counsel. Therefore, the usual construction of an agreement against the drafting Party shall not apply hereto.
- 15.11 **SEVERABILITY.** If a term of this Agreement is held invalid by a court of competent jurisdiction, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in effect.
- 15.12 **CONTROLLING PROVISIONS.** In the case of any conflict between the terms of this Agreement and the Exhibits hereto, and Vendor's proposal (if any), the Agreement shall control. In the case of any conflict between the Exhibits hereto and the Vendor's proposal (if any), the Exhibits shall control.
- 15.13 **ENTIRE AGREEMENT.** This Agreement and the attached Exhibits comprise the entire integrated understanding between the Parties concerning the services to be performed. This Agreement supersedes all prior negotiations, representations, or agreements. All exhibits attached hereto are incorporated by reference herein.
16. **SIGNATURES.** The individuals executing this Agreement on behalf of Vendor represent and warrant that they have the right, power, legal capacity, and authority to enter and execute this Agreement on behalf of Vendor.

[SIGNATURES ON FOLLOWING PAGE]



The Parties agree to the full performance of the terms set forth here.

**City of Tracy**

\_\_\_\_\_  
By: Nancy Young  
Title: Mayor  
Date: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Adrienne Richardson, City Clerk

Approved as to form:

\_\_\_\_\_  
Bijal Patel  
City Attorney

**Vendor**


Sprung Instant Structures, Inc.  
(A Texas Corporation)

\_\_\_\_\_  
By: Clark Olson

Title: Vice President

Date: June 23, 2022

Federal Employer Tax ID No. 742 114 501

\_\_\_\_\_  


By: Tim Sprung

Title: Vice President

Date: June 23, 2022

Exhibits:

- A Description of Goods
- B Description of Ancillary Services
- C Delivery Timeline
- D Purchase Price



**A Faster  
Way to Build**

**EXHIBIT A**

May 27, 2022

City of Tracy Exhibits

Exhibit "A" – Description of Goods

**STRUCTURE DESCRIPTION:** Signature Series 60 feet wide by 105 feet long, measured by maximum width by maximum length including the following accessories:

- 1 - 14' 3" hood with (2) 3'x7' Door Frames (Doors by others)
- 3 - 10' hoods with 3'x7' Door Frames (Door by others)
- 1 - 4'x7' Door Frame in Flat End (Door by others)
- 1 - 6'x7' Door Frame in Flat End (Door by others)
- 2 - 3'x7' Door Frame in Flat End (Door by others)
- 1 - City of Tracy Graphic Logo at Entrance
- 1 - Penetration Kit for insulated structures (Medium) 3" to 6"
- 1 - Penetration Kit for insulated structures (X-Large) 7" to 13"
- 8 - Penetration Kits for insulated structures (Small) 1/4" to 4"
- 3 - Standard Framed Openings for insulated structure - size 4' wide by 4' high and smaller
- 2 - Bays of Cable Bracing
- 2 - Engineered Flat Ends - 60' - Colored Tedlar or Kynar Insulated
- 2 - Tempered Safety Glass Windows 39" X 39" - Insulated R4.0
- 3 - Tempered Safety Glass Windows 85" X 39" - Insulated R4.0
- 8 - LED Hood Lights 120-277, 50 or 60 Hz c/w Bracket and Photocell
- 48 - 75 lb. Hanging Brackets - Interior suspension eye-nuts, powder coated or mill finish
  - 8" (R-25) blanket of foil backed fiberglass insulation c/w white interior liner membrane
  - Conduit Holes Set as per diagram provided by Sprung
  - Perimeter Flat Bar
  - Tedlar or Kynar opaque membrane with Daylight Panels (Colored Tedlar or Kynar)

**INTERIOR HANGING DETAILS:** Sprung Instant Structures offers a large selection of brackets and hangers which can be utilized for the hanging of lighting, HVAC and any other items that may need to be suspended from the interior of the Structure. The type and size in each case will depend on weight and proposed position.

The Structure is designed to carry a 2 psf uniformly distributed utility load. Care must be taken in placing hanging brackets on the Structure to ensure equal loading. All the utility loads on the Structure should be reviewed by an engineer prior to the installation of the brackets.

**ANCILLARY SERVICES****Exhibit "B" – Description of Ancillary Services**

**ERECTION:** The Vendor will supply a Technical Consultant on site to provide advice on the best methods of structure assembly and erection to a construction supervisor (or equivalent). The Technical Consultant is not authorized to perform any other services or directly supervise workers, customer is responsible for supervision of and safety compliance in structure location, orientation, assembly, and erection. The Technical Consultant is not a project manager, customer is solely responsible for project management if this is a requirement.

Required equipment and manpower:

- a) Manlifts.
- b) Appropriate fall protection (body harness and lifeline).
- c) Electrical power to site.
- d) Estimated 7 workmen for approximately 23, 8 hour working days, approximately half of which should be manlift qualified. Total manhours to complete is estimated at 1,288.
- e) A supervisor with construction experience.

**CRANE:** The vendor requires that the City or it's contractor supply a crane with operator and rigger to assist in raising the free span aluminum beams during the erection sequence. It will be needed for approximately 7 hours.

**HAND TOOLS:** Although specialized hand tools are supplied for your use at no charge, you are responsible for the tools while they are at your site and until picked up by Sprung following completion of the erection of the structure. Lost, stolen, or damaged tools will be billed at their full replacement cost.

**OVERTIME:** The Sprung Technical Consultant is supplied for an 8 hour day, 5 days per week. Any request for overtime must be agreed to in writing by Buyer prior to overtime taking place and will be charged to the Buyer at the rate of \$80.00 per hour.

## DELIVERY TIMELINE

### Exhibit "C" – Delivery Timeline

Delivery will be determined when all conditions of the Purchase Agreement have been met. Delivery is typically 6-8 weeks. Once the order is processed, Sprung's Contract Manager will contact the City to coordinated shipping and Technical Consultant arrival dates

The Vendor will cooperate in coordinating the delivery schedule with the City and the City's Site Improvement Contractor.



**PURCHASE PRICE**

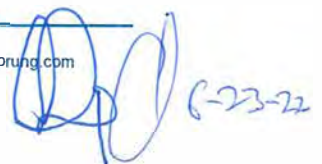
Exhibit "D" – Purchase Price

<b>STRUCTURE AND ACCESSORIES AS ABOVE:</b> F.O.B. Salt Lake City, Utah, USA, Incoterms 2010, sales and/or use taxes extra.	\$398,712.00
<b>TERMS, O.A.C:</b> 50% with order; balance upon delivery of the structure.	

ADDITIONAL CHARGES	
<b>TECHNICAL CONSULTANT PER DIEM:</b> The Technical Consultant's travel, accommodation, and meals will be charged to you at the fixed cost shown.	\$11,243.00
<b>DELIVERY:</b> On your behalf, we can arrange for delivery of this structure by commercial carrier to your site in Tracy, California at the fixed cost shown. This structure is sold F.O.B. Utah, 2010 Incoterms. Sprung will maintain responsibility for the shipment and will insure the shipment up until the point of delivery. Customer is responsible to receive and unload freight in a timely manner.	\$7,940.00

<b>SALES TAX OF 8.25% OF TAXABLE GOODS &amp; SERVICES (ESTIMATED)</b>	\$33,891.00
<b>TOTAL (NOT TO EXCEED)</b>	<b>\$451,786.00</b>

**RESTOCKING:** Should Buyer seek to cancel this Agreement after manufacturing has begun and should Sprung consent to such cancellation a charge of \$236,461.00 state and local sales and/or use taxes extra, for mobilization, restocking and custom items shall be paid by Buyer. If the Structure has been shipped, Buyer must also pay Sprung the cost of shipping the Structure and the return freight as provided in the above provisions.



TRACY CITY COUNCIL

RESOLUTION 2022-\_\_\_\_\_

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**APPROVING A PROCUREMENT AGREEMENT WITH SPRUNG INSTANT STRUCTURES, INC. FOR THE PURCHASE OF A SIXTY (60) FOOT WIDE BY ONE HUNDRED FIVE (105) FOOT LONG, HIGH TENSION MEMBRANE STRUCTURE IN THE AMOUNT OF \$451,786, TO BE INSTALLED AS PART OF THE SITE IMPROVEMENTS AT THE TEMPORARY EMERGENCY HOUSING PROJECT, CIP 71112, AT 370 W. ARBOR AVENUE**

**WHEREAS**, The City Engineer's Office has finalized the construction documents for Site Improvements at the Temporary Emergency Housing Project, CIP 71112, at Arbor Avenue, and a significant component of the site improvements is a sixty (60) foot wide by one hundred five foot (105) long high-tension membrane structure; and

**WHEREAS**, The City Council, on December 21, 2021, via Resolution No. 2021-196, amended on May 3, 2022, via Resolution No. 2022-056, Council authorized the direct purchase of a sixty (60) foot wide by one hundred five foot (105) long high-tension membrane structure; and

**WHEREAS**, The City Council, on September 1, 2020, authorized the creation of a Capital Improvement Project, the Temporary Emergency Housing Project, CIP 71112, to fund the improvements at 370 W. Arbor Avenue; and

**WHEREAS**, The vendor, Sprung Instant Structures, Inc., manufactures and stocks the components of the high-tension membrane structure and a complete structure package can be delivered in about six to eight weeks; and

**WHEREAS**, By purchasing the structures in advance and directly from the manufacturer, staff expects to minimize production time delays to the Project; now, therefore, be it

**RESOLVED**, That the City Council of the City of Tracy hereby approves, via resolution, the Procurement Agreement with Sprung Instant Structures, Inc. in a not-to-exceed amount of \$451,786 for the purchase of a sixty (60) foot wide by one hundred five foot (105) long high-tension membrane structure for installation as part of the Temporary Emergency Housing Project, CIP 71112, at 370 W. Arbor Avenue.

\* \* \* \* \*

The foregoing Resolution 2022-\_\_\_\_\_ was passed and adopted by the Tracy City Council on the 5<sup>th</sup> day of July 2022, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTENTION:	COUNCIL MEMBERS:

\_\_\_\_\_  
NANCY D. YOUNG  
Mayor of the City of Tracy, California

ATTEST: \_\_\_\_\_  
ADRIANNE RICHARDSON  
City Clerk and Clerk of the Council of the City  
of Tracy, California

AGENDA ITEM 1.K

REQUEST

**APPROVE A PROCUREMENT AGREEMENT WITH LINKED EQUIPMENT, LLC FOR THE PURCHASE OF PRE-MANUFACTURED RESTROOM, SHOWER, LAUNDRY, STORAGE AND MECHANICAL BUILDING STRUCTURES IN THE AMOUNT OF \$550,000 TO BE INSTALLED AS PART OF THE SITE IMPROVEMENTS AT THE TEMPORARY EMERGENCY HOUSING PROJECT, CIP 71112, AT 370 W. ARBOR AVENUE**

EXECUTIVE SUMMARY

Staff requests approval of the Procurement Agreement for the direct purchase of equipment, in a not-to-exceed amount of \$550,000, from the manufacturer, Linked Equipment, Inc., of Phoenix, Arizona, to expedite the fabrication, delivery, and installation of the facilities and to reduce project costs. The City Engineer's Office, in coordination with the City Manager's Office, has finalized construction documents for the Temporary Emergency Housing Project, CIP 71112, at 370 W. Arbor Avenue (Project).

DISCUSSION

Approve the Procurement Agreement with Linked Equipment, LLC, for the purchase of ten (10) repurposed single trip shipping containers that will be modified by the Linked Equipment to create pre-manufactured structures for the Temporary Emergency Housing Facility Project: two (2) restroom structures, two (2) shower structures, one (1) laundry structure with 4 sets of laundry equipment, three (3) 20' operations storage units, one (1) mechanical structure for water heaters and electrical equipment, and one (1) 40' unit.

On December 21, 2021, via Resolution No. 2021-198, Council authorized the direct purchase of a total of 10 structures for the Temporary Emergency Housing Facility Project from Linked Equipment, LLC, of Phoenix, Arizona.

On September 1, 2020, Council authorized the creation of a Capital Improvement Project for the Temporary Emergency Housing Project on Arbor Avenue, CIP 71112, to create a safe and dignified facility for residents experiencing homelessness.

The Temporary Emergency Housing Project will require structures for client dormitory spaces, program management offices, restrooms, showers, laundry, storage, mechanical equipment, administrative offices and kitchen facilities. During design development, it was determined that pre-manufactured structures would provide an expedited construction timeline, and reduce the costs and time needed to have turnkey structures in place. Pre-manufactured structures must be approved by the California Department of Housing and Community Development (HCD) to ensure compliance with all California Building Codes. Prior to fabrication, the structure designs are approved by HCD and structures are inspected during fabrication by a third party, to ensure compliance approved construction. Completed structures are shipped to the Project site

completely furnished, set on prepared foundations, and once connected to site infrastructure, are ready for occupancy.

City staff contacted multiple vendors who could provide modified single trip shipping containers for use as restrooms and locker rooms. Linked Equipment, Inc. was the only vendor that was both licensed by HCD and willing to meet the City’s specifications for the accessible and private interior layouts and utilize the materials the City requested to outfit the interior of the facilities. Staff feels sole sourcing these pre-manufactured structures from Linked Equipment, Inc. is warranted due to the Temporary Emergency Housing Project’s need for an expedited schedule, cost effectiveness, and due to the custom services, the vendor is willing to provide.

Linked Equipment, Inc. will modify single trip shipping containers to create restroom, shower, laundry, mechanical and storage structures that meet the City’s specific requirements, in an 8-to-10-week timeframe. A total of 10 structures will be purchased for the Project: two (2) restroom structures, two (2) shower structures, one (1) laundry structure with 4 sets of laundry equipment, three (3) 20’ operations storage units, one (1) mechanical structure for water heaters and electrical equipment, and one (1) 40’ unit to replace a storage facility on site that is being demolished. The restroom, shower and laundry units are all furnished with HVAC equipment to provide temperature-controlled interiors. In addition, a set of panels that match the finish of the completed units will be provided to fully enclose the service area between the units.

Below is a list of the products to be purchased:

<b>Description</b>	<b>Qty.</b>	<b>Unit Cost</b>	<b>Total</b>
Three Unit Restroom (1 ADA, 2 STD) – 20’ modified container	2	\$50,759.61	\$101,519.22
Five Unit Shower (2 ADA, 3 STD) – 40’ modified container	2	\$92,500.00	\$185,000.00
Laundry – 4 sets of washer/dryers (2 ADA, 2 STD) 20’ modified container	1	\$67,081.31	\$67,081.31
Mechanical Room – two 100-gallon water heaters, electrical frames	1	\$32,219.10	\$32,219.10
Operations Storage – 20’ modified container with lighting and ventilation	3	\$13,050.50	\$39,151.50
Storage – 40’ modified container with three six-foot-wide roll-up doors	1	\$16,223.50	\$16,223.50
Complex Enclosure – panels to close spaces between structures	1	\$6,727.00	\$6,727.00
Ancillary Services – Engineering Design	1	\$47,896.00	\$47,896.00
Ancillary Services – Technical Support	1	\$9,067.50	\$9,067.50
		<b>Total</b>	<b>\$550,500</b>

Staff is currently soliciting bids for the construction of the Temporary Emergency Housing Project Site Improvements and will return to Council to award contracts for site improvement work. Foundation preparation and utility connections for the facilities listed in this staff report will be a part of the site improvement bid package. These materials,

including notations regarding the City's purchase of said materials, have been coordinated into the plans and specifications within the bid documents.

### STRATEGIC PLAN

This agenda item is consistent with the City Council's adopted 2021-2023 Strategic Priorities, Public Safety Strategy Plan, Goal No. 2, Implementation of the Adopted Homelessness Strategic Plan, Item No. 1, to secure capital funding to construct a Temporary Emergency Housing Facility.

### FISCAL IMPACT

The cost of the equipment is \$550,000; CIP 71112 has an approved budget of \$10,013,851, with an available amount of \$6,636,294.

### RECOMMENDATION

Staff recommends that the City Council, by resolution, authorize the purchase of the listed equipment from Linked Equipment, Inc., in the amount of \$550,000 to be installed as part of the site improvements for the Temporary Emergency Housing Project, CIP 71112, at 370 W. Arbor Avenue.

Prepared by: Ilene Macintire, PE, Senior Civil Engineer

Reviewed by: Vanessa Carrera, Assistant to the City Manager  
Robert Armijo, PE, City Engineer / Assistant Development Services Director  
Karin Schnaider, Finance Director  
Kris Balaji, Director of Development Services

Approved by: Midori Lichtwardt, Acting City Manager

### ATTACHMENTS

Attachment A – Procurement Agreement, with Exhibits A-D

**CITY OF TRACY  
PURCHASE AGREEMENT FOR GOODS, COMMODITIES,  
AND ANCILLARY SERVICES WITH LINKED EQUIPMENT, LLC.  
PHOENIX, ARIZONA**

This Purchase Agreement for Goods, Commodities, and Ancillary Services (**Agreement**) is entered into between the City of Tracy, a municipal corporation (**City**), and Linked Equipment, LLC, an Arizona Limited Liability Corporation (LLC) (**Vendor**). City and Vendor are sometimes referred to individually as "**Party**" and collectively as "**Parties**."

**Recitals**

- A.** City is actively pursuing the construction of Temporary Emergency Housing, CIP 71112, pursuant to which the City may provide up to 68 beds on a nightly basis to unhoused residents in the City, along with ancillary services (**Project**), on City-owned land of 4.8 acres located at Arbor Avenue (**Project Site**).
- B.** The Project is partially being funded by Community Development Block Grant (**CDBG**) funds, through the Department of Housing and Urban Development (**HUD**), and partially with local funds.
- C.** During preliminary design, City staff researched the available options for restroom, shower, laundry and storage structures suitable for timely implementation of the Project and initially concluded that purchasing ten prefabricated container units of varying sizes (**Goods**) was the best option for meeting the City's timeframe for implementing the Project.
- D.** City staff contacted multiple vendors who could provide modified single trip shipping containers for use as restrooms and locker rooms. Linked Equipment, Inc., was the only vendor that was both licensed by the California Department of Housing and Community Development (HCD) and willing to meet the City's specifications for the accessible interior layouts and the types of materials that would be utilized to outfit the interior of the facilities.
- E.** Staff determined that Vendor possesses the skills, experience, and certification required to provide the requisite Goods for the Project and that the Vendor was the only manufacturer able to provide the City with the required Goods within the City's timelines.
- F.** Under Chapter 14.1.4 Non-competitive Proposals section of the CDBG procurement guidelines, the City can procure a single-sourced item when that item is only available from that single source.
- G.** Consistent with the authority granted in Resolution No. 2021-198, the Parties have reached an agreement for the City's purchase of the agreed-upon Goods and ancillary services by the terms outlined in this Agreement.

Now, therefore, the Parties mutually agree as follows:

1. **CITY PURCHASE.**

- 1.1. **GOODS.** The City agrees to purchase, and the Vendor agrees to sell, the Goods as more specifically outlined and described in the attached **Exhibit A** and incorporated by reference. The Goods shall comply with all of the standards and specifications outlined in **Exhibit A**.
- 1.2. **SERVICES.** The City also agrees to purchase from Vendor the services related to the installation or delivery of such Goods, as more specifically outlined and described in the attached **Exhibit B (Ancillary Services)**. Ancillary Services shall be provided in a manner consistent with the level of care and skill ordinarily exercised by members in the same profession, practicing in the same locality under similar conditions.
- 1.3. **NO SUBSTITUTIONS; AUTHORIZED REPRESENTATIVE.** There shall be no substitution of Goods or Ancillary Services, without the prior written authorization of the City. All Ancillary Services shall be performed by or under the direct supervision of, the Vendor's Authorized Representative: Mark Pike, President. Vendor shall not replace its Authorized Representative without City's prior written consent. A failure to obtain the City's prior written consent for any change or replacement in personnel may result in the termination of this Agreement. A list of all personnel who will be conducting the Ancillary Services in conjunction with this Agreement will be outlined in **Exhibit B**.

2. **DELIVERY DATES.** The Goods must be shipped and must arrive at the destination of 370 W Arbor Avenue, Tracy CA, 95304 and Ancillary Services must be provided by the Vendor as outlined in the detailed Delivery Timeline, specified in **Exhibit C**.

- 2.1 Any failure by the vendor to meet the Delivery Timeline will constitute a material default of this Purchase Agreement and the City may cancel any Goods and Ancillary Services not delivered in a timely manner without liability. The Vendor must notify the City immediately if the Vendor reasonably believes the Vendor will not be able to meet the Delivery Timeline for any reason and provide the City with a schedule that the Vendor reasonably believes it will be able to meet. It is within the City's discretion whether it will accept the revised timeline.

3. **PURCHASE PRICE.** City shall pay Vendor on a fixed fee basis, at the fee amounts outlined in **Exhibit D**, attached and incorporated by reference. The purchase price will be broken down by price of the Goods, and the price of the Ancillary Services, with a total calculation at the end.

- 3.1 **NOT TO EXCEED AMOUNT.** Vendor's total contract amount, for the aggregate of the Goods and the Ancillary Services, under this Agreement shall not exceed \$550,000. No work shall be performed by Vendor in excess of the total



contract amount provided in this section without the City's prior written approval.

- 3.2 INVOICES.** Vendor shall submit invoices per the outlined schedule in Purchase of Goods and Ancillary Services in **Exhibits A** and **B**. Vendor's failure to submit invoices in accordance with these requirements may result in the City rejecting said invoices and thereby delaying payment to Vendor.
- 3.3 PAYMENT.** Within 30 days after the City's receipt of the invoice, City shall make payment to the Vendor based upon the Goods and Ancillary Services described on the invoice and approved by the City.
- 4. CANCELLATION AND TERMINATION.** The City reserves the right to terminate or cancel any portion of this Purchase Agreement at any time prior to the delivery of Goods and Ancillary Services, with or without cause, by giving Vendor written notice, provided that if the termination is without cause, then Vendor shall be entitled to payment for the value of the percentage of completion as to any units already under production to the extent such amount of the amount in excess of any down payment amounts previously paid by the City. There shall be no period of grace after giving the notice of cancellation or termination. Cancellation or termination shall become effective immediately upon the giving of notice by personal delivery or mail.
- 5. BREACH.** In the event of a breach of the Purchase Agreement by Vendor, City may terminate the Purchase Agreement immediately without notice, may reduce payment to the Vendor in the amount necessary to offset City's resulting damages, may procure substitute Goods or Ancillary Services at Vendor's expense, and/or may pursue any other available recourse against Vendor. Vendor may not terminate this Purchase Agreement except for cause.
- 6. DELIVERY RISK OF LOSS.** All orders will be Free on Board (**FOB**) destination if not otherwise specified. Risk of loss or damage to the Goods must remain with the Vendor until the Goods have been delivered to and accepted by the City. All Goods and Ancillary Services will be received by the City subject to its right of inspection, rejection, and revocation of acceptance under the Uniform Commercial Code. The City will be allowed a reasonable period of time to inspect the Goods and Ancillary Services and to notify Vendor of any nonconformance with the terms and conditions of the specifications. The City may reject any Goods and Ancillary Services that do not conform to the terms and conditions outlined under **Exhibits A** and **B**. Any Goods and Ancillary Services rejected may be returned to the Vendor at the Vendor's risk and expense.
- 7. INDEMNIFICATION.** Vendor 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 Vendor's performance or failure to comply with obligations under this Agreement, except to the extent caused by the sole, active negligence or willful misconduct of the City.

  - 7.1 DEFINITION.** For the purposes of this section, "City" means the City, its officials, officers, agents, employees, and volunteers; "Vendor" means the Vendor, its employees, and agents; "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”.

- 7.2 PROVISION SURVIVAL.** The provisions of this Section 7 survive the completion of the services or the termination of this Agreement and are not limited by the provisions of Section 7 relating to insurance.
- 8. INSURANCE.** Vendor shall, throughout the duration of this Agreement, maintain insurance to cover Vendor, its agents, representatives, and employees in connection with the performance of services under this Agreement at the minimum levels set forth herein.
- 8.1 COMMERCIAL GENERAL LIABILITY.** 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.
- 8.2 AUTOMOBILE LIABILITY.** (with coverage at least as broad as ISO form CA 00 01 07 97, for “any auto”) “claims made” coverage shall be maintained in an amount not less than \$1,000,000 per accident for bodily injury and property damage.
- 8.3 WORKERS’ COMPENSATION.** coverage shall be maintained as required by the State of California.
- 8.4 ENDORSEMENTS.** Vendor shall obtain endorsements to the automobile and commercial general liability insurance policies with the following provisions:
- 8.4.1** The City (including its elected officials, officers, employees, agents, and volunteers) shall be named as an additional “insured.”
- 8.4.2** For any claims related to this Agreement, Vendor’s coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Vendor’s insurance and shall not contribute with it.
- 8.5 NOTICE OF CANCELLATION.** Vendor 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. Vendor shall immediately obtain a replacement policy.
- 8.6 INSURANCE CERTIFICATE.** Vendor 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 signs this Agreement.

- 8.7 SUBSTITUTE CERTIFICATES.** Vendor shall provide a substitute certificate of insurance no later than 30 days prior to the policy expiration date of any insurance policy required by this Agreement.
- 8.8 VENDOR'S OBLIGATION.** Maintenance of insurance by the Vendor as specified in this Agreement shall in no way be interpreted as relieving the Vendor of any responsibility whatsoever (including indemnity obligations under this Agreement), and the Vendor may carry, at its own expense, such additional insurance as it deems necessary. Failure to provide or maintain any insurance policies or endorsements required herein may result in the City terminating this Agreement.
- 9. PACKING AND SHIPPING.** Deliveries must be made as specified, without charge, for boxing, crating, or storage unless otherwise specified. Goods must be suitably packed to secure the lowest transportation costs and, in accordance with the requirements of common carriers, in a manner to assure against damage from weather or transportation. The City's order numbers and symbols must be plainly marked on all invoices, packages, and shipping orders. Packing lists specifying the quantity, description, and Purchase Agreement Number must accompany each box or packing shipment. The City's count or weight will be final and conclusive on shipments not accompanied by packing lists. Shipments for two or more destinations when so directed by the City will be shipped in separate boxes or containers for each destination, at no charge.
- 10. TAXES.** The Vendor must separately state on all invoices any taxes imposed by the local, state, or federal state government applicable to furnishing of Goods and Ancillary Services; provided, however, where a tax exemption is available, the tax must be subtracted from the total price and identified. Unless otherwise outlined in the Purchase Agreement, the Purchase Price will be considered to include state and city sales or use tax.
- 11. WARRANTY.** The Vendor warrants that all Goods will conform to applicable specifications, drawings, descriptions, and samples, and will be merchantable, of good workmanship in material, and free from defect. Unless manufactured according to detailed design furnished by the City, the Vendor assumes design responsibility and warrants the Goods to be free from design defect and suitable for the purposes intended by the City, and that such Goods if installed by the Vendor shall conform to applicable specifications.
- 11.1** The Vendor's warranties, together with its service guarantees, must run to the City and its customers or users of the Goods and Ancillary Services and must not be deemed exclusive. The City's inspection, approval, acceptance, use of, and payment for all or any part of the Goods and Ancillary Services must in no way affect its warranty rights whether or not a breach of warranty had become evident in time.
- 12. DUTY TO DEFEND.** Vendor agrees, (1) at its cost and expense, to promptly defend the City and the City's employees, officers, managers, agents, and council members (collectively the **Parties to be defended**) from and against any and all claims, allegations, lawsuits or other legal proceedings which arise out of, or are related to, or

are in any manner connected with: (i) the Goods and Ancillary Services provided pursuant this Purchase Agreement; (ii) allegations that the Goods are defective in manufacture or design; (iii) any patent or other intellectual property right related to the Goods and (iv) the work, activities, operations, or duties of Vendor, or of anyone employed by or working under the Vendor, or (2) any breach of this Agreement by Vendor.

**12.1** This duty to defend shall apply whether or not such claims, allegations, lawsuits, or proceedings have merit or are meritless, or which involve claims or allegations that any of the Parties to be defended were actively, passively, or concurrently negligent, or which otherwise assert that the parties to be defended are responsible, in whole or in part, for any loss, damage or injury. Vendor agrees to provide this defense immediately upon written notice from the City, and with well-qualified, adequately insured, and experienced legal counsel acceptable to the City.

**13. REBATES, KICKBACKS, OR OTHER UNLAWFUL CONSIDERATIONS.** Vendor warrants that this Agreement was not obtained or secured through rebates, kickbacks, or other unlawful consideration either promised or paid to any City official or employee. For breach of this warranty, City shall have the right, in its sole discretion, to terminate this Agreement without liability; to pay only for the value of the work performed, or to deduct from the contract price; or otherwise recover the full amount of such rebate, kickback, or other unlawful consideration.

**14. NOTICES.** All notices, demands, or other communications that this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or mailed to the other party at the addresses listed below. Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the address designated below, or (2) three working days after the deposit in the United States Mail of registered or certified mail, sent to the address designated below.

To City:  
Ilene Macintire, P.E.  
Senior Civil Engineer, Engineering Division  
City of Tracy, Development Services  
333 Civic Center Plaza  
Tracy, CA 95376

To Vendor:  
Mark Pike  
President  
Linked Equipment, LLC.  
3454 East Illini Street  
Phoenix, AZ 85040

With a copy to:  
City Attorney  
333 Civic Center Plaza  
Tracy, CA 95376

**15. MISCELLANEOUS**

**15.1 STANDARD OF CARE.** Unless otherwise specified in this Agreement, the standard of care applicable to Vendor's services will be the degree of skill and

diligence ordinarily used by reputable professionals performing in the same or similar time and locality, and under the same or similar circumstances.

- 15.2 **AMENDMENTS**. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both Parties.
- 15.3 **WAIVER**. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.
- 15.4 **ASSIGNMENT AND DELEGATION**. Vendor may not assign, transfer, or delegate this Agreement or any portion of it without the City's written consent. Any attempt to do so will be void. City's consent to one assignment shall not be deemed to be consent to any subsequent assignment.
- 15.5 **JURISDICTION AND VENUE**. The interpretation, validity, and enforcement of the Agreement shall be governed by and construed under the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of San Joaquin.
- 15.6 **COMPLIANCE WITH THE LAW**. Vendor shall comply with all applicable local, state, and federal laws, whether or not those laws are expressly stated in this Agreement.
  - 15.6.1 **HAZARDOUS MATERIAL**. Vendor is responsible for all costs of clean up and/or removal of hazardous and toxic substances spilled as a result of performing their services.
  - 15.6.2 **NON-DISCRIMINATION**. Vendor represents and warrants that it is an equal opportunity employer and it shall not discriminate against any third-party vendor, employee, or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex, or age. Vendor shall also comply with all applicable anti-discrimination federal and state laws, including but not limited to, the California Fair Employment and Housing Act (Gov. Code 12990 (a-f) et seq.).
- 15.7 **BUSINESS ENTITY STATUS**. Vendor is responsible for filing all required documents and/or forms with the California Secretary of State and meeting all requirements of the Franchise Tax Board, to the extent such requirements apply to Vendor. By entering into this Agreement, Vendor represents that it is not a suspended corporation. If Vendor is a suspended corporation at the time, it enters this Agreement, City may take steps to have this Agreement declared voidable.
- 15.8 **BUSINESS LICENCE**. Before the City signs this Agreement, Vendor shall obtain a City of Tracy Business License. Vendor shall maintain an active City of Tracy Business License during the term of this Agreement.

- 15.9** **SUCCESSORS AND ASSIGNS.** This Agreement shall inure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.
- 15.10** **CONSTRUCTION OF AGREEMENT.** Each Party hereto has had an equivalent opportunity to participate in the drafting of this Agreement and/or to consult with legal counsel. Therefore, the usual construction of an agreement against the drafting Party shall not apply hereto.
- 15.11** **SEVERABILITY.** If a term of this Agreement is held invalid by a court of competent jurisdiction, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in effect.
- 15.12** **CONTROLLING PROVISIONS.** In the case of any conflict between the terms of this Agreement and the Exhibits hereto, and Vendor’s proposal (if any), the Agreement shall control. In the case of any conflict between the Exhibits hereto and the Vendor’s proposal (if any), the Exhibits shall control.
- 15.13** **ENTIRE AGREEMENT.** This Agreement and the attached Exhibits comprise the entire integrated understanding between the Parties concerning the services to be performed. This Agreement supersedes all prior negotiations, representations, or agreements. All exhibits attached hereto are incorporated by reference herein.
- 16. SIGNATURES.** The individuals executing this Agreement on behalf of Vendor represent and warrant that they have the right, power, legal capacity, and authority to enter and execute this Agreement on behalf of Vendor.

**[SIGNATURES ON FOLLOWING PAGE]**

The Parties agree to the full performance of the terms set forth here.

**City of Tracy**

\_\_\_\_\_  
By: Nancy Young  
Title: Mayor  
Date: \_\_\_\_\_

Attest:

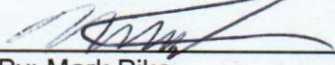
\_\_\_\_\_  
Adrienne Richardson, City Clerk

Approved as to form:

\_\_\_\_\_  
Bijal Patel  
City Attorney

**Vendor**

Linked Equipment, LLC. (An Arizona LLC)

  
\_\_\_\_\_  
By: Mark Pike  
Title: President  
Date: 6-23-22

Federal Employer Tax ID No. 45-5270792

Exhibits:

- A Description of Goods
- B Description of Ancillary Services
- C Delivery Timeline
- D Purchase Price

## **EXHIBIT A – DESCRIPTION OF GOODS**

The Vendor shall procure a total of ten (10) single trip steel shipping containers of varying sizes for the pre-manufacture of structures required by the City for use as restrooms, showers, laundry, storage and mechanical structures. The vendor will provide a set of restroom complex enclosure panels to secure the maintenance area between the various structures.

The Vendor shall prepare each shipping container for repurposing, shall design and engineer each container to meet the design specifications of the City and the requirements of the California Building Code, shall submit the stamped engineering design drawings for review and approval by a third party reviewer for compliance with California Department of Housing and Community Development (HCD), the regulatory agency for pre-manufactured structure requirements, and secure the stamped approvals from HCD for submittal to the City for review and approval.

Upon receipt of City approval of the stamped engineering design drawings, the Vendor shall manufacture the structures as described in the attached quotes and descriptions, fabricating all required components and providing all labor and materials, and shipping the completed the pre-manufactured structures to the City's project site to arrive at a time coordinated with the City and the City's general construction contractor.

The descriptions of each pre-manufactured structure can be found on the attached exhibits:

- A-1 – Twenty Foot Restroom Structures (2)
- A-2 – Forty Foot Shower Structures (2)
- A-3 – Twenty Foot Storage Structures (3)
- A-4 – Forty Foot Storage Structure
- A-5 – Twenty Foot Mechanical Structure
- A-6 – Restroom Complex Enclosure Panels
- A-7 – Twenty Foot mechanical Structure





3454 East Illini Street • Phoenix, AZ 85040 • Phone: 602-314-6020

Jessica Tyler  
(608) 345-6370

Tracy, CA

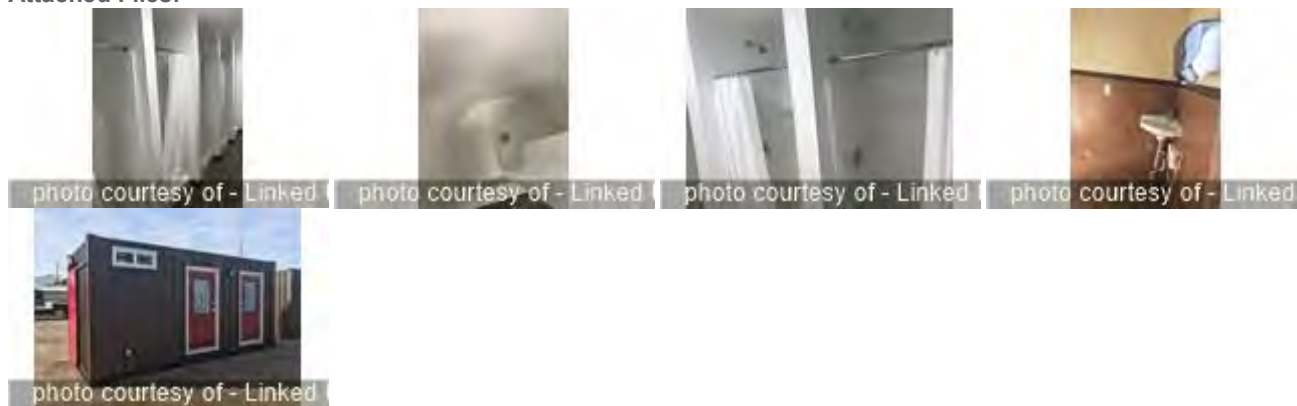
**Print-date:** 2-3-2022

Dear: Jessica

Thank you for contacting us about the possibility of custom designing and building your two 20' restroom units to suit your needs. Our process of custom transforming new one trip shipping containers into useful, efficient and sustainable structures is both environmentally responsible and practical. Shipping containers are extremely strong and durable with an indefinite lifespan. Our structures are designed and engineered to meet city and state building codes as well as conform to California building standards. In addition, the building is equipment with three restrooms. The HVAC system in these buildings is the Daikin mini split system the unit is highly efficient and has an estimated 30-year lifespan. (24000 BTU)

The following is a list of materials and labor utilized for your two 20' restroom units:

**Attached Files:**



**Price Breakdown**

Code	Description	Qty / Unit
CONTAINER - 20' - STANDARD - NEW	New one trip container HC	2
#Customer Container Delivery	Phoenix to Tracy CA	2
Transportation	Longbeach to Phoenix	2
Electric Panel	125 amp panel	2
industrial Flooring	industrial rubber floor with five inches up the wall	2
Daikin Mini Split HVAC	24000 BTU split with three blowers 7000 BTU each plus set lines	2
Exhaust fans & Vents	Three exhaust fans	6

LED Ceiling Light	four foot ceiling lights LED	6
EXTERIOR - Doors	Three steel commercial doors	6
DRYWALL	1/2 sheetrock installed	54
Wall Panels (FRP)	FRP walls and ceiling smooth side	54
Wall Panel Moulding (FRP)	molding in between each panel	2
COSP - MATERIALS - Welding	gas, pads, grinders, copper	2
Dome Lights	Three lights out by entrance door with dawn to dusk sensor	6
Flooring - Sub Floor	six inch sub floor	2
labor	general construction, plumbing, electrical, painting, welding	350
Plumbing Materials	plumbing materials, pipe, pex, fitting	2
Light Switches	switch in each room	6
Exterior Paint	Epoxy color of choice	10
METAL - STUDS & TRACKING	Studs and tracking 1 5/8 studs	2
Rolled Insulation	R-19 walls and R-30 on ceiling	2
Sinks	wall mounted and backing in walls to reinforce sinks	6
Floor mounted toilet w/ seal	floor mounted	6
GFI outlets	110 volt GFI by each sink	6
Double roll toilet paper dispenser	double roll	6
ADA Metal Bars	three ADA bars around the toilet in each ADA restroom	6
Mirrors	six mirrors above each sink	6
Paper towel dispenser	Paper towel dispenser	6
Miscellaneous	unforeseen	2
METAL - SQUARE - 2-IN	20' stick of 2" tubing to frame doors	6
COSP - MATERIALS - Welding	Gas, copper, grinding wheels, sanding paper	2

**Total Price:    \$101,519.22**

The price with delivery is: \$101,519.22

We require 50% down payment before construction begins and the remaining balance is due once construction is complete and the building is set on the truck for delivery. **Any expense incurred in such to move the building off the delivery trailer shall be incurred by the customer.**

We can have the building built within 6 to 8 weeks of deposit depending on the state approval

This proposal's price and estimated delivery dates are only good for 30 days from the date of this proposal.

Please let us know if you have any question or would like to discuss additional building modifications to meet your specific needs.

Thank you

Mark Pike  
 Linked Equipment LLC  
 3454 East Illini Street  
 Phoenix, AZ 85040  
 480-560-5221 cell  
 602-314-6020 ex 413 office



3454 East Illini Street • Phoenix, AZ 85040 • Phone: 602-314-6020

Jessica Tyler  
(608) 345-6370

Tracy, CA

**Print-date:** 2-3-2022

Dear: Jessica

Thank you for contacting us about the possibility of custom designing and building your two 40' shower units to suit your needs. Our process of custom transforming new one trip shipping containers into useful, efficient and sustainable structures is both environmentally responsible and practical. Shipping containers are extremely strong and durable with an indefinite lifespan. Our structures are designed and engineered to meet city and state building codes as well as conform to California building standards. In addition, the building is equipped with three ADA showers and two 32" x 32" standard showers and ADA shower. The HVAC system in these buildings is the Daikin split system the unit is highly efficient and has an estimated 30-year lifespan. (48,000 BTU with five 9000 BTU blowers)

The following is a list of materials and labor utilized for your 40' shower unit:

**Attached Files:**

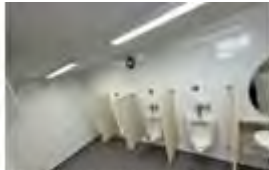


photo courtesy of - Linked



photo courtesy of - Linked



photo courtesy of - Linked



photo courtesy of - Linked



photo courtesy of - Linked

### Price Breakdown

Code	Description	Qty / Unit
CONTAINER - 40' - NEW (ONE TRIP)	new one trip 40' HC container	2
Transportation	Longbeach to Phoenix	2
Customer Container Delivery	Phoenix to Tracy CA	2
Electric Panel	150 amp electrical panel with breakers, BX wire, fitting	2
Daikin Mini Split HVAC	48,000 BTU five 9000 BTU blowers	2

Exhaust Fans	small exhaust fans in all five rooms engineering may come back with different fans	10
Doors & Frames	Ten industrial metal doors	10
Dome Lights	Ten lights outside of each door	10
4' LED Light	ceiled 4' LED lights	10
Bench	Salsbury Industries 18 in. H x 36 in. W x 9 1/2 in. D Wood Locker Bench in Light Brown Wood	10
Light Switches	light switch in each room	10
Smoke Detector	smoke detector in each room	10
Plumbing Materials	pipe, pex, fittings	2
Flooring - Sub Floor	six inch sub floor with 3/4 plywood	2
Vinyl flooring	industrial rubber flooring also five inches up the wall as base board to insure a easy cleaning	2
METAL - STUDS & TRACKING	metal stud's and tracking	2
Insulation	R-19 walls and floor and R-30 ceiling with fiber seal to create continues insulation	2
SheetRock	1/2 sheet rock install only no tape and texture	100
Wall Panels (FRP)	White smooth side easy cleaning	100
Wall Panel Moulding (FRP)	molding match the white FRP	2
labor	general construction, electrical, plumbing, painting welding	450
32 x 32 Shower Stalls	two fiberglass shower stalls, with hooks, curtain, drain and valve in each building	4
ADA Shower stall	six handy cap shower stalls with benches inside	6
Floor Drains	Stainless Steel Linear Shower Drain in front of each shower stall	10
Exterior Paint	exterior paint color choice by customer	20
Miscellaneous	unforeseen	2
METAL - SQUARE - 2-IN	twelve sticks of two inch tubing to frame doors and exhaust fans	12
COSP - MATERIALS - Welding	Gas, copper, grinding wheels, sanding paper	2

**Total Price:     \$185,000.00**

The price with delivery for both shower buildings is: \$185,000.00

We require 50% down payment before construction begins and the remaining balance is due once construction is complete and the building is set on the truck for delivery. **Any expense incurred in such to move the building off the delivery trailer shall be incurred by the customer.**

We can have the building built within 8 to 10 weeks of deposit and depending on the approval of the state of California. This proposal's price and estimated delivery dates are only good for 30 days from the date of this proposal. Please let us know if you have any question or would like to discuss additional building modifications to meet your specific needs.

Thank you

Mark Pike  
Linked Equipment LLC  
3454 East Illini Street  
Phoenix, AZ 85040



3454 East Illini Street • Phoenix, AZ 85040 • Phone: 602-314-6020

Jessica Tyler  
(608) 345-6370

Tracy, CA

**Print-date:**

2-3-2022

Dear: Jessica

Thank you for contacting us about the possibility of custom designing and building your three 20' standard storage units to suit your needs. Our process of custom transforming three used refurbished standard shipping containers into useful, efficient and sustainable structures is both environmentally responsible and practical. Shipping containers are extremely strong and durable with an indefinite lifespan. Our structures are designed and engineered to meet city and state building codes as well as conform to California building standards. In addition, the building is equipped with double man door in the end of the containers, with one whirly bird vents, interior 4' LED lights, one porch light, light switch and 100 amp single phase electrical panels.

The following is a list of materials and labor utilized for your 20' units:

**Attached Files:**



photo courtesy of - Linked



photo courtesy of - Linked



photo courtesy of - Linked

## Price Breakdown

Code	Description	Qty / Unit
20' Refurbished standard container	three used refurbished 20' containers	3
Transportation	Longbeach to Phoenix	3
Customer Container Delivery	delivery on a drop deck	3
Man Door with sweep 6" plate and handle	Double man door	3
Metal	one twenty foot sticks of two inch tubing	3
labor	cutting, welding, painting, installing doors, loading and unloading	90
Overhead - Welding Materials	gas, plasma cutter, copper, grinding wheels, pads	3
Paint	Paint inside and out	30
Vent - Whirlybird	LOMANCO14 in. Mill Finish Aluminum Internally Braced Whirlybird Wind	3

	Turbine Model# BIB14	
Electric Panel	four 100 amp single phase electrical panels with breakers	3
Conduit	Conduit to run electrical	3
Light Switches	three light switches	3
Dome Lights	three porch lights outside of entrance door	3
Unistrut	Unistrut weld lights, conduit, switches	3
4' LED Light	Two lights each building	6
Miscellaneous	Unforeseen items	1
COSP - MATERIALS - Welding	Gas, copper, plasma, grinding wheels, sanding pads	3

**Total Price: \$39,151.50**

The price with delivery is: \$39,151.50

We require 50% down payment before construction begins and the remaining balance is due once construction is complete and the building is set on the truck for delivery. Any expense incurred in such to move the building off the delivery trailer shall be incurred by the customer.

We can have the building built within 10 days of deposit.

This proposal's price and estimated delivery dates are only good for 30 days from the date of this proposal.

Please let us know if you have any questions or would like to discuss additional building modifications to meet your specific needs.

Thank you

Mark Pike  
 Linked Equipment LLC  
 3454 East Illini Street  
 Phoenix, AZ 85040  
 480-560-5221 cell  
 602-314-6020 ex 413 office





3454 East Illini Street • Phoenix, AZ 85040 • Phone: 602-314-6020

Jessica Tyler  
(608) 345-6370

Tracy, CA

**Print-date:** 2-3-2022

Dear: Jessica

Thank you for contacting us about the possibility of custom designing and building your forty-foot HC storage unit to suit your needs. Our process of custom transforming re-purposed shipping containers into useful, efficient and sustainable structures is both environmentally responsible and practical. Shipping containers are extremely strong and durable with an indefinite lifespan. Our structures are designed and engineered to meet city and state building codes as well as conform to California building standards. In addition, the building is equipment with three six foot wide roll up door, new paint inside and out and two whirly bird vents. The following is a list of materials and labor to complete your two unit

**Attached Files:**



**Price Breakdown**

Code	Description	Qty / Unit
CONTAINER - 40' - HIGH-CUBE - USED	refurbished 40' HC container	1
#Customer Container Delivery	Phoenix- Tracey CA	1
EXTERIOR - Doors	six feet wide	3
2 x 2 tubing	two inch tubing framing roll up door and vents	4
PAINT - INTERIOR	epoxy	8
PAINT - EXTERIOR	epoxy choice of color	10
Miscellaneous	unforeseen	1
COSP - MATERIALS - Welding	gas, copper, pads, plasma	1
LABOR HOURS	general labor, cutting, welding, sanding, install doors, painting	25
Transportation	Longbeach Ca to Phoenix	1
Vent - Whirlybird	LOMANCO14 in. Mill Finish Aluminum Internally Braced Whirlybird Wind Turbine Model# BIB14	2

**Total Price: \$16,223.50**

---

The price is with delivery is \$16,223.50

Should you have any questions please let me know.

Thank you

Mark Pike

Linked Equipment LLC

3454 East Illini Street

Phoenix, AZ 85040

480-560-5221 cell

602-314-6020 ex 413







3454 East Illini Street • Phoenix, AZ 85040 • Phone: 602-314-6020

Jessica Tyler  
(608) 345-6370

Tracy, CA

**Print-date:**

2-3-2022

Dear: Jessica

Thank you for contacting us about the possibility of custom designing and building your 20' mechanical unit to suit your needs. Our process of custom transforming new one trip shipping containers into useful, efficient and sustainable structures is both environmentally responsible and practical. Shipping containers are extremely strong and durable with an indefinite lifespan. Our structures are designed and engineered to meet city and state building codes as well as conform to California building standards. We have included two 100 gallon commercial grade hot water heaters to service the other buildings dividing wall, mop sink.

The following is a list of materials and labor utilized for your 20' unit:

**Attached Files:**

Price Breakdown

Code	Description	Qty / Unit
CONTAINER - 20' - STANDARD - NEW	New one trip standard 20' container	1
#Customer Container Delivery	Phoenix to Tracy, CA	1
Transportation	Longbeach to Phoenix	1
Daikin Mini Split HVAC	no HVAC	0
Electric Panel	150 amp electrical panel	1
Industrial metal man door	Two industrial man doors	2
Dome Lights	porch light	1
PAINT - EXTERIOR	five gallon of exterior paint customers choice of color	5
Metal	two sticks of two inch tubing to frame doors	1
Light Switches	two light switches	2
GFI outlets	110 volt and 208 volt receptacles	6
4' LED Light	two four foot LED lights	2
METAL - STUDS &	metal studs and tracking to install walls	1

## TRACKING

FiberGlass Insulation	R-19 insulation R30 in ceiling	1
PLYWOOD - 1/2-IN SANDED	1/2 plywood walls and ceiling	23
Molding	Rubber floor molding 4" around the floor	1
PAINT - INTERIOR	Primer and paint plywood	6
labor	construction, plumbing, electrical, cutting, welding, painting	90
COSP - MATERIALS - Welding	Gas, copper, grinding pads, cutting wheels	1
Miscellaneous	unforeseen	1
Water Heater	Westinghouse 100 Gal. Lifetime 4500-Watt Electric Water Heater with Durable 316l Stainless Steel Tank Model# WEC100C2X045 Commercial grade	2
Pass through	six passthroughs	6
mop sink	Glacier Bay All-in-One 24 in. x 24 in. 20 Gal. Freestanding Laundry Tub in White, with Non-Metallic Pull-Out Faucet in Chrome Model# LT2007WWHD	1
Plumbing Materials	pex, pipes	1
Flooring - Sub Floor	six sub floor	1

**Total Price: \$32,219.10**

The price with delivery is: \$32,219.10

We require 50% down payment before construction begins and the remaining balance is due once construction is complete and the building is set on the truck for delivery. Any expense incurred in such to move the building off the delivery trailer shall be incurred by the customer.

We can have the building built within four weeks of deposit.

This proposal's price and estimated delivery dates are only good for 30 days from the date of this proposal.

Please let us know if you have any question or would like to discuss additional building modifications to meet your specific needs.

Thank you

Mark Pike  
 Linked Equipment LLC  
 3454 East Illini Street  
 Phoenix, AZ 85040  
 480-560-5221 cell  
 602-314-6020 ex 413 office





3454 East Illini Street • Phoenix, AZ 85040 • Phone: 602-314-6020

Jessica Tyler  
(608) 345-6370

Tracy, CA

**Print-date:**

2-3-2022

Hi Jessica  
Here are the panels and the two doors for the homeless shelter complex

### Price Breakdown

Code	Description	Qty / Unit
Doors & Frames	doors on the end of the complex	2
Wall Panels	tubing and metal from container to make panels in-between each container	4
labor	assemble and make all panels and door pack up and send with buildings	32
Miscellaneous	unforeseen	1

**Total Price: \$6,727.00**

The total price is \$6,727.00  
We will construct the panels and door and pack them. They would be shipped with the other buildings. The price does not include install on site  
Should you have any questions please give me a call  
Thank you  
Mark Pike  
Linked Equipment LLC  
480-56-5221

**Signature:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_



3454 East Illini Street • Phoenix, AZ 85040 • Phone: 602-314-6020

Jessica Tyler  
(608) 345-6370

Tracy, CA

**Print-date:**

3-1-2022

Dear: Jessica

Thank you for contacting us about the possibility of custom designing and building your 20' Laundry unit to suit your needs. Our process of custom transforming new one trip shipping containers into useful, efficient and sustainable structures is both environmentally responsible and practical. Shipping containers are extremely strong and durable with an indefinite lifespan. Our structures are designed and engineered to meet city and state building codes as well as conform to California building standards. In addition, the building is equipment with washers and dryers, laundry sinks. There is no subfloor installed on this building.

The HVAC system in these buildings is the Daikin mini split system the unit is highly efficient and has an estimated 30-year lifespan. (24,000 BTU)

The following is a list of materials and labor utilized for your 20' laundry unit:

## Price Breakdown

Code	Description	Qty / Unit
CONTAINER - 20' - STANDARD - NEW	New one trip High Cube 20' container	1
#Customer Container Delivery	Phoenix to Tracy, CA	1
Transportation	Longbeach to Phoenix	1
Daikin Mini Split HVAC	Mini split system 24,000 BTU with one blower	1
Electric Panel	200 amp electrical panel with enough breakers to handle all the washer and dryers	1
Industrial metal man door	One industrial metal door 72" x 80"	1
Dome Lights	porch light	1
PAINT - EXTERIOR	five gallon of exterior paint customers choice of color	5
Metal	three sticks of two inch tubing to frame out door and exhaust fan	2
Light Switches	one light switches	1
GFI outlets	thirteen 110 volt receptacles	13
Exhaust Fans	Hampton Bay50 CFM Wall/Ceiling Mount Roomside Installation Bathroom Exhaust Fan, ENERGY STAR	1
Sink - Wall Mount - w/	BayAll-in-One 24.125 in. x 21.375 in. x 35 in. Stainless Steel Laundry Sink with	2

Faucet & Drain	Faucet and White Storage Cabinet Model# 1521US-24-262	
4' LED Light	two four foot LED lights	2
METAL - STUDS & TRACKING	metal studs and tracking to install walls	1
FiberGlass Insulation	R-19 insulation R 30 in ceiling	1
DRYWALL - 1/2-IN	1/2 sheetrock installed only	1
PLYWOOD - 1/2-IN SANDED	five sheet of plywood to laydown on floor	5
Rolled Flooring	Industrial rubber flooring five inches up the wall	1
labor	construction, plumbing, electrical, cutting, welding, painting	165
COSP - MATERIALS - Welding	Gas, copper, grinding pads, cutting wheels	1
Miscellaneous	unforeseen	1
Wall Panels (FRP)	Flat surface FRP	19
Wall Panel Moulding (FRP)	White to match the FRP	1
CLOTHES DRYER	LSEE5AGS173 Speed Queen Electric Stack Dryer TW01 Manual Control, 240/60//1 white	1
Floor Drain	Linear Floor drain	1
CLOTHES WASHER	LTEE5ASP175 Speed Queen Electric Stack washer and dryer TW01 Manual Control, 120-240/60/1	3
METAL - SQUARE - 2-IN	two 20' sticks of 2" tubing	2
Plumbing Materials	pex, pipe, fittings	1
Hose Rack	stainless steel hoses and dryer kit plus clamps	10
Flooring - Sub Floor	six inch sub floor	1
CLOTHES WASHER	LFNE5BSP115 Speed Queen Front Load washer TW01 Manual Control 120/60/1 white	1
CLOTHES DRYER	LDEE5BGS173 Speed Queen Front Load Electric Dryer	1

**Total Price: \$67,081.31**

The price with delivery is: \$67,081.31 this price includes the washer and dryer that client has picked out. We require 50% down payment before construction begins and the remaining balance is due once construction is complete and the building is set on the truck for delivery. Any expense incurred in such to move the building off the delivery trailer shall be incurred by the customer.

We can have the building built within four to ten weeks depending on how quickly the state of California take to approve plans.

This proposal's price and estimated delivery dates are only good for 30 days from the date of this proposal.

Please let us know if you have any question or would like to discuss additional building modifications to meet your specific needs.

Thank you

Mark Pike  
Linked Equipment LLC  
3454 East Illini Street  
Phoenix, AZ 85040

EXHIBIT B – ANCILLARY SERVICES

Engineering, Design and Third-Party Permitting Services \$47,896.00

- See attached Page B – 2 for detailed description of Engineering and Design Services

Technical Support Services \$9,067.50

- See attached Page B – 4 for detailed description of Technical Support Services

**Total Ancillary Services \$56,963.50**



3454 East Illini Street • Phoenix, AZ 85040 • Phone: 602-314-6020

Jessica Tyler, KPA GROUP  
(608) 345-6370

Tracy, CA

**Print-date:**

4-4-2022

The following describes MEP engineering will be accomplished by Arbedili engineering, the structural will be accomplished by Dotec engineering and the third part inspector and submitting plans to the state of California will be Intertek Linked Equipment will coordinate all plans and have our draftsman draw all buildings up. The following is a list of all services that will be needed to get the project approved.

**Attached Files:**

## Price Breakdown

Code	Description	Qty / Unit
MEP engineering	Mechanical, electrical, plumbing Arbedili engineering lic in the state of California for the two 40' shower units	1
ENG - STRUCTURAL	structural engineering including anchoring to the cement slabs Dotec engineering lic in the state of California for the two 40' showers units	1
Intertek 3rd party inspector	third party inspectors, submitting engineering to the state of California for the two 40' shower units	1
MEP engineering	Mechanical, electrical, plumbing Arbedili engineering lic in the state of California for the two 20' restrooms	1
ENG - STRUCTURAL	structural engineering including anchoring to the cement slabs Dotec engineering lic in the state of California for the two 20' restrooms	1
Intertek 3rd party inspector	third party inspectors, submitting engineering to the state of California for the two 20' restroom units	1
MEP engineering	Mechanical, electrical, plumbing Arbedili engineering lic in the state of California for the one 20' Laundry unit & 20' Mechanical room	1
ENG - STRUCTURAL	structural engineering including anchoring to the cement slabs Dotec engineering lic in the state of California for the one 20' Laundry unit & 20' Mechanical room	1
Intertek 3rd party inspector	third party inspectors, submitting engineering to the state of California for the 20' Laundry unit & 20' Mechanical room	1
MEP engineering	Mechanical, electrical, plumbing Arbedili engineering lic in the state of California for the one 40' storage and three 20' storage units	1
ENG - STRUCTURAL	structural engineering including anchoring to the cement slabs Dotec engineering lic in the state of California for the one 40' storage and three 20' storage units	1

Intertek 3rd party inspector	third party inspectors, submitting engineering to the state of California for the one 40' storage and three 20' storage units	1
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Draftsman	Draftsman, designing, working with engineers and third party inspector	1
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**Total Price: \$47,896.00**

The total price for these services is \$47,896.00

Once payment is received the following estimated times will happen:

Draftsman will take up to two weeks to get the drawing ready for engineering, once ready we will send a copy to you for final approval prior to sending them to engineering.

Submit drawings and any cut sheets to engineering, MEP will take about two weeks to get back, structural we should have prior to MEP.

Once we have engineering plans back we will submit to the third party inspectors they will take about a week to review and then submit to the state of California.

After the plans have been submitted to the state we can look forward to at least a month for the state to get back to us with red lines, on a job this size will take about a week to turn around the redlines.

Once the state receives the redlines we should get final approval within two weeks.

After the third party has inspected the drawings and has submitted to the state we should be in a good enough position to start the builds

Thank you

Mark Pike

Linked Equipment LLC

480-560-5221







3454 East Illini Street • Phoenix, AZ 85040 • Phone: 602-314-6020

Jessica Tyler , KPA GROUP  
(608) 345-6370

Tracy, CA

**Print-date:**

4-4-2022

Here is the proposal to send two technicians up to the site for three days, hotel, car , additional insurance and the City of Tracy business license.

### Price Breakdown

Code	Description	Qty / Unit
Flights	air fair to SFO round trip	2
Labor - Off-Site	three days two technicians	48
Perdiem		6
Hotel room	two nights one room	2
Car rental	car rental	1
Insurance	general, auto workmans comp added top policy	1
Registration & Lic	city of Tracy lic	1
<b>Total Price:</b>		<b>\$9,067.50</b>

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**DELIVERY TIMELINE**

**Exhibit "C" – Delivery Timeline**

Delivery will be determined when all conditions of the Purchase Agreement have been met. Delivery is typically 6-8 weeks, after all State approvals are received. Once the order is processed, Linked Equipment's Contract Manager will contact the City to coordinated shipping and Technical Consultant arrival dates

The Vendor will cooperate in coordinating the delivery schedule with the City and the City's Site Improvement Contractor.

## PURCHASE PRICE

<b>STRUCTURES AND ACCESSORIES</b>	
<b>STRUCTURES AND ACCESSORIES AS DESCRIBED IN EXHIBIT A: F.O.B. 370 W. ARBOR AVENUE, TRACY, CA, USA,</b>	\$478,762.57
<b>ANCILLARY SERVICES</b>	
<b>ENGINEERINGS, DESIGN, AND THIRD PARTY INSPECTIONS: As Described in Exhibit B</b>	\$47,896.00
<b>TECHNICAL SUPPORT SERVICES: AS Described in Exhibit B</b>	\$9,067.50
<b>TOTAL (NOT TO EXCEED)</b>	<b>\$550,000.00</b>

TRACY CITY COUNCIL

RESOLUTION 2022-\_\_\_\_\_

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**APPROVING A PROCUREMENT AGREEMENT WITH LINKED EQUIPMENT, LLC, FOR THE PURCHASE OF PRE-MANUFACTURED RESTROOM, SHOWER, LAUNDRY, STORAGE AND MECHANICAL BUILDING STRUCTURES IN THE AMOUNT OF \$550,000 FOR INSTALLATION AS PART OF THE TEMPORARY EMERGENCY HOUSING PROJECT, CIP 71112, AT 370 W. ARBOR AVENUE**

**WHEREAS**, The City Engineer's Office has finalized the construction documents for Site Improvements at the Temporary Emergency Housing Project, CIP 71112, at Arbor Avenue, with a significant part of the project to include the purchase and installation of ten (10) pre-manufactured building structures, including a restroom, shower, laundry, storage, and mechanical building structures; and

**WHEREAS**, The City Council, on December 21, 2021, via Resolution No. 2021-198, authorized the direct purchase of a total of 10 structures for the Temporary Emergency Housing Facility Project from Linked Equipment, LLC, of Phoenix, Arizona; and

**WHEREAS**, The City Council, on September 1, 2020, authorized the creation of a Capital Improvement Project, the Temporary Emergency Housing Project, CIP 71112, to fund the improvements at 370 W. Arbor Avenue; and

**WHEREAS**, The vendor, Linked Equipment, Inc., manufactures restroom, shower, laundry, storage and mechanical building structures that come fully equipped with all required interior furnishings including heating and ventilation equipment, and at this time, they are the only company identified, available and willing to customize the structures to the City's requirements for accessibility and privacy, and are also certified by the California Department of Housing and Community Development (HCD) to produce these types of pre-fabricated structures to meet California building code requirements; and

**WHEREAS**, By purchasing the structures in advance and directly from the manufacturer, staff expects to minimize production time delays to the Project; now, therefore, be it

**RESOLVED**, That the City Council of the City of Tracy hereby approves, via resolution, the Procurement Agreement for the purchase of ten (10) pre-manufactured structures, one (1) equipment enclosure and ancillary services for design and technical support in the amount not-to-exceed \$550,000 for installation as part of the Temporary Emergency Housing Project, CIP 71112, at 370 W. Arbor Avenue.

Description	Qty.	Unit Cost	Total
Three Unit Restroom (1 ADA, 2 STD) – 20' modified container	2	\$50,759.61	\$101,519.22
Five Unit Shower (2 ADA, 3 STD) – 40' modified container	2	\$92,500	\$185,000.00
Laundry – 4 sets of washer/dryers (2 ADA, 2 STD) 20' modified container	1	\$67,081.31	\$67,081.31
Mechanical Room – two 100-gallon water heaters, electrical frames	1	\$32,219.10	\$32,219.10
Operations Storage – 20' modified container with lighting and ventilation	3	\$13,050.50	\$39,151.50
Storage – 40' modified container with three (3) six-foot-wide roll up doors	1	\$16,223.50	\$16,223.50
Complex Enclosure – panels to close spaces between structures	1	\$6,727.00	\$6,727.00
Ancillary Services – Engineering Design	1	\$47,896.00	\$47,896.00
Ancillary Services – Technical Support	1	\$9,067.50	\$9,067.50
		<b>Total</b>	<b>\$550,500</b>

\*\*\*\*\*

The foregoing Resolution 2022-\_\_\_\_\_ was passed and adopted by the Tracy City Council on the 5<sup>th</sup> day of July 2022, by the following vote:

AYES: COUNCIL MEMBERS:  
 NOES: COUNCIL MEMBERS:  
 ABSENT: COUNCIL MEMBERS:  
 ABSTENTION: COUNCIL MEMBERS:

\_\_\_\_\_  
 NANCY D. YOUNG  
 Mayor of the City of Tracy, California

ATTEST: \_\_\_\_\_  
 ADRIANNE RICHARDSON  
 City Clerk and Clerk of the Council of the City  
 of Tracy, California

AGENDA ITEM 3.A

REQUEST

**CONDUCT A PUBLIC HEARING AND TAKE THE FOLLOWING ACTIONS:  
1) INTRODUCE AND WAIVE THE FULL READING OF AN ORDINANCE APPROVING A REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE TO CENTRAL BUSINESS DISTRICT ZONE, APPLICATION NUMBER R22-0001, AND 2) ADOPT A RESOLUTION APPROVING A DEVELOPMENT REVIEW PERMIT FOR EXTERIOR MODIFICATIONS WITH A 317 SQ. FT. ADDITION TO AN EXISTING BUILDING LOCATED AT 205 W. 9<sup>TH</sup> STREET, APPLICATION NUMBER D22-0008**

EXECUTIVE SUMMARY

This agenda item is a public hearing to introduce and waive the full reading of an ordinance to rezone the property located at 205 W. 9<sup>th</sup> Street from Medium Density Residential (MDR) to Central Business District (CBD) and adopt a resolution approving a Development Review Permit for exterior modifications with a 317 square foot addition to an existing medical office building. The existing medical office is currently a non-conforming use in the MDR Zone. Bringing the zoning into conformance with the General Plan, by rezoning it to CBD, would result in the medical office use no longer being a non-conforming use; it would be principally permitted. The proposed rezoning to CBD is consistent with the current General Plan land use designation of Downtown.

On May 25, 2022, this agenda item was presented to the Planning Commission, where it was recommended that City Council introduce and adopt an ordinance to rezone the property, and approve the Development Review Permit for the exterior modification.

DISCUSSION

On March 9, 2022, an application was submitted to rezone the property located at 205 W. 9<sup>th</sup> Street from Medium Density Residential (MDR) Zone to Central Business District (CBD) Zone and for a Development Review Permit for exterior modifications and a 317 sq. ft. addition to an existing building at the same address, Assessor's Parcel Number 235-052-08, Application Numbers R22-0001 and D22-0008 (Attachment A – Location Map).

Proposed Rezone

The parcel has been used as a medical clinic by San Joaquin County for decades. The current business owner has purchased the property to open a medical practice, known as Seva Pain Institute, and has requested that the zoning be changed from MDR to CBD to conform with the General Plan land use designation of Downtown (Attachment B – Existing and Proposed Zoning, Attachment C – General Plan Land Use Designations).

The existing medical office building is a non-conforming use that was established prior to the MDR zoning. As a non-conforming use, the proposed modifications and addition to the building would require approval of a Conditional Use Permit. However, in this case, the General Plan designation for this property is Downtown, which allows medical office

uses. The current MDR Zone classification does not conform with the General Plan designation of Downtown because the density range of the MDR Zone is lower than that required in the General Plan. In general terms, zoning must conform with the General Plan and when a conflict exists between the two, the General Plan prevails. Therefore, bringing the zoning into conformance with the General Plan, by rezoning it to CBD, would result in this medical office use no longer being a non-conforming use; it would be principally permitted. The proposed rezoning of the subject property to CBD would permit the existing medical office use and be consistent with the General Plan, and a conditional use permit would no longer be required, thereby rendering the existing land use (office building), the zoning (CBD) and General Plan (Downtown) all in alignment.

The surrounding lots situated within the same block as the subject property all have the same circumstance where the MDR zoning pre-dated the relatively new General Plan designation of Downtown. Future work on the General Plan update and Transit-Oriented Development Planning will review both the General Plan and zoning districts for this area.

#### Proposed Improvements to the Building

The applicant is proposing exterior modifications and construction of a 317 sq. ft. addition to an existing building, which pursuant to the Tracy Municipal Code, requires approval of a Development Review Permit. The expansion and exterior modifications are intended to increase the lobby/waiting area for patients and modernize the architecture of the building while remaining compatible with the residential character of adjacent parcels (Attachment D – Site Plan, Floor Plan, and Elevations).

Seva Pain Institute operated for three years at 1530 Bessie Avenue and is moving to 205 W. 9<sup>th</sup> Street to accommodate the growing practice. The 317 sq. ft. addition will be located on the south end of the existing building facing 9<sup>th</sup> Street. According to the applicant, the Seva Pain Institute is a pain medicine practice that specializes in Platelet-rich plasma and stem cell therapies. The practice will have four exam rooms and two procedure rooms. The proposed exterior modifications consist of wood composite siding, existing brick veneer painted Olympus white and new storefront windows.

The proposed exterior modifications and addition to the existing building would be consistent with the City of Tracy Design Goals and Standards and be compatible with buildings in the surrounding area because the architecture incorporates desirable elements such as a mix of complementary building materials and colors, variation in façade depth, ample use of windows, and a hip roof design.

#### Planning Commission Discussion

The Planning Commission held a public hearing to consider the project on May 25, 2022, and recommended that the City Council introduce and adopt an ordinance to rezone the property located at 205 W. 9<sup>th</sup> Street from MDR to CBD and approve the Development Review Permit for exterior modifications and a 317 square foot addition to the existing medical office building. Pursuant to TMC Section 10.08.3950, the Development Review Permit, when paired with a legislative approval, such as a rezoning, is brought together for City Council consideration.

### Revision to Draft Conditions of Approval

Following the Planning Commission public hearing for this project, the Engineering Staff further reviewed the Draft Conditions of Approval and determined that the following portions of Condition C.5.1.g are not applicable and therefore have been removed from the recommended Draft Conditions of Approval:

- The Developer shall refresh all striping along property frontage as needed.
- Developer shall upgrade the two (2) curb ramps at the northwest and northeast corners of the West 9th Street and A Street intersection to current pedestrian and ADA standards.
- Developer shall install a crosswalk at the north leg of the West 9th Street and A Street intersection.

The above portions of Condition C.5.1.g are shown as deleted by strikethrough in the recommended Draft Conditions of Approval.

### Environmental Document

In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15183, no further environmental assessment is required because the proposed rezone is consistent with the General Plan designation of Downtown, which was previously studied by the General Plan Environmental Impact Report (EIR), certified February 1, 2011. Additionally, the proposed exterior modification and addition to the existing building are categorically exempt from the California Environmental Quality Act (CEQA) requirements pursuant to CEQA Guidelines Section 15301, which pertains to minor alterations and additions to existing facilities.

### STRATEGIC PLAN

This agenda item is not related to the City's Strategic Plans.

### FISCAL IMPACT

This is a routine development application. The applicant paid the normal, flat-rate application processing fee of \$7,041 when they submitted the application to rezone the property and a Development Permit for exterior modifications and addition. City staff time to process the application was paid through the normal, Development Services Department budget.

### RECOMMENDATION

Staff recommends that City Council take the following actions:

- Introduce an ordinance and waive the full reading to rezone the property located at 205 W. 9<sup>th</sup> Street from Medium Density Residential Zone to Central Business District Zone, Application Number R22-0001; and



Agenda Item 3.A

July 5, 2022

Page 4

- Adopt a resolution approving a Development Review Permit for exterior modifications and a 317 sq. ft. addition to an existing building at 205 W. 9<sup>th</sup> Street, Application Number D22-0008.

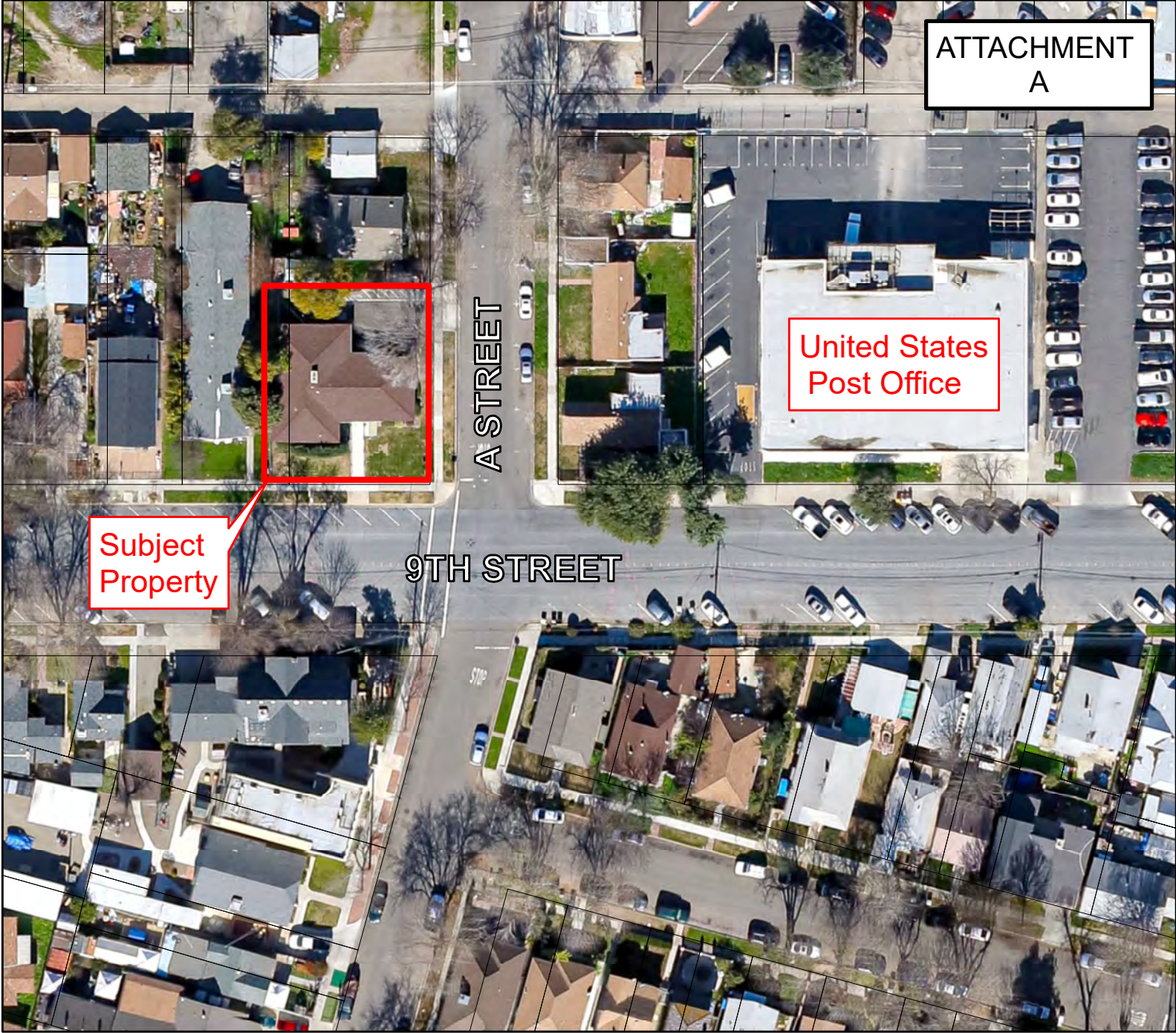
Prepared by: Kenny Lipich, Assistant Planner

Reviewed by: Scott Claar, Senior Planner  
Bill Dean, Assistant Development Services Director  
Kris Balaji, Development Services Director  
Karin Schnaider, Finance Director  
Midori Lichtwardt, Assistant City Manager

Approved by: Michael Rogers, City Manager

#### ATTACHMENTS

- A: Location Map
- B: Existing and Proposed Zoning
- C: Existing General Plan Land Use Designations
- D: Site Plan, Floor Plan, Elevations



Subject  
Property

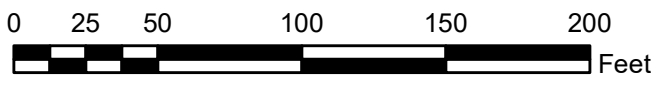
United States  
Post Office

9TH STREET

A STREET

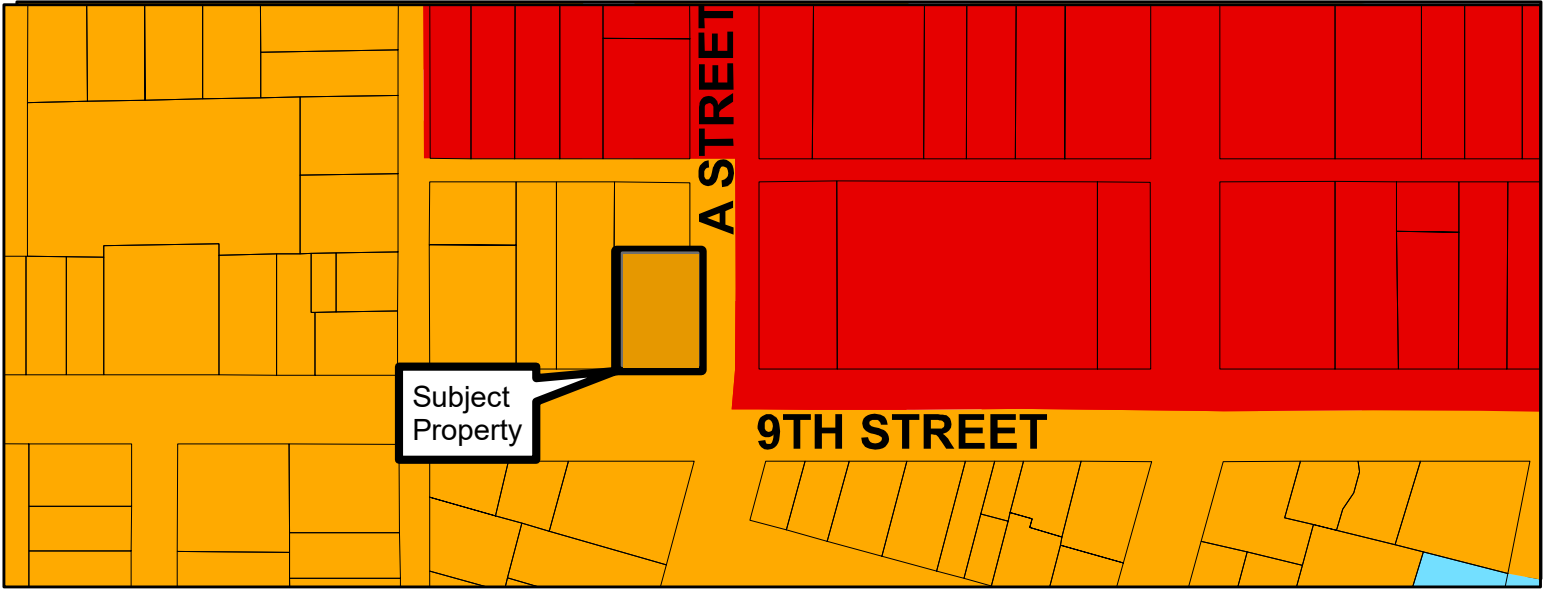


Think Inside the Triangle™

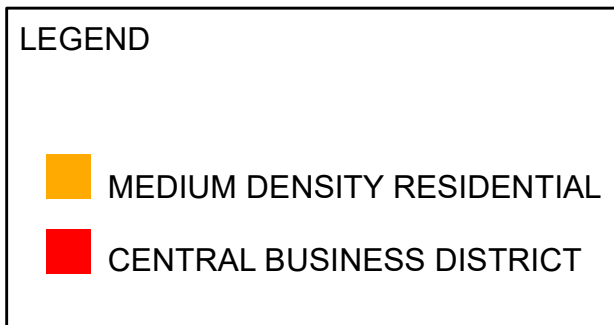
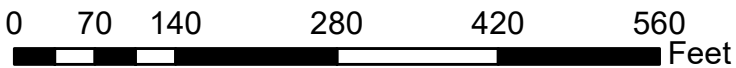
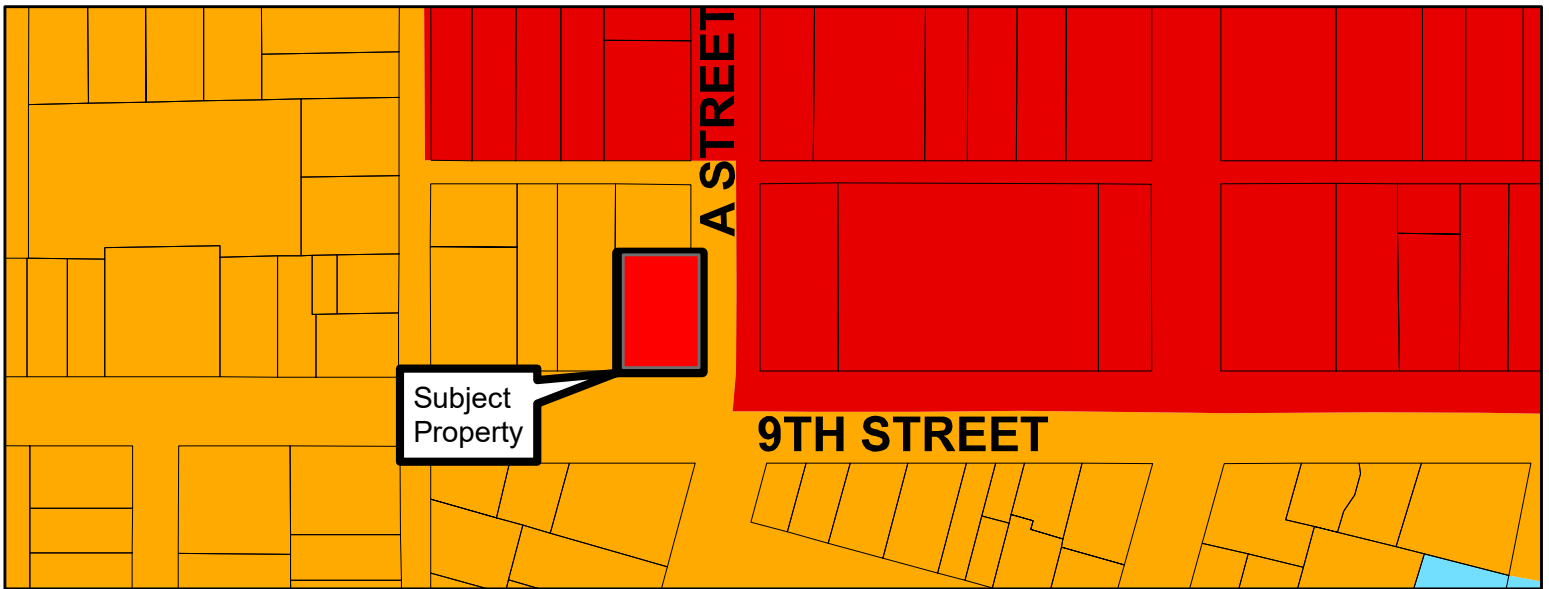


# Zoning Districts

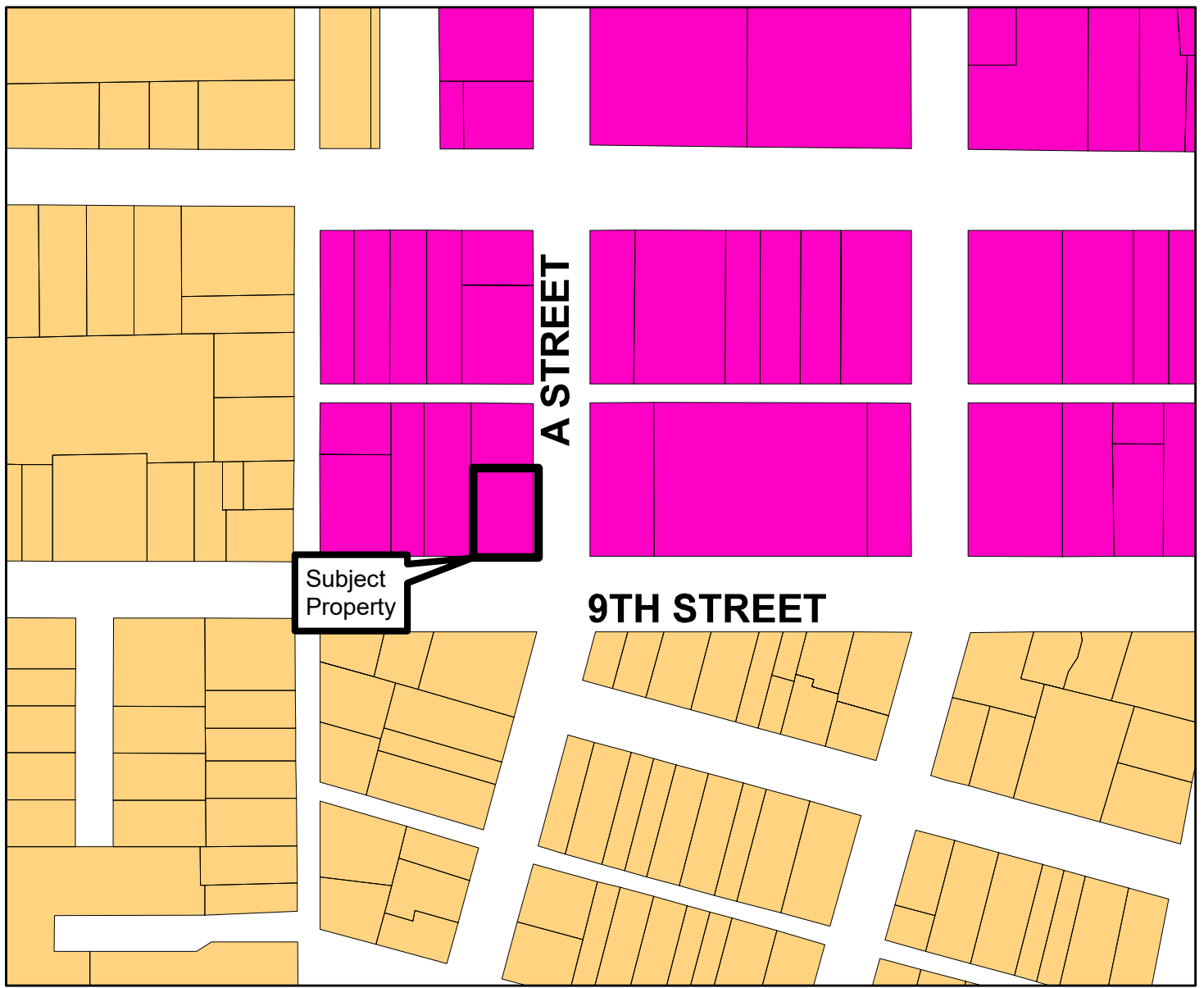
## Existing Zoning



## Proposed Zoning



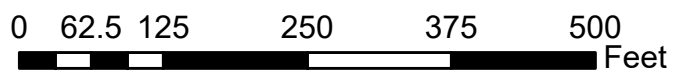
Existing



Subject  
Property

A STREET

9TH STREET



LEGEND

- RESIDENTIAL MEDIUM
- DOWNTOWN



**RECEIVED**  
April 25, 2022  
City of Tracy  
Development Services



**SOUTH**



**SOUTH EAST CORNER**

**SHEET INDEX**

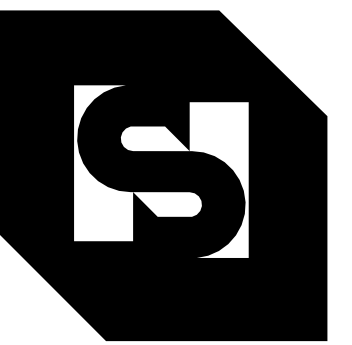
- DD.01 TITLE SHEET
- DD.02 SITE PLAN
- DD.03 FLOOR PLAN
- DD.04 EXTERIOR ELEVATIONS
- DD.05 SECTION, ROOF PLAN
- DD.06 COLORED EXTERIOR ELEVATIONS
- L1 IRRIGATION PLAN
- L2 PLANTING PLAN

**PROJECT INFO**

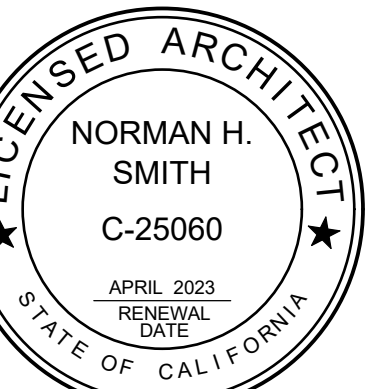
Previous Use: BUSINESS USE  
Proposed Use: BUSINESS USE  
Occupancy: B  
Construction Type: V-N  
Occupancy Load:  
Exits Required: 2  
Sprinklered: NO  
Exist. Footprint: 2,171 SQ. FT.  
Proposed Footprint Addition: 317 SQ. FT.  
Proposed New Non-Conditioned: 0 SQ. FT.  
Total Footprint: 2,488 SQ. FT.  
A.P.N.: 235-052-080-000  
Zoning: MDR

**SCOPE OF WORK**

Substructure: NEW FOUNDATION FOR ADDITION  
Shell: NEW EXTERIOR WALLS AT ADDITION, NEW WINDOWS/DOORS, SIDING  
Interiors: FINISHES, CABINETRY AND BUILT-INS AS SHOWN  
Services: NEW PLUMBING FIXTURES, HVAC, ELECTRICAL & PANEL UPGRADE  
Equip/Furns: NA  
Spec. Const./Demo: DEMO EXIST EXTER WALL, INTERIOR NON-STRUCTURAL WALLS, DEMO ALL (E) UTILITIES  
Sitework: NEW CONC. WALK AND ACCESSIBLE RAMPS, RAISED PLANTERS



**NORMAN H. SMITH ARCHITECT**



P.O. BOX 934  
ROCKLIN, CA 95677  
(916) 337-3750  
email: nhsarchitect@gmail.com

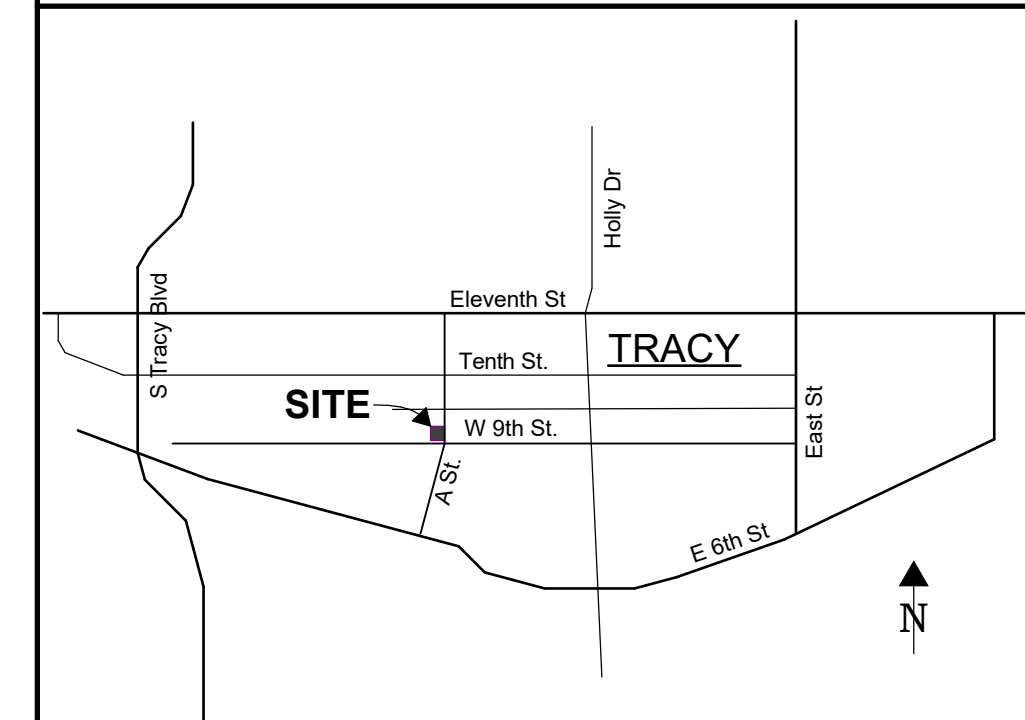
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CONTRACTOR/DESIGN BUILDER

PRELIMINARY - NOT FOR CONSTRUCTION

REVISIONS		
NO.	DATE	DESCRIPTION
1		

**VICINITY MAP**

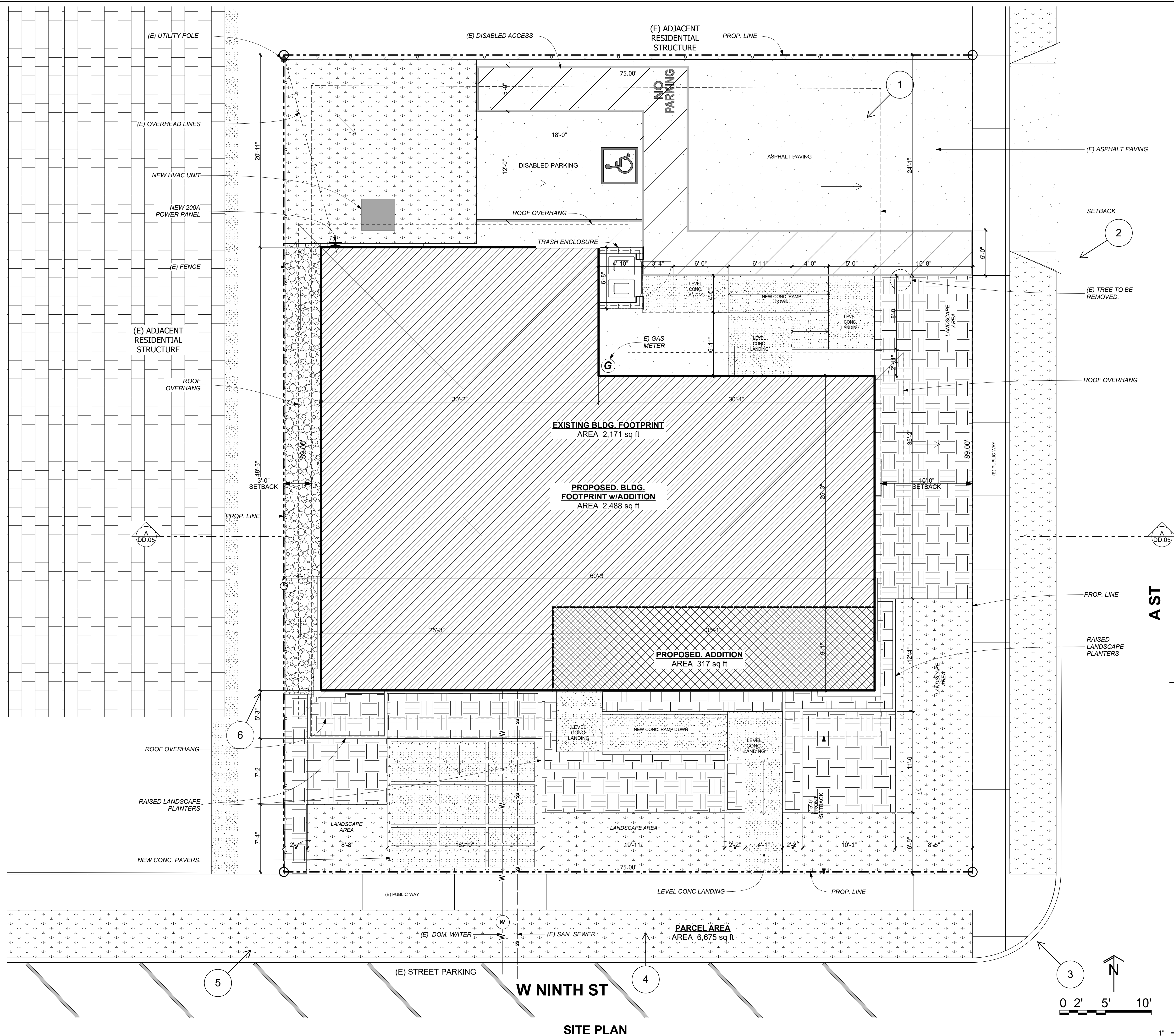


An Addition and Tenant Improvement for  
**GURPREET DHALIWAL, M.D.**  
205 W 9th St, Tracy, CA

Project Date: 5/4/2022  
Scale: AS NOTED  
Drawn by:  
Approved by:  
Project No.: #  
Plotted On: 5/4/2022  
Project Status: DESIGN REVIEW N F C  
Sheet No.

**DD.01**

TITLE SHEET

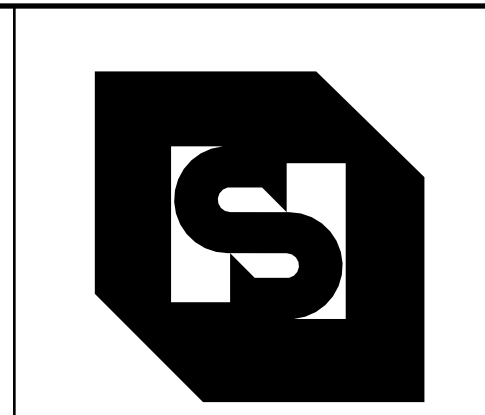


**SITE PLAN**

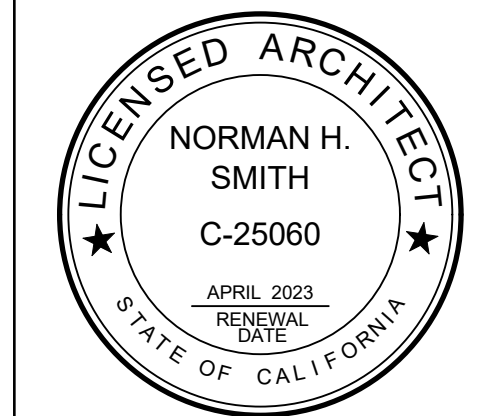
1" = 5'

**SITE LEGEND**

- ⊕ # PHOTO LOCATION
- DRAINAGE PATTERN
- ▨ GROUND COVER
- ▨ PLANTING AREA
- ▨ ASPHALT PAVEMENT
- ▨ CONCRETE
- ▨ GRAVEL
- ▨ EXISTING ADJACENT RESIDENTIAL
- ▨ EXISTING STRUCTURE FOOTPRINT
- ▨ ADDITION TO EXIST. STRUCTURE



**NORMAN H. SMITH ARCHITECT**



P.O. BOX 934  
ROCKLIN, CA 95677  
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REVISIONS		
NO.	DATE	DESCRIPTION
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**GURPREET DHALIWAL, M.D.**  
205 W 9th St, Tracy, CA

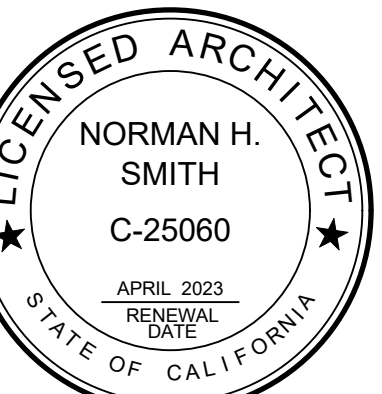
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Scale:	AS NOTED
Drawn by:	
Approved by:	
Project No.:	#
Plotted On:	5/4/2022
Project Status:	DESIGN REVIEW N F C
Sheet No.:	

**DD.02**

SITE PLAN



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ROCKLIN, CA 95677  
(916) 337-3750  
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REVISIONS

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An Addition and Tenant Improvement for

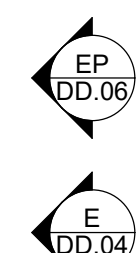
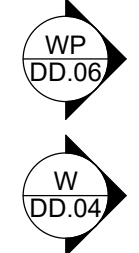
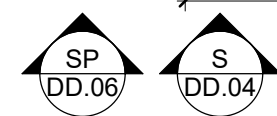
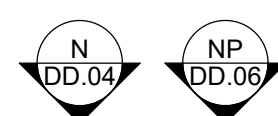
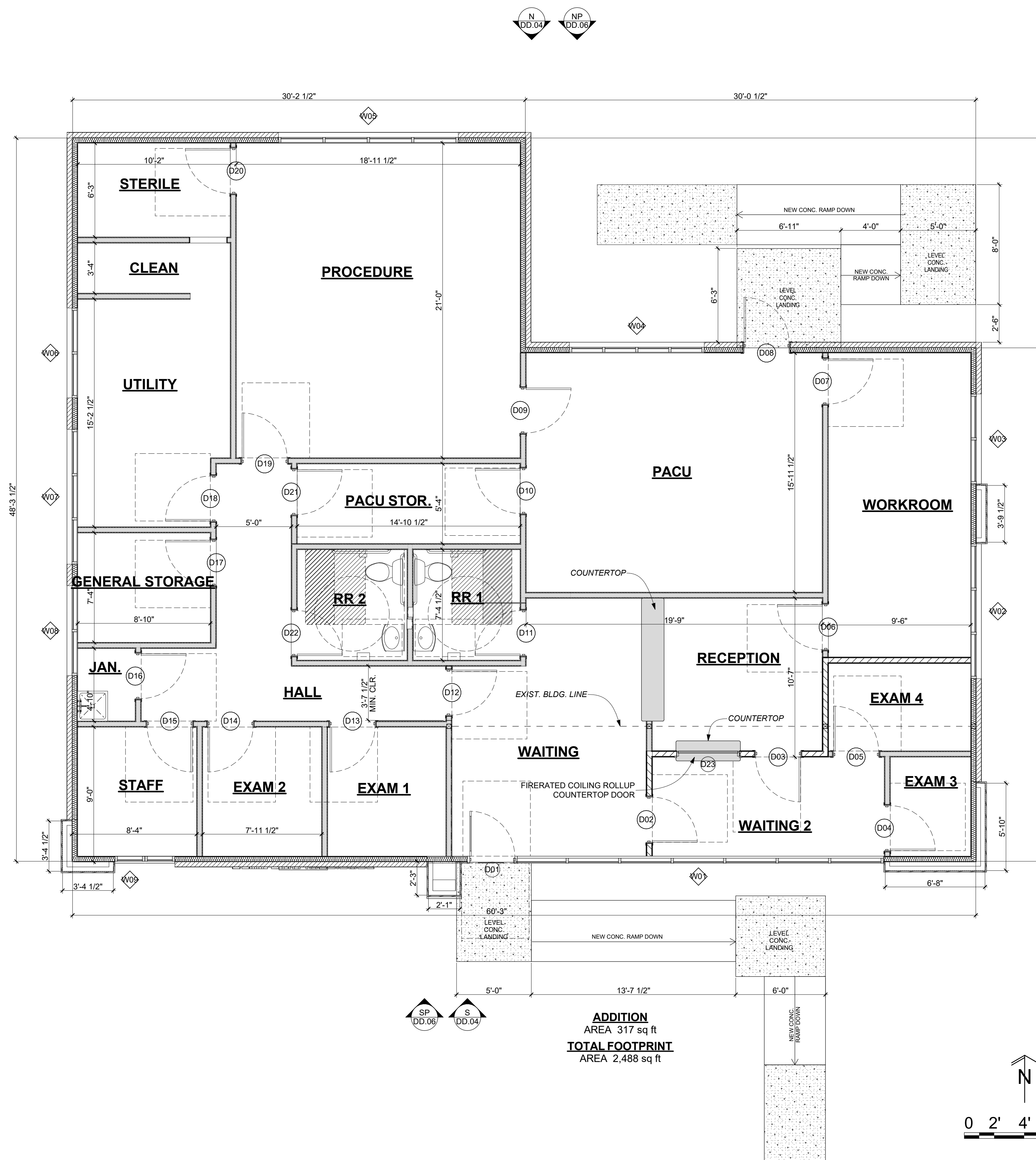
**GURPREET DHALIWAL, M.D.**

205 W 9th St, Tracy, CA

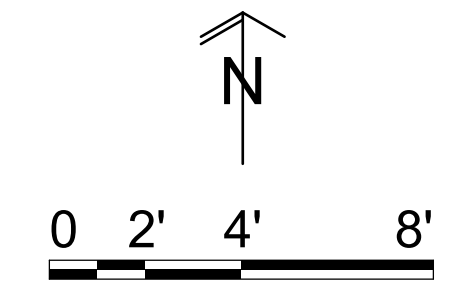
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Scale:	AS NOTED
Drawn by:	
Approved by:	
Project No.:	#
Plotted On:	5/4/2022
Project Status:	DESIGN REVIEW N F C
Sheet No.:	

**DD.03**

FLOOR PLAN



**ADDITION**  
AREA 317 sq ft  
**TOTAL FOOTPRINT**  
AREA 2,488 sq ft

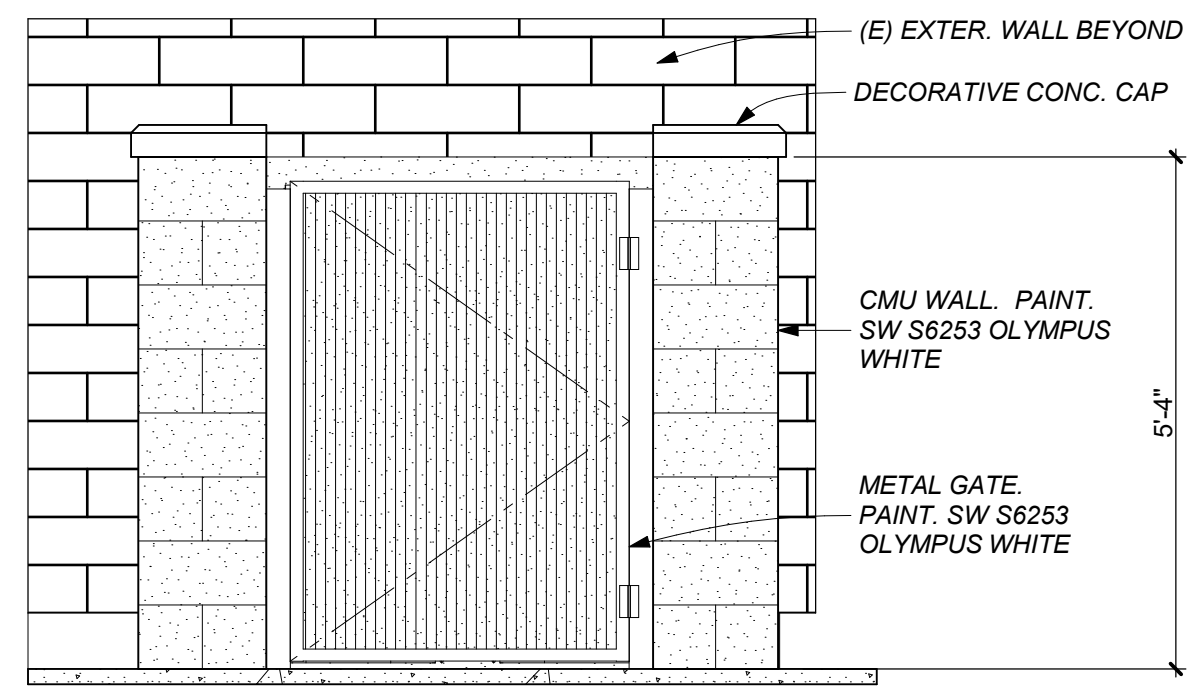


**WALL LEGEND**

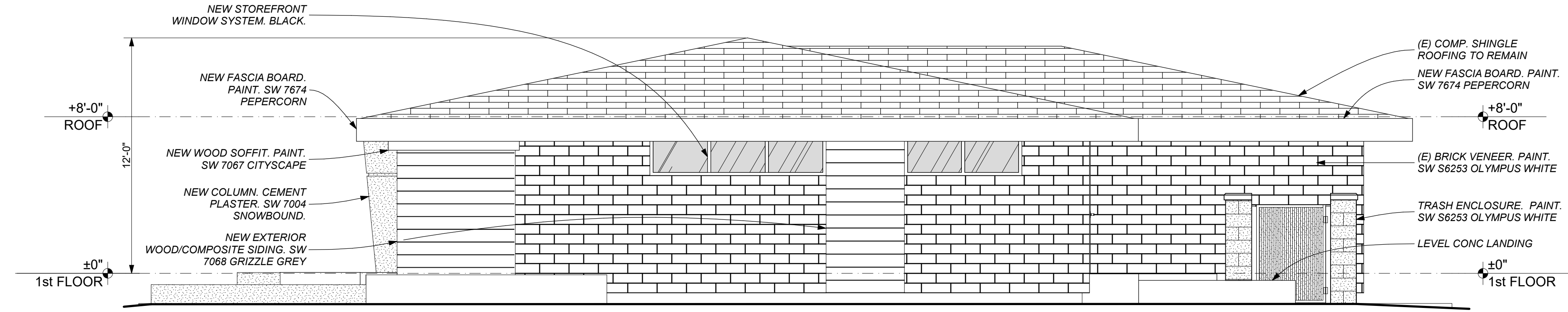
	EXIST. EXTERIOR WALLS TO REMAIN
	NEW INTERIOR FIRERATED WALL
	NEW FULL HT. INTERIOR WALL
	NEW FULL HT. EXTERIOR WALL

**FLOOR PLAN**

1/4" = 1'-0"



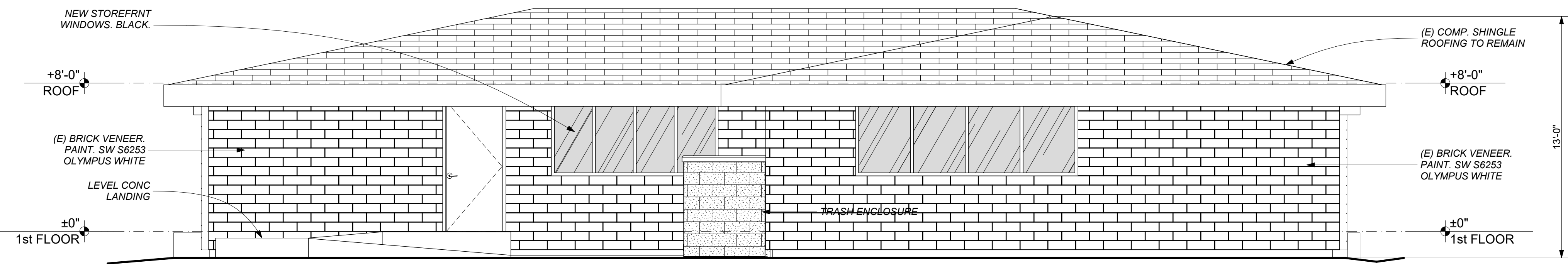
TRASH ENCLOSURE ELEVATION 1/2" = 1'-0"



EAST ELEVATION

E

1/4" = 1'-0"



NORTH ELEVATION

N

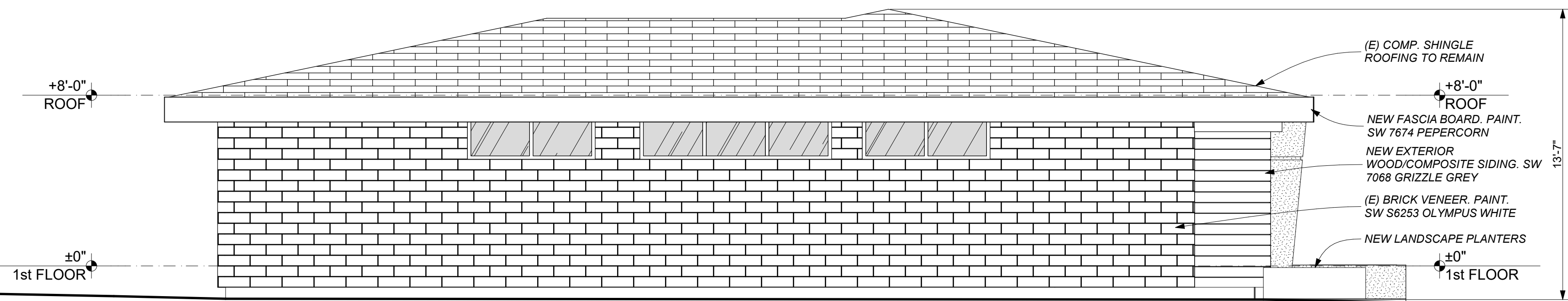
1/4" = 1'-0"



SOUTH ELEVATION

S

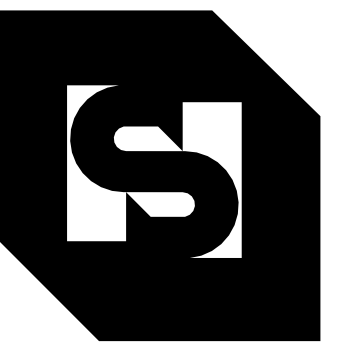
1/4" = 1'-0"



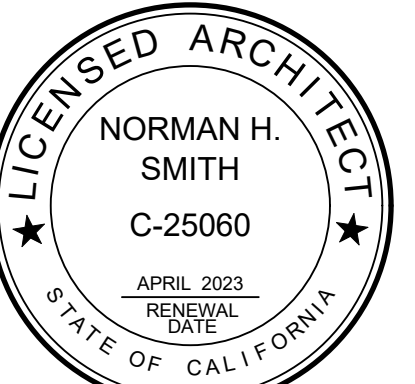
WEST ELEVATION

W

1/4" = 1'-0"



NORMAN H. SMITH ARCHITECT



P.O. BOX 934  
ROCKLIN, CA 95677  
(916) 337-3750  
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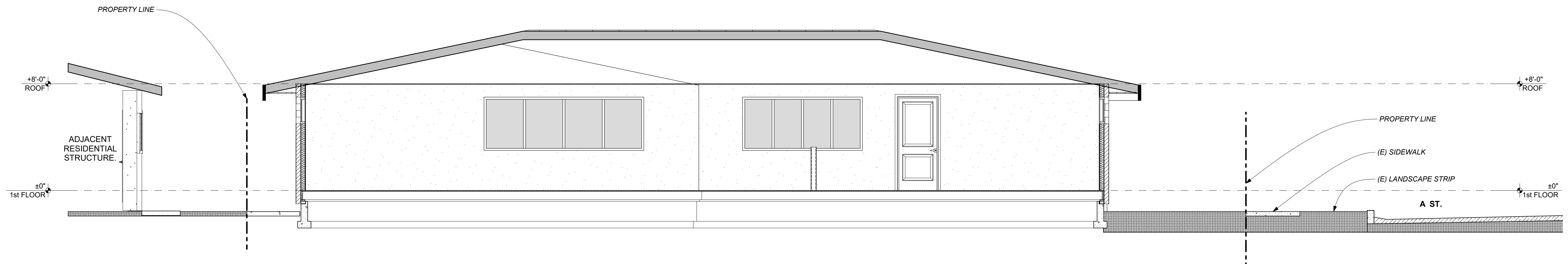
An Addition and Tenent Improvement for  
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Approved by:  
Project No.: #  
Plotted On: 5/4/2022  
Project Status: DESIGN REVIEW N F C  
Sheet No.

**DD.04**

EXTERIOR ELEVATIONS

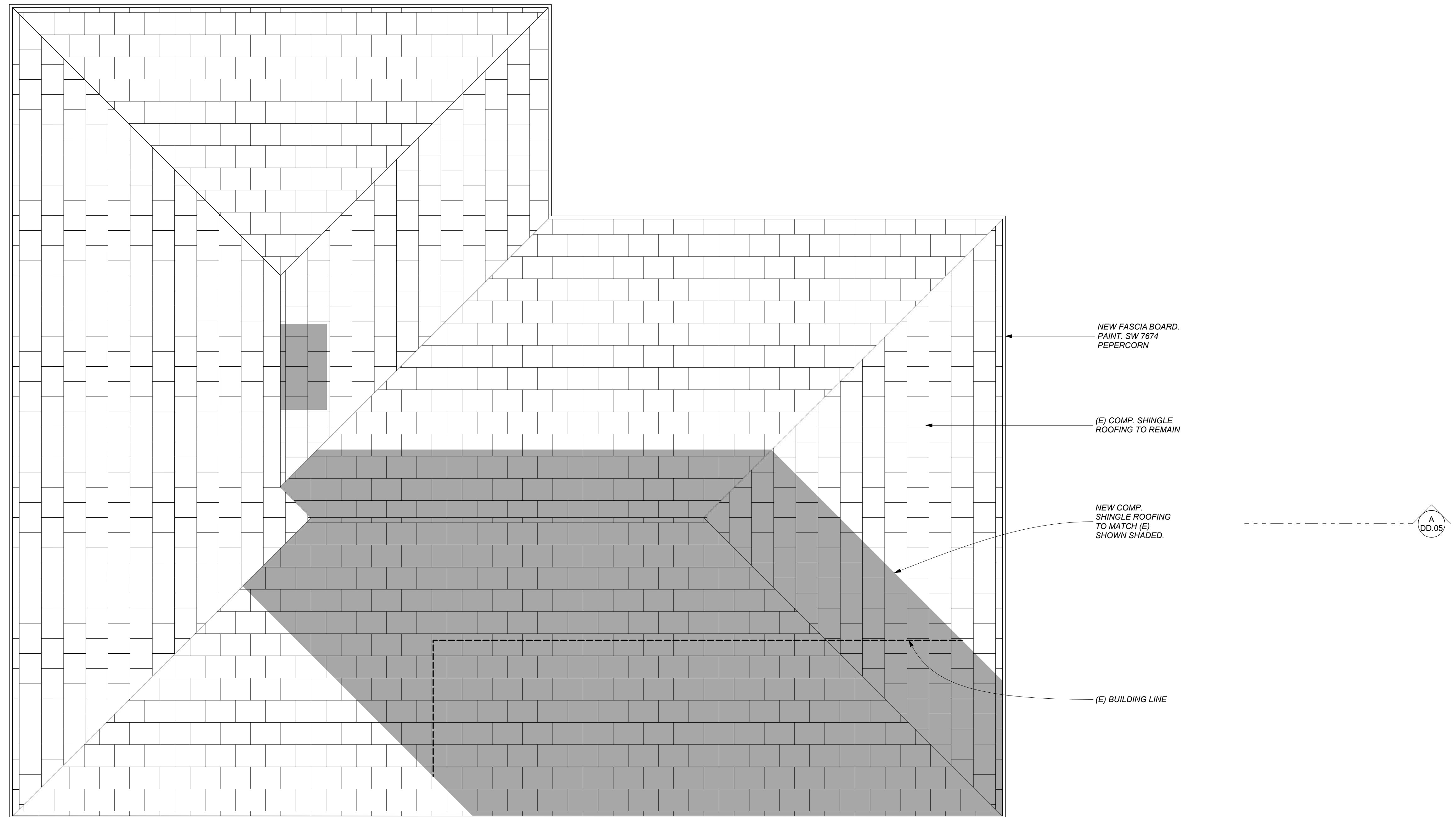




1/4" = 1'-0"

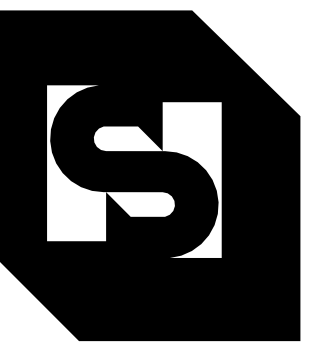
SITE SECTION

A

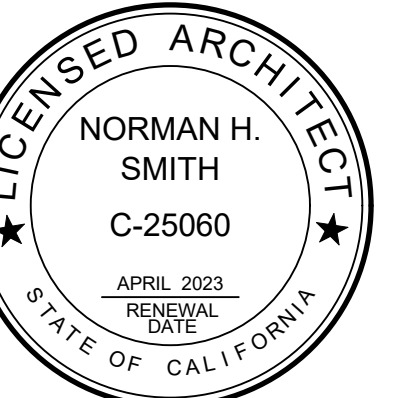


ROOF PLAN- PROPOSED

1/4" = 1'-0"



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P.O. BOX 934  
ROCKLIN, CA 95677  
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PRELIMINARY - NOT FOR CONSTRUCTION

REVISIONS

NO.	DATE	DESCRIPTION
1		

△

An Addition and Tenent Improvement for

**GURPREET DHALIWAL, M.D.**

205 W 9th St, Tracy, CA

SECTION, ROOF PLAN

Project Date: 5/4/2022

Scale: AS NOTED

Drawn by:

Approved by:

Project No.: #

Plotted On: 5/4/2022

Project Status:

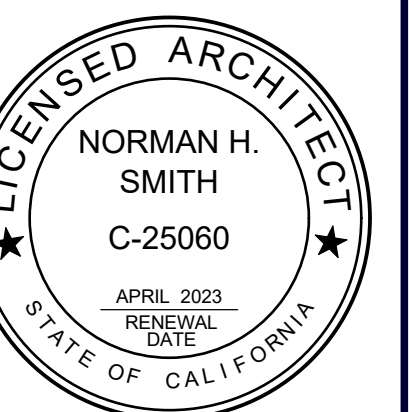
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Sheet No.

**DD.05**



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ROCKLIN, CA 95677  
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CONTRACTOR/DESIGN BUILDER

PRELIMINARY - NOT FOR CONSTRUCTION

REVISIONS

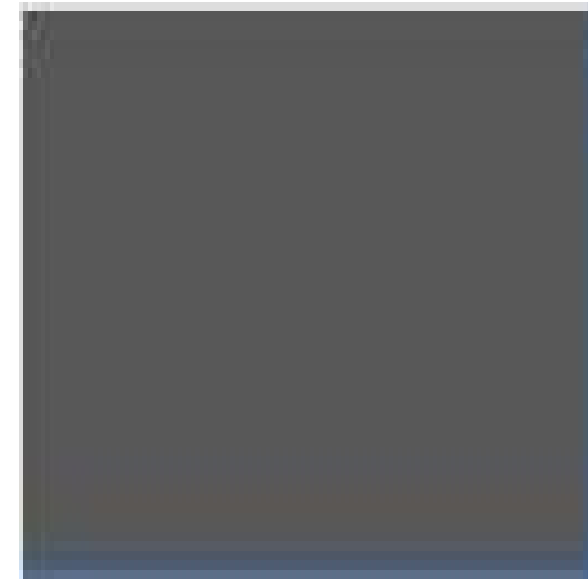
NO.	DATE	DESCRIPTION
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An Addition and Tenant Improvement for  
**GURPREET DHALIWAL, M.D.**  
205 W 9th St, Tracy, CA

Project Date: 5/4/2022  
Scale: AS NOTED  
Drawn by:  
Approved by:  
Project No.: #  
Plotted On: 5/4/2022  
Project Status: DESIGN REVIEW N F C  
Sheet No.

**DD.06**

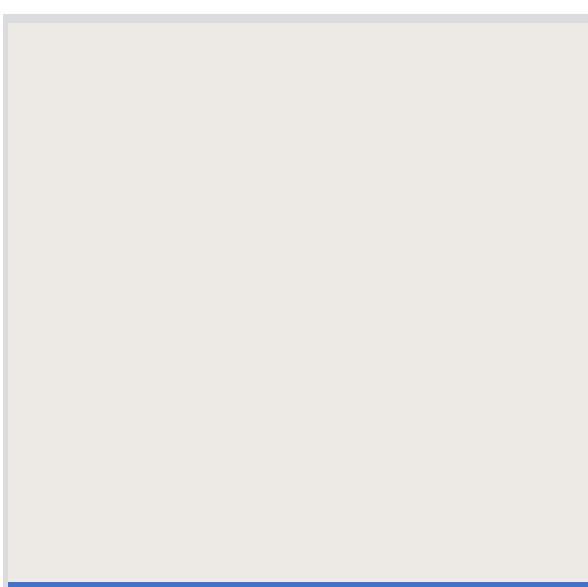
COLORED EXTERIOR ELEVATIONS



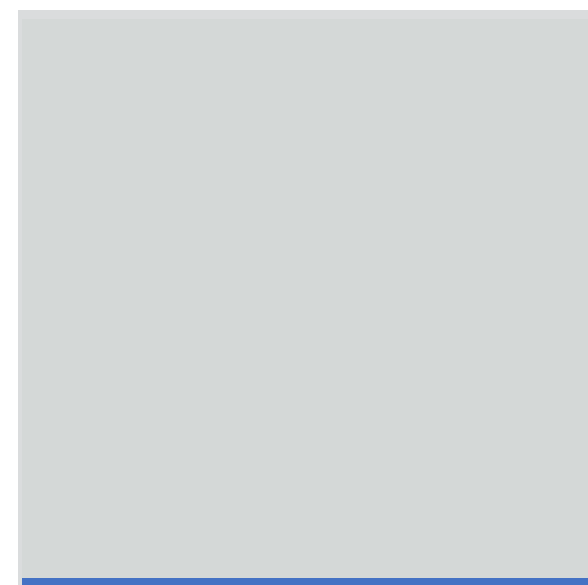
SW 7674 PEPERCORN



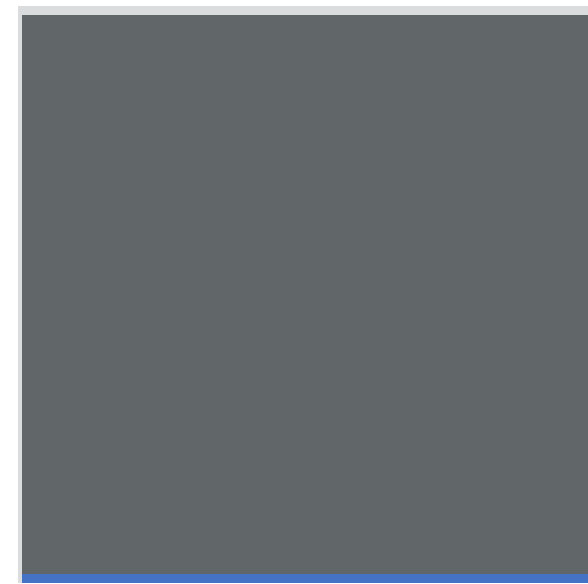
SW 7067 CITYSCAPE



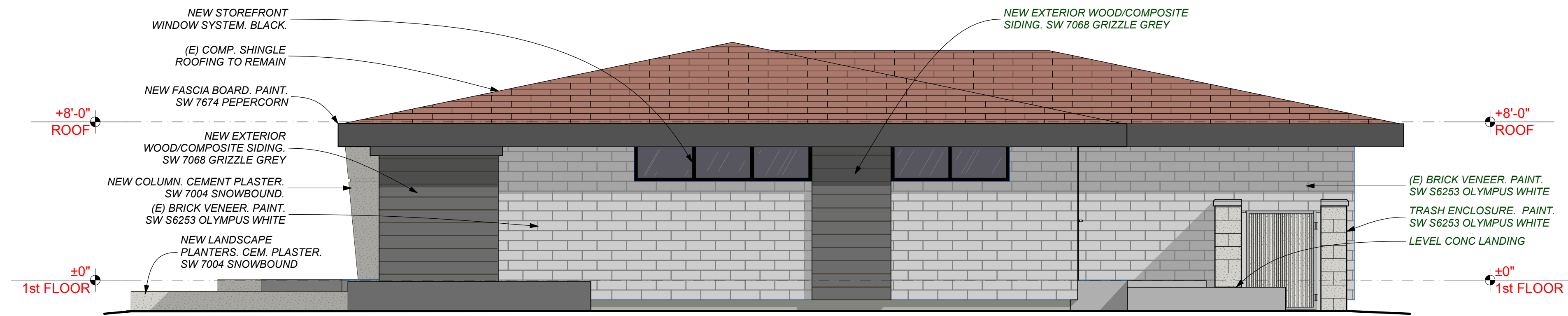
SW 7004 SNOWBOUND



SW 6253 OLYMPUS WHITE



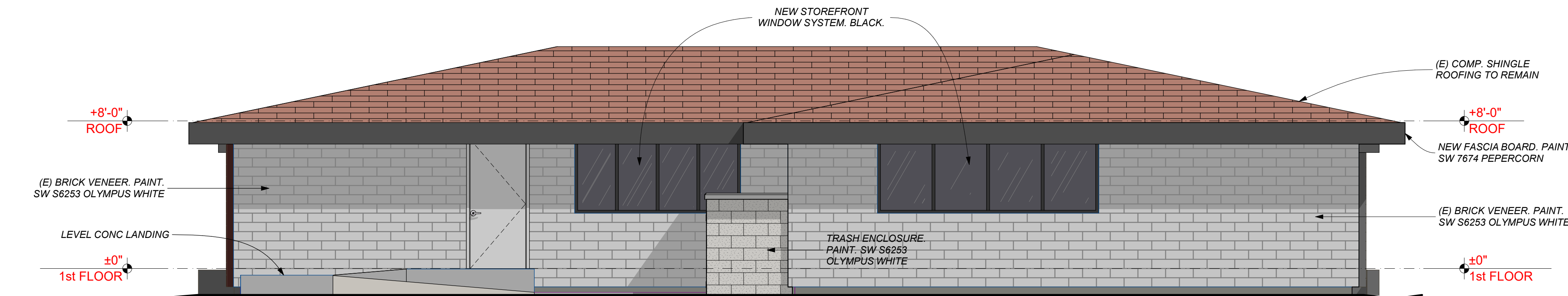
SW 7068 GRIZZLE GREY



**EAST ELEVATION**

EP

1/4" = 1'-0"



**NORTH ELEVATION**

NP

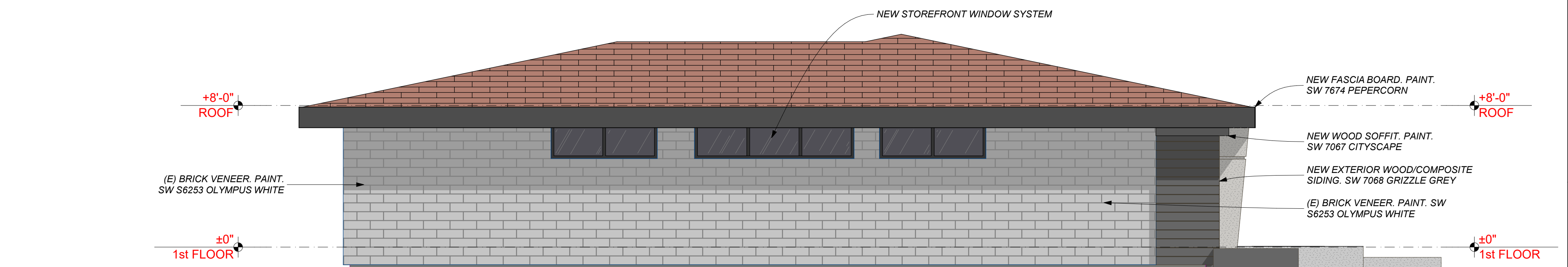
1/4" = 1'-0"



**SOUTH ELEVATION**

SP

1/4" = 1'-0"



**WEST ELEVATION**

WP

1/4" = 1'-0"



Linda Fish  
Landscape Architect  
fishlandscape@sbcglobal.net  
(209) 656-7177  
PLA #4346

Irrigation Plan

Gurpreet Dhaliwal, M.D.  
Medical Office

205 W. 9th St.  
Tracy, CA

Scale: 1"=10'-0"  
Date: 12-28-21  
Drawn: LF  
Sheet Number:

L1

**Project Information:**

Project Contact: Dr. Gurpreet Dhaliwal  
gdhaliwal@sevepain.com  
Project Type: New, private  
Landscape Area: 2,754 sf  
Water Supply: Potable water, City of Tracy  
Landscape Document Package:  
1. Project Information (this box)  
2. Water Efficient Landscape Worksheet (sheet L1)  
3. Soil Management Report (provided by Landscape Contractor, see Planting Notes, sheet L2)  
4. Landscape Design Plan (Planting Plan, sheet L2)  
5. Irrigation Design Plan (Irrigation Plan, sheet L1)  
Applicant Compliance Statement: "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package".

Applicant Signature: \_\_\_\_\_ Date: 12-28-21

**Irrigation Schedule:**

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days
	Usage (gal.)	Usage (gal.)	Usage (gal.)	Usage (gal.)	Usage (gal.)	Usage (gal.)	Usage (gal.)	Usage (gal.)	Usage (gal.)	Usage (gal.)	Usage (gal.)	Usage (gal.)
Trees	0/0	1/5	1/5	2/5	2/5	2/5	2/5	2/5	2/5	1/5	1/5	0/0
Valves 1	0	100	100	200	200	200	200	200	200	100	100	0
Shrubs	0/0	1/10	1/15	2/20	2/20	2/20	2/20	2/20	2/20	1/15	1/10	0/0
Valves 2-3	0	504	735	2,014	2,014	2,014	2,014	2,014	2,014	735	504	0

**Water Efficient Landscape Worksheet:**

Reference Eto: 49.7

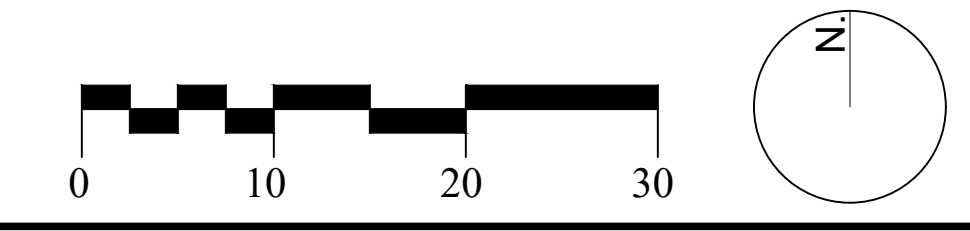
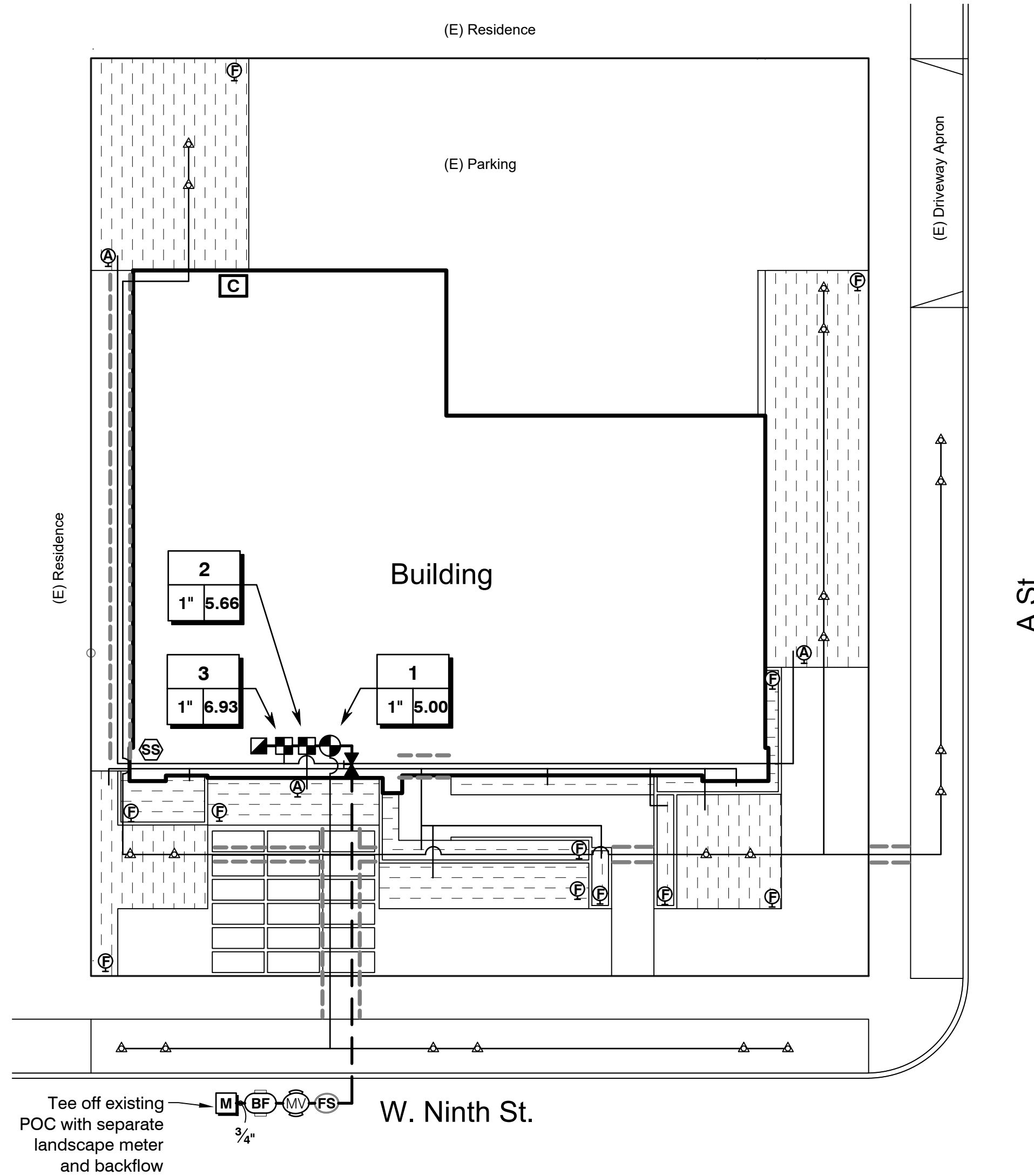
Hydrozone# / Planting Description	Plant Factor (PF)	Irrigation Method	Irrigation Efficiency (IE)	ETAF (PF/IE)	Landscape Area (sq. ft.)	ETAF x Area	Est. Total Water Use (ETWU)
<b>Regular Landscape Areas</b>							
Trees Valves 1	.5	Bubbler	.81	.62	120 <small>12 sf per tree</small>	74	2,225
Shrubs Valves 2-3	.3	Drip	.81	.37	1,129	418	12,569
*Unplanted Landscape	None	None	0	0	1,505	0	0
*Unplanted Landscape includes artificial turf areas and gravel areas.					Totals	2,754	14,794
<b>Special Landscape Areas</b>							
None	None	None	None	None	None	None	None
					Totals	0	0
<b>ETAF Calculations</b>							
Total ETAF x Area	492			ETWU Total		14,794	
Total Area	2,754			Maximum Allowed Water Allowance (MAWA) (Eto)(.62)((.45xLA)+(.55xSLA))		37,266	
Average ETAF	.18						

**Irrigation Notes:**

- Before beginning work, Contractor shall inspect the site. If any conditions exist that differ from what is shown on the plans and will affect the Contractor's work, notify the Owner or Landscape Architect immediately.
- The static water pressure is assumed to be 60 psi. This irrigation system is based on a designed minimum of 55 psi and 7 gpm, before the backflow. Prior to irrigation installation, ensure that gpm and psi requirements are met. If there is insufficient of either, contact the Landscape Architect immediately.
- Install all irrigation equipment in accordance with manufacturer's specifications and City of Tracy standards.
- Piping layout is diagrammatic. Irrigation equipment shown in paved areas are for legibility only and are to be installed in planting areas (except for sleeves).
- Tree bubblers are to be installed 2 per tree, see detail sheet L3.
- All irrigation pipes under paving must be sleeved. Sleeves are only shown diagrammatically on the plan, and more may be needed than shown. All mainline pipes and control wires under paving are to be installed in separate sleeves. Contractor is responsible to coordinate with other contractors to locate and install pipe sleeves under paving. All sleeves are to be 2x the diameter of the pipe within the sleeve.
- The Rainbird dripline is to be installed 3" below the soil surface for shrub areas.
- The irrigation controller must be programmed within the days and hours established by any water conservation program adopted by the City of Tracy.
- The Contractor is responsible to create accurate, scaled, as-built drawing of the entire irrigation system. Three copies of the as-built drawings are to be given to the Owner before the project is complete.
- The Contractor is responsible to work with the Owner and Landscape Architect to create a maintenance schedule and complete the Certificate of Completion and Certificate of Installation in compliance with the Model Water Efficient Landscape Ordinance.
- Contractor to install automatic irrigation per these plans. Any discrepancies are to be brought to the attention of the Landscape Architect. Contractor is responsible for the successful, full operation of the irrigation system.
- Contractor to review controller selection and controller and location with Owner.
- An irrigation audit shall be completed by a Certified Landscape Irrigation Auditor after installation per the State Model Water Efficient Landscape Ordinance. The audit shall be provided to the City of Tracy Planning Division for review and approval.

**Irrigation Legend:**

SYMBOL	MANUFACTURER/MODEL
▲	Rain Bird RWS-M-B-C, .25gpm ea. (2 per tree)
■	Rain Bird XCZ-100-PRF Medium Flow Drip Control Kit, 1" DV valve, 1" pressure regulating filter, 40psi pressure regulator. 3gpm - 15gpm.
⊕	Rain Bird MDCFCAP Flush Valve
⊖	Rain Bird ARV050 Air Relief Valve
▨	Area to Receive Dripline - Shrub Areas Rain Bird XFS-06-12 XFS Sub-Surface Pressure Compensating Dripline w/Copper Shield Technology, 0.6 GPH emitters at 12" O.C. Laterals spaced at 12' apart, with emitters offset for triangular pattern.
⊙	Rain Bird PEB 1"
⊞	Rain Bird 44-LRC Quick Coupling Valve
⊗	Nibco T-113-LF Gate Valve, Line Size
⊕	Febco 825Y 3/4" Reduced Pressure Backflow Preventer
⊞	Hunter IC-600-M Modular Controller, 12 stations, Outdoor Model, Metal Cabinet.
⊞	Hunter Solar-Sync Wireless Solar, rain freeze sensor with outdoor interface, connects to Controller, install on southwest corner of building.
⊕	Rain Bird FS-100-B 1" Flow Sensor
⊞	Water Meter 3/4"
—	Irrigation Lateral Line: PVC Schedule 40
---	Irrigation Mainline: PVC Schedule 40
----	Pipe Sleeve: PVC Class 200 SDR 21





Revisions:


**Linda Fish**  
Landscape Architect  
fishlandscape@sbcglobal.net  
(209) 656-7177  
PLA #4346

Planting Plan

Gurpreet Dhaliwal, M.D.  
Medical Office

205 W. 9th St.  
Tracy, CA

Scale: 1"=10'-0"  
Date: 12-28-21  
Drawn: LF  
Sheet Number:

L2

**Reference Notes Schedule:**

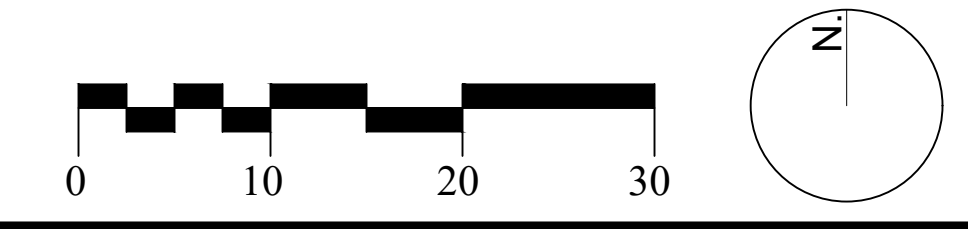
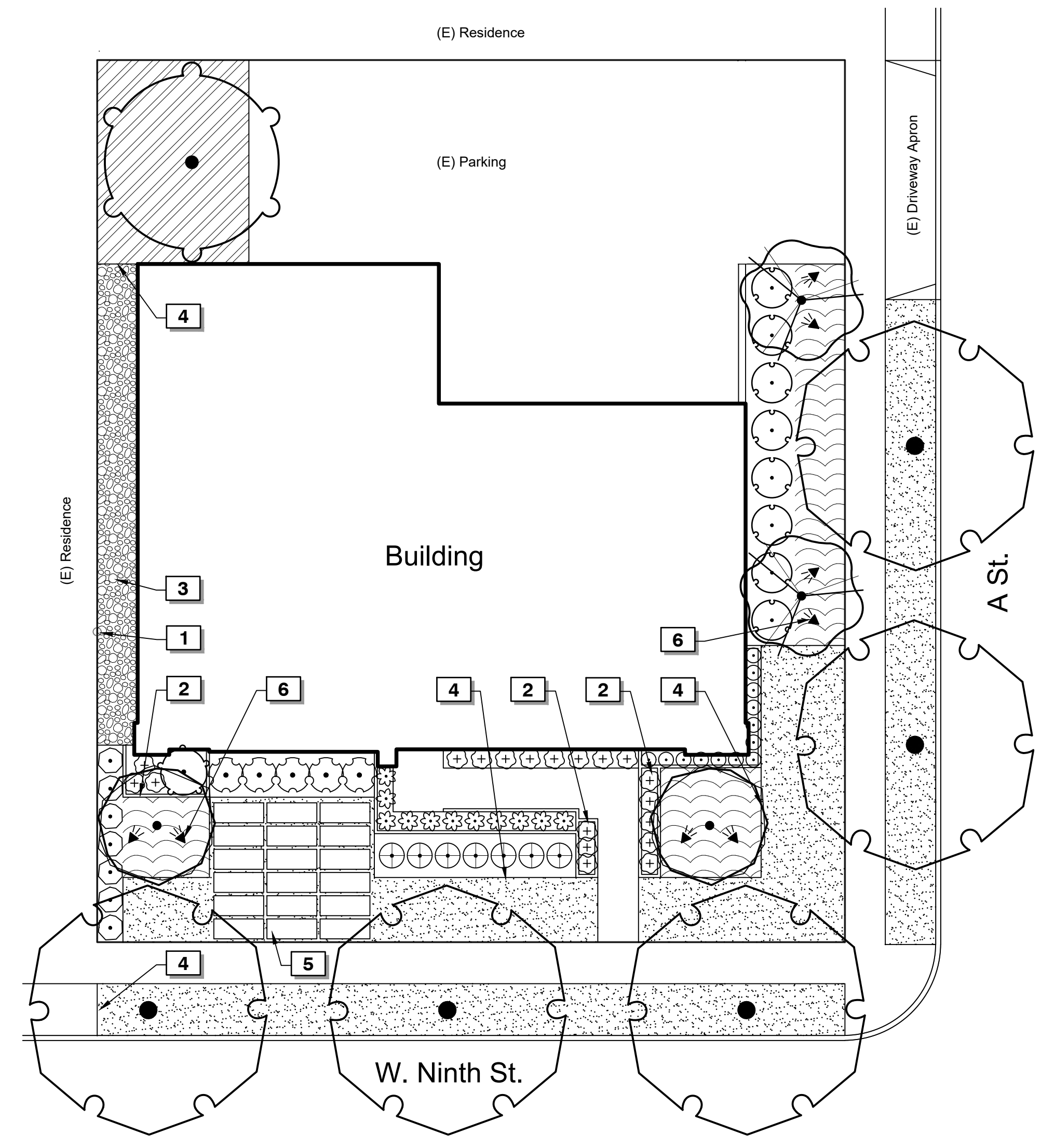
SYMBOL	DESCRIPTION
1	Existing tree to remain, protect in place.
2	New raised planter, see Architectural plans.
3	Install gravel on west side yard. Install gravel approximately 4" deep to cover entire area as shown on plan. To install, excavate soil as needed, without disturbing roots of existing tree. Line area with landscape fabric (not sheet plastic), overlapping seams by 6" and secure with U-pins every 2' in all directions. Fill area with gravel and ensure that all fabric is covered completely. Owner is to approve gravel sample prior to purchase and installation.
4	Edge all artificial turf areas and gravel areas with landscape edging. Use Permaloc aluminum edging in bronze color, or equal.
5	Install 18 concrete pavers where shown on plan. Each paver is to be 2' x 5' and formed in place. Pavers are to be 4" apart in all directions, including from the sidewalk. Center the pavers on the center of the wall of the building. If needed, adjust the size of the pavers or the size of the area between them, but all dimensions are to remain equal if adjustments are made. Owner to approve forms prior to concrete installation. Artificial turf is to be placed between pavers to merge seamlessly with artificial turf areas on each side of paver area.
6	Furnish and install black LED uplights, two at the base of each Japanese Maple where shown on plan, 8 total. Wire and install per manufacturer's instructions. Owner to approve light fixtures and locations prior to purchase and installation.

**Planting Legend:**

TREES	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	WUCOLS	QTY
	<i>Acer palmatum</i>	Multi-trunk Japanese Maple	36" Box	per plan	M	2
	<i>Acer palmatum</i>	Multi-trunk Japanese Maple	48" Box	per plan	M	2
	<i>Acer rubrum</i> 'Frank Jr.' TM	Redpointe Red Maple	24" Box	per plan	M	1
	<i>Pistacia chinensis</i> 'Keith Davey'	Keith Davey Chinese Pistache	24" Box	per plan	L	5
SHRUBS	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	WUCOLS	QTY
	<i>Arbutus unedo</i> 'Compacta'	Dwarf Strawberry Tree	5 gal.	6'	L	1
	<i>Callistemon viminalis</i> 'Little John'	Little John Weeping Bottlebrush	5 gal.	4'	L	5
	<i>Carex tumulicola</i>	Berkeley Sedge	1 gal.	2'	L	13
	<i>Dianella revoluta</i> 'DR5000' TM	Little Rev Flax Lily	1 gal.	2.5'	L	19
	<i>Hesperaloe parviflora</i> 'Perpa' TM	Brakelights Red Yucca	1 gal.	2.5'	L	11
	<i>Myrsine africana</i>	African Boxwood	5 gal.	3'	L	7
	<i>Salvia greggii</i> 'Furmans Red'	Furman's Red Autumn Sage	1 gal.	3'	L	7
	<i>Xylosma congestum</i> 'Compacta'	Compact Xylosma	5 gal.	4.5'	L	8
GROUND COVERS	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	WUCOLS	QTY
	<i>Juniperus procumbens</i> 'Nana'	Shore Juniper	1 gal.	3'	L	45
	<i>Mahonia aquifolium</i> 'Compacta'	Compact Oregon Grape	1 gal.	4'	L	21
	Artificial Turf					1,310 sf
	Gravel Area					195 sf

**Planting Notes:**

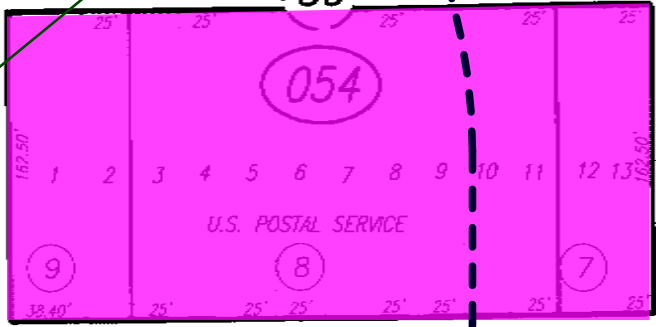
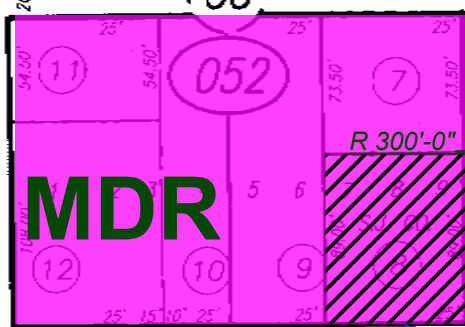
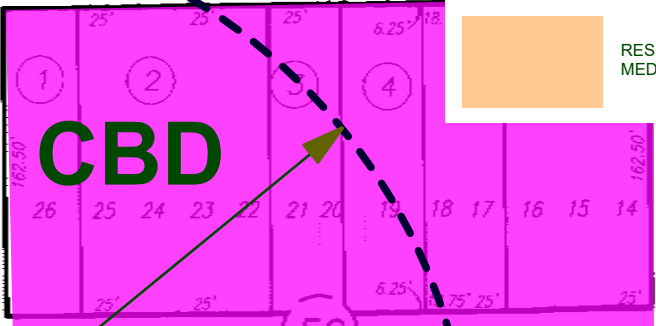
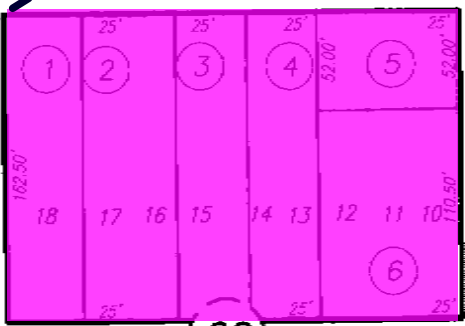
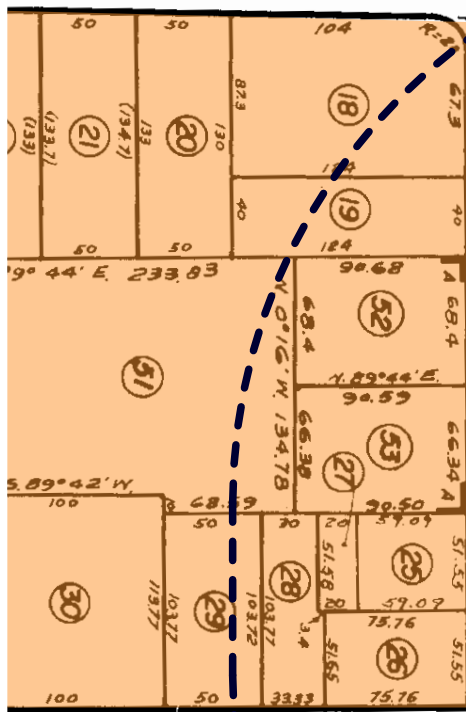
- Before beginning work, Contractor shall inspect the site. If any conditions existing that differ from what is shown on the plans and will affect Contractor's work, notify the owner or Landscape Architect immediately.
- When fine grading, Contractor is to be sure that water cannot pool against buildings or fences.
- The Contractor shall furnish the City and Owner with a landscape soils report from A&L Western Lab in Modesto (209) 529-4080, or equal. The Contractor is to follow the recommendations in accordance with the Model Water Efficiency Landscape Ordinance. All landscape areas are to be amended with compost (4 yards per 1,000 square feet) before planting. Rototill all planting areas at least 6" deep. Soil amendments and fertilizer shall be based on the soil fertility test and the recommendations from the reputable soil testing laboratory.
- Wherever the center of trees are within 5' of a curb or paved surface, root barriers are to be used at back of paving. The root barrier is to be installed linear against the curb or paved surface at 1" below adjacent finished grades. The gap between the barrier and paved surface shall be backfilled with soil. Use 4 24" DeepRoot panels at each paved surface.
- Contractor to submit 2 photos of each plant (photo of entire plant, plus close-up of plant tag) to the Landscape Architect for approval prior to installation.
- Weed and weed seeds, both existing and potential, are to be addressed at all planting areas. Contractor to use a pre-emergent herbicide throughout the entire project area. All additives and herbicides selected must be safe for animals and young children. If any concerns arise, Contractor is to bring them to the attention of the Landscape Architect or Owner.
- Furnish and install artificial turf where shown on plans, including parkways. Provide Owner with artificial turf sample to approve prior to purchase or installation of material. Provide 24" diameter tree wells for each of the 5 new street trees are to be planted in the parkways with artificial turf. Artificial turf is to be edged neatly where it meets planting areas with Permaloc aluminum edging, in bronze color, or equal.
- Place 3" of natural brown bark chip mulch in all planting areas, as well as the bark only area (future building site). Replenish the mulch at the end of the maintenance period so that there it is at least 3" deep. Bark mulch samples must be approved by Owner and Landscape Architect prior to purchase or installation.
- All plant material is to be of the highest quality, in healthy condition, and of a size expected of the species and container size.
- Contractor to verify quantities listed. Plant quantities are provided as a convenience only. If there is a discrepancy between the quantities provided and what is shown on the plans, then Contractor is to refer to the plans.
- Add OMR - certified fertilizer tablets to each tree or shrub when planting in the following quantities:  
1 gallon - 1 tablet, 5 gallon - 3 tablets, 15 gallon - 5 tablets, 24" box - 10 tablets, 36" box - 15 tablets
- The backfill mix for tree and shrub pits must use the following: 1 part compost to 2 parts native soil.
- Contractor is to maintain all landscape work for 60 days after the landscape has been accepted by the City of Tracy.
- All work is to be guaranteed by the installing Contractor for one (1) full calendar year after acceptance by Owner unless specified otherwise.



53 51.50 106.22

Tracy

STREET



DOWNTOWN  
RESIDENTIAL MEDIUM



NORMAN H. SMITH ARCHITECT

P.O. BOX 934  
ROCKLIN, CA  
95677-0934

(916) 337-3750

email: nhsarchitect@gmail.com

**CBD**

**MDR**

"A"

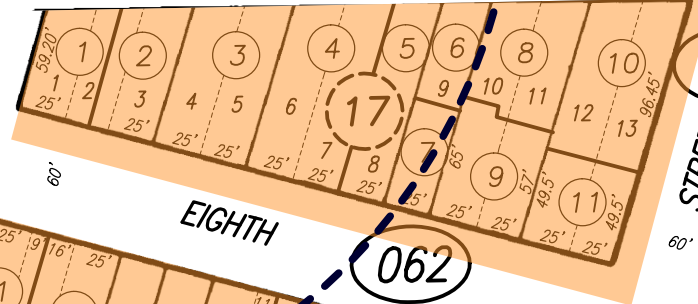
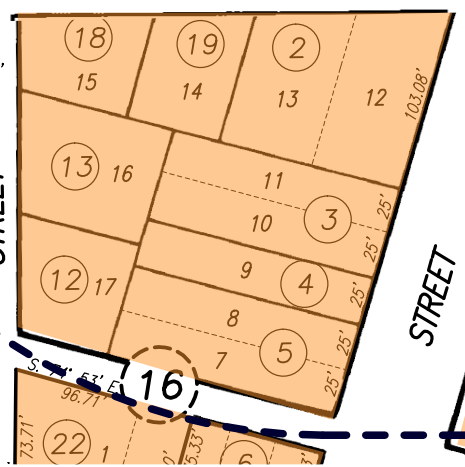
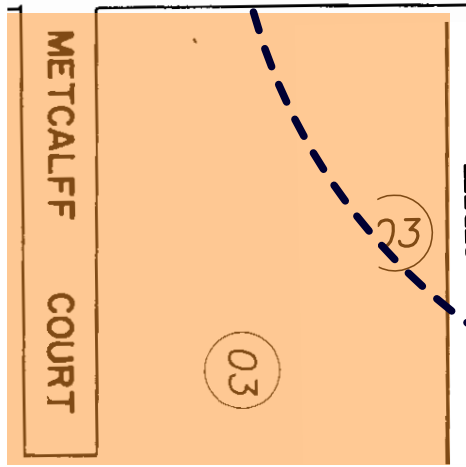
NORTH

NORTH

site

STREET

NINTH



STREET

STREET

EIGHTH

062

064

**300 FT SITE**

1" = 100'

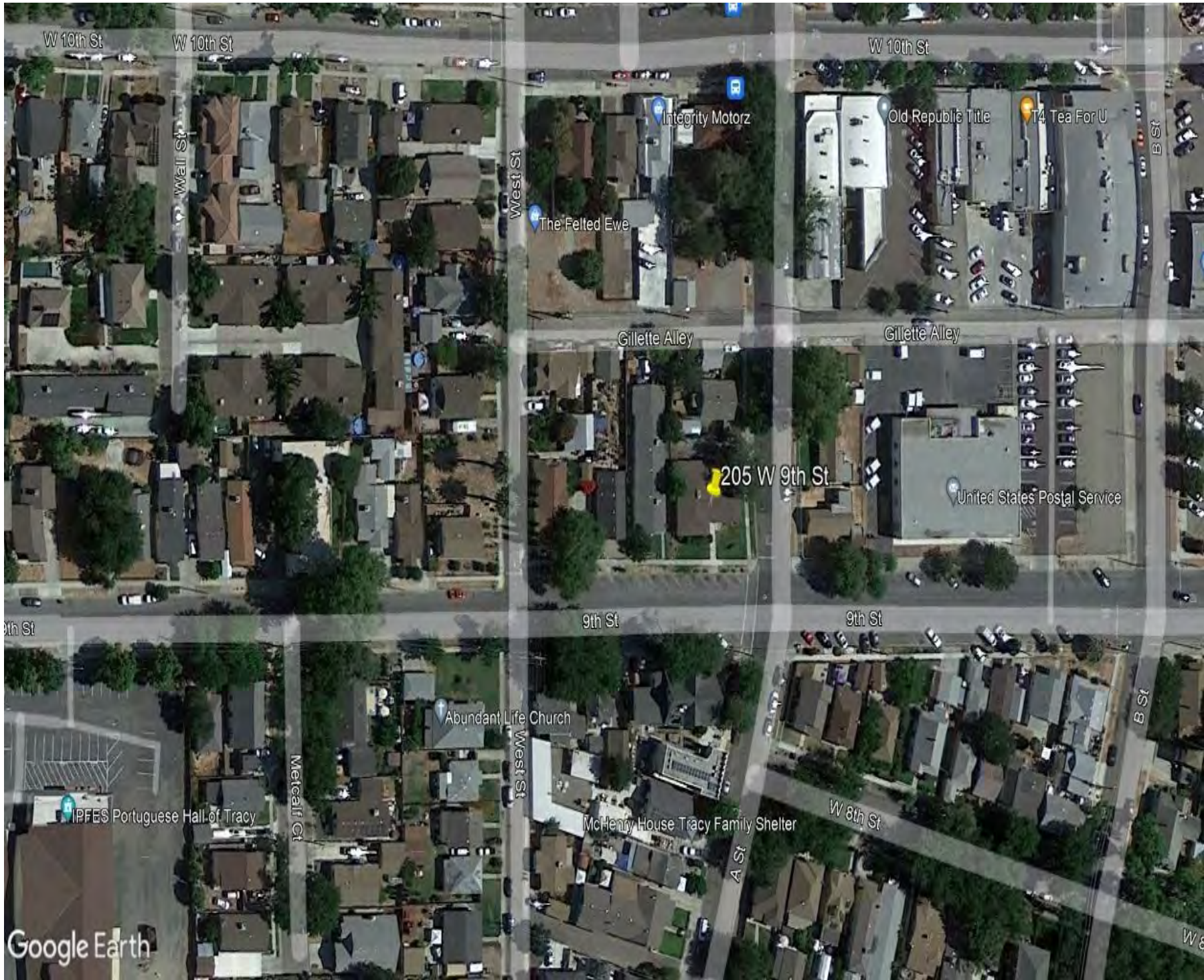
PROJECT NAME: GURPREET DHALIWAL, M.D.

LOCATION: 205 W 9th St, Tracy, CA

SHEET TITLE: 300 FT MAP

DATE: 5/4/2022

DR-1



**NORMAN H. SMITH  
ARCHITECT**

P.O. BOX 934  
ROCKLIN, CA  
95677-0934

(916) 337-3750

email: nhsarchitect@gmail.com

PROJECT NAME: GURPREET DHALIWA, M.D.

LOCATION: 205 W 9th St, Tracy, CA

SHEET TITLE: ARIAL PHOTO

DATE: 5/4/2022

**DR-2**



**1- NORTHEAST REAR OF BUILDING**



**2-NORTHEAST SIDE**

SEE DD.01 FOR  
PHOTO LOCATIONS



NORMAN H. SMITH  
ARCHITECT  
P.O. BOX 934  
ROCKLIN, CA 95677-0934  
(916) 337-3750  
email: nhsarchitect@gmail.com

PROJECT NAME GURPREET DHALIWAL, M.D.  
LOCATION 205 W 9th St, Tracy, CA  
SHEET TITLE PHOTOS 1 & 2  
DATE: 5/4/2022

DR-3



**3-SOUTHEAST CORNER**



**4- SOUTH FRONT**

SEE DD.01 FOR  
PHOTO LOCATIONS



NORMAN H. SMITH  
ARCHITECT  
P.O. BOX 934  
ROCKLIN, CA 95677-0934  
(916) 337-3750  
email: nhsarchitect@gmail.com

PROJECT NAME GURPREET DHALIWAL, M.D.  
LOCATION 205 W 9th St, Tracy, CA  
SHEET TITLE PHOTOS 3 & 4  
DATE: 5/4/2022

DR-4





## 5- NORTHWEST



## 6-WEST WALL

SEE DD.01 FOR  
PHOTO LOCATIONS



NORMAN H. SMITH  
ARCHITECT  
P.O. BOX 934  
ROCKLIN, CA 95677-0934  
(916) 337-3750  
email: nhsarchitect@gmail.com

PROJECT NAME GURPREET DHALIWAL, M.D.  
LOCATION 205 W 9th St, Tracy, CA  
SHEET TITLE PHOTOS 5 & 6  
DATE: 5/4/2022

DR-5

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
CITY ATTORNEY'S OFFICE

**TRACY CITY COUNCIL**

**ORDINANCE NO. \_\_\_\_\_**

---

**APPROVE A REZONE OF THE PROPERTY LOCATED AT 205 W. 9<sup>th</sup> STREET, ASSESSOR'S PARCEL NUMBER 235-052-08, FROM MEDIUM DENSITY RESIDENTIAL ZONE TO CENTRAL BUSINESS DISTRICT ZONE. APPLICATION NUMBER R22-0001**

**WHEREAS**, An application was submitted for a rezone from Medium Density Residential Zone to Central Business District Zone for the property located at 205 W. 9<sup>th</sup> Street, Application Number R22-0001; and

**WHEREAS**, The application for the rezoning of the parcel was received as part of an application packet also requesting the approval of a Development Review Permit for exterior modifications with a 317 sq. ft. addition to an existing building, Application Number D22-0008; and

**WHEREAS**, The subject property located at 205 W. 9<sup>th</sup> Street is situated on the northwest corner of 9<sup>th</sup> Street and A Street with the existing zoning of Medium Density Residential and a General Plan designation of Downtown; and

**WHEREAS**, The current classification of Medium Density Residential Zone is not consistent with the General Plan designation of Downtown; and

**WHEREAS**, The proposed rezoning to Central Business District would bring the zoning of the subject property into conformance with the General Plan; and

**WHEREAS**, In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15183, no further environmental assessment is required because the proposed rezone is consistent with the General Plan designation of Downtown, which was previously studied by the General Plan Environmental Impact Report (EIR), certified February 1, 2011; and

**WHEREAS**, The Planning Commission considered this matter at a duly noticed public hearing held on May 25, 2022, and recommended that the City Council introduce and adopt an ordinance to approve the rezoning; and

**WHEREAS**, The City Council considered this matter at a duly noticed public hearing held on July 5, 2022;

NOW, THEREFORE, THE CITY COUNCIL OF TRACY DOES ORDAIN AS FOLLOWS:

**SECTION 1:** The property located at 205 W. 9<sup>th</sup> Street, Assessor’s Parcel Number 235-052-08, is hereby rezoned from Medium Density Residential (MDR) Zone to Central Business District (CBD) Zone and the City’s Zoning Map is hereby amended to show this property zoned as CBD.

**SECTION 2:** This Ordinance shall take effect 30 days after its final passage and adoption.

**SECTION 3:** 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 section 36933)

**SECTION 4:** That the City Council finds that this Ordinance is exempt from CEQA in accordance with CEQA Guidelines section 15183, no further environmental assessment is required because the proposed rezone is consistent with the General Plan.

\* \* \* \* \*

The foregoing Ordinance \_\_\_\_\_ was introduced at a regular meeting of the Tracy City Council on the 5<sup>th</sup> day of July, 2022, and finally adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

AYES:                    COUNCIL MEMBERS:  
NOES:                    COUNCIL MEMBERS:  
ABSENT:                COUNCIL MEMBERS:  
ABSTENTION:         COUNCIL MEMBERS:

\_\_\_\_\_  
NANCY D. YOUNG  
Mayor of the City of Tracy, California

ATTEST: \_\_\_\_\_  
ADRIANNE RICHARDSON  
City Clerk and the Clerk of the Council of  
the City of Tracy, California

\_\_\_\_\_  
CITY ATTORNEY'S OFFICE

**TRACY CITY COUNCIL**

**RESOLUTION 2022-\_\_\_\_\_**

---

**APPROVING A DEVELOPMENT REVIEW PERMIT FOR EXTERIOR MODIFICATIONS WITH A 317 SQ. FT. ADDITION TO AN EXISTING BUILDING LOCATED AT 205 W. 9<sup>TH</sup> STREET, APPLICATION NUMBER D22-0008**

**WHEREAS**, An application was submitted for a Development Review Permit for exterior modifications and a 317 sq. ft. addition to an existing building located at 205 W. 9<sup>th</sup> Street, Application Number D22-0008; and

**WHEREAS**, The Development Review Permit was received as part of an application packet also requesting a rezoning for the parcel in question from Medium Density Residential Zone to Central Business District Zone, Application Number R22-0001; and

**WHEREAS**, The proposed exterior modifications and addition to the existing building would be consistent with the City of Tracy Design Goals and Standards and be compatible with buildings in the surrounding area because the architecture incorporates desirable elements such as a mix of complementary building materials and colors, variation in façade depth, ample use of windows, and a hip roof design; and

**WHEREAS**, The proposed exterior modifications with a 317 square foot addition to the existing building are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, which pertains to minor alterations and additions to existing facilities; and

**WHEREAS**, The Planning Commission conducted a duly noticed public hearing held on May 25, 2022, and recommended that the City Council approve a Development Review Permit for exterior modifications with a 317-square foot addition to an existing building at 205 W. 9<sup>th</sup> Street, Application Number D22-0008; and

**WHEREAS**, On June 21, 2022, the City Council conducted a duly noticed public hearing to consider the proposed Development Review Permit; now, therefore, be it

**RESOLVED:** That the City Council hereby adopts a resolution approving a Development Review Permit for exterior modifications with a 317 sq. ft. addition to an existing building at 205 W. 9th Street, Application Number D22-0008, subject to the conditions contained in Exhibit 1 and based on the following findings:

- a. The proposal increases the quality of the project site and enhances the property in a manner that therefore improves the property in relation to the surrounding area as the proposed exterior modifications and addition to the existing building

would be consistent with the City of Tracy Design Goals and Standards and be compatible with buildings in the surrounding area because the architecture incorporates desirable elements such as a mix of complementary building materials and colors, variation in façade depth, ample use of windows, and a hip roof design.

- b. The proposal conforms to the City of Tracy Zoning Code regulations, the City of Tracy General Plan, the Citywide Design Goals and Standards, and other City regulations.

**FURTHER RESOLVED:** That the City Council finds that this Resolution is exempt from CEQA in accordance with CEQA Guidelines section 15301, which pertains to minor alterations and additions to existing facilities.

\* \* \* \* \*

The foregoing Resolution 2022-\_\_\_\_\_ was passed and adopted by the Tracy City Council on the 5<sup>th</sup> day of July 2022, by the following vote:

AYES:                    COUNCIL MEMBERS:  
NOES:                    COUNCIL MEMBERS:  
ABSENT:                COUNCIL MEMBERS:  
ABSTENTION:        COUNCIL MEMBERS:

\_\_\_\_\_  
NANCY D. YOUNG  
Mayor of the City of Tracy, California

ATTEST: \_\_\_\_\_  
ADRIANNE RICHARDSON  
City Clerk and Clerk of the Council of the City  
of Tracy, California

**City of Tracy  
Development Review Permit  
Conditions of Approval**

Exterior Modifications and Addition to an Existing Building  
205 W. 9<sup>th</sup> St.  
Assessor's Parcel Number 235-052-08  
Application Number D22-0008  
July 5, 2022

These Conditions of Approval shall apply to the Development Review Permit for exterior modifications and construction of a 317 square foot addition to an existing building at 205 W. 9<sup>th</sup> St., Assessor's Parcel Number 235-052-08, Application Number D22-0008 (hereinafter "Project"), proposed by Gurpreet Dhaliwal (hereinafter "Applicant") and SPI Capital LLC (hereinafter "Property Owner").

1. The following definitions shall apply to these Conditions of Approval:
  - a. "Applicant" means any person, or other legal entity, defined as a "Developer".
  - b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
  - c. "City Regulations" mean all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Cordes Ranch Specific Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
  - d. "Conditions of Approval" shall mean these conditions of approval, applicable to Development Review Permit Application Number D22-0008.
  - e. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.
  - f. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
  - g. "Project" means exterior modifications and construction of a 317 square foot addition to an existing building, located at 205 W. 9<sup>th</sup> St., Assessor's Parcel Number 225-052-08, Application Number D22-0008.

2. Compliance with submitted plans. Except as otherwise modified herein, the project shall be developed in substantial compliance with the site plan, floor plan, landscape plan, and elevations received by the Development Services Department on April 25, 2022.
3. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, building permit fees, plan check fees, inspection fees, or any other City or other agency fees or deposits that may be applicable to the project.
4. Compliance with laws. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to:
  - a. Planning and Zoning Law (Government Code sections 65000, et seq.),
  - b. California Environmental Quality Act (Public Resources Code sections 21000, et seq., “CEQA”), and
  - c. Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., “CEQA Guidelines”).
5. Compliance with City regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), Standard Plans, and Design Goals and Standards.
6. Protest of fees, dedications, reservations, or other exactions. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

**B. Planning Division Conditions**

1. This Development Review Permit shall be effective only upon the effective date of the Ordinance rezoning the subject property to Central Business District (CBD) Zone.
2. Except as modified herein, the project shall be developed in substantial compliance with the plans and elevations received by the Development Services Department on April 25, 2022, to the satisfaction of the Development Services Director.

3. Prior to issuance of a building permit, the construction documents shall comply with California Building Standards Commission (Cal Green Code Emergency Standards; Title 24, Part 11) regarding landscaping and irrigation water efficiency, to the satisfaction of the Utilities Director.
4. Prior to issuance of a building permit, the construction documents shall comply with all South San Joaquin County Fire Authority requirements, to the satisfaction of the Fire Marshal.
5. Prior to the issuance of a building permit, the developer shall comply with all applicable Stormwater Quality Regulations, to the satisfaction of the Water Resources Division in the Utilities Department.
6. Prior to final inspection or certificate of occupancy, all PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Director.
7. Prior to final inspection or certificate of occupancy, all vents, gutters, downspouts, flashing, electrical conduits, etc. shall be painted to match the adjacent building surface or otherwise designed in harmony with the existing building exterior, to the satisfaction of the Development Services Director.
8. No signs are approved as a part of this development application. Approval of a separate sign permit application by the Development Services Department is necessary prior to the installation of any signs.

**C. Engineering Division Conditions of Approval**

C.1. General Conditions

Developer shall comply with the applicable sections of approved documents and/or recommendations of the technical analyses/reports prepared for the Project listed as follows:

1) NONE

C.2. RESERVED

C.3. RESERVED

C.4. RESERVED

C.5. Improvement Agreement(s)

All construction activity involving public improvements will require a fully executed improvement agreement (Off-site, Subdivision, and/or Inspection). Any



construction activity involving public improvements without a fully executed improvement agreement is prohibited. All public improvements shall be performed and completed in accordance with the recommendation(s) of the Project's Registered Civil Engineer. Prior to the consideration of City Council's approval of said improvement agreement, the Developer shall provide all documents related to said improvements required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

- C.5.1. Off-site and/or Public Infrastructure Improvement Plans prepared on a twenty-four (24) inch x thirty-six (36) inch size four (4) millimeter thick mylar that incorporate all requirements described in the documents described in these Conditions of Approval, the City's Design Documents as defined in Title 12 of the Tracy Municipal Code. Developer shall use the latest title block and, if necessary, contain a signature block for the Fire Marshal. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by Fire Marshal to submitting the mylars to Engineering Division for City Engineer's signature. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:
- C.5.1.a. All existing and proposed utilities such as domestic water line, irrigation service, fire service line, storm drain, and sanitary sewer, including the size and location of the pipes.
  - C.5.1.b. All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports. All improvement plans shall contain a note stating that the Developer (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers such as benchmarks.
  - C.5.1.c. A PDF copy of the Project's approved Geotechnical/Soils Report that was prepared for the grading permit submittal.
  - C.5.1.d. Storm Water - The Project's on-site storm water drainage connection to the City's storm water system shall be approved by the City Engineer. Drainage calculations for the sizing of the on-site storm drainage system. Improvement Plans to be submitted with the hydrology and storm water.

Storm drainage release point is a location at the boundary of the Project adjacent public right-of-way where storm water leaves the Property, in a storm event and that the Property's on-site storm drainage system fails to function or it is clogged. Site grading shall be designed such that the Project's storm drainage overland release point will be directly to an adjacent public street with a functional storm drainage system and the existing storm drainage line has adequate capacity to drain storm water from the Property. The storm drainage release point is recommended to be at least 0.70-feet lower than the building finish floor elevation and shall be designed and improved to the satisfaction of the City Engineer.

The Project's permanent storm drainage connection(s) shall be designed and constructed in accordance with City Regulations. The design of the permanent storm drainage connection shall be shown on the Grading and Drainage Plans with calculations for the sizing of the storm drain pipe(s), and shall comply with the applicable requirements of the City's storm water regulations adopted by the City Council in 2012 and any subsequent amendments.

The storm water treatment system shall be located on private property and shall be at least off-set from the right-of-way by one (1) foot. Developer shall also construct the recommended mitigations from the storm water technical memorandum.

- C.5.1.e. Sanitary Sewer - It is the Developer's responsibility to design and construct the Project's permanent on-site sanitary sewer (sewer) improvements including the Project's sewer connection in accordance with the City's Design Standards, City Regulations and Standard Specifications. Sewer improvements shall include but not limited to, replacing asphalt concrete pavement, reconstructing curb, gutter and sidewalk, restoring pavement marking and striping, and other improvements that are disturbed as a result of installing the Project's permanent sewer connection. Developer shall submit improvement plans that include the design of the sewer line from the Property to the point of connection.

Developer is hereby notified that the City will not provide maintenance of the sewer lateral within the public right-of-way unless the sewer cleanout is located and constructed in conformance with Standard Plans. The City's responsibility to maintain on the sewer lateral is from the wye/onsite

sewer manhole at the right-of-way line/property line/wye fitting to the point of connection with the sewer main.

If applicable, Developer shall remove and replace the existing sewer lateral with a 6" sewer lateral. If said sewer lateral installation is required, it shall be subject to Condition C.8.1.

- C.5.1.f. Water Distribution - Developer shall design and construct domestic and irrigation water service that comply with the City Regulations. Water line sizing, layout and looping requirements for this Project shall comply with City Regulations. During the construction of the Project, the Developer is responsible for providing water infrastructure (temporary or permanent) capable of delivering adequate fire flows and pressure appropriate to the various stages of construction and as approved by the Fire Marshal.

Interruption to the water supply to the existing businesses and other users will not be allowed to facilitate construction of improvements related to the Project. Developer shall be responsible for notifying business owner(s) and users, regarding construction work. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least seventy-two (72) hours before start of work. Prior to starting the work described in this section, the Developer shall submit a Work Plan acceptable to the City that demonstrates no interruptions to the water supply, and Traffic Control Plan to be used during the installation of the off-site water mains and connections.

The Project's water service connections shall use a remote-read (radio-read) master water meter (the water meter to be located within City's right-of-way) and a Reduced Pressure Type back-flow protection device in accordance with City Regulations. The domestic and irrigation water service connection(s) must be completed before the inspection of the building. The location of the meters shall be approved by the City Engineer.

After final inspection of the improvements constructed via an encroachment permit, repair and maintenance of the water service from the water meter to the point of connection with the water distribution main in the street shall be the responsibility of the City. Water service

repairs after the water meter is the responsibility of the Developer or individual lot owner(s).

Prior to improvement acceptance, repair and maintenance of all on-site water lines, laterals, sub-water meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Developer or the individual lot owner(s).

All costs associated with the installation of the Project's water connection(s) including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings on existing street or parking area(s) that may be disturbed with the installation of the permanent water connection(s), or domestic water service, and other improvements shall be paid by the Developer.

- C.5.1.g. Streets – The Developer shall construct frontage improvements. Frontage improvements include but are not limited to the following: curb, gutter, sidewalk, street widening, landscaping, street lighting, undergrounding of overhead utilities and other improvements. All streets and utilities improvements within City right-of-way shall be designed and constructed in accordance with City Regulations, and City's Design Standards including the City's Facilities Master Plan for storm drainage, roadways, wastewater, and water as adopted, amended, and updated by the City, or as otherwise specifically approved by the City.

~~The Developer shall refresh all striping along property frontage as needed.~~

If applicable, Developer shall construct curb, gutter and sidewalk that shall conform to Section 3.07 of the 2020 Design Standards

Along the project frontage, if applicable, Developer shall landscape and irrigate the existing parkways per current adopted City landscape standards. Landscape and irrigation plans shall be prepared on a 24-inch x 36-inch size 4-millimeter thick mylar that incorporate all requirements described in the documents described in these Conditions of Approval, the City's Design Documents as defined in Title 12 of the Tracy Municipal Code. Developer shall use the latest title block. Said landscape

and irrigation plan shall be prepared by a California licensed landscape architect. Developer can either protect-in-place the existing sidewalk and repair any cracked, settled, and/or damaged sidewalk or remove and replace the sidewalk so long as the replacement sidewalk is similar to the current sidewalk, i.e. similar width, meanders, etc.

A Street

If applicable, Developer shall construct a driveway that conforms to Section 3.08 of the 2020 Design Standards. Driveways shall have one and half (1.5) feet of full-height (i.e. six (6) inches) of vertical curb from the driveway's edge. Driveways shall be fire truck accessible to the satisfaction of the City Engineer.

West 9<sup>th</sup> Street and A Street

~~Developer shall upgrade the two (2) curb ramps at the northwest and northeast corners of the West 9th Street and A Street intersection to current pedestrian and ADA standards.~~

~~Developer shall install a crosswalk at the north leg of the West 9th Street and A Street intersection.~~

Developer shall dedicate a ten (10) foot wide Public Utility Easement (P.U.E.) along the project frontage. This shall be required before issuance of Building Permit.

- C.5.2. Joint Trench Plans and Composite Utility Plans, prepared on a twenty-four (24) inch x thirty-six (36) inch size four (4) millimeter thick mylar for the installation of dry utilities such as electric, gas, TV cable, telephone, and others that will be located within the twenty-four (24) feet wide to forty-six (46) feet wide [the width varies) PUE to be installed to serve the Project. All private utility services to serve Project must be installed underground or relocated to be underground, and to be installed at the location approved by the respective owner(s) of the utilities from the street or an existing or proposed utility easement to the building(s). If necessary, the Developer shall dedicate ten (10) feet wide PUE for access to these new utilities for re-installation, replacement, repair, and maintenance work to be performed by the respective utility owner(s) in the future.
- C.5.3. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans. The cost estimate shall show the cost of designing the public improvements.

Payment of applicable fees required by these Conditions of Approval and City Regulations, including but not limited to, plan checking, grading and encroachment permits and agreement processing, construction inspection, and testing fees. The engineering review fees will be calculated based on the fee rate adopted by the City Council on September 2, 2014, per Resolution 2014-141 and on May 16, 2017, per Resolution 2017-098. Developer shall submit payment in the form of a check for the aforementioned fees.

- C.5.4. Traffic Control Plan - Prior to starting the work for any work within City's right-of-way, the Developer shall submit a Traffic Control Plan (TCP). TCP can be split among the different construction phases. TCP will show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. TCP shall conform to the Manual on Uniform Traffic Control Devices as amended by the State of California, latest edition (MUTCD-CA). TCP shall be prepared under the supervision of, signed and stamped by a Registered Civil Engineer or Registered Traffic Engineer.

Access and Traffic Circulation to Existing Businesses/Residents - Developer shall take all steps necessary to plan and construct site improvements such that construction operations do not impact safety and access (including emergency vehicles) to the existing businesses and residents throughout the duration of construction. Developer shall coordinate with the owners and cooperate to minimize impacts on existing businesses. All costs of measures needed to provide safe and functional access shall be borne by the Developer.

- C.5.5. No street trench shall be left open, uncovered, and/or unprotected during night hours and when the Developer's contractor is not performing construction activities. Appropriate signs and barricades shall be installed on the street and on all trenches during such times. If the Developer or its contractor elects to use steel plates to cover street trenches, said steel plates will be skid-resistance, and shall be ramped on all sides. Ramps will be a minimum two-foot wide and will run the entire length of each side.
- C.5.6 If at any point during utility installation or construction in general that the Developer, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any archeological, historical, or other paleontological findings, the Developer shall address the findings as required per the General Plan Cultural Resource Policy and General Plan EIR; and subsequent Cultural Resource Policy or mitigation in any applicable environmental document.

C.5.7 Improvement Security - Developer shall provide improvement security for all public facilities, as required by the Improvement Agreement. The form of the improvement security may be a bond, or other form in accordance with the Government Code, and the TMC. The amount of the improvement security shall be in accordance with Title 12 of the TMC.

Insurance – Developer shall provide written evidence of insurance coverage that meets the terms of the Improvement Agreement.

C.6. Building Permit

Prior to the release of a building permit within Project boundaries, the Developer shall demonstrate, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

C.6.1 Developer has completed all requirements set forth in Condition C.1, through C.5, above.

C.6.2 Developer pays the applicable development impact fees as required in the TMC, these Conditions of Approval, and City Regulations.

C.6.2.a. Water. The Developer shall pay the water impact fees prior to pulling the first building permit for the project.

C.6.2.b. Wastewater. The Developer shall pay the wastewater treatment capacity development Impact fees prior to pulling the first building permit for the project.

C.6.3 RESERVED

C.6.4 Developer has completed all requirements set forth in Condition C.8

C.7 Acceptance of Public Improvements

Prior to the consideration of City Council's acceptance of public improvements, the Developer shall demonstrate to the reasonable satisfaction of the City Engineer, completion of the following:

C.7.1 Developer has satisfied all the requirements set forth in these Conditions of Approval.

C.7.2 Developer submitted the Storm water Treatment Facilities Maintenance Agreement (STFMA) to the Utilities Department.

- C.7.3 Developer has satisfactory completed construction of all required/conditioned improvements. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).
- C.7.4 Certified “As-Built” Improvement Plans (or Record Drawings). Upon completion of the construction by the Developer, the City, at its sole discretion, temporarily release the original mylars of the Improvement Plans to the Developer so that the Developer will be able to document revisions to show the "As-Built" configuration of all improvements.
- C.7.5 Developer shall be responsible for any repairs or reconstruction of street pavement, curb, gutter and sidewalk and other public improvements along the frontage of the Project, if determined by the City Engineer to be in poor condition or damaged by construction activities related to the Project.
- C.7.6 Developer has completed the ninety (90) day public landscaping maintenance period.
- C.7.7 Per Section 21107.5 of the California Vehicle Code, Developer shall install signs at all entrance(s) of the Project stating that the streets are privately owned and maintained and are not subject to the public traffic regulations or control. Said signs must be conspicuously placed, plainly visible, and legible during daylight hours from a distance of one hundred (100) feet.
- C.7.8 Survey Monuments – Any altered, damaged, or destroyed survey monuments and/or benchmarks shall be re-established. Developer shall submit centerline tie sheets or a record of survey for the following: new public streets; re-established survey monuments, and/or benchmarks. If the Developer destroyed, altered, and/or reconstructed any existing curb returns, Developer shall also submit corner records. Any survey document will be submitted the City and to the San Joaquin County Surveyor to comply with California Business and Professions Code Section 8771(c). Said work shall be executed by a California licensed Land Surveyor at the Developer’s sole expense.

C.8 Special Conditions



- C.8.1 When street cuts are made for the installation of utilities, the Developer shall conform to Section 3.14 of the 2020 Design Standards and is required install a two (2) inch thick asphalt concrete (AC) overlay with reinforcing fabric at least twenty-five (25) feet from all sides of each utility trench. A two (2) inch deep grind on the existing AC pavement will be required where the AC overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. This pavement repair requirement is when cuts/trenches are perpendicular and parallel to the street's direction.
- C.8.2 Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the improvement plans, prior to the City Engineer's signature on the improvement plans, and prior to issuance of Grading Permit, Encroachment Permit, Building Permit, if the City Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City. The Developer shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.
- C.8.3 Prior to the release of the Building Permit, if water is required for the project, the Developer shall obtain an account for the water service and register the water meter with the Finance Department. Developer shall pay all fees associated with obtaining the account number for the water service.
- C.8.4 The Developer shall relocate the on-site existing disabled access pathway so that it is not guiding pedestrians within the vehicular driveway path located at the existing northeasterly driveway.

**D. Building Division Conditions**

1. At time of building permit submittal, applicant shall indicate if this is an OSHPD facility.
2. At time of building permit submittal, applicant to justify building area based on construction type and occupancy as per CBC Table 506.2, CBC 508 and show any rated wall assemblies as per CBC 706.
3. At time of building permit applications submittal, please provide documentation to verify the conversion from residential to commercial was permitted. The City does not have documentation of the conversion.
4. At time of building permit submittal, applicant shall fire-restive rating requirements for exterior walls based on fire separation distance per CBC 602.

Applicant shall also show compliance with projections and exterior wall openings per CBC 705.8.

5. At the time of building permit application submittal, applicant shall provide plans that show all accessibility upgrades and a filled-out City of Tracy Accessibility Budget Calculation Form.
6. Prior to construction of any structures, applicant must submit construction documents, plans, specifications and/or calculations to the Building Safety Division, which meet all requirements of Title 24 California Code of Regulations and City of Tracy Municipal Codes, as applicable.
7. At time of building permit, applicant to indicate if there will be any storage of hazardous materials and provide hazardous materials inventory report by a qualified individual to justify quantity.
8. At time of building permit submittal, applicant shall provide a business plan. Additionally, the floor plan shows a procedure and PACU room, please clarify the number of persons who maybe incapable of self-preservation, non-ambulatory or bedridden.

**E. The following conditions provide the applicant with options for funding required Citywide services.**

Contact: Karin Schnaider (209) 831-6841 karin.schnaider@cityoftracy.org

E.1. Streets, Streetlights and Sidewalks

Before issuance of any building permit for the Property, Developer shall provide for perpetual funding of the on-going costs of operation, maintenance and replacement for the streets, traffic signals, streetlights, sidewalks, and street sweeping that will serve the Property (including all costs required PG&E), by doing one of the following, subject to the approval of the City's Finance Director:

- a. Community Facilities District (CFD). Developer shall enter into an agreement with the City, to be signed by the Finance Director, which shall be recorded against the Property, which requires that prior to the final inspection, Developer shall complete the annexation of the Property to City of Tracy Community Facilities District in compliance with the requirements of the Mello – Roos Community Facilities Act of 1982 (Gov. Code § 53311 et seq.) including, without limitation, affirmative votes, and the recordation of a Notice of Special Tax Lien. Developer shall be responsible for all costs associated with the CFD proceedings.

Or

- b. Direct funding. Developer shall enter into an agreement with the City, which shall be recorded against the Property, which requires that prior to approval of final inspection, Developer shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the on-going costs of operation, maintenance and replacement for the streets, traffic signals, streetlights, sidewalks, and street sweeping that will serve the Property (including all costs required PG&E).

If the provisions for adequate funding of the on-going costs of operation, maintenance and replacement for the streets, traffic signals, streetlights, sidewalks, and street sweeping that will serve the Property (including all costs required PG&E) are met prior to issuance of the building permit for the Property, subject to the Finance Director's review and approval, the terms of this condition shall be considered to have been met and this condition shall become null and void.

#### E.2. Landscaping Maintenance

Prior to issuance of any building permit for the Property, Developer shall provide for perpetual funding of the on-going costs of operation, maintenance and replacement for public landscaping for the Property at a high-quality service level as determined by the Public Works Director by doing one of the following, subject to the approval of the City's Finance Director:

- a. CFD or other funding mechanism. The Developer shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates the following: (1) prior to issuance of a building permit, the Developer shall form or annex into a Community Facilities District (CFD) for funding the on-going costs related to maintenance, operation, repair and replacement of public landscaping, public walls and any public amenities included in the Project, and ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan; (2) the items to be maintained include but are not limited to the following: ground cover, turf, shrubs, trees, irrigation systems, drainage and electrical systems; masonry walls or other fencing, entryway monuments or other ornamental structures, furniture, recreation equipment, hardscape and any associated appurtenances within medians, parkways, dedicated easements, channel-ways, public parks, and public open space areas and trails; (3) formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien; (4) upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment; (5) prior to issuance of a building permit, the Developer shall deposit an amount equal to the first year's taxes; and (6) the Developer shall be responsible for all costs associated with formation or annexation of the CFD.

Or

- b. Direct funding. The Developer shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates that prior to issuance of a building permit, the Developer shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the full on-going maintenance costs related to maintenance, operation, repair and replacement of public landscaping, public walls and any public amenities included in the Project, and ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan. The items to be maintained include but are not limited to the following: ground cover, turf, shrubs, trees, irrigation systems, drainage and electrical systems, masonry walls or other fencing, entryway monuments or other ornamental structures, furniture, recreation equipment, hardscape and any associated appurtenances within medians, parkways, dedicated easements, channel-ways, public parks, and public open space areas and trails.

AGENDA ITEM 3.B

REQUEST

**CONDUCT A PUBLIC HEARING, AND UPON CONCLUSION, ADOPT A RESOLUTION AFFIRMING THE APPEAL OF THE PLANNING COMMISSION'S DECISION TO REVOKE A CONDITIONAL USE PERMIT (CUP14-0003) PREVIOUSLY GRANTED TO LEIA'S NIGHTCLUB, LOCATED AT 2706 PAVILION PARKWAY, UNIT 101, FOR AN EATING AND/OR DRINKING ESTABLISHMENT THAT SERVES ALCOHOL AND PROVIDES ENTERTAINMENT AFTER 11:00 P.M.**

EXECUTIVE SUMMARY

This agenda item asks the City Council to consider an appeal of the Planning Commission's revocation of a Conditional Use Permit (CUP) granted to Leia's Nightclub, an eating and/or drinking establishment that serves alcohol and provides entertainment after 11:00 p.m. located at 2706 Pavilion Parkway, Unit 101, per a written appeal received on May 25, 2022, by the business owner (Attachment A).

The revocation was heard by the Planning Commission on May 11, 2022, where the Commission decided to revoke the CUP on the grounds that the applicant violated their Conditions of Approval. The applicant, Dennis "DJ" Miller, is appealing the decision of the Planning Commission.

DISCUSSION

Eating and/or drinking establishments that serve alcohol and provide entertainment after 11:00 p.m. are required to have a Conditional Use Permit to operate in the I-205 Corridor Specific Plan commercial areas. On May 14, 2014, the Planning Commission granted a Conditional Use Permit (CUP14-0003, Resolution No. 2014-0014) to allow an eating and/or drinking establishment that serves alcohol and provides entertainment after 11:00 p.m. at 2706 Pavilion Parkway, Unit 101 (then called The Grant Bar and now known as Leia's Restaurant and Nightclub), further described in Attachment B, which is located in the I-205 Corridor Specific Plan, designated General Commercial. The Conditional Use Permit was approved with conditions of approval, several of which pertain to operational requirements for security and compliance with laws.

After the nightclub opened, the Tracy Police Department has received a series of calls for service at the subject nightclub relating to assault, driving under the influence, public intoxication, violence, homicide, firearm discharges, and underage drinking, as well as a call about an unreported shooting incident at the nightclub's location. On May 11, 2022, in accordance with Tracy Municipal Code Section 10.08.4380, the Planning Commission revoked the Conditional Use Permit due to multiple documented failures to comply with the conditions of approval and for operating in a manner that was detrimental to the public health, safety, and welfare of the community. The full listing of these incidents documented by the Tracy Police Department starting from 2018 and continuing on to beginning portions of 2022 are contained in Attachment B.

Due to repeated violations of the CUP conditions and failure to timely and adequately cure these violations, the City proceeded with a revocation process. On May 11, 2022, the Planning Commission conducted a public hearing for the revocation of the CUP. Upon conclusion of the hearing, the Commission determined to revoke the CUP, supported by the extensive findings noted in the record.

On May 25, 2022, the business owner filed a timely written appeal (pursuant to Tracy Municipal Code section 1.12.020) to the City Clerk regarding the Planning Commission's decision to revoke Conditional Use Permit number CUP14-0003 (Attachment A). The Planning Commission's action regarding a Conditional Use Permit becomes effective 15 days following the date of such action, unless, as in this case, an appeal is filed within the 15-day period. The filing of the appeal places the effectiveness of the Planning Commission action on hold until such time as the City Council has acted on the appeal.

#### *Conditional Use Permits and the Planning Commission*

In all zoning districts throughout the City, specified conditional uses are allowed only upon the granting of a Conditional Use Permit. Conditional Use Permits granted in the City run with the land, not with the business, in accordance with TMC 10.08.4410. Tracy Municipal Code (TMC) section 10.08.4250 provides that because of the "potentially incompatible characteristics, conditional uses require special consideration so that they may be located properly with respect to their effects on surrounding properties." The TMC further provides that the Planning Commission "is empowered to grant and to deny applications for use permits and to impose reasonable conditions upon the granting of use permits, subject to appeal review by the Council."

A Conditional Use Permit allows a city or county, through a public hearing process, to consider special uses which may be essential or desirable to a particular community (but which are not allowed as a matter of right within the zoning district). By issuing a Conditional Use Permit, a municipality is enabled to control certain uses which would be detrimental to the surrounding community. The Planning Commission, through the issuance of a CUP must resolve that the conditions of approval are necessary to protect the public health, safety, and general welfare of the City. If the Planning Commission is "not satisfied that the regulation, general provision, condition, or conditions are being complied with, the Commission may revoke the use permit or take such action as may be necessary to ensure compliance with the regulation, general provisions, condition, or conditions" pursuant to TMC section 10.08.4380.

Additionally, the City Council, on December 18, 2012, amended the Tracy Municipal Code's I-205 Corridor Specific Plan and other zone districts throughout the City to address eating and/or drinking establishments with entertainment. With these amendments, a CUP is required for eating and/or drinking establishments that serve alcohol and provide entertainment after 11:00 p.m. Entertainment uses are defined as live music, disc jockeys, dancing, karaoke, comedy shows, modeling, or live performances.

#### *Grounds for Revocation of CUP14-0003*

Pursuant to TMC Section 10.08.4380, upon a violation of any applicable provisions of the TMC Chapter 10.08, or upon failure to comply with any condition upon which a CUP

was granted, a CUP shall be suspended automatically. This provision further provides that the Planning Commission must consider the suspension within 30 days of the Notice of Suspension.

As discussed above, the Tracy Police Department has received calls for service for multiple incidents at the subject nightclub over the last several years relating to assault, driving under the influence, public intoxication, violence, homicide, firearm discharges, and underage drinking, as well as a call about an unreported shooting incident at the nightclub's location. On April 28, 2022, a Notice of Suspension of Conditional Use Permit number CUP14-0003 was issued to the operator of Leia's Nightclub based off Staff's investigation and history of criminal activity at the nightclub. The grounds of the revocation were based on violations of the following Conditions of Approval for CUP 14-0003:

C.2 Security Guards.

C.2.1 Security guards shall be provided after 10:00 p.m. and/or whenever entertainment is occurring at a rate of two guards plus one additional guard for every 50 patrons.

C.2.2 Security guards shall carry proof of valid registration through the California Department of Consumer Affairs, Bureau of Security and Investigative Services (BSIS) in the form of a Security Guard Card.

C.2.3 Security shall not be provided by person performing dual roles, such as bartending, bussing, waiting, hosting, or other roles other than security.

C.2.4 Minors. No person under 21 years of age shall be permitted in the establishment after 11:00 p.m.

On May 11, 2022, the Planning Commission held a public hearing to review and consider the revocation of the Conditional Use Permit. The Planning Commission revoked Conditional Use Permit number CUP14-0003 based on the following findings:

"Failure to comply with CUP (14-0003), Condition C.2 Security Requirements, and

Shooting incidents requiring law enforcement involvement, including an unreported shooting that was investigated and confirmed by the Tracy Police Department to have occurred on or about January 15, 2022, in which case the business owner failed to contact law enforcement to report the incident deem the use and the conditions under which it operates is detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity."

Following the Planning Commission decision to revoke the Conditional Use Permit, the owner of Leia's Restaurant and Nightclub, filed a written appeal of the Planning Commission's decision to the City Council. The request for appeal was received by the City Clerk on May 25, 2022. A noticing informing the owner of the time and date of their hearing was mailed on June 13, 2022.

Also following the Planning Commission hearing, a large-scale car show was invited by Leia's Nightclub to be held in their parking lot on May 21, 2022. The event did not have a Temporary Use Permit that is required for such an event, and the City and Tracy Police Department were not notified by Leia's prior to the planning or conduction of the event, despite the nightclub owners' agreement to work with Tracy Police Department to resolve problems that have been occurring at their site.

*Options for City Council on an Appeal*

Council may affirm, modify, or reverse the decision appealed pursuant to Tracy Municipal Code Section 1.12.020(b)(3). TMC requires that Council adopt a resolution reflecting its decision by the time of the next regular City Council meeting after the close of the hearing. Staff has prepared a resolution for Council to affirm the Planning Commission's decision.

If the Planning Commission's decision is affirmed, the eating and/or drinking establishment would be permitted to continue to operate, but only if it did not both serve alcohol and provide entertainment after 11:00 p.m. (Entertainment is defined as live music, disc jockeys, dancing, karaoke, comedy shows, modeling, or live performances.)

STRATEGIC PLAN

This agenda item is a routine review of City zoning regulations, not related to City Council Strategic Plans.

ENVIRONMENTAL ANALYSIS

The revocation of a CUP is exempt from the requirements of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15321, Enforcement Actions by Regulatory Agencies.

FISCAL IMPACT

There is no fiscal impact associated with this agenda item.

RECOMMENDATION

Staff recommends that the City Council adopt the proposed Resolution affirming the Planning Commission's decision to revoke Conditional Use Permit Number CUP14-0003 that granted an eating and/or drinking establishment the right to serve alcohol and provide entertainment after 11:00 p.m. at 2706 Pavilion Parkway, Unit 101.

Prepared by: Kimberly Matlock, Associate Planner

Reviewed by: Ana Contreras, Code Enforcement Manager  
Bill Dean, Assistant Development Services Director  
Kris Balaji, Development Services Director  
Karin Schnaider, Finance Director

Approved by: Midori Lichtwardt, Assistant City Manager



Agenda Item 3.B  
July 5, 2022  
Page 5

ATTACHMENTS

Attachment A – Appeal Letter from Dennis Miller dated received May 25, 2022

Attachment B – Planning Commission Resolution and Staff Report dated May 11, 2022

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**From:** [REDACTED]  
**Sent:** Tuesday, May 24, 2022 10:03 PM  
**To:** Adrienne Richardson  
**Subject:** Leia's Appeal letter

To Tracy City Council,

On May 11, 2020 the city of Tracy revoked the use permit for 2607 Pavilion Parkway, Tracy, CA Suite 101, 95304. We believe that this was unjust and without sufficient cause.

Several allegations were made against the establishment in the last two years. The facts are that the establishment has had calls for service from Tracy PD. With far less than several other establishments in Tracy ranging from restaurants, bars, Hotels, supermarkets and convenient stores Etc. these are all businesses in Tracy who pay taxes who all so employee residence of Tracy and are not being forced to shut down or restricted on how they do business.

There are several allegations against the business that were pure hearsay, examples include minors drinking Alcohol on premise, which there is no proof of ever doing so. There were allegations of our staff using excessive force, but if you clearly read all police reports none of our staff have been arrested when charges were filed because they were always cleared by video cameras and Tracy PD. These are just examples of how the cases that were brought before the council were Skewed against us to paint the business in an unfavorable light. We could go over each individual charge that was brought up and you will find that once both sides are heard, that what was presented as facts to the counsel hearing was not accurate and one sided.

We have employed Tracy residence for the last nine years we have survived Covid and we have had to adjust our business practices. We were not given a suspension or a chance to adjust our business practices. we feel that we have been adjusting before the hearing and these actions where not taken into account. We had hired X law-enforcement to take over management and we had tightened up our security procedures to accommodate a safer environment. We feel that not having a probationary period was unfair and also we feel that if you could not have a scale for a probationary period how would you have a scale to revoke a use permit.

To sum up this letter, I would like to add a side note into our appeal. We have decided not to re-open Leia's and have decided to sell the business. With that being said, we have potential buyers all with over 50 Years of experience running restaurants they would like to be able to keep the use permit and continue to offer a late night entertainment under a different format and removing the night club atmosphere.

Thank you for your assistance with this matter you may reach me at [REDACTED] or at [REDACTED] I look forward to your prompt response

Dennis (DJ) Miller  
[REDACTED]  
Tracy CA 95376  
Sent from my iPhone

## RESOLUTION 2022-012

**PLANNING COMMISSION RESOLUTION REVOKING A  
CONDITIONAL USE PERMIT (CUP14-0003)  
TO OPERATE AN EATING AND DRINKING ESTABLISHMENT  
THAT SERVES ALCOHOL AND PROVIDES ENTERTAINMENT  
AFTER 11:00 P.M. AT 2706 PAVILION PARKWAY, UNIT 101**

WHEREAS, In all zoning districts throughout the City, specified conditional uses are allowed only upon the granting of a Conditional Use Permit. Tracy Municipal Code (TMC) Section 10.08.4250 provides that because of the “potentially incompatible characteristics, conditional uses require special consideration so that they may be located properly with respect to their effects on surrounding properties.” The TMC further provides that the Planning Commission “is empowered to grant and to deny applications for use permits and to impose reasonable conditions upon the granting of use permits, subject to appeal review by the Council”, and

WHEREAS, On December 18, 2012, the City Council amended the Tracy Municipal Code, the I-205 Corridor Specific Plan, and other specific plans throughout the City to address eating and/or drinking establishments with entertainment. With these amendments, a Conditional Use Permit is required for eating and/or drinking establishments that serve alcohol and provide entertainment after 11:00 p.m. Entertainment uses are defined as live music, dancing, karaoke, comedy shows, modeling, or live performances, and

WHEREAS, On May 14, 2014, the Planning Commission approved a Conditional Use Permit (CUP14-0003) to allow an eating and/or drinking establishment to serve alcohol and provide entertainment after 11:00 p.m. at 2706 Pavilion Parkway Unit 101, and

WHEREAS, TMC Section 10.08.4380 authorizes the automatic suspension of a Conditional Use Permit (CUP) upon a violation of any applicable provision of TMC Chapter 10.08 or upon failure to comply with any condition upon which a CUP was granted. This provision further provides that the Planning Commission must consider the suspension within 30 days of the Notice of Suspension, and

WHEREAS, If the Planning Commission is “not satisfied that the regulation, general provision, condition, or conditions are being complied with, the Commission may revoke the use permit or take such action as may be necessary to ensure compliance with the regulation, general provisions, condition, or conditions” pursuant to TMC section 10.08.4380, and

WHEREAS, A Notice of Suspension of Conditional Use Permit (14-0003) was issued to the owners/operators of Leia’s Restaurant and Nightclub on April 28, 2022, and

WHEREAS, On May 11, 2022, the Planning Commission held a public hearing to review and consider the revocation of Conditional Use Permit (CUP14-0003);

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission does hereby revoke the Conditional Use Permit (CUP14-003) to operate an eating and/or drinking establishment that serves alcohol and provides entertainment after 11:00 p.m. at 2706 Pavilion Parkway, Unit 101, based on the following findings:

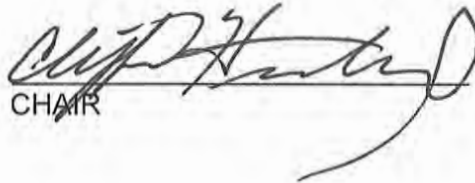
1. Failure to comply with CUP (14-0003), Condition C.1, Security Requirements, and

2. Shooting incidents requiring law enforcement involvement, including an unreported shooting that was investigated and confirmed by the Tracy Police Department to have occurred on or about January 15, 2022, in which case the business owner failed to contact law enforcement to report the incident deem the use and the conditions under which it operates is detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity.

\*\*\*\*\*

The foregoing Resolution 2022-012 was adopted by the Planning Commission on the 11<sup>th</sup> day of May 2022, by the following vote:

AYES:	COMMISSION MEMBERS: ATWAL, AUGUSTUS, BOAKYE-BOATENG, HUDSON
NOES:	COMMISSION MEMBERS: NONE
ABSENT:	COMMISSION MEMBERS: ORCUTT
ABSTAIN:	COMMISSION MEMBERS: NONE

  
CHAIR

ATTEST:

  
\_\_\_\_\_  
STAFF LIAISON

AGENDA ITEM 1.A.

REQUEST

**PUBLIC HEARING TO CONSIDER REVOCATION OF A CONDITIONAL USE PERMIT (CUP 14-0003) GRANTED TO LEIA’S NIGHTCLUB TO OPERATE AN EATING AND DRINKING ESTABLISHMENT THAT SERVES ALCOHOL AND PROVIDES ENTERTAINMENT AFTER 11:00 P.M. AT 2706 PAVILION PARKWAY**

DISCUSSION

Background

Certain specified conditional uses are allowed throughout the City upon the granting of a use permit. Tracy Municipal Code (TMC) Section 10.08.4250 provides that because of the “potentially incompatible characteristics, conditional uses require special consideration so that they may be located properly with respect to their effects on surrounding properties.” The TMC further provides that the Planning Commission “is empowered to grant and to deny applications for use permits and to impose reasonable conditions upon the granting of use permits, subject to appeal review by the Council.”

On December 18, 2012, the City amended the Tracy Municipal Code, the I-205 Corridor Specific Plan, and other specific plans throughout the City to address eating and drinking establishments with entertainment. With these amendments, a Conditional Use Permit (CUP) is required for eating and drinking establishments that serve alcohol and provide entertainment after 11:00 p.m. Entertainment uses are defined as live music, dancing, karaoke, comedy shows, modeling, or live performances.

On May 14, 2014, the Planning Commission approved a Conditional Use Permit (CUP14-0003) to allow an eating and drinking establishment to serve alcohol and provide entertainment after 11:00 p.m. at 2706 Pavilion Parkway. The property is located within the I-205 Corridor Specific Plan area and designated General Commercial. The Conditional Use Permit was approved based on the findings and subject to the conditions set forth in Resolution 2014-0014 (Attachment A – Planning Commission Resolution 2014-0014). The business operating under this CUP is known as Leia’s Nightclub (formerly The Grant Bar).

Police Department Calls for Service History

Calls for service related to disturbances at Leia’s Nightclub (Attachment B - Police Department Crime Statistics) are as follows:

**2018**

<i>INCIDENT NO.</i>	<i>DESCRIPTION OF INCIDENT</i>
18-4039 Assault	Victim suffered a fractured jaw and nose after a physical altercation at the bar.
8TR37746 Assault	Patron suffered a dislocated shoulder resulting from bouncers using excessive force.
18-7731 Assault	Victim was hit on the face with a sharp object and suffered a deep laceration, requiring 140 stitches.

**2019**

<i>INCIDENT NO.</i>	<i>DESCRIPTION OF INCIDENT</i>
19-4778 Driving Under the Influence	Patron observed leaving the bar driving a vehicle and arrested for DUI, BAC .20%
19-5508 Assault	Patron was struck during a physical altercation, fell and hit head on cement.
19-9409 Assault	Patron claimed bouncer pushed him to the ground causing an abrasion.
9TR4572 Assault	Patron claimed dislocated shoulder after bar fight with other patrons.
9TR57854 Public Intoxication	Intoxicated female outside in front of the bar fell, hitting her head on the cement.

**2020\***

<i>INCIDENT NO.</i>	<i>DESCRIPTION OF INCIDENT</i>
20-3277 Homicide	Victim was observed stabbing patrons after a physical altercation at the bar. He was pursued into a nearby hotel by another patron and beaten to unconsciousness. Victim was taken to the hospital and later succumbed to his injuries.

\*The pandemic placed restrictions on bar establishments and most of the bars were closed in 2020. The brief time Leia's Bar was open a total of 8 calls for service were reported.

**2021**

<i>INCIDENT NO.</i>	<i>DESCRIPTION OF INCIDENT</i>
21-1420 Assault	Victim reports being assaulted outside the bar
21-1557 Driving Under the Influence	Female entered the parking lot of the bar in a vehicle, nearly colliding with another vehicle and pedestrians. Female stated she was at the bar earlier and returned to pick up a friend. Arrested for DUI, blood draw.
21-4303 Assault	Patron states he was assaulted by security and possibly suffered a fractured knee.
21-4035 Domestic Violence	In the parking lot of the bar, a male hit and kicked a female causing visible injuries.
21-08290075, 21-10010193 Underage Drinking	Bar serving alcohol to persons under the age of 21.

21-01635 Assault with a Deadly Weapon	After a fight broke out at the bar one of the bouncers “stomped” on a patron’s head that was fighting. The bouncer also fired a gun toward a patron and was later arrested.
---	---

**2022**

<i>INCIDENT NO.</i>	<i>DESCRIPTION OF INCIDENT</i>
22-00686 Shots Fired	Video footage shows security guard working at the bar discharged his firearm while trying to disperse an unruly crowd. Surveillance video of the incident shows the owner present during this incident. The owner is seen running back into the bar once he observed the fight and returned wearing a makeshift bulletproof vest
22-00775, 22-0777, 22-00779 Shots Fired	Unruly and disgruntled patron asked to leave the bar discharged a firearm in front of Leia’s bar and then later went on to do the same at Rusty’s Bar and Ralphs Bar on the same night.
22-01325 Public Intoxication	Patron arrested for public intoxication following a disturbance at the bar.

It should be noted that Incident 22-00686 was not reported to the Tracy Police Department at the time of occurrence. There have also been several confirmed reports of assaults that were never reported to the Tracy Police Department. Additionally, during routine security checks of Leia’s bar, Police Officers have been made aware that the business regularly serves alcohol to underage customers. This information came directly from the underaged customers that were served alcohol who stated they are served liquor on a regular basis.

Police staff met with the owner of Leia’s Bar, DJ Miller on April 8, 2021. During the meeting, Police staff outlined the last three years of calls for service by the Tracy Police Department, Tracy Code Enforcement Unit, the State of California Department of Alcohol and Beverage Control, and the State of California Employment Development Department. Mr. Miller was questioned about the security guard documentation and identifying information required to be on file. Mr. Miller stated his security guards are paid “under the table”; therefore, no information was on file.

In discussing the increased calls for service, Mr. Miller explained that Leia’s relaxed its dress code, resulting in an influx of out-of-town customers who were not its usual clientele. After observing the impacts of the dress code change, Mr. Miller stated he returned to the dress code that was in place prior to COVID, and that said dress code was being rigorously enforced. The owner further stated the new dress code policy would be posted on their webpage as part of the change implementation; however, when staff checked the webpage, the information was not updated on their website as stated. Mr. Miller further committed to having a greater presence at the bar on the weekends. At the conclusion of the meeting, Police staff informed Mr. Miller that their Conditional

Use Permit was in jeopardy of revocation based on the amount and types of calls for service. Following this meeting, Police began two officer nightly patrols of the bar and parking lot and checks of security staff to ensure they were properly credentialed in the event they were armed.

On April 15, 2021, at approximately 2245 hours, Code Enforcement and Tracy Police Officers conducted a security/compliance check of the business and spoke to the manager on duty. Upon their arrival, they immediately noticed the absence of security. When asked, the manager stated the bartender on duty was also Leia's security guard. When asked if the bartender/security person was certified as a guard, he stated that they have between 6 and 7 security officers and none of them were certified. Code Enforcement issued a violation notice for violation of section 10.08.4380 of the Tracy Municipal Code (Violation of Conditional Use Permit – Code Enforcement Case CD21-0744).

#### Grounds for Revocation of CUP14-0003

A Conditional Use Permit allows a city or county to consider special uses which may be essential or desirable to a particular community, but which are not allowed as a matter of right within a zoning district, through a public hearing process. A conditional use permit can provide flexibility within a zoning ordinance. Another traditional purpose of the conditional use permit is to enable a municipality to control certain uses which could have detrimental effects on the community.

Pursuant to TMC Section 10.08.4380, upon a violation of any applicable provisions of TMC Chapter 10.08 or upon failure to comply with any condition upon which a CUP was granted, a CUP shall be suspended automatically. This provision further provides that the Planning Commission must consider the suspension within 30 days of the Notice of Suspension.

A Notice of Suspension of Conditional Use Permit (CUP14-0003) was issued to the operator of Leia's Nightclub on April 28, 2022. As an accommodation to the business owner, the City deferred the suspension until and upon action by the Planning Commission following consideration of this matter (Attachment D – Notice of Suspension of Conditional Use Permit).

If the Planning Commission is "not satisfied that the regulation, general provision, condition, or conditions are being complied with, the Commission may revoke the use permit or take such action as may be necessary to ensure compliance with the regulation, general provisions, condition, or conditions" pursuant to TMC Section 10.08.4380.

Based on staff's investigation and history of criminal activity, the grounds for suspension of Leia's Nightclub at 2706 Pavilion Parkway, CUP14-0003, are based on violations of the following conditions:

#### C.1 Security Guards.



- C.1.1 Security guards shall be provided at all times at a rate of two guards plus one additional guard for every 50 patrons.
- C.1.2 Security guards shall carry proof of valid registration through the California Department of Consumer Affairs, Bureau of Security and Investigative Services (BSIS) in the form of a Security Guard Card.
- C.1.3 Security shall not be provided by persons performing dual roles, such as bartending, bussing, waiting, hosting, or other roles other than security.
- C.1.4 Minors. No person under 21 years of age shall be permitted in the establishment after 11:00 p.m.

Furthermore, City staff finds that that the use and the conditions under which it operates is detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity.

#### ENVIRONMENTAL REVIEW

The revocation of a CUP is exempt from the requirements of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15321, Enforcement Actions by Regulatory Agencies.

#### RECOMMENDATION

Staff recommends that the Planning Commission revoke CUP14-0003 for Leia's Nightclub located at 2706 Pavilion Parkway based on violations of the conditions of approval as cited herein and determine that the conditions under which Leia's operates is detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity, as set forth in the proposed Planning Commission Resolution prepared by staff, dated May 11, 2022 (Attachment D).

Prepared by: Ana Contreras, Code Enforcement Manager  
Alex Neicu, Tracy Police Captain

Reviewed by: Scott Claar, Senior Planner

Approved by: William Dean, Interim Development Services Director

#### ATTACHMENTS

- A - Planning Commission Staff Report Dated May 14, 2022 and Resolution 2014-0014
- B - Police Department Crime Statistics
- C - Notice of Suspension of Conditional Use Permit
- D - Proposed Planning Commission Resolution Prepared by Staff

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May 14, 2014

AGENDA ITEM 2 A

REQUEST

**PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT APPLICATION FOR AN EATING AND DRINKING ESTABLISHMENT WITH ENTERTAINMENT AT 2706 PAVILION PARKWAY – APPLICANT IS DENNIS MILLER AND PROPERTY OWNER IS LNBT ENTERPRISES, LLC. APPLICATION NUMBER CUP14-0003**

DISCUSSION

Background and Project Description

On December 4, 2012, the City amended the I-205 Corridor Specific Plan (Resolution 2012-254) and various commercial areas throughout the city to conditionally permit eating and/or drinking establishments with entertainment. This effort was initiated in response to growing interest for eating and drinking establishments with entertainment, where entertainment uses are defined as live music, dancing, karaoke, comedy shows, modeling, or live performances.

The project applicant proposes to establish and operate an eating and drinking establishment with entertainment at 2706 Pavilion Parkway (Attachment A). This site is located within the I-205 Corridor Specific Plan area and designated General Commercial. Before the restaurant may serve alcohol and provide entertainment after 11:00 p.m. at this location, the applicant must receive Planning Commission approval of a Conditional Use Permit.

Project Description and Land Use Analysis

According to the applicant, the restaurant will be open daily from 10am to 2am and includes sit-down seating, lounge seating, billiards and video games, and a bar. Minors will be dismissed from the premises after 11pm, and alcohol sales will terminate by 1:30 am. Proposed forms of entertainment include live music, disc jockeys, dancing, and comedy shows. As conditioned, registered security personnel will be onsite at all times and are prohibited from consuming alcohol while on the premises.

The subject site is located within the City's prominent commercial corridor and contains two multi-tenant buildings. The subject building is vacant and the other building currently houses a dentist and a nail salon. Uses that could occupy these buildings in the future include retail, consumer services, personal services, eating and drinking establishments with or without entertainment, and offices, similar to the existing uses in the vicinity. Approximately 500 feet to the south is a hotel. Staff and the applicant have individually reached out to the hotel and received no concerns or opposition of the project.

Because the restaurant is on a multi-tenant site and will neighbor other businesses, staff proposes Conditions of Approval B.1 through B.3 to limit entertainment activities indoors and prohibit exterior amplification of sound or projection of video. While outdoor eating and drinking is not proposed, staff does not suggest restricting or prohibiting outdoor eating and drinking, which is generally permitted for eating and drinking establishments.

The proposed eating and drinking establishment with entertainment, as conditioned, would operate in a complementary manner with surrounding uses and will not impose undesirable impacts on the nearby properties.

#### Parking

The I-205 Corridor Specific Plan requires eating and drinking uses to be provided with 1 parking space per 250 square feet of gross floor area. The site was developed with 122 parking spaces to serve the 30,181 square feet of building area on site, providing an excess of 1 parking space over the minimum requirement. The use does not create the need for additional parking.

#### Environmental Document

The project is categorically exempt from CEQA pursuant to Guidelines Section 15301, which pertains to existing facilities where the project does not involve expansion of an existing development. No further environmental assessment is required.

#### RECOMMENDATION

Staff recommends that the Planning Commission approve the Conditional Use Permit application for an eating and drinking establishment with entertainment at 2706 Pavilion Parkway, subject to the conditions as stated in the Planning Commission Resolution dated May 14, 2014 (Attachment C).

#### MOTION

Move that the Planning Commission approve the Conditional Use Permit application for an eating and drinking establishment with entertainment at 2706 Pavilion Parkway, subject to the conditions as stated in the Planning Commission Resolution dated May 14, 2014.

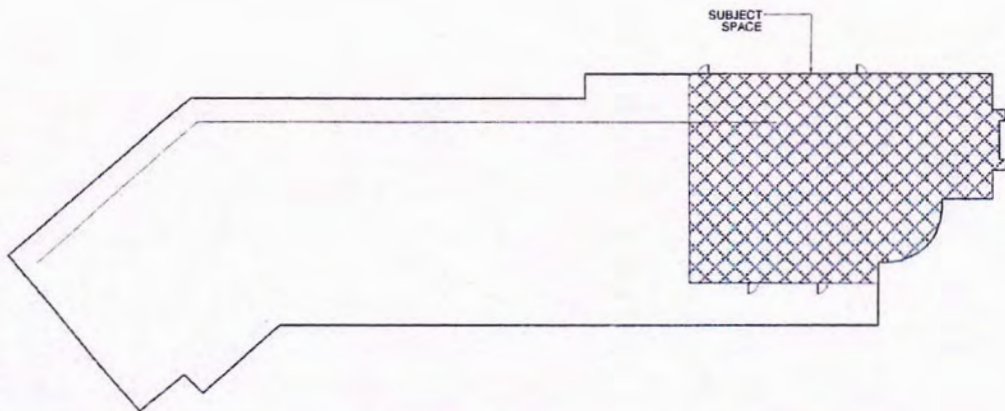
Prepared by: Kimberly Matlock, Assistant Planner

Approved by: Bill Dean, Assistant Development Services Department Director

#### ATTACHMENTS

Attachment A: Vicinity Map, Site and Floor Plan

Attachment B: Planning Commission Resolution



**SITE PLAN**  
SCALE: 1" = 20'-0"



**VICINITY MAP**

ADDRESS: 2709 PAVILLION PKWY, TRACY, CA

THIS PROJECT IS COVERED UNDER THE FOLLOWING CODES:

- 2016 CALIFORNIA BUILDING CODE
- 2016 CALIFORNIA GREEN CODE
- 2016 CALIFORNIA MECHANICAL CODE
- 2016 CALIFORNIA ELECTRICAL CODE
- 2016 CALIFORNIA FIRE CODE
- 2016 CALIFORNIA ENERGY CODE
- 2016 CALIFORNIA PLUMBING CODE

ZONING-

OCCUPANCY- A-2

CONSTRUCTION- V B

INDEX

A 8	SITE PLAN & COVER PAGE
A 1.0	FLOOR PLAN
A 1.1	SECTION PLAN
E 1.0	ELECTRICAL PLAN
E 1.1	LIGHTING PLAN
E 1.2	ELECTRICAL CALC'S & 1 LINE
T 1.0	TITLE 24 SHEET 1
T 1.1	TITLE 24 SHEET 2
H 1.0	ACCESS PLAN
H 1.1	HANDICAP DETAIL SHEET
M 1.0	MECH PLAN
R 1.0	REFLECTED CEILING PLAN
R 1.1	REFLECTED CEILING DETAIL

SCOPE OF WORK:

INSTALL ELECTRICAL, PLUMBING, HVAC DUCT, 100 WALL & CEILING DAMAGE

RECEIVED  
MAR 28 2014  
CITY OF TRACY  
D.E.S.

DALE A. COSE  
design 808 24 energy  
116 CRIST  
TRACY, CA  
116 CRIST  
TRACY, CA

GRANT BAR & LOUNGE  
2708 PAVILLION PARKWAY  
TRACY, CA

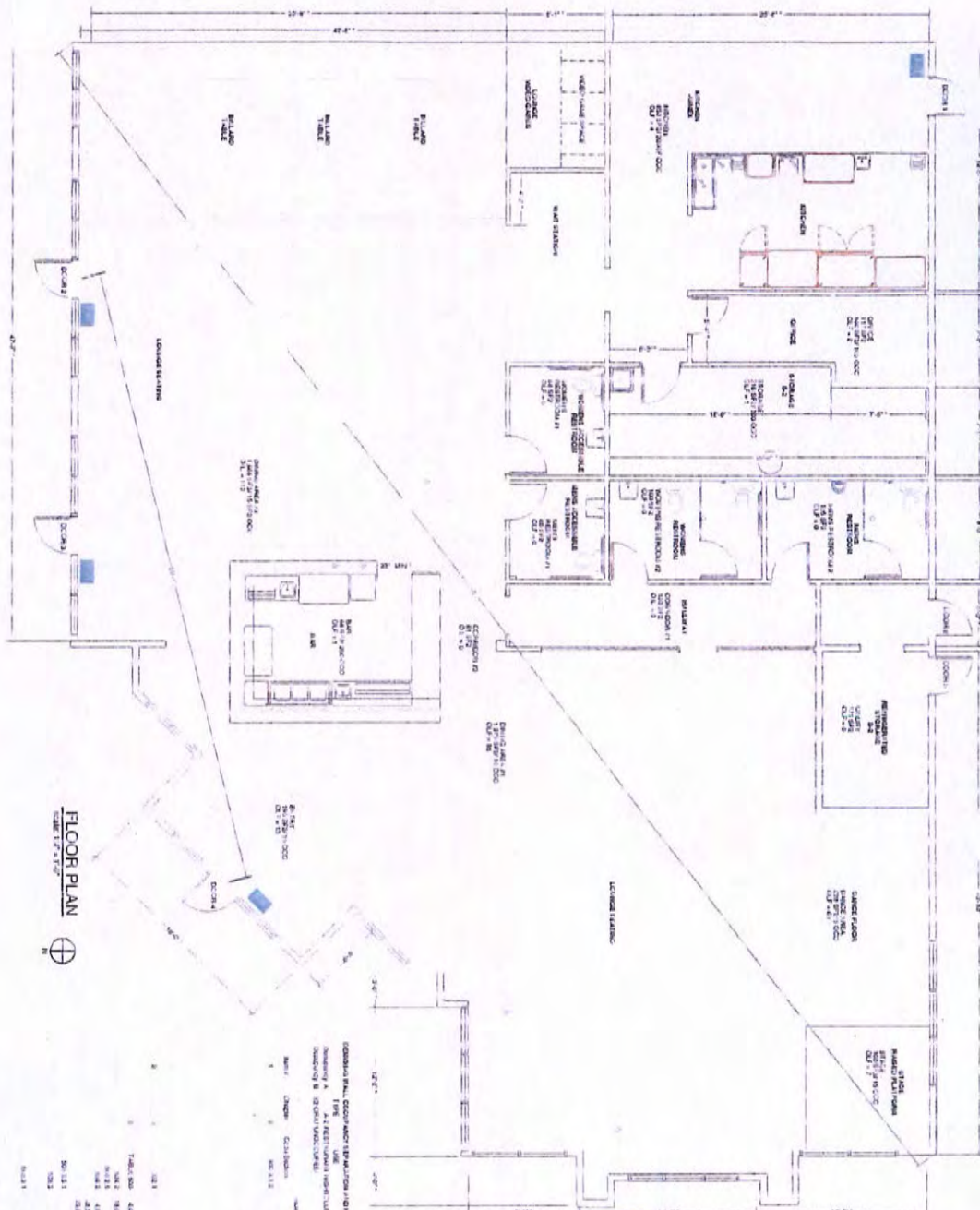
SITE PLAN &  
INFORMATION PAGE

SHEET

DATE

BY

NO.



**FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

NO.	DESCRIPTION	QTY.	UNIT	PRICE	TOTAL
1	Bar	1	Sq Ft	1500	1500
2	Kitchen	1	Sq Ft	1000	1000
3	Dining	1	Sq Ft	1200	1200
4	Lounge	1	Sq Ft	800	800
5	Restroom	2	Sq Ft	200	400
6	Storage	1	Sq Ft	100	100
7	Office	1	Sq Ft	100	100
8	Entrance	1	Sq Ft	100	100
9	Staircase	1	Sq Ft	100	100
10	Front Porch	1	Sq Ft	100	100
11	Back Porch	1	Sq Ft	100	100
12	Handicapped Access	1	Sq Ft	100	100
13	ADA Compliance	1	Sq Ft	100	100
14	Fire Safety	1	Sq Ft	100	100
15	Signage	1	Sq Ft	100	100
16	Furniture	1	Sq Ft	100	100
17	Electrical	1	Sq Ft	100	100
18	Plumbing	1	Sq Ft	100	100
19	Mechanical	1	Sq Ft	100	100
20	Interior Finish	1	Sq Ft	100	100
21	Exterior Finish	1	Sq Ft	100	100
22	Site Work	1	Sq Ft	100	100
23	Permits	1	Sq Ft	100	100
24	Design	1	Sq Ft	100	100
25	Construction	1	Sq Ft	100	100
26	Inspection	1	Sq Ft	100	100
27	Final Plans	1	Sq Ft	100	100
28	Construction	1	Sq Ft	100	100
29	Final Inspection	1	Sq Ft	100	100
30	Final Certificate	1	Sq Ft	100	100

GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PERMITS AND REGULATORY COMPLIANCE. ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED ARE TO FACE. ALL FINISHES ARE AS SHOWN. CONTRACTOR SHALL VERIFY ALL CONDITIONS OF EXISTING STRUCTURE AND UTILITIES. ALL WORK SHALL BE DONE IN ACCORDANCE WITH ALL APPLICABLE CODES AND STANDARDS. CONTRACTOR SHALL MAINTAIN ACCESS AT ALL TIMES. ALL MATERIALS AND METHODS SHALL BE APPROVED BY THE ARCHITECT. THE ARCHITECT SHALL BE CONSULTED FOR ALL CHANGES. THE ARCHITECT SHALL BE NOTIFIED IMMEDIATELY OF ANY DISCREPANCIES OR CONDITIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SCHEDULING AND COORDINATION. ALL WORK SHALL BE COMPLETED WITHIN THE AGREED UPON SCHEDULE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PROTECTION OF EXISTING UTILITIES AND STRUCTURE. ALL WORK SHALL BE DONE IN ACCORDANCE WITH ALL APPLICABLE CODES AND STANDARDS. THE CONTRACTOR SHALL MAINTAIN ACCESS AT ALL TIMES. ALL MATERIALS AND METHODS SHALL BE APPROVED BY THE ARCHITECT. THE ARCHITECT SHALL BE CONSULTED FOR ALL CHANGES. THE ARCHITECT SHALL BE NOTIFIED IMMEDIATELY OF ANY DISCREPANCIES OR CONDITIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SCHEDULING AND COORDINATION. ALL WORK SHALL BE COMPLETED WITHIN THE AGREED UPON SCHEDULE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PROTECTION OF EXISTING UTILITIES AND STRUCTURE.

**RECEIVED**  
MAR 28 2014  
CITY OF TRACY  
D.E.S.

**GRANT BAR & LOUNGE**  
2708 PAVILLION PARKWAY  
TRACY, CA

**DALE A. COSE**  
design title 24 energy  
PO Box 316  
TRACY, CA 95376  
12151th ST

**FLOOR PLAN**

DATE: \_\_\_\_\_  
DESIGNED BY: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_  
SCALE: 1/8" = 1'-0"

**City of Tracy**  
**Conditions of Approval**  
Eating and/or drinking establishment with entertainment  
(The Grant Bar & Lounge)  
Application Number CUP14-0003  
May 14, 2014

**A. General Provisions and Definitions.**

A.1. General. These Conditions of Approval apply to:

The Project: An eating and/or drinking establishment with entertainment (Application Number CUP14-0003)

The Property: 2706 Pavilion Parkway, Assessor's Parcel Number 212-290-47

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, defined as a "Developer."
- b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
- c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
- d. "Development Services Director" means the Development Services Department Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the Project at the Property, Application Number CUP14-0003. The Conditions of Approval shall specifically include all Development Services Department conditions set forth herein.
- f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.

A.3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the site and floor plans received by the Development Services Department on March 28, 2014.

A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, building permit fees, plan check fees, or any other City or other agency fees or deposits that may be applicable to the project.

- A.5. Compliance with laws. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to:
- the Planning and Zoning Law (Government Code sections 65000, et seq.)
  - the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
  - the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
- A.6. Compliance with regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), Standard Plans, and Design Goals and Standards, and State regulations, including, but not limited to, the California Building Code and the California Fire Code.
- A.7. Protest of fees, dedications, reservations, or other exactions. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

#### **B. Development Services Department Planning Division Conditions**

Contact: Kimberly Matlock (209) 831-6430 kimberly.matlock@ci.tracy.ca.us

- B.1. Entertainment indoors. The entertainment activities shall be conducted wholly within the building unless an outdoor activity is specifically approved through a Temporary Use Permit or an amendment to the Conditional Use Permit is granted by the Planning Commission.
- B.2. Amplification of sound. There shall be no exterior amplification of sound, noise, or music, unless an outdoor activity is specifically approved through a Temporary Use Permit or an amendment to the Conditional Use Permit granted by the Planning Commission. All audio projections shall comply with Noise Control requirements contained in Article 9 Section 4.12 of the Tracy Municipal Code.
- B.3. Visual projections. There shall be no exterior visual projections, including, but not limited to, televisions and screens, unless an outdoor activity is specifically approved through a Temporary Use Permit or an amendment to this Conditional Use Permit granted by the Planning Commission.
- B.4. Unassigned parking. The parking area shall remain open for common use and there shall be no designated parking areas for specific uses.



B.5. The site, including around the building, throughout the parking area and all landscaped areas, shall be kept free and clear of trash, litter, and debris at all times. All food waste, refuse, and recyclable materials shall be in the appropriate disposal enclosures.

B.6. Signs.

B.6.1. The applicant shall obtain sign and building permits for signs requiring sign and building permits.

B.6.2. Temporary signs, including banners, flags, pennants, balloons, and similar devices, shall comply with the Tracy Municipal Code standards for temporary signs.

**C. Police Department Conditions**

Contact: Officer Brian Wilmshurst (209) 831-6682 brian.wilmshurst@tracypd.com

C.1. Licensing requirements. The project shall abide by all licensing requirements of the State of California Department of Alcoholic Beverage Control (ABC).

C.2. Security guards.

C.2.1. Security guards shall be provided <sup>after 10pm and/or whenever entertainment is occurring</sup> at all times at a rate of two guards plus one additional guard for every 50 patrons.

C.2.2. Security guards shall carry proof of valid registration through the California Department of Consumer Affairs, Bureau of Security and Investigative Services (BSIS) in the form of a Security Guard Card.

C.2.3. Security guards shall not consume any alcohol while on the premises.

C.2.4. Security shall not be provided by persons performing dual roles, such as bartending, bussing, waiting, hosting, or other roles other than security.

C.3. Minors. No person under 21 years of age shall be permitted in the establishment after 11:00 p.m.

C.4. Hours of operation. The establishment shall close by 2:00 a.m. each morning.

RESOLUTION 2014 – 0014 \_\_\_\_\_

**PLANNING COMMISSION APPROVAL OF A CONDITIONAL USE PERMIT APPLICATION FOR AN EATING AND DRINKING ESTABLISHMENT WITH ENTERTAINMENT AT 2706 PAVILION PARKWAY – APPLICANT IS DENNIS MILLER AND PROPERTY OWNER IS LNBT ENTERPRISES, LLC. APPLICATION NUMBER CUP14-0003**

WHEREAS, Dennis Miller submitted an application for a Conditional Use Permit to allow an eating and drinking establishment with entertainment at 2706 Pavilion Parkway on March 28, 2014, and

WHEREAS, The subject property is located within the General Commercial (GC) land use designation in the I-205 Corridor Specific Plan, within eating and drinking establishments with entertainment are conditionally permitted, and

WHEREAS, In accordance with Section 10.08.4250 of the Tracy Municipal Code, the Planning Commission is empowered to grant or to deny applications for Conditional Use Permits and to impose reasonable conditions upon the granting of use permits, and

WHEREAS, The proposed eating and drinking establishments with entertainment is compatible with surrounding retail businesses and adjacent hotel, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act requirements under Guidelines Section 15301 pertaining to existing facilities, and

WHEREAS, The Planning Commission held a public meeting to review and consider the Conditional Use Permit application on May 14, 2014;

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission does hereby approve a Conditional Use Permit to allow an eating and drinking establishment with entertainment at 2706 Pavilion Parkway, Application Number CUP14-0003, based on the following findings and subject to the conditions as stated in Exhibit "1" attached and made part hereof:

1. There are circumstances or conditions applicable to the land, structure, or use that make the granting of a use permit necessary for the preservation and enjoyment of a substantial property right because the proposed use is not permitted unless the Planning Commission grants approval of a Conditional Use Permit.
2. The proposed location of the conditional use is in accordance with the objectives of the purposes of the zone in which the site is located because an eating and drinking establishment with entertainment, as conditioned, will be compatible with adjacent and nearby hotel, restaurant, and retail uses and is allowed in the General Commercial land use designation in the I-205 Corridor Specific Plan Area if the Planning Commission approves a Conditional Use Permit.
3. The proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity because the proposed eating and drinking establishment with entertainment will comply with the City of

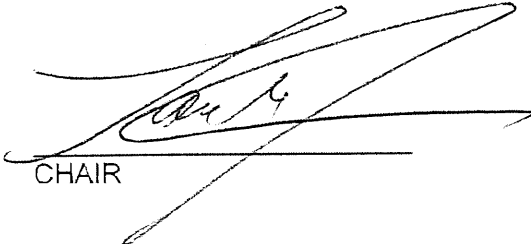
Tracy General Plan, I-205 Corridor Specific Plan, and requirements of the Tracy Municipal Code. The establishment will comply with all applicable Alcoholic Beverage Control requirements, and on-site security will be provided during all hours of operation. All entertainment uses will be wholly indoors, and visual and audio projection will not be permitted to the exterior of the building to minimize the undesirable noise and light impacts to neighboring businesses.

4. The proposed use will comply with each of the applicable provisions of Chapter 10.08 of the Tracy Municipal Code, because subject to approval by the Planning Commission for a Conditional Use Permit, the proposed project will be required to comply with all applicable provisions including, but not limited to, the Tracy Municipal Code, the I-205 Corridor Specific Plan, the City of Tracy Standard Plans, the California Building Code, and the California Fire Code.

\*\*\*\*\*

The foregoing Resolution 2014 - 0014 was adopted by the Planning Commission on the 14th day of May 2014, by the following vote:

AYES: COMMISSION MEMBERS MITRACOS, ORCUTT, RANSOM, SANGHA, VARGAS  
NOES: COMMISSION MEMBERS  
ABSENT: COMMISSION MEMBERS  
ABSTAIN: COMMISSION MEMBERS

  
CHAIR

ATTEST:  
  
STAFF LIAISON

**City of Tracy**  
**Conditions of Approval**  
Eating and/or drinking establishment with entertainment  
(The Grant Bar & Lounge)  
Application Number CUP14-0003  
May 14, 2014

**A. General Provisions and Definitions.**

A.1. General. These Conditions of Approval apply to:

The Project: An eating and/or drinking establishment with entertainment (Application Number CUP14-0003)

The Property: 2706 Pavilion Parkway, Assessor's Parcel Number 212-290-47

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- a. "Applicant" means any person, or other legal entity, defined as a "Developer."
- b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
- c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
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Contact: Officer Brian Wilmshurst (209) 831-6682 brian.wilmshurst@tracypd.com

C.1. Licensing requirements. The project shall abide by all licensing requirements of the State of California Department of Alcoholic Beverage Control (ABC).

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C.2.1. Security guards shall be provided after 10:00 p.m. and/or whenever entertainment is occurring at a rate of two guards plus one additional guard for every 50 patrons.

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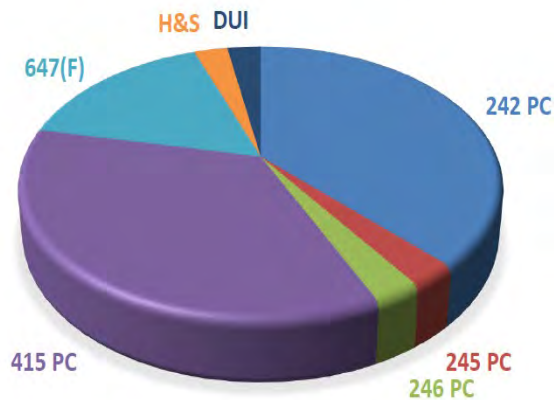
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C.3. Minors. No person under 21 years of age shall be permitted in the establishment after 11:00 p.m.

C.4. Hours of operation. The establishment shall close by 2:00 a.m. each morning.

## LEIA'S BAR CFS 2018



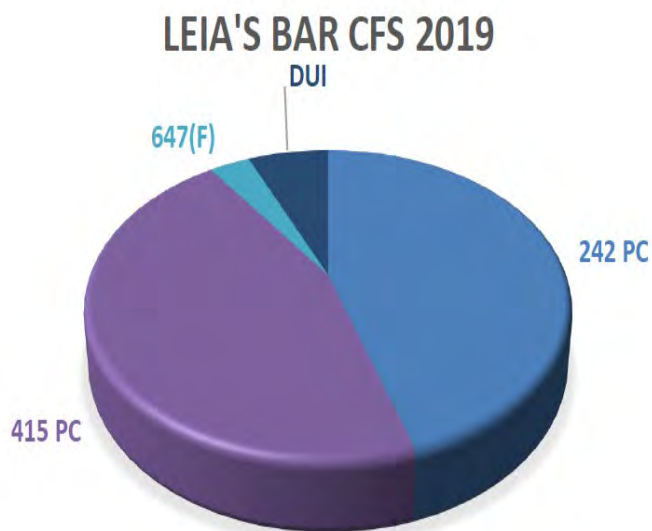
2018 CFS	
Type	Count
242 PC	14
245 PC	1
246 PC	1
415 PC	13
647(F)	6
H&S	1
DUI	1
OTHER	20
1059	38
<b>TOTAL</b>	<b>95</b>

The pie chart above illustrates 30 out of the 63 calls for service at Leia's Bar, or 48%, involve assaults, disturbances, alcohol/drug, and or weapon offenses. Note security checks are subtracted from the total count. There were 309 security checks for 2021 at Leia's Bar.

## Significant Incidents

<i>INCIDENT NO.</i>	<i>DESCRIPTION OF INCIDENT</i>
18-4039 Assault	Victim suffered a fractured jaw and nose after a physical altercation the bar.
8TR37746 Assault	Patron suffered a dislocated shoulder resulting from bouncers using excessive force.
18-7731 Assault	Victim was hit on the face with a sharp object and suffered a deep laceration, requiring 140 stitches.

Conditional Use Permit Review  
 Leia's Bar 2706 Pavilion Parkway  
 Calls for Service/Case Review



2019 CFS	
Type	Count
242 PC	14
245 PC	0
246 PC	0
415 PC	14
647(F)	1
H&S	0
DUI	2
OTHER	25
1059	2
<b>TOTAL</b>	<b>58</b>

SIGNIFICANT INCIDENTS

<i>Incident</i>	<i>Description of Incident</i>
19-4778 DUI	Patron observed leaving the bar in vehicle 1051, arrested for DUI BAC .20%
19-5508 Assault	Patron was struck during a physical altercation, fell and hit head on cement.
19-9409 Assault	Patron claimed bouncer pushed him to the ground causing an abrasion.
9TR4572 Assault	Patron claimed dislocated shoulder after bar fight with other patrons.
9TR57854 Public Intoxication	Intoxicated female outside in front of the bar fell, hitting her head on the cement.



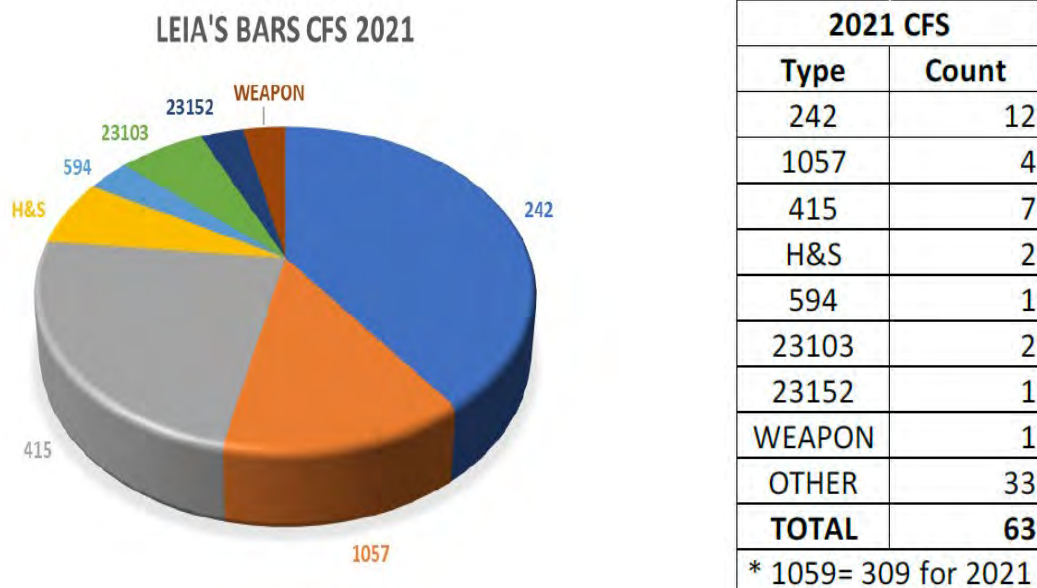
Conditional Use Permit Review  
Leia's Bar 2706 Pavilion Parkway  
Calls for Service/Case Review

The pandemic placed restrictions on bar establishments and most of the bars were closed in 2020. The brief time Leia's Bar was open a total of 8 calls for service were reported.

Significant Incident 2020

Incident	Description of Incident
20-3277 Homicide	Victim was observed stabbing patrons after a physical altercation at the bar. He was pursued into a nearby hotel by another patron and beaten to unconsciousness. Victim was taken to the hospital and later succumbed to his injuries.

## Conditional Use Permit Review Leia's Bar 2706 Pavilion Parkway Calls for Service/Case Review



The pie chart above illustrates 30 out of the 63 calls for service at Leia's Bar, or 48%, involve assaults, disturbances, alcohol/drug, and or weapon offenses. Note security checks are subtracted from the total count. There were 309 security checks for 2021 at Leia's Bar.

<i>INCIDENT NO.</i>	<i>DESCRIPTION OF INCIDENT</i>
21-1420 Assault	Victim reports being assaulted outside the bar
21-1557 Driving Under the Influence	Female entered the parking lot of the bar in a vehicle, nearly colliding with another vehicle and pedestrians. Female stated she was at the bar earlier and returned to pick up a friend. Arrested for DUI, blood draw.
21-4303 Assault	Patron states he was assaulted by security and possible suffered a fractured knee.
21-4035 Domestic Violence	In the parking lot of the bar, a male hit and kicked a female causing visible injuries.
2108290075, 2110010193 Underage Drinking	Bar serving alcohol to persons under the age of 21.
21-01635 Assault with a Deadly Weapon	After a fight broke out at the bar one of the bouncers "stomped" on a patron's head that was fighting. The bouncer also fired a gun toward a patron and was later arrested.

Conditional Use Permit Review  
 Leia's Bar 2706 Pavilion Parkway  
 Calls for Service/Case Review

JAN-FEB 14, 2022 CFS	
Type	Count
242	1
1057	2
211	1
415	1
OTHER	14
<b>TOTAL</b>	<b>19</b>
* 1059= 22 for 2022	

The above chart shows calls for the months of January thru February 14, 2022 for Leia's bar. Note: security checks are not included in the total.

Significant Incidents

Incident	Description of Incident
22-00686 Shots Fired	Video footage shows security guard working at the bar discharged his firearm while trying to disperse and unruly crowd.
22-00775, 22-00777, 22-00779 Shots Fired	Unruly and disgruntled patron asked to leave the bar discharged a firearm in front of Leia's bar and then later went on to do the same at Rusty's and Ralphs Bar on the same night.
22-01325 Public Intoxication	A patron was arrested for public intoxication following a disturbance at Leia's Bar

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# TRACY POLICE DEPARTMENT

CODE ENFORCEMENT DIVISION  
333 CIVIC CENTER PLAZA, FIRST FLOOR, TRACY, CA 95376  
DIRECT LINE (209) 831.6401 FAX (209) 831.6439

## CERTIFICATE OF SERVICE

The undersigned declares as follows:

On the 28<sup>th</sup> day of April, 2022, I served the following document:

Notice of Suspension of Conditional Use Permit  
2706 Pavilion Parkway, Unit 101  
Dated April 28, 2022

to the following party or parties named and to the addresses listed below regarding  
Conditional Use Permit 14-0003:

Tammy Ramirez  
@ Tracy City Hall  
Conference Room 120  
333 Civic Center Plaza  
Tracy, CA 95376

Said service was performed in the following manner:

- BY MAIL:** I caused true and correct copies of the above documents to be placed and sealed in an envelope addressed to the parties named above and, following ordinary business practices, deposited said envelopes for collection and mailing by the City's mailroom staff, located in Tracy City Hall, 333 Civic Center Plaza, Tracy, California 95376, with prepaid postage from the United States Postal Service. In the ordinary course of business, correspondence placed for collection at City Hall on a particular day is deposited with the United States Postal Service that same day.
- BY PERSONAL SERVICE:** I personally delivered true and correct copies of the above documents to the parties named above, at the addresses listed above, or at the address indicated hereafter.
- BY POSTING:** I caused true and correct copies of the above documents to be posted in a conspicuous place at the listed address and or addresses indicated hereafter.

I declare under penalty of perjury under the laws of the State of California  
that the foregoing is true and correct.

Executed this 28<sup>th</sup> day of April, 2022, in Tracy, California, 95376.

A handwritten signature in cursive script that reads "Ana Contreras".

ANA CONTRERAS  
Community Preservation Manager  
Tracy Police Department



# TRACY POLICE DEPARTMENT

CODE ENFORCEMENT DIVISION  
333 CIVIC CENTER PLAZA, FIRST FLOOR, TRACY, CA 95376  
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2706 Pavilion Parkway, Unit 101  
Dated April 28, 2022

to the following party or parties named and to the addresses listed below regarding  
Conditional Use Permit 14-0003:

Tammy Ramirez  
c/o Leia's Restaurant and Nightclub  
2706 Pavilion Parkway, Unit 101  
Tracy, CA 95376

Said service was performed in the following manner:

- BY MAIL:** I caused true and correct copies of the above documents to be placed and sealed in an envelope addressed to the parties named above and, following ordinary business practices, deposited said envelopes for collection and mailing by the City's mailroom staff, located in Tracy City Hall, 333 Civic Center Plaza, Tracy, California 95376, with prepaid postage from the United States Postal Service. In the ordinary course of business, correspondence placed for collection at City Hall on a particular day is deposited with the United States Postal Service that same day.
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ANA CONTRERAS  
Community Preservation Manager  
Tracy Police Department



# TRACY POLICE DEPARTMENT

April 28, 2022

Tammy Ramirez  
c/o Leia's Restaurant and Nightclub  
2706 Pavilion Parkway, Unit 101  
Tracy, CA 95376

Dear Ms. Ramirez:

SUBJECT: NOTICE OF SUSPENSION OF CONDITIONAL USE PERMIT  
2706 PAVILION PARKWAY, UNIT 101, TRACY, CA 95376

This letter serves as a Notice of Suspension of Conditional Use Permit (CUP 14-0003) to operate an eating and/or drinking establishment with entertainment after 11:00 p.m. at 2706 Pavilion Parkway, #101, Tracy, California (hereinafter, "Leia's Restaurant and Nightclub").

The City of Tracy Building Official, in conjunction with the Planning Division, issues this Notice pursuant to Tracy Municipal Code (TMC) section 10.08.4380 which authorizes the automatic suspension of a CUP upon a violation of any applicable provision of TMC Chapter 10.08 or upon failure to comply with any condition upon which a CUP was granted. This provision further provides that the Planning Commission must consider the suspension within 30 days. As an accommodation to you, the City is deferring the suspension until and upon action by the Planning Commission following their consideration of this matter on May 11, 2022.

### **Grounds for Suspension of CUP 14-0003**

The Planning Commission approved CUP 14-0003 subject to the conditions contained in Exhibit "1" of Resolution 2014-0004, enclosed herein as Attachment A.

Based on staff's investigation, the grounds for suspension of Leia's Nightclub at 2706 Pavilion Parkway, Unit 101, CUP14-0003, are based on violations of the following conditions:

#### **C.1 Security Guards.**

- C.1.1 Security guards shall be provided at all times at a rate of two guards plus one additional guard for every 50 patrons.
- C.1.2 Security guards shall carry proof of valid registration through the California Department of Consumer Affairs, Bureau of Security and Investigative Services (BSIS) in the form of a Security Guard Card.
- C.1.3 Security shall not be provided by persons performing dual roles, such as bartending, bussing, waiting, hosting, or other roles other than security.
- C.1.4 Minors. No person under 21 years of age shall be permitted in the establishment after 11:00 p.m.

From 2018 through 2022, the Tracy Police Department received 18 calls for service for illegal activities originating from your establishment. One of these reports resulted in a Police investigation that confirmed an unreported shooting took place at Leia's Nightclub on or about January 15, 2022.

Notice of Suspension of Conditional Use Permit  
2706 Pavilion Parkway, Tracy  
April 28, 2022  
Page 2

The applicant's current operations and failure to report the shooting incident to law enforcement indicate the owners are not operating the establishment in substantial compliance with the application submitted for the conditional use permit. As such, City staff finds that that the use and the conditions under which it operates is detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity. The applicant's noncompliance with the aforementioned conditions and failure on behalf of the owners/management to report the shooting are the basis for this Notice of Suspension.

### **Planning Commission Hearing**

This matter is scheduled to be heard by the Tracy Planning Commission at 7:00 p.m. on Wednesday, May 11, 2022, in the City Hall Council Chambers, 333 Civic Center Plaza, Tracy. The hearing will be your opportunity to present any evidence demonstrating your compliance with the conditions and the situation identified above. City staff will also present evidence supporting its findings regarding the recommendation for revocation of the use permit.

If the Planning Commission is "not satisfied that the regulation, general provision, condition, or conditions are being complied with, the Commission may revoke the use permit or take such action as may be necessary to ensure compliance with the regulation, general provisions, condition, or conditions" pursuant to TMC § 10.08.4380. If you disagree with the Planning Commission's decision regarding this matter, you may appeal their decision to the City Council by submitting a request for an appeal within fifteen (15) days of the Planning Commission's decision as prescribed in TMC § 10.08.4330.

If you have any questions regarding this matter, please contact Ana Contreras, Community Preservation Manager at (209) 831-6416.



Kevin Jorgensen  
Chief Building Official

### Attachments

Cc: Michael Rogers, City Manager  
Sekou Millington, Chief of Police  
Alex Neicu, Police Captain  
Octavio Lopez, Police Lieutenant  
William Dean, Acting Development Services Director  
Scott Claar, Acting Planning Manager  
LMNT Investments, 9999 Bellaire Boulevard, Suite 1116, Houston TX 77036  
Jing Piao, 2136 Stanford Avenue, Mountain View, CA 94040  
Song Fangming, 2136 Stanford Avenue, Mountain View, CA 94040





## TRACY POLICE DEPARTMENT

CODE ENFORCEMENT DIVISION  
333 CIVIC CENTER PLAZA, FIRST FLOOR, TRACY, CA 95376  
DIRECT LINE (209) 831.6401 FAX (209) 831.6439

### CERTIFICATE OF SERVICE

The undersigned declares as follows:

On the 29<sup>th</sup> day of April, 2022, I served the following document:

Notice of Suspension of Conditional Use Permit  
2706 Pavilion Parkway, Unit 101  
Dated April 28, 2022

to the following party or parties named and to the addresses listed below regarding  
Conditional Use Permit 14-0003:

Dennis Jay Miller  
162 Lauriana Lane  
Tracy, CA 95376

Said service was performed in the following manner:

- BY MAIL:** I caused true and correct copies of the above documents to be placed and sealed in an envelope addressed to the parties named above and, following ordinary business practices, deposited said envelopes for collection and mailing by the City's mailroom staff, located in Tracy City Hall, 333 Civic Center Plaza, Tracy, California 95376, with prepaid postage from the United States Postal Service. In the ordinary course of business, correspondence placed for collection at City Hall on a particular day is deposited with the United States Postal Service that same day.
- BY PERSONAL SERVICE:** I personally delivered true and correct copies of the above documents to the parties named above, at the addresses listed above, or at the address indicated hereafter.
- BY POSTING:** I caused true and correct copies of the above documents to be posted in a conspicuous place at the listed address and or addresses indicated hereafter.

I declare under penalty of perjury under the laws of the State of California  
that the foregoing is true and correct.

Executed this 29<sup>th</sup> day of April, 2022, in Tracy, California, 95376.

A handwritten signature in cursive script, appearing to read "Ana Contreras", written over a horizontal line.

ANA CONTRERAS  
Community Preservation Manager  
Tracy Police Department



# TRACY POLICE DEPARTMENT

CODE ENFORCEMENT DIVISION  
333 CIVIC CENTER PLAZA, FIRST FLOOR, TRACY, CA 95376  
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Dennis Jay Miller  
162 Lauriana Lane  
Tracy, CA 95376

Said service was performed in the following manner:

- BY MAIL:** I caused true and correct copies of the above documents to be placed and sealed in an envelope addressed to the parties named above and, following ordinary business practices, deposited said envelopes for collection and mailing by the City's mailroom staff, located in Tracy City Hall, 333 Civic Center Plaza, Tracy, California 95376, with prepaid postage from the United States Postal Service. In the ordinary course of business, correspondence placed for collection at City Hall on a particular day is deposited with the United States Postal Service that same day.
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---

I declare under penalty of perjury under the laws of the State of California  
that the foregoing is true and correct.

Executed this 29<sup>th</sup> day of April, 2022, in Tracy, California, 95376.

---

ANA CONTRERAS  
Community Preservation Manager  
Tracy Police Department



# TRACY POLICE DEPARTMENT

April 28, 2022

Dennis Jay Miller  
162 Lauriana Lane  
Tracy, CA 95376

Dear Mr. Miller:

SUBJECT: NOTICE OF SUSPENSION OF CONDITIONAL USE PERMIT  
2706 PAVILION PARKWAY, UNIT 101, TRACY, CA 95376

This letter serves as a Notice of Suspension of Conditional Use Permit (CUP 14-0003) to operate an eating and/or drinking establishment with entertainment after 11:00 p.m. at 2706 Pavilion Parkway, #101, Tracy, California (hereinafter, "Leia's Restaurant and Nightclub").

The City of Tracy Building Official, in conjunction with the Planning Division, issues this Notice pursuant to Tracy Municipal Code (TMC) section 10.08.4380 which authorizes the automatic suspension of a CUP upon a violation of any applicable provision of TMC Chapter 10.08 or upon failure to comply with any condition upon which a CUP was granted. This provision further provides that the Planning Commission must consider the suspension within 30 days. As an accommodation to you, the City is deferring the suspension until and upon action by the Planning Commission following their consideration of this matter on May 11, 2022.

### **Grounds for Suspension of CUP 14-0003**

The Planning Commission approved CUP 14-0003 subject to the conditions contained in Exhibit "1" of Resolution 2014-0004, enclosed herein as Attachment A.

Based on staff's investigation, the grounds for suspension of Leia's Nightclub at 2706 Pavilion Parkway, Unit 101, CUP14-0003, are based on violations of the following conditions:

#### **C.1 Security Guards.**

- C.1.1 Security guards shall be provided at all times at a rate of two guards plus one additional guard for every 50 patrons.
- C.1.2 Security guards shall carry proof of valid registration through the California Department of Consumer Affairs, Bureau of Security and Investigative Services (BSIS) in the form of a Security Guard Card.
- C.1.3 Security shall not be provided by persons performing dual roles, such as bartending, bussing, waiting, hosting, or other roles other than security.
- C.1.4 Minors. No person under 21 years of age shall be permitted in the establishment after 11:00 p.m.

From 2018 through 2022, the Tracy Police Department received 18 calls for service for illegal activities originating from your establishment. One of these reports resulted in a Police investigation that confirmed an unreported shooting took place at Leia's Nightclub on or about January 15, 2022.

Notice of Suspension of Conditional Use Permit  
2706 Pavilion Parkway, Tracy  
April 28, 2022  
Page 2

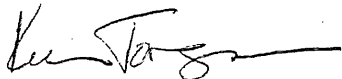
The applicant's current operations and failure to report the shooting incident to law enforcement indicate the owners are not operating the establishment in substantial compliance with the application submitted for the conditional use permit. As such, City staff finds that that the use and the conditions under which it operates is detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity. The applicant's noncompliance with the aforementioned conditions and failure on behalf of the owners/management to report the shooting are the basis for this Notice of Suspension.

### **Planning Commission Hearing**

This matter is scheduled to be heard by the Tracy Planning Commission at 7:00 p.m. on Wednesday, May 11, 2022, in the City Hall Council Chambers, 333 Civic Center Plaza, Tracy. The hearing will be your opportunity to present any evidence demonstrating your compliance with the conditions and the situation identified above. City staff will also present evidence supporting its findings regarding the recommendation for revocation of the use permit.

If the Planning Commission is "not satisfied that the regulation, general provision, condition, or conditions are being complied with, the Commission may revoke the use permit or take such action as may be necessary to ensure compliance with the regulation, general provisions, condition, or conditions" pursuant to TMC § 10.08.4380. If you disagree with the Planning Commission's decision regarding this matter, you may appeal their decision to the City Council by submitting a request for an appeal within fifteen (15) days of the Planning Commission's decision as prescribed in TMC § 10.08.4330.

If you have any questions regarding this matter, please contact Ana Contreras, Community Preservation Manager at (209) 831-6416.



Kevin Jorgensen  
Chief Building Official

### Attachments

Cc: Michael Rogers, City Manager  
Sekou Millington, Chief of Police  
Alex Neicu, Police Captain  
Octavio Lopez, Police Lieutenant  
William Dean, Acting Development Services Director  
Scott Claar, Acting Planning Manager  
LMNT Investments, 9999 Bellaire Boulevard, Suite 1116, Houston TX 77036  
Jing Piao, 2136 Stanford Avenue, Mountain View, CA 94040  
Song Fangming, 2136 Stanford Avenue, Mountain View, CA 94040

TRACY CITY COUNCIL

RESOLUTION 2022-\_\_\_\_\_

---

**AFFIRMING THE PLANNING COMMISSION'S DECISION TO REVOKE A CONDITIONAL USE PERMIT (CUP14-0003) PREVIOUSLY GRANTED TO LEIA'S NIGHTCLUB, LOCATED AT 2706 PAVILION PARKWAY, UNIT 101, FOR AN EATING AND/OR DRINKING ESTABLISHMENT THAT SERVES ALCOHOL AND PROVIDES ENTERTAINMENT AFTER 11:00 P.M.**

**WHEREAS**, In all zoning districts throughout the City, specified conditional uses are allowed only upon the granting of a Conditional Use Permit (CUP); and

**WHEREAS**, Tracy Municipal Code (TMC) section 10.08.4250 provides that conditional uses require special consideration so that they may be located properly with respect to their effects on surrounding properties; and

**WHEREAS**, The TMC section further provides that the Planning Commission is empowered to grant and to deny applications for use permits and to impose reasonable conditions upon the granting of use permits; and

**WHEREAS**, On December 18, 2012, the City Council amended the TMC, the I-205 Corridor Specific Plan, and other specific plans throughout the City to address eating and/or drinking establishments with entertainment, where entertainment uses are defined as live music, disc jockeys, dancing, karaoke, comedy shows, modeling, or live performances; and

**WHEREAS**, With these amendments, a CUP is required for eating and/or drinking establishments that serve alcohol and provide entertainment after 11:00 p.m. in commercial land use designations within the I-205 Corridor Specific Plan; and

**WHEREAS**, On May 14, 2014, the Planning Commission approved Conditional Use Permit No. CUP14-0003 to allow an eating and/or drinking establishment to serve alcohol and provide entertainment after 11:00 p.m. at 2706 Pavilion Parkway, Unit 101, a site located in the I-205 Corridor Specific Plan and designated General Commercial; and

**WHEREAS**, When approving a CUP, the Planning Commission's resolution must state those conditions of approval necessary to protect the public health, safety, and general welfare; and

**WHEREAS**, The Tracy Police Department has documented multiple violations of section C.2 (Security Guards) of the Conditions of Approval, including incidents relating to unreported shooting, assault, driving under the influence, public intoxication, violence, homicide, firearm discharges, and underage drinking; and

**WHEREAS**, TMC Section 10.08.4380 authorizes the automatic suspension of a CUP upon a violation of any applicable provision of TMC Chapter 10.08 or upon failure to comply with any condition upon which a CUP was granted and that the Planning Commission must consider the suspension within 30 days of the Notice of Suspension; and

**WHEREAS**, If the Planning Commission has determined that the conditions imposed on the Conditional Use Permit are not being complied with, the Commission may revoke the permit; and

**WHEREAS**, A Notice of Suspension of Conditional Use Permit No. CUP14-0003 was issued to the owners/operators of the use (known as Leia's Restaurant and Nightclub) on April 28, 2022, after the Tracy Police Department had a call about an unreported shooting incident at the applicant's location; and

**WHEREAS**, On May 11, 2022, the Planning Commission held a public hearing to review and consider the revocation of Conditional Use Permit No. CUP14-0003; and

**WHEREAS**, The Planning Commission revoked Conditional Use Permit No. CUP14-0003 based on the following findings:

"Failure to comply with CUP (14-0003), Condition C.2, Security Requirements, and

Shooting incidents requiring law enforcement involvement, including an unreported shooting that was investigated and confirmed by the Tracy Police Department to have occurred on or about January 15, 2022, in which case the business owner failed to contact law enforcement to report the incident deem the use and the conditions under which it operates is detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity;" and

**WHEREAS**, Dennis "DJ" Miller, Owner of the Leia's Restaurant and Nightclub, filed a written appeal of the Planning Commission's decision to the City Council, received by the City Clerk on May 25, 2022; and

**WHEREAS**, A Notice informing the Owner of the time and date of their appeal hearing was mailed to the Owner on June 13, 2022; and

**WHEREAS**, The City Council may affirm, modify or reverse the decision appealed in accordance with TMC section 1.12.020 which contains the procedures for a Council appeal; and

**WHEREAS**, The procedures further require that the City Council adopt a resolution reflecting its decision by the time of the next regular City Council meeting after the close of the hearing; and

**WHEREAS**, In accordance with CEQA Guidelines Section 15321, Enforcement Actions by Regulatory Agencies, there is no environmental impact; and

**WHEREAS**, The City Council considered the appeal at a public hearing held on July 5, 2022; now, therefore, be it

**RESOLVED:** That the City Council hereby finds the above recitals as facts and findings and incorporates them herein; be it

**FURTHER RESOLVED:** That the City Council of the City of Tracy hereby affirms the Planning Commission's decision to revoke a Conditional Use Permit No. CUP14-0003 previously granted to Leia's Nightclub, located at 2706 Pavilion Parkway, Unit 101, for an eating and/or drinking establishment that serves alcohol and provides entertainment after 11:00 p.m.; be it

**FURTHER RESOLVED:** That the decision of the Council is final and subject to judicial review pursuant to TMC section 1.20.010 and applicable state law; be it

**FURTHER RESOLVED:** The City Council finds this action is exempt from California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15321, Enforcement Actions by Regulatory Agencies.

\* \* \* \* \*

The foregoing Resolution 2022-\_\_\_\_\_ was adopted by the Tracy City Council on the 5<sup>th</sup> day of July 2022, by the following vote:

AYES:                    COUNCIL MEMBERS:  
NOES:                    COUNCIL MEMBERS:  
ABSENT:                COUNCIL MEMBERS:  
ABSTENTION: COUNCIL MEMBERS:

\_\_\_\_\_  
NANCY D. YOUNG  
Mayor of the City of Tracy, California

ATTEST: \_\_\_\_\_  
ADRIANNE RICHARDSON  
City Clerk and Clerk of the Council of the City  
of Tracy, California

AGENDA ITEM 3.C

REQUEST

**CONDUCT A PUBLIC HEARING AND UPON THE CONCLUSION ADOPT RESOLUTIONS: (1) APPROVING THE ENGINEER'S REPORT REGARDING THE PROPOSED LEVY AND COLLECTION OF ASSESSMENTS FOR THE TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR FISCAL YEAR 2022/2023 AND DIRECT THE FINANCE DIRECTOR TO MAKE APPROPRIATE BUDGET ADJUSTMENTS TO REFLECT THE 2022/2023 ENGINEER'S REPORT; AND (2) ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT FOR FISCAL YEAR 2022/2023**

EXECUTIVE SUMMARY

On June 7, 2022, Council approved the Tracy Consolidated Landscape Maintenance District (LMD or District) preliminary Engineer's Report and declared its intention to levy annual assessments for the maintenance of landscaping and related appurtenances in the District. After consideration of public comment, it is recommended that City Council approve the final Engineer's Report and authorize the levy and collection of assessments for Fiscal Year 2022/2023 in amounts not to exceed the maximum rates previously approved by the zones' property owners.

The assessments pay for the care and management of improvements within the public right-of-way such as median landscaping, neighborhood parks, street trees and streetscaping aligned with neighborhoods. The District is a critical component to keep Tracy maintained and visually attractive.

Expenditures for Fiscal Year 2022/2023 are estimated to be \$4,380,599, including regular maintenance and capital improvement projects. The total revenues are broken down in the following manner: levying of assessments and use of LMD reserves is estimated to be \$4,259,043; \$20,000 from the Drainage Fund to cover a portion of the costs for channel way/bike path landscape improvements; and \$119,000 from General Fund for improvements and maintenance that are largely of general benefit to the community.

DISCUSSION

The purpose of this agenda item is to allow the City Council to: (1) hear and consider public comment pertaining to the annual Engineer's Report; (2) approve the final Engineer's Report as presented to, or modified by, Council; and (3) order the levy and collection of assessments within the LMD for Fiscal Year 2022/2023.



## ASSESSMENT LEVIES

Maximum assessment rates were previously approved by the LMD property owners. Although maximum rates were approved, the assessments levied for the 41 assessable zones are based upon whether the needs of each zone warrant the levying of the maximum approved rates or a lesser rate.

The LMD zones are assessed pursuant to the 1972 Act and the provisions of the California Constitution. Each year, the cost per zone is analyzed and a determination is made if an increase in the levy is needed based on the expenses for each zone. The primary expenses include annual routine maintenance, operation and servicing of landscape improvements, and long-term maintenance and rehabilitation programs such as tree maintenance programs, streetscape revitalization and rehabilitation, and park rehabilitation and renovation projects. There is a maximum levy amount per parcel that is calculated when the zone is annexed into the LMD. The annual assessments cannot exceed the maximum assessment rate previously approved by property owners without balloting to increase the assessments for the zone.

It is recognized that the cost of maintaining the improvements increases slightly each year because of inflation. Therefore, in order to offset inflationary increases that affect service costs to the Zones, assessments include a formula for increasing the *maximum* assessment rates for each future fiscal year<sup>1</sup>. These annual increases have not been sufficient to keep up with the cost of services and/or capital improvements. This has resulted in a reduction in service levels in some zones, and an inability to perform needed renovations or amenity improvements/replacements in various zones. To increase the rate beyond the maximum rate, excluding inflationary increases, requires a vote of the property owners within each zone per Proposition 218.

The annual inflationary rate increase allows the *maximum* rates to be increased by three percent or the percentage increase of the Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose Area Region, whichever is less. The District's assessment formula complies with Government Code Section 54954.6 (a) and was approved by the City Council and the original District Property Owners. The percentage difference for the CPI applicable for the period of June 2020 to June 2021 was 3.15%. The Engineer's Report states that the Maximum Assessments may be increased by the lesser of 3% or CPI. Therefore, the *maximum assessment* rates allowed for Fiscal Year 2022/2023 will be adjusted by 3% over the prior year's maximum assessment rates. Although inflationary rates may be applied to the maximum voter-approved rates, only the assessment amount needed for maintenance will be levied.

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<sup>1</sup> This does not necessarily mean that the inflated rate will be levied. The assessments levied will be based upon the estimated costs of maintenance.

Based upon the estimated costs and expenditures to maintain the short-and long-term landscaping and improvements within the LMD, staff recommends approval of the assigned assessment rates found in Part II (“Estimate of Costs”) of the Engineer’s Report for Fiscal Year 2022/2023. Of the 41 assessable zones, 26 zones will be assessed the maximum assessment rates allowed for Fiscal Year 2022/2023 due to operational needs including use of reserves for insufficient annual funding to cover basic maintenance costs and/or due to increased capital spending, eight zones will be assessed at a level below their maximum rate due to lower operating costs, and seven zones will not be assessed due to a home owners association providing maintenance, adequate reserves, no planned improvements, or the zone providing a general benefit to the City of Tracy.

The City reviews each Zones funding status annually. “Funded” means that revenues exceed expenses and there are enough reserves to fund minor capital improvement projects; “At Risk” is a Zone where expenses exceed revenues and there is less than three-year’s worth of maintenance costs in reserves; “Underfunded,” means that there is no money for capital improvement projects or cyclical maintenance - expenditures out pace revenues. The table represents Zone funding status as of the end of FY 20-21.

Funded	1	4	5	6	12	13	14	16	17	18	19	22	23	24	27	28	30	33	36	41	42	43
At-Risk	2	3	7	10	20	21	26	34														
Underfunded	8	9	11	15	29	35	40															
No Service	25	31	32	37																		

STRATEGIC PLAN

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

FISCAL IMPACT

Revenue for operations, maintenance and capital replacement in the District is proposed to be from the following sources:

Assessments	\$3,759,043
Drainage Fund	\$ 20,000
General Fund	\$ 119,000
Zone Capital Reserves	<u>\$ 480,168</u>
Grand Total	\$4,378,211

The total expenditures for the LMD for Fiscal Year 2022/2023 are estimated to be \$4,380,599.

RECOMMENDATION

At the close of the Public Hearing, Council adopt resolutions: (1) Approving the Engineer's Report regarding the proposed levy and collection of assessments for the Tracy Consolidated Landscape Maintenance District pursuant to the Landscaping and Lighting Act of 1972 for Fiscal Year 2022/2023 and direct the Finance Director to make appropriate budget adjustments to reflect the 2022/2023 Engineer's Report; and (2) ordering the levy and collection of assessments within the Tracy Consolidated Landscape Maintenance District for Fiscal Year 2022/2023.

Prepared by: Robin Kloepfer, Management Analyst II

Reviewed by: Don Scholl, Director of Public Works  
Brian MacDonald, Director of Parks and Recreation  
Karin Schnaider, Director of Finance

Approved by: Midori Lichtwardt, Acting City Manager

ATTACHMENTS

Exhibit "A" - FY 2022/2023 Final Engineer's Report



# CITY OF TRACY

FINAL ENGINEER'S REPORT

FISCAL YEAR 2022-23

CONSOLIDATED LANDSCAPE MAINTENANCE  
DISTRICT

July 2022



Harris & Associates

*Prepared by*

**Harris & Associates**

1401 Willow Pass Road, Suite 500

Concord, CA 94520

[www.weareharris.com](http://www.weareharris.com)



**ENGINEER'S REPORT FOR  
FISCAL YEAR 2022-23  
CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT  
City of Tracy  
State of California**

APPROVED BY THE CITY COUNCIL FOR THE CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT OF THE CITY OF TRACY, STATE OF CALIFORNIA ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_.

---

ADRIANNE RICHARDSON  
CITY CLERK  
CITY OF TRACY



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### Appendices

Appendix A – Improvement Areas by Zone

Appendix B – Consolidated Landscape Maintenance Map

Appendix C – Assessment Roll



## INTRODUCTION

The City of Tracy (the "City"), is the second most populated city in San Joaquin County. The City population is approximately 95,000. Tracy is located inside a geographic triangle formed by Interstate 205 on the north side, Interstate 5 to the east, and Interstate 580 to the southwest; this has given rise to Tracy's motto, now recorded on the City's website: "Think Inside the Triangle".

Prior to Fiscal Year 2003-04, the City levied and managed three individual landscape maintenance districts identified as:

- Tracy Landscape and Lighting Assessment District 8501 formed in 1985;
- Tracy Landscape and Lighting Assessment District 8801 formed in 1988; and,
- Tracy Landscape and Lighting Assessment District 9802 formed in 1998.

Each of these original districts was formed with various Zones, and with specific areas of improvement. The parcels receiving benefit from those improvements have been assessed the costs of maintaining those improvements. At that time, the three original districts included thirty (30) different Zones. Each Zone included specific improvements that were installed as a condition of approval and the Zone improvements were maintained for the benefit of those properties.

In Fiscal Year 2003-04 the City consolidated the three existing districts into a single district pursuant to Section 22605 (d) of the 1972 Act and established the Tracy Consolidated Landscape Maintenance District. As part of the consolidation, the improvements associated with various Zones were closely evaluated and it was determined that in some areas, the special benefits to properties could be more refined by expanding the existing thirty (30) Zones to thirty-seven (37) Zones.

Several annexations have taken place over the subsequent years and there are now 41 Zones within the District. Each annexation was made pursuant to the 1972 Act and the substantive and procedural requirements of the Proposition 218.

As required by the Landscaping and Lighting Act of 1972, this Engineer's Report describes the improvements to be constructed, operated, maintained and serviced by the District, provides an estimated budget for the District, and lists the proposed assessments to be levied upon each assessable lot or parcel within the District. Following the approval of the preliminary report, either as submitted or as modified, the City Council will hold a Public Hearing to provide an opportunity for any interested person to be heard. All property owners must be noticed in accordance with Section 22626 of the Streets and Highways Code prior to the Public Hearing. At the conclusion of the Public Hearing, the City Council may adopt a resolution confirming the levy of assessments as originally proposed or as modified.

Following the adoption of this resolution, the final assessor's roll will be prepared and filed with the County Tax Collector's office to be included on the FY 2022-23 tax roll.

## IMPACTS OF PROPOSITION 218

On November 5, 1996 California voters approved Proposition 218 entitled "Right to Vote on Taxes Act" which added Article XIID to the California Constitution. While its title refers only to taxes, Proposition 218 establishes new procedural requirements for the formation and administration of assessment districts. Proposition 218 also requires that with certain specified exceptions, which are described below, all existing assessment districts must be ratified by the property owners within the District using the new procedures.

Some of these exceptions include:

- 1) Any assessment imposed exclusively to finance the capital cost or maintenance and operation expenses for streets.
- 2) Any assessments levied pursuant to a petition signed by the persons owning all of the parcels subject to the assessment at the time the assessment was initially imposed.

However, even if assessments are initially exempt from Proposition 218, if the assessments are increased in the future, the City will need to comply with the provisions of Proposition 218 for that portion of the increased assessment unless the increase in assessment was anticipated in the assessment formula (e.g., CPI increase).

Proposition 218 does not define this term "streets", however, following the passage of Proposition 218 based on conversations with other public agency officials, attorneys, assessment engineers and Senate Bill 919, we determined that "streets" include all public improvements located within the street right-of-way. This would include median and parkway landscaping, traffic signals, safety lighting and street lighting.

It was also determined that if assessments were imposed as a condition of development and property owners agreed to the imposition of assessments and subsequently signed a development agreement confirming so, then this would suffice for the requirement of signing a petition.

The more difficult question arose in those situations where the levy of assessments was imposed as a condition of approval for land development or subdivision where the property owner did not enter into a development agreement. In those cases, if the landscape, park, or street light facilities and the resulting assessment were a condition of the land development or subdivisions approval and the property owner acquiesces to the levy of assessment, it is reasoned that this was a functional equivalent of giving express consent or signing a petition requesting the imposition of the assessment. Even the Howard Jarvis Taxpayers' Association seems to tacitly support this conclusion in its "Statement of Drafters' Intent". When discussing the exemption for existing assessments imposed pursuant to a petition, the taxpayers' association said:

"This provision exempts most land secured financing arrangements used by developers."

Clearly acceptance of a condition of approval of a development or subdivision which requires that imposition of assessments is a common form of land secured financing used by developers to fund street lighting or landscape maintenance.





## STATEMENT OF ASSESSMENT ENGINEER

### Statement of Assessment Engineer

**AGENCY:** CITY OF TRACY

**PROJECT:** CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT

**TO:** THE CITY COUNCIL  
CITY OF TRACY  
STATE OF CALIFORNIA

#### ENGINEER'S REPORT FOR FISCAL YEAR 2022-23

The preparation of this Annual Engineer's Report ("Report") is in conformance with the obligation of the City Council for the Consolidated Landscape Maintenance District of the City of Tracy to provide landscape maintenance services upon each lot or parcel of land in the district in proportion to the estimated benefit to be received by each such lot or parcel of land for Fiscal Year 2022-23.

Pursuant to the Landscaping and Lighting Act of 1972 (Part 2 Division 15 of the Streets and Highways Code of the State of California, commencing with Section 22500) ("Act"), Article XIIIID, Section 4(a) of the State of California Constitution, and in accordance with the City of Tracy's Resolution being adopted by the City Council for the Consolidated Landscape Maintenance District on the 7<sup>th</sup> day of June, this Report has been ordered for:

#### CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT

(Hereinafter referred to as the "District"),

I, Alison Bouley, authorized representative of the District, the duly appointed Assessment Engineer submit the following Report which consists of the following six (6) parts and Appendices:

#### PART I

**Plans and Specifications:** Plans and specifications for the improvements are as set forth on the lists thereof, attached hereto, and are on file in the Office of the City Clerk and are incorporated herein by reference.

#### PART II

**Estimate of Cost:** An estimate of the costs of the proposed improvements, including incidental costs and expenses in connection therewith, is as set forth on the lists thereof, attached hereto, and are on file in the Office of the City Clerk and incorporated herein by reference.

**PART III**

**Quantification of Benefit:** The quantification of benefit identifies, separates and quantifies the general and special benefits received by each parcel in the District, for the services received and the improvements provided.

**PART IV**

**Method of Assessment:** The method of assessment indicates the proposed levy of the net amount of the costs and expenses of the improvements to be levied upon the parcels of land within the District, in proportion to the estimated benefits to be received by such parcels.

**PART V**

**Assessment Diagram:** The diagram of the district and zone boundaries showing the exterior boundaries of the Assessment District and all Zones, and the lines and dimensions of each lot or parcel of land within the Assessment District. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions shown on the maps of the Assessor of the County of San Joaquin for the fiscal year to which this Report applies. The Assessor's maps and records are incorporated by reference herein and made part of this Report. Appendix A describes the Improvement Areas of the District by Zone. Appendix B provides the Consolidated Landscape Maintenance District Map.

**PART VI**

**Assessment Roll:** An assessment of the estimated cost of the improvements on each benefiting lot or parcel of land within the District. The proposed Assessment Roll using the Fiscal Year 2021-22 assessment rates are included in this Report as Appendix C.

**Appendices**

Appendix A – Improvement Areas by Zone

Appendix B – Consolidated Landscape Maintenance District Map

Appendix C – Assessment Roll

In conclusion, it is my opinion that the costs and expenses of the District have been assessed to the lots and parcels within the boundaries of the District in proportion to the estimated benefits to be received by each lot or parcel from the services provided.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2022

 Harris & Associates



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Alison Bouley, P.E., Assessment Engineer  
R.C.E. No. C61383  
Engineer of Work



## **PART I – PLANS AND SPECIFICATIONS**

### **DESCRIPTION OF IMPROVEMENTS FOR THE CITY OF TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT FISCAL YEAR 2022-23**

The District assessments provide for the continued maintenance, servicing, administration and operation of specific landscaped areas and associated appurtenances for each of the forty-one (41) Zones in the District. It has been determined that the assessed parcels within each Zone receive special benefits from various landscape improvements that may include, but are not limited to: ground cover, turf, shrubs, trees, irrigation systems, drainage and electrical systems, masonry walls or other fencing, entryway monuments or other ornamental structures, recreational equipment, hardscapes and any associated appurtenances within medians, parkways, dedicated easements, channel-ways, parks or open space areas within each Zone. Services provided include the necessary operations, administration, and maintenance required to keep the improvements in a healthy, vigorous, and satisfactory condition or are necessary or convenient for the maintenance of the improvements. The continued maintenance of these improvements shall be budgeted and reviewed each fiscal year and fully or partially funded through the annual assessments. A listing of the improvement areas for each Zone is shown in Appendix A.

All assessable parcels identified as being within each Zone share in both the cost and the benefits of the improvements. The costs and expenses associated with the improvements in each Zone are equitably spread among all benefitting parcels within that Zone and only parcels that receive special benefit from the improvements are assessed in proportion to benefit received. The funds collected from the assessments are dispersed and used for the services and operations provided within the District. Properties receive the following special benefits from the District landscape improvements:

- Enhanced desirability of properties through association with the improvements and the aesthetic value of green space within the area.
- Improved aesthetic appeal of properties providing a positive representation of the area.
- Enhanced adaptation of the urban environment within the natural environment from adequate green space and landscaping.
- Environmental enhancement through improved erosion resistance, dust and debris control and reduced noise and air pollution.
- Reduced vandalism and criminal activity resulting from well-maintained surroundings and amenities.
- The special enhancements of the properties that results from the above benefits.

The proposed budgets and maintenance costs for various Zones may include the following long-term cyclical maintenance programs:

1. Tree Maintenance Programs (Arterial, Parkway Street and Park Tree Maintenance);
2. Streetscape Revitalization and Rehabilitation Program and;
3. Park Rehabilitation and Renovation Program.

The total amount to provide these programs in each Zone where these services apply is greater than can be conveniently raised from a single annual assessment and the estimated costs of these programs for each Zone shall be raised and collected in installments as part of the annual assessments. The individual Budget pages for each Zone detail the amounts collected and/or expended each year.

The City developed these programs to fund periodic and programmed maintenance, renovation, rehabilitation, replacement and revitalization of District improvements. The City has carefully reviewed each of the associated program costs and the corresponding collection of funds has been proportionately spread to each parcel based on special benefits received from the services to be rendered within their Zone over an extended period.

## **Tree Maintenance Program**

The Tree Maintenance program may include both routine and emergency maintenance for the District trees, whether those trees are along streets or within parks. In the Zones assessed for this program, the following may apply:

1. Parkway street-tree maintenance, targets the trees associated with individual properties within the District installed by the City or developer that are located in the public right-of-way or City easement which the District is responsible for maintaining. This program addresses two specific maintenance issues:
  - Regular trimming and pruning of the street-trees. This program is designed to trim and prune all street-trees within the applicable Zones on a five to seven year rotation or as needed to ensure the health and growth of the trees.
  - Removal and replacement of the street-trees. The program provides for the removal and replacement of damaged or diseased trees as needed, or removal of trees whose growth has, or will potentially cause damage to existing structures such as underground utilities or sidewalks. This program may also include the replacement or repair of surrounding City improvements as needed.
2. Arterial-tree maintenance, targets the trees associated with the parkways and medians on the arterial streets adjacent to or surrounding the Zones. Similar to the parkway street-tree program, this program addresses two specific maintenance issues:
  - Regular trimming and pruning of the arterial-trees, which includes trimming and pruning of the arterial-trees as needed to ensure the health and growth of the trees.
  - Removal and replacement of the arterial-trees, including the removal or replacement of damaged or diseased trees as needed, or removal of trees whose growth has or will potentially cause damage to existing landscape improvements, sidewalks or curbs. This program may include replacement or repair of surrounding City improvements as needed.
3. Park-tree maintenance, targets the trees within the various Parks of the District/Zones. Similar to the parkway and arterial street-tree program, this program addresses two specific maintenance issues:
  - Regular trimming and pruning of the Park-trees, which includes trimming and pruning of the trees as needed to ensure the health and growth of the trees.

- Removal and replacement of the Park-trees, including the removal or replacement of damaged or diseased trees, or removal of trees whose growth has or will potentially cause damage to existing landscape improvements, sidewalks or curbs. This program may include the replacement or repair of surrounding City improvements as needed.

Assessments for the tree maintenance program shall be collected from only those parcels and Zones identified as receiving special benefit from each of the specific services provided. Each parcel within the District that benefits from the various tree maintenance services is assessed on an annual installment basis to meet its proportional share of the cost and expenses associated with the tree maintenance, which is planned every five to seven years, depending upon Zone funding availability.

## **Streetscape Revitalization and Rehabilitation Program**

The Streetscape Revitalization and Rehabilitation program includes, but is not limited to the following and may include routine or emergency maintenance.

1. Removal or replacement of existing dead/dying plant materials within the medians and parkway-landscaped areas.
2. Removal of existing plant materials and replacement with new plant material or non-plant materials within the medians and parkway-landscaped areas.
3. Upgrades or renovation to the irrigation or drainage systems, electrical systems or water meters, hardscape improvements associated with the landscaping such as confirmed City sound walls, walking paths, soil and stamped concrete.

Assessments for the streetscape program shall be collected from only those parcels and Zones identified as receiving special benefit from parkway and median landscaped areas. Each parcel within the District that benefits from the streetscape revitalization and rehabilitation services is assessed on an annual installment basis to meet its proportional share of the cost and expenses associated with the program, which is planned every ten years. This program is designed to ensure the long-term maintenance of all streetscape landscaping within the District.

## **Park Rehabilitation and Renovation Program**

There are specific costs associated the annual and regular maintenance of park improvements and facilities which are included in the annual maintenance expenses of those Zones that benefit from the parks associated with that Zone. However, the cost of periodically repairing, replacing, and upgrading the landscaping and facilities within these parks cannot be reasonably collected in a single annual assessment. Therefore, the City has established a long-term park rehabilitation and renovation program that includes the design repair and reconstruction of parks within the District.

The program anticipates revitalization design in the 13th year of a park's life, with the revitalization occurring in the 15th year. Each parcel within the District that benefits from the park rehabilitation and renovation services is assessed on an annual installment basis to meet its proportional share of the cost and expenses associated with the program. However, with current inflation rates, the majority of Zones are unable to keep up with the accelerating maintenance costs.



The costs of providing for the annual and regular maintenance of the landscape improvements as well as the long-term maintenance programs for the District have been identified as a special benefit to properties within the District. Although the location of the improvements may be visible to properties outside the District or to the public at large, the improvements have been installed and are maintained for the benefit of properties within the District. As such, there is no quantifiable general benefit from the improvements to persons or properties outside the District. The portion of the costs associated with the maintenance of the Channel-ways and the landscaped areas on Eleventh Street, generally between Lammers Road and the Railroad Tracks east of Corral Hollow Road, benefit both properties within the adjacent Zones as well as properties that are not within the District and it has been determined that the City will contribute funds to the District for the maintenance of these areas.

The assessments and Method of Assessment described in this Report utilize commonly accepted assessment engineering practices and have been established pursuant to the 1972 Act and the provisions of Proposition 218. The assessment amount for each Zone is based only on the services and improvements associated with that Zone. All assessments are apportioned based upon the special benefit received by the properties within each Zone and are over and above any general benefit conferred on the public at large. Any new or increased assessments will be subject to the substantive and procedural requirements of Proposition 218. Property owner ballot proceedings are not required if the proposed annual assessment rate is less than or equal to the maximum assessment rate previously approved for each of the Zones.

In any given fiscal year, if the assessment revenue will not allow for full maintenance service in a particular Zone, City staff will determine the scope of work to be performed, and any necessary reductions in the scope of work will likely include, but not be limited to, the reduction or elimination of the long-term renovation and rehabilitation programs and some or all of the following:

*Turf Areas*

- Reduced frequency of mowing and edging turf areas. Full scope includes mowing and edging turf areas regularly.
- No fertilization. Full scope includes fertilization multiple times a year. Limited/elimination of weed control.
- Limited/elimination of aeration.

*Ground Cover/Shrub Areas*

- Limited/elimination of emergent weed control. No fertilization.
- Limited/elimination of mowing or removal of dead plants and leaves.
- Limited/elimination of vine trimming.



General Landscaping

- Limited/elimination of removal of tree stakes and ties. Limited/elimination of trash pick-up in landscaping areas.
- Limited/elimination of weed and litter control for gutters, curbs, parking lots and walkways and adjacent to contract areas.
- Administration and operations of the landscaping Zones.

The proposed assessments described in this Report are based on the estimated costs associated with the regular annual maintenance, operation and servicing of landscape improvements within each Zone. The total cost of these improvements are proportionately spread to only the properties within each respective Zone based on a method of apportionment that reflects the direct and proportional special benefits to each property. In addition to the regular annual maintenance of the landscape improvements, various Zone budgets include the collection of funds associated with specific long-term maintenance and rehabilitation programs identified as: Tree Maintenance Programs; Streetscape Revitalization and Rehabilitation Program; and Park Rehabilitation and Renovation Program. The funds collected for these programs are proportionally collected from only those Zones for which these programs are provided.

The word “parcel”, for the purposes of this Report, refers to an individual property assigned its own Assessment Parcel Number by the San Joaquin County Assessor’s Office. The San Joaquin County Auditor/Controller uses Assessment Parcel Numbers and specific Fund Numbers to identify, on the tax roll, properties assessed for special district benefit assessments.



## PART II – ESTIMATE OF COSTS

The estimated costs of maintenance and servicing the improvements for the District as described in Part B, Plans and Specifications, for each Zone are summarized in the Zone budget tables on pages 13-53. A summary table of consolidated costs for all 41 Zones in the District is provided on page 54 of this Report.

The following is a description of the budget items including maintenance, replacement, power costs for supplying electrical energy for the illumination of the decorative lights, irrigation systems, City administrative and personnel services for the annual administration, San Joaquin County costs related to placing assessments onto the tax roll, and any Reserve collections.

### Description of Budget Items

#### Personnel – 5100

- Field & Supervisory Personnel. The cost associated to City staff for providing non-scheduled repairs, graffiti removal, operations and maintenance of the improvements, etc. within the Zones.

#### Contracted Services – 5200

- Contracted Maintenance Contracts. Includes all regularly scheduled labor, material, e.g. fertilizer, insecticides, etc., and equipment required to properly maintain and ensure the satisfactory condition of all landscaping, irrigation and drainage systems, and appurtenant facilities.
- Utilities. The cost of water, sewer, and electrical utilities necessary to maintain improvements within the Zones.
- County Collection Fee. The cost to the Consolidated District for the County to collect the assessments on the property tax bills. Cost is the lesser of \$3.00 per parcel or 1% of the total amount placed onto the tax roll.
- LMD Administration. The costs of contracting with professionals to provide services specific to the levy administration, including preparation of the Engineer's Report, resolutions, and levy submittal to the County. These fees can also include any additional administrative, legal, or engineering services specific to the District such as the cost to prepare and mail notices of the public meeting and hearing.

#### Materials – 5300

- Supplies. Includes supplies to maintain or repair irrigation system, playgrounds, plant material, etc.

#### Capital Project – 5600

- Capital Improvement Projects. These costs include the long-term replacement costs of improvements that cannot be paid for during a single fiscal year. Funds are collected over several years to pay for replacement costs.



Overhead – 5900

- Business expense not chargeable to a particular part of the District (ex: insurance, etc.)

Internal Service - 5400

Indirect Costs. Incidental costs and expenses of the City associated with the operation and administration of the District and the cost of maintenance, services and incidentals not included above. (ex. vehicle or building maintenance)

Long-Term Cyclical Maintenance. Includes the following and will be reflected in the 5200 or 5300 category for the year the funds will be expensed.

- Streetscape Revitalization & Rehabilitation. This represents the zone's annual installment for participation in the Streetscape Revitalization and Rehabilitation program.
- Arterial Street Tree Maintenance. This represents the zone's annual installment for participation in the Arterial Street Tree Maintenance program.
- Street Tree Maintenance. This represents the zone's annual installment for participation in the Street Tree Maintenance program.
- Park Tree Maintenance. This represents the zone's annual installment for participation in the Tree Maintenance program, specific to Parks.
- Park Rehabilitation & Renovation. This represents the zone's annual installment for participation in the Park Rehabilitation and Renovation program.

Zone Reserve Adjustments. Each Zone has its own Reserve Fund and monies are used from the Reserve Funds to reduce assessment amounts to individual parcels or to contribute to the Zone Reserve Funds, whether Operating Reserves or Capital Reserves.

County Collection Fee. The cost to the Consolidated District for the County to collect the assessments on the property tax bills. Cost is the lesser of \$3.00 per parcel or 1% of the total amount placed onto the tax roll.

Capital Improvement Projects. These costs include the long-term replacement costs of improvements that cannot be paid for during a single fiscal year. Funds are collected over several years to pay for those replacement costs.

Zone Reserve Adjustments. Each Zone has its own Reserve Fund and monies are used from the Reserve Funds to reduce assessment amounts to individual parcels or to contribute to the Zone Reserve Funds, whether Operating Reserves or Capital Reserves.

Special Tax Support. Proceeds allocated to the City per Measure V, Special Transportation Tax, and Gas Tax that can be utilized for maintenance expenses in Zones where the City maintains the arterial, median and right-of-way landscaping.

General Fund Support. Represents the City's contribution to the Zones for any general benefit that the improvements within the Zones may have impact on other properties or the public at large.



Drainage Fund Support. Represents the City's contribution to the Zones for any channel way that the improvements within the Zones may have impact on other properties or the public at large.

Balance to Levy. This is the total amount to be levied and collected through assessments for the current fiscal year. It represents the sum of Total Expenses and Other Revenues subtracting the General Fund Support and the Drainage Fund Support.

Variance. A variance may be seen between the Levy per EDU and the Maximum Levy per EDU. The variance occurs because the Special Assessments required to meet expenses for the current fiscal year are below the maximum level. The Maximum Levy per EDU is based upon the total expenses for all improvements both existing and those planned for the future.

Total Parcels Levied. The total number of parcels within the Zones that will receive the special benefits during the current fiscal year.

Total EDUs. The total Equivalent Dwelling Units within the Zones applied to the parcels described above.

Proposed Levy per EDU. This amount represents the rate being applied to each parcel's individual EDU. The Levy per EDU is the result of dividing the "Special Assessment to Levy" by the Total EDUs of the Zones for the fiscal year. This rate is rounded to the nearest even pennies.

Maximum Levy per EDU. This is the rate per EDU approved by property owners within the Zone, in accordance with Proposition 218, adjusted for inflation as described in the Method of Apportionment. This rate is rounded to the nearest penny.

## **Budget Tables**

Budget tables for each zone and a summary table for the District are presented on the following pages. The following footnotes apply to all the Budgets:

1. Direct Costs for 2023-24 and 2024-25 are equal to the current year's proposed amount plus 3% escalation to account for inflation. This is shown as an estimate only.
2. Administration Costs for 2023-24 and 2024-25 are equal to the current year's proposed amount plus 3% escalation to account for inflation, except for the County Collection Fee, which is equal to the lesser of \$3 per parcel or 1% of the levy amount.
3. Levy Adjustments for 2023-24 and 2024-25 are equal to the current year's proposed amount plus 3% escalation to account for inflation, except for the Zone Reserve Adjustments, which equals the amount necessary to maintain the assessment rate that is at or below the maximum allowable assessment rate for that year.
4. The Maximum Assessment Rate for 2023-24 and 2024-25 are equal to the current year's Maximum Assessment Rate, plus 3% escalation for inflation. The actual escalation rate is detailed on page 59 of this Report, Assessment Range Formula.
5. The Beginning Fund Balances shown on each Budget page includes both the Operating and Cyclical Reserve amounts, and are projections of the April 2022 year-to-date estimates.



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 1			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$11,138	\$11,472	\$11,816
Contracted Services - 5200	\$12,160	\$12,525	\$12,901
Materials - 5300	\$3,840	\$3,955	\$4,074
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$27,138</b>	<b>\$27,952</b>	<b>\$28,791</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$2,134	\$2,198	\$2,264
Internal Services - 5400	\$3,401	\$3,503	\$3,608
County Collection Fee	<u>\$416</u>	<u>\$429</u>	<u>\$442</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$5,951</b>	<b>\$6,129</b>	<b>\$6,313</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$33,089</b>	<b>\$34,082</b>	<b>\$35,104</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$9,478	\$9,762	\$10,053
Special Tax Support	\$0	\$0	\$2
General Fund - 101	(\$422)	(\$435)	(\$448)
Storm Drain Fund - 101	<u>(\$522)</u>	<u>(\$537)</u>	<u>(\$554)</u>
<b>TOTAL ADJUSTMENTS</b>	<b>\$8,534</b>	<b>\$8,790</b>	<b>\$9,054</b>
<b>Balance to Levy</b>	<b>\$41,623</b>	<b>\$42,872</b>	<b>\$44,158</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$41,623</b>	<b>\$42,872</b>	<b>\$44,158</b>
Variance above/(below) Maximum Revenue	\$0	\$0	\$0
<b>DISTRICT STATISTICS</b>			
Total Parcels	294	294	294
Total Parcels Levied	294	294	294
Total EDUs	617.00	617.00	617.00
Total EDUs Levied	617.00	617.00	617.00
Proposed Levy per EDU	<b>\$67.46</b>	\$69.48	\$71.57
Max Levy per EDU <sup>4</sup>	\$67.46	\$69.48	\$71.57
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$112,929	\$122,972	\$133,349
Reserve Fund Adjustment	\$9,478	\$9,762	\$10,053
Interest (0.5%)	<u>\$565</u>	<u>\$615</u>	<u>\$667</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$122,972</b>	<b>\$133,349</b>	<b>\$144,069</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 2			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$2,629	\$2,708	\$2,789
Contracted Services - 5200	\$10,170	\$10,475	\$10,789
Materials - 5300	\$2,434	\$2,507	\$2,583
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$15,233</b>	<b>\$15,690</b>	<b>\$16,161</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$504	\$519	\$535
Internal Services - 5400	\$2,338	\$2,408	\$2,480
County Collection Fee	<u>\$126</u>	<u>\$130</u>	<u>\$134</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$2,968</b>	<b>\$3,057</b>	<b>\$3,148</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$18,201</b>	<b>\$18,747</b>	<b>\$19,310</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$4,974)	(\$5,123)	(\$5,277)
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$642)	(\$662)	(\$681)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>(\$5,616)</b>	<b>(\$5,785)</b>	<b>(\$5,958)</b>
<b>Balance to Levy</b>	<b>\$12,585</b>	<b>\$12,963</b>	<b>\$13,351</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$12,585</b>	<b>\$12,963</b>	<b>\$13,351</b>
Variance above/(below) Maximum Revenue	\$0	\$0	\$0
<b>DISTRICT STATISTICS</b>			
Total Parcels	125	125	125
Total Parcels Levied	125	125	125
Total EDUs	125.00	125.00	125.00
Total EDUs Levied	125.00	125.00	125.00
Proposed Levy per EDU	<b>\$100.68</b>	\$103.70	\$106.81
Max Levy per EDU <sup>4</sup>	\$100.68	\$103.70	\$106.81
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$19,446	\$14,570	\$9,519
Reserve Fund Adjustment	(\$4,974)	(\$5,123)	(\$5,277)
Interest (0.5%)	<u>\$97</u>	<u>\$73</u>	<u>\$48</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$14,570</b>	<b>\$9,519</b>	<b>\$4,290</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 3			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$119,402	\$122,984	\$126,673
Contracted Services - 5200	\$201,265	\$207,303	\$213,522
Materials - 5300	\$38,129	\$39,273	\$40,451
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$358,796</b>	<b>\$369,560</b>	<b>\$380,646</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$22,876	\$23,562	\$24,269
Internal Services - 5400	\$162,200	\$167,066	\$172,078
County Collection Fee	<u>\$4,307</u>	<u>\$4,437</u>	<u>\$4,570</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$189,383</b>	<b>\$195,064</b>	<b>\$200,916</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$548,178</b>	<b>\$564,624</b>	<b>\$581,562</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$99,714)	(\$102,705)	(\$105,786)
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$16,275)	(\$16,763)	(\$17,266)
Storm Drain Fund - 101	<u>(\$1,453)</u>	<u>(\$1,497)</u>	<u>(\$1,542)</u>
<b>TOTAL ADJUSTMENTS</b>	<b>(\$117,442)</b>	<b>(\$120,965)</b>	<b>(\$124,594)</b>
<b>Balance to Levy</b>	<b>\$430,736</b>	<b>\$443,658</b>	<b>\$456,968</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$430,736</b>	<b>\$443,658</b>	<b>\$456,968</b>
Variance above/(below) Maximum Revenue	\$0	\$0	\$0
<b>DISTRICT STATISTICS</b>			
Total Parcels	2,301	2,301	2,301
Total Parcels Levied	2,301	2,301	2,301
Total EDUs	2,878.87	2,878.87	2,878.87
Total EDUs Levied	2,878.87	2,878.87	2,878.87
Proposed Levy per EDU	<b>\$149.62</b>	\$154.11	\$158.73
Max Levy per EDU <sup>4</sup>	\$149.62	\$154.11	\$158.73
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$339,047	\$241,029	\$139,529
Reserve Fund Adjustment	(99,714)	(102,705)	(105,786)
Interest (0.5%)	<u>1,695</u>	<u>1,205</u>	698
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$241,029</b>	<b>\$139,529</b>	<b>\$34,440</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 4			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$23	\$23	\$24
Contracted Services - 5200	\$200	\$206	\$212
Materials - 5300	\$4	\$4	\$4
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$226</b>	<b>\$233</b>	<b>\$240</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$0	\$0	\$0
Internal Services - 5400	\$632	\$651	\$670
County Collection Fee	<u>\$86</u>	<u>\$89</u>	<u>\$92</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$718</b>	<b>\$740</b>	<b>\$762</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$945</b>	<b>\$973</b>	<b>\$1,002</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$7,701	\$7,932	\$8,170
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$6)	(\$6)	(\$6)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>\$7,695</b>	<b>\$7,926</b>	<b>\$8,164</b>
<b>Balance to Levy</b>	<b>\$8,640</b>	<b>\$8,899</b>	<b>\$8,899</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$21,545</b>	<b>\$22,192</b>	<b>\$22,857</b>
Variance above/(below) Maximum Revenue	(\$12,905)	(\$13,292)	(\$13,958)
<b>DISTRICT STATISTICS</b>			
Total Parcels	144	144	144
Total Parcels Levied	144	144	144
Total EDUs	144.00	144.00	144.00
Total EDUs Levied	144.00	144.00	144.00
Proposed Levy per EDU	<b>\$60.00</b>	\$61.80	\$61.80
Max Levy per EDU <sup>4</sup>	\$149.62	\$154.11	\$158.73
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$8,015	\$15,756	\$23,767
Reserve Fund Adjustment	\$7,701	\$7,932	\$8,170
Interest (0.5%)	<u>\$40</u>	<u>\$79</u>	<u>\$119</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$15,756</b>	<b>\$23,767</b>	<b>\$32,055</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 5			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$0	\$0	\$0
Contracted Services - 5200	\$3,884	\$4,000	\$4,120
Materials - 5300	\$0	\$0	\$0
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$3,884</b>	<b>\$4,000</b>	<b>\$4,120</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$0	\$0	\$0
Internal Services - 5400	\$0	\$0	\$0
County Collection Fee	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$3,884</b>	<b>\$4,000</b>	<b>\$4,120</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$3,884)	(\$4,000)	(\$4,120)
Special Tax Support	\$0	\$0	\$0
General Fund - 101	\$0	\$0	\$0
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>(\$3,884)</b>	<b>(\$4,000)</b>	<b>(\$4,120)</b>
<b>Balance to Levy</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$10,324</b>	<b>\$10,633</b>	<b>\$10,952</b>
Variance above/(below) Maximum Revenue	(\$10,324)	(\$10,633)	(\$10,952)
<b>DISTRICT STATISTICS</b>			
Total Parcels	69	69	69
Total Parcels Levied	69	69	69
Total EDUs	69.00	69.00	69.00
Total EDUs Levied	69.00	69.00	69.00
Proposed Levy per EDU	<b>\$0.00</b>	\$0.00	\$0.00
Max Levy per EDU <sup>4</sup>	\$149.62	\$154.11	\$158.73
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$22,518	\$18,747	\$14,841
Reserve Fund Adjustment	(\$3,884)	(\$4,000)	(\$4,120)
Interest (0.5%)	<u>\$113</u>	<u>\$94</u>	<u>\$74</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$18,747</b>	<b>\$14,841</b>	<b>\$10,795</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 6			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$0	\$0	\$0
Contracted Services - 5200	\$60	\$62	\$63
Materials - 5300	\$0	\$0	\$0
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$60</b>	<b>\$62</b>	<b>\$63</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$0	\$0	\$0
Internal Services - 5400	\$436	\$450	\$463
County Collection Fee	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$436</b>	<b>\$450</b>	<b>\$463</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$496</b>	<b>\$511</b>	<b>\$527</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$496)	(\$511)	(\$527)
Special Tax Support	\$0	\$0	\$0
General Fund - 101	\$0	\$0	\$0
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>(\$496)</b>	<b>(\$511)</b>	<b>(\$527)</b>
<b>Balance to Levy</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$6,733</b>	<b>\$6,935</b>	<b>\$7,143</b>
Variance above/(below) Maximum Revenue	(\$6,733)	(\$6,935)	(\$7,143)
<b>DISTRICT STATISTICS</b>			
Total Parcels	45	45	45
Total Parcels Levied	45	45	45
Total EDUs	45.00	45.00	45.00
Total EDUs Levied	45.00	45.00	45.00
Proposed Levy per EDU	<b>\$0.00</b>	\$0.00	\$0.00
Max Levy per EDU <sup>4</sup>	\$149.62	\$154.11	\$158.73
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$13,187	\$12,757	\$12,310
Reserve Fund Adjustment	(\$496)	(\$511)	(\$527)
Interest (0.5%)	<u>\$66</u>	<u>\$64</u>	<u>\$62</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$12,757</b>	<b>\$12,310</b>	<b>\$11,845</b>





City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 7			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$95,862	\$98,738	\$101,700
Contracted Services - 5200	\$97,304	\$100,223	\$103,229
Materials - 5300	\$24,639	\$25,378	\$26,140
Capital Projects - 5600	\$0	\$0	\$0
<b>TOTAL DIRECT</b>	<b>\$217,805</b>	<b>\$224,340</b>	<b>\$231,070</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$18,373	\$18,924	\$19,492
Internal Services - 5400	\$75,352	\$77,613	\$79,941
County Collection Fee	<u>\$2,368</u>	<u>\$2,439</u>	<u>\$2,512</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$96,093</b>	<b>\$98,976</b>	<b>\$101,945</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$313,899</b>	<b>\$323,316</b>	<b>\$333,015</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$62,903)	(\$64,790)	(\$66,734)
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$12,405)	(\$12,777)	(\$13,160)
Storm Drain Fund - 101	<u>(\$1,807)</u>	<u>(\$1,861)</u>	<u>(\$1,917)</u>
<b>TOTAL ADJUSTMENTS</b>	<b>(\$77,115)</b>	<b>(\$79,428)</b>	<b>(\$81,811)</b>
<b>Balance to Levy</b>	<b>\$236,784</b>	<b>\$243,887</b>	<b>\$251,204</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$236,784</b>	<b>\$243,887</b>	<b>\$251,204</b>
Variance above/(below) Maximum Revenue	\$0	(\$0)	\$0
<b>DISTRICT STATISTICS</b>			
Total Parcels	1,172	1,172	1,172
Total Parcels Levied	1,172	1,172	1,172
Total EDUs	1,269.89	1,269.89	1,269.89
Total EDUs Levied	1,269.89	1,269.89	1,269.89
Proposed Levy per EDU	<b>\$186.46</b>	\$192.05	\$197.82
Max Levy per EDU <sup>4</sup>	\$186.46	\$192.05	\$197.82
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$185,717	\$123,742	\$59,571
Reserve Fund Adjustment	(\$62,903)	(\$64,790)	(\$66,734)
Interest (0.5%)	<u>\$929</u>	<u>\$619</u>	<u>\$298</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$123,742</b>	<b>\$59,571</b>	<b>(\$6,865)</b>



<b>City of Tracy</b>			
<b>Consolidated Landscape Maintenance District</b>			
<b>Proposed Budget for Fiscal Year 2022-23</b>			
<b>Zone 8</b>			
	<b>Proposed Budget FY 2022-23</b>	<b>Forecasted Budget FY 2023-24</b>	<b>Forecasted Budget FY 2024-25</b>
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$51,938	\$53,496	\$55,101
Contracted Services - 5200	\$24,859	\$25,605	\$26,373
Materials - 5300	\$8,582	\$8,839	\$9,104
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$85,379</b>	<b>\$87,941</b>	<b>\$90,579</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$9,951	\$10,249	\$10,557
Internal Services - 5400	\$26,320	\$27,109	\$27,923
County Collection Fee	<u>\$408</u>	<u>\$421</u>	<u>\$433</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$36,679</b>	<b>\$37,779</b>	<b>\$38,913</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$122,058</b>	<b>\$125,720</b>	<b>\$129,492</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$76,562)	(\$78,859)	(\$81,225)
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$2,578)	(\$2,655)	(\$2,735)
Storm Drain Fund - 101	<u>(\$2,084)</u>	<u>(\$2,146)</u>	<u>(\$2,210)</u>
<b>TOTAL ADJUSTMENTS</b>	<b>(\$81,223)</b>	<b>(\$83,660)</b>	<b>(\$86,170)</b>
<b>Balance to Levy</b>	<b>\$40,835</b>	<b>\$42,060</b>	<b>\$43,322</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$40,835</b>	<b>\$42,060</b>	<b>\$43,322</b>
Variance above/(below) Maximum Revenue	\$0	\$0	\$0
<b>DISTRICT STATISTICS</b>			
Total Parcels	219	219	219
Total Parcels Levied	219	219	219
Total EDUs	219.00	219.00	219.00
Total EDUs Levied	219.00	219.00	219.00
Proposed Levy per EDU	<b>\$186.46</b>	\$192.05	\$197.83
Max Levy per EDU <sup>4</sup>	\$186.46	\$192.05	\$197.82
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	(\$225,208)	(\$301,770)	(\$380,629)
Reserve Fund Adjustment	(\$76,562)	(\$78,859)	(\$81,225)
Interest (0.5%)	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>(\$301,770)</b>	<b>(\$380,629)</b>	<b>(\$461,853)</b>



<b>City of Tracy</b>			
<b>Consolidated Landscape Maintenance District</b>			
<b>Proposed Budget for Fiscal Year 2022-23</b>			
<b>Zone 9</b>			
	<b>Proposed Budget FY 2022-23</b>	<b>Forecasted Budget FY 2023-24</b>	<b>Forecasted Budget FY 2024-25</b>
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$161,822	\$166,677	\$171,677
Contracted Services - 5200	\$121,066	\$124,698	\$128,439
Materials - 5300	\$26,738	\$27,540	\$28,366
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$309,626</b>	<b>\$318,915</b>	<b>\$328,483</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$31,005	\$31,935	\$32,893
Internal Services - 5400	\$157,713	\$162,445	\$167,318
County Collection Fee	<u>\$4,089</u>	<u>\$4,212</u>	<u>\$4,338</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$192,807</b>	<b>\$198,591</b>	<b>\$204,549</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$502,433</b>	<b>\$517,506</b>	<b>\$533,031</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$73,562)	(\$75,769)	(\$78,042)
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$16,154)	(\$16,639)	(\$17,138)
Storm Drain Fund - 101	<u>(\$3,817)</u>	<u>(\$3,932)</u>	<u>(\$4,050)</u>
<b>TOTAL ADJUSTMENTS</b>	<b>(\$93,533)</b>	<b>(\$96,339)</b>	<b>(\$99,229)</b>
<b>Balance to Levy</b>	<b>\$408,900</b>	<b>\$421,167</b>	<b>\$433,802</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$408,900</b>	<b>\$421,167</b>	<b>\$433,802</b>
Variance above/(below) Maximum Revenue	\$0	\$0	\$0
<b>DISTRICT STATISTICS</b>			
Total Parcels	2,369	2,369	2,369
Total Parcels Levied	2,369	2,369	2,369
Total EDUs	2,445.57	2,445.57	2,445.57
Total EDUs Levied	2,445.57	2,445.57	2,445.57
Proposed Levy per EDU	<b>\$167.20</b>	\$172.22	\$177.38
Max Levy per EDU <sup>4</sup>	\$167.20	\$172.22	\$177.38
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	(\$349,225)	(\$422,786)	(\$500,669)
Reserve Fund Adjustment	(\$73,562)	(\$75,769)	(\$78,042)
Interest (0.5%)	<u>\$0</u>	<u>(\$2,114)</u>	<u>(\$2,503)</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>(\$422,786)</b>	<b>(\$500,669)</b>	<b>(\$581,214)</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 10			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$184,834	\$190,379	\$196,090
Contracted Services - 5200	\$84,797	\$87,341	\$89,961
Materials - 5300	\$30,540	\$31,456	\$32,400
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$300,171</b>	<b>\$309,176</b>	<b>\$318,451</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$35,414	\$36,476	\$37,571
Internal Services - 5400	\$55,738	\$57,410	\$59,133
County Collection Fee	<u>\$2,205</u>	<u>\$2,271</u>	<u>\$2,339</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$93,357</b>	<b>\$96,158</b>	<b>\$99,042</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$393,527</b>	<b>\$405,333</b>	<b>\$417,493</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$154,890)	(\$159,537)	(\$164,323)
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$10,234)	(\$10,541)	(\$10,857)
Storm Drain Fund - 101	<u>(\$7,927)</u>	<u>(8,165)</u>	<u>(8,409)</u>
<b>TOTAL ADJUSTMENTS</b>	<b>(\$173,050)</b>	<b>(\$178,242)</b>	<b>(\$183,589)</b>
<b>Balance to Levy</b>	<b>\$220,477</b>	<b>\$227,091</b>	<b>\$233,904</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$220,477</b>	<b>\$227,091</b>	<b>\$233,904</b>
Variance above/(below) Maximum Revenue	\$0	\$0	\$0
<b>DISTRICT STATISTICS</b>			
Total Parcels	316	316	316
Total Parcels Levied	316	316	316
Total EDUs	2,214.96	2,214.96	2,214.96
Total EDUs Levied	2,214.96	2,214.96	2,214.96
Proposed Levy per EDU	<b>\$99.54</b>	\$102.53	\$105.60
Max Levy per EDU <sup>4</sup>	\$99.54	\$102.53	\$105.60
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	(\$13,669)	(\$168,559)	(\$328,939)
Reserve Fund Adjustment	(\$154,890)	(\$159,537)	(\$164,323)
Interest (0.5%)	<u>\$0</u>	<u>(\$843)</u>	<u>(\$1,645)</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>(\$168,559)</b>	<b>(\$328,939)</b>	<b>(\$494,906)</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 11			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$1,743	\$1,796	\$1,850
Contracted Services - 5200	\$883	\$910	\$937
Materials - 5300	\$0	\$0	\$0
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$2,626</b>	<b>\$2,705</b>	<b>\$2,786</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$334	\$344	\$354
Internal Services - 5400	\$115	\$119	\$122
County Collection Fee	<u>\$18</u>	<u>\$19</u>	<u>\$19</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$467</b>	<b>\$481</b>	<b>\$496</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$3,094</b>	<b>\$3,187</b>	<b>\$3,282</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$861)	(\$887)	(\$914)
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$426)	(\$439)	(\$452)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>(\$1,287)</b>	<b>(\$1,326)</b>	<b>(\$1,366)</b>
<b>Balance to Levy</b>	<b>\$1,807</b>	<b>\$1,861</b>	<b>\$1,917</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$1,807</b>	<b>\$1,861</b>	<b>\$1,917</b>
Variance above/(below) Maximum Revenue	\$0	(\$0)	\$0
<b>DISTRICT STATISTICS</b>			
Total Parcels	1	1	1
Total Parcels Levied	1	1	1
Total EDUs	18.15	18.15	18.15
Total EDUs Levied	18.15	18.15	18.15
Proposed Levy per EDU	<b>\$99.54</b>	\$102.53	\$105.60
Max Levy per EDU <sup>4</sup>	\$99.54	\$102.52	\$105.60
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	(\$1,576)	(\$2,437)	(\$3,336)
Reserve Fund Adjustment	(\$861)	(\$887)	(\$914)
Interest (0.5%)	<u>\$0</u>	<u>(\$12)</u>	<u>\$0</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>(\$2,437)</b>	<b>(\$3,336)</b>	<b>(\$4,250)</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 12			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$19,101	\$19,674	\$20,264
Contracted Services - 5200	\$21,766	\$22,419	\$23,092
Materials - 5300	\$5,156	\$5,311	\$5,470
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$46,023</b>	<b>\$47,403</b>	<b>\$48,825</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$3,659	\$3,769	\$3,882
Internal Services - 5400	\$30,718	\$31,640	\$32,589
County Collection Fee	<u>\$1,016</u>	<u>\$1,047</u>	<u>\$1,078</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$35,394</b>	<b>\$36,456</b>	<b>\$37,549</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$81,416</b>	<b>\$83,859</b>	<b>\$86,375</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$24,869	\$25,615	\$26,384
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$4,666)	(\$4,806)	(\$4,950)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>\$20,204</b>	<b>\$20,810</b>	<b>\$21,434</b>
<b>Balance to Levy</b>	<b>\$101,620</b>	<b>\$104,668</b>	<b>\$107,809</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$144,698</b>	<b>\$149,039</b>	<b>\$153,510</b>
Variance above/(below) Maximum Revenue	(\$43,078)	(\$44,370)	(\$45,701)
<b>DISTRICT STATISTICS</b>			
Total Parcels	102	102	102
Total Parcels Levied	102	102	102
Total EDUs	1,016.20	1,016.20	1,016.20
Total EDUs Levied	1,016.20	1,016.20	1,016.20
Proposed Levy per EDU	<b>\$100.00</b>	\$103.00	\$106.09
Max Levy per EDU <sup>4</sup>	\$142.39	\$146.66	\$151.06
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$223,252	\$249,238	\$276,099
Reserve Fund Adjustment	\$24,869	\$25,615	\$26,384
Interest (0.5%)	<u>\$1,116</u>	<u>\$1,246</u>	<u>\$1,380</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$249,238</b>	<b>\$276,099</b>	<b>\$303,864</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 13			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$22,280	\$22,949	\$23,637
Contracted Services - 5200	\$32,387	\$33,359	\$34,359
Materials - 5300	\$5,681	\$5,852	\$6,027
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$60,349</b>	<b>\$62,159</b>	<b>\$64,024</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$4,269	\$4,397	\$4,529
Internal Services - 5400	\$27,348	\$28,168	\$29,013
County Collection Fee	<u>\$1,334</u>	<u>\$1,374</u>	<u>\$1,415</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$32,951</b>	<b>\$33,939</b>	<b>\$34,957</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$93,299</b>	<b>\$96,098</b>	<b>\$98,981</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$41,169	\$42,405	\$43,677
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$1,110)	(\$1,143)	(\$1,178)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>\$40,059</b>	<b>\$41,261</b>	<b>\$42,499</b>
<b>Balance to Levy</b>	<b>\$133,359</b>	<b>\$137,359</b>	<b>\$141,480</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$133,359</b>	<b>\$137,359</b>	<b>\$141,480</b>
Variance above/(below) Maximum Revenue	\$0	\$0	\$0
<b>DISTRICT STATISTICS</b>			
Total Parcels	418	418	418
Total Parcels Levied	418	418	418
Total EDUs	418.00	418.00	418.00
Total EDUs Levied	418.00	418.00	418.00
Proposed Levy per EDU	<b>\$319.04</b>	\$328.61	\$338.47
Max Levy per EDU <sup>4</sup>	\$319.04	\$328.61	\$338.47
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$520,679	\$564,452	\$609,678
Reserve Fund Adjustment	\$41,169	\$42,405	\$43,677
Interest (0.5%)	<u>\$2,603</u>	<u>\$2,822</u>	<u>\$3,048</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$564,452</b>	<b>\$609,678</b>	<b>\$656,403</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 14			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$16,267	\$16,755	\$17,258
Contracted Services - 5200	\$20,951	\$21,579	\$22,227
Materials - 5300	\$2,688	\$2,769	\$2,852
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$39,906</b>	<b>\$41,103</b>	<b>\$42,336</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$3,116	\$3,210	\$3,306
Internal Services - 5400	\$22,574	\$23,251	\$23,948
County Collection Fee	<u>\$649</u>	<u>\$669</u>	<u>\$689</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$26,339</b>	<b>\$27,130</b>	<b>\$27,944</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$66,246</b>	<b>\$68,233</b>	<b>\$70,280</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$950)	(\$974)	(\$1,003)
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$364)	(\$374)	(\$386)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>(\$1,313)</b>	<b>(\$1,349)</b>	<b>(\$1,389)</b>
<b>Balance to Levy</b>	<b>\$64,932</b>	<b>\$66,884</b>	<b>\$68,891</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$64,936</b>	<b>\$66,884</b>	<b>\$68,891</b>
Variance above/(below) Maximum Revenue	(\$4)	\$0	\$0
<b>DISTRICT STATISTICS</b>			
Total Parcels	368	368	368
Total Parcels Levied	368	368	368
Total EDUs	371.00	371.00	371.00
Total EDUs Levied	371.00	371.00	371.00
Proposed Levy per EDU	<b>\$175.02</b>	\$180.27	\$185.70
Max Levy per EDU <sup>4</sup>	\$175.03	\$180.28	\$185.69
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$56,866	\$56,201	\$55,507
Reserve Fund Adjustment	(\$950)	(\$974)	(\$1,003)
Interest (0.5%)	<u>\$284</u>	<u>\$281</u>	<u>\$278</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$56,201</b>	<b>\$55,507</b>	<b>\$54,781</b>





City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 15			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$65,999	\$67,979	\$70,019
Contracted Services - 5200	\$52,608	\$54,186	\$55,812
Materials - 5300	\$32,905	\$33,892	\$34,909
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$151,512</b>	<b>\$156,058</b>	<b>\$160,739</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$12,654	\$13,034	\$13,425
Internal Services - 5400	\$99,746	\$102,738	\$105,820
County Collection Fee	<u>\$2,469</u>	<u>\$2,543</u>	<u>\$2,619</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$114,869</b>	<b>\$118,315</b>	<b>\$121,864</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$266,381</b>	<b>\$274,373</b>	<b>\$282,604</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$7,829	\$8,079	\$8,321
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$27,313)	(\$28,133)	(\$28,977)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>(\$19,484)</b>	<b>(\$20,054)</b>	<b>(\$20,656)</b>
<b>Balance to Levy</b>	<b>\$246,897</b>	<b>\$254,319</b>	<b>\$261,948</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$246,911</b>	<b>\$254,319</b>	<b>\$261,948</b>
Variance above/(below) Maximum Revenue	(\$14)	\$0	\$0
<b>DISTRICT STATISTICS</b>			
Total Parcels	1,209	1,209	1,209
Total Parcels Levied	1,209	1,209	1,209
Total EDUs	1,410.68	1,410.68	1,410.68
Total EDUs Levied	1,410.68	1,410.68	1,410.68
Proposed Levy per EDU	<b>\$175.02</b>	\$180.27	\$185.70
Max Levy per EDU <sup>4</sup>	\$175.03	\$180.28	\$185.69
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$74,637	\$82,840	\$91,333
Reserve Fund Adjustment	\$7,829	\$8,079	\$8,321
Interest (0.5%)	<u>\$373</u>	<u>\$414</u>	<u>\$0</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$82,840</b>	<b>\$91,333</b>	<b>\$99,654</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 16			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$10,377	\$10,688	\$11,009
Contracted Services - 5200	\$15,050	\$15,501	\$15,966
Materials - 5300	\$3,715	\$3,826	\$3,941
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$29,141</b>	<b>\$30,015</b>	<b>\$30,915</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$1,989	\$2,048	\$2,110
Internal Services - 5400	\$16,016	\$16,496	\$16,991
County Collection Fee	<u>\$543</u>	<u>\$559</u>	<u>\$576</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$18,547</b>	<b>\$19,103</b>	<b>\$19,676</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$47,688</b>	<b>\$49,118</b>	<b>\$50,592</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$6,569	\$6,769	\$6,972
Special Tax Support	\$0	\$0	\$0
General Fund - 101	\$0	\$0	\$0
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>\$6,569</b>	<b>\$6,769</b>	<b>\$6,972</b>
<b>Balance to Levy</b>	<b>\$54,256</b>	<b>\$55,887</b>	<b>\$57,564</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$54,259</b>	<b>\$55,887</b>	<b>\$57,564</b>
Variance above/(below) Maximum Revenue	(\$3)	\$0	\$0
<b>DISTRICT STATISTICS</b>			
Total Parcels	310	310	310
Total Parcels Levied	310	310	310
Total EDUs	310.00	310.00	310.00
Total EDUs Levied	310.00	310.00	310.00
Proposed Levy per EDU	<b>\$175.02</b>	\$180.27	\$185.70
Max Levy per EDU <sup>4</sup>	\$175.03	\$180.28	\$185.69
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$136,838	\$144,091	\$151,581
Reserve Fund Adjustment	\$6,569	\$6,769	\$6,972
Interest (0.5%)	<u>\$684</u>	<u>\$720</u>	<u>\$758</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$144,091</b>	<b>\$151,581</b>	<b>\$159,310</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 17			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$51,252	\$52,790	\$54,373
Contracted Services - 5200	\$64,884	\$66,830	\$68,835
Materials - 5300	\$25,468	\$26,232	\$27,019
Capital Projects - 5600	<u>\$500,000</u>	<u>\$15,000</u>	<u>\$15,450</u>
<b>TOTAL DIRECT</b>	<b>\$641,604</b>	<b>\$160,852</b>	<b>\$165,678</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$9,820	\$10,115	\$10,418
Internal Services - 5400	\$63,177	\$65,072	\$67,024
County Collection Fee	<u>\$3,114</u>	<u>\$3,207</u>	<u>\$3,303</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$76,110</b>	<b>\$78,394</b>	<b>\$80,745</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$717,714</b>	<b>\$239,246</b>	<b>\$246,423</b>
Capital Improvement Projects	(\$500,000)	\$0	\$0
Zone Reserves Adjustment	\$103,525	\$91,646	\$94,396
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$9,870)	(\$10,166)	(\$10,471)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>(\$406,345)</b>	<b>\$81,480</b>	<b>\$83,925</b>
<b>Balance to Levy</b>	<b>\$311,369</b>	<b>\$320,726</b>	<b>\$330,348</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$311,385</b>	<b>\$320,726</b>	<b>\$330,348</b>
Variance above/(below) Maximum Revenue	(\$15)	\$0	\$0
<b>DISTRICT STATISTICS</b>			
Total Parcels	1,129	1,129	1,129
Total Parcels Levied	1,129	1,129	1,129
Total EDUs	1,542.96	1,542.96	1,542.96
Total EDUs Levied	1,542.96	1,542.96	1,542.96
Proposed Levy per EDU	<b>\$201.80</b>	\$207.85	\$214.09
Max Levy per EDU <sup>4</sup>	\$201.81	\$207.86	\$214.10
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$971,354	\$579,736	\$674,281
Reserve Fund Adjustment	(\$396,475)	\$91,646	\$94,396
Interest (0.5%)	<u>\$4,857</u>	<u>\$2,899</u>	<u>\$0</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$579,736</b>	<b>\$674,281</b>	<b>\$768,676</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 18			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$26,873	\$27,679	\$28,509
Contracted Services - 5200	\$65,587	\$67,555	\$69,582
Materials - 5300	\$6,440	\$6,633	\$6,832
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$98,900</b>	<b>\$101,867</b>	<b>\$104,923</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$5,148	\$5,303	\$5,462
Internal Services - 5400	\$23,543	\$24,249	\$24,977
County Collection Fee	<u>\$1,218</u>	<u>\$1,255</u>	<u>\$1,293</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$29,910</b>	<b>\$30,807</b>	<b>\$31,731</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$128,810</b>	<b>\$132,674</b>	<b>\$136,654</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$1,180)	(\$1,206)	(\$1,242)
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$5,794)	(\$5,968)	(\$6,147)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>(\$6,975)</b>	<b>(\$7,174)</b>	<b>(\$7,390)</b>
<b>Balance to Levy</b>	<b>\$121,835</b>	<b>\$125,500</b>	<b>\$129,265</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$121,845</b>	<b>\$125,500</b>	<b>\$129,265</b>
Variance above/(below) Maximum Revenue	(\$10)	\$0	\$0
<b>DISTRICT STATISTICS</b>			
Total Parcels	968	968	968
Total Parcels Levied	968	968	968
Total EDUs	977.65	977.65	977.65
Total EDUs Levied	977.65	977.65	977.65
Proposed Levy per EDU	<b>\$124.62</b>	\$128.36	\$132.21
Max Levy per EDU <sup>4</sup>	\$124.63	\$128.37	\$132.22
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$243,756	\$243,795	\$243,808
Reserve Fund Adjustment	(\$1,180)	(\$1,206)	(\$1,242)
Interest (0.5%)	<u>\$1,219</u>	<u>\$1,219</u>	<u>\$1,219</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$243,795</b>	<b>\$243,808</b>	<b>\$243,785</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 19			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$22,012	\$22,673	\$23,353
Contracted Services - 5200	\$79,962	\$82,361	\$84,832
Materials - 5300	\$5,637	\$5,806	\$5,980
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$107,612</b>	<b>\$110,840</b>	<b>\$114,166</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$4,218	\$4,344	\$4,474
Internal Services - 5400	\$36,146	\$37,230	\$38,347
County Collection Fee	<u>\$1,701</u>	<u>\$1,752</u>	<u>\$1,805</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$42,065</b>	<b>\$43,326</b>	<b>\$44,626</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$149,677</b>	<b>\$154,167</b>	<b>\$158,792</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$21,405	\$22,055	\$22,717
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$982)	(\$1,011)	(\$1,042)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>\$20,424</b>	<b>\$21,044</b>	<b>\$21,675</b>
<b>Balance to Levy</b>	<b>\$170,100</b>	<b>\$175,211</b>	<b>\$180,467</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$170,108</b>	<b>\$175,211</b>	<b>\$180,467</b>
Variance above/(below) Maximum Revenue	(\$7)	(\$0)	\$0
<b>DISTRICT STATISTICS</b>			
Total Parcels	507	507	507
Total Parcels Levied	507	507	507
Total EDUs	743.51	743.51	743.51
Total EDUs Levied	743.51	743.51	743.51
Proposed Levy per EDU	<b>\$228.78</b>	\$235.65	\$242.73
Max Levy per EDU <sup>4</sup>	\$228.79	\$235.65	\$242.72
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$695,966	\$720,851	\$746,510
Reserve Fund Adjustment	\$21,405	\$22,055	\$22,717
Interest (0.5%)	<u>\$3,480</u>	<u>\$3,604</u>	<u>\$3,733</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$720,851</b>	<b>\$746,510</b>	<b>\$772,960</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 20			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$1,760	\$1,812	\$1,867
Contracted Services - 5200	\$16,911	\$17,419	\$17,941
Materials - 5300	\$2,291	\$2,359	\$2,430
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$20,962</b>	<b>\$21,590</b>	<b>\$22,238</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$337	\$347	\$358
Internal Services - 5400	\$7,021	\$7,231	\$7,448
County Collection Fee	<u>\$262</u>	<u>\$270</u>	<u>\$278</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$7,620</b>	<b>\$7,848</b>	<b>\$8,084</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$28,581</b>	<b>\$29,439</b>	<b>\$30,322</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$8	\$8	\$8
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$18)	(\$19)	(\$19)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>(\$10)</b>	<b>(\$10)</b>	<b>(\$11)</b>
<b>Balance to Levy</b>	<b>\$26,184</b>	<b>\$26,970</b>	<b>\$27,779</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$39,937</b>	<b>\$41,135</b>	<b>\$42,369</b>
Variance above/(below) Maximum Revenue	(\$13,753)	(\$14,166)	(\$14,591)
<b>DISTRICT STATISTICS</b>			
Total Parcels	168	168	168
Total Parcels Levied	168	168	168
Total EDUs	174.56	174.56	174.56
Total EDUs Levied	174.56	174.56	174.56
Proposed Levy per EDU	<b>\$150.00</b>	\$154.50	\$159.14
Max Levy per EDU <sup>4</sup>	\$228.79	\$235.65	\$242.72
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$153,756	\$154,533	\$155,314
Reserve Fund Adjustment	\$8	\$8	\$8
Interest (0.5%)	<u>\$769</u>	<u>\$773</u>	<u>\$777</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$154,533</b>	<b>\$155,314</b>	<b>\$156,099</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 21			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$17,964	\$18,503	\$19,058
Contracted Services - 5200	\$11,868	\$12,224	\$12,591
Materials - 5300	\$7,968	\$8,207	\$8,453
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$37,801</b>	<b>\$38,935</b>	<b>\$40,103</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$3,442	\$3,545	\$3,651
Internal Services - 5400	\$30,201	\$31,107	\$32,040
County Collection Fee	<u>\$679</u>	<u>\$699</u>	<u>\$720</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$34,322</b>	<b>\$35,351</b>	<b>\$36,412</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$72,122</b>	<b>\$74,286</b>	<b>\$76,515</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$4,215)	(\$4,337)	(\$4,467)
Special Tax Support	\$0	\$0	\$0
General Fund - 101	\$0	\$0	\$0
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>(\$4,215)</b>	<b>(\$4,337)</b>	<b>(\$4,467)</b>
<b>Balance to Levy</b>	<b>\$67,908</b>	<b>\$69,949</b>	<b>\$72,047</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$67,912</b>	<b>\$69,949</b>	<b>\$72,047</b>
Variance above/(below) Maximum Revenue	(\$4)	\$0	\$0
<b>DISTRICT STATISTICS</b>			
Total Parcels	388	388	388
Total Parcels Levied	388	388	388
Total EDUs	388.00	388.00	388.00
Total EDUs Levied	388.00	388.00	388.00
Proposed Levy per EDU\	<b>\$175.02</b>	\$180.27	\$185.68
Max Levy per EDU <sup>4</sup>	\$175.03	\$180.28	\$185.69
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$68,874	\$65,004	\$60,992
Reserve Fund Adjustment	(\$4,215)	(\$4,337)	(\$4,467)
Interest (0.5%)	<u>\$344</u>	<u>\$325</u>	<u>\$305</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$65,004</b>	<b>\$60,992</b>	<b>\$56,830</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 22			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$5,428	\$5,591	\$5,758
Contracted Services - 5200	\$9,822	\$10,116	\$10,420
Materials - 5300	\$3,397	\$3,499	\$3,604
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$18,647</b>	<b>\$19,206</b>	<b>\$19,782</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$1,040	\$1,072	\$1,104
Internal Services - 5400	\$3,619	\$3,728	\$3,840
County Collection Fee	<u>\$375</u>	<u>\$386</u>	<u>\$397</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$5,034</b>	<b>\$5,185</b>	<b>\$5,341</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$23,681</b>	<b>\$24,391</b>	<b>\$25,123</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$14,157	\$14,584	\$15,022
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$384)	(\$396)	(\$407)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>\$13,773</b>	<b>\$14,189</b>	<b>\$14,614</b>
<b>Balance to Levy</b>	<b>\$37,454</b>	<b>\$38,580</b>	<b>\$39,738</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$37,456</b>	<b>\$38,580</b>	<b>\$39,738</b>
Variance above/(below) Maximum Revenue	(\$2)	\$0	\$0
<b>DISTRICT STATISTICS</b>			
Total Parcels	214	214	214
Total Parcels Levied	214	214	214
Total EDUs	214.00	214.00	214.00
Total EDUs Levied	214.00	214.00	214.00
Proposed Levy per EDU	<b>\$175.02</b>	\$180.28	\$185.69
Max Levy per EDU <sup>4</sup>	\$175.03	\$180.28	\$185.69
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$105,430	\$120,115	\$135,300
Reserve Fund Adjustment	\$14,157	\$14,584	\$15,022
Interest (0.5%)	<u>\$527</u>	<u>\$601</u>	<u>\$676</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$120,115</b>	<b>\$135,300</b>	<b>\$150,998</b>





City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 23			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$4,457	\$4,591	\$4,728
Contracted Services - 5200	\$10,733	\$11,055	\$11,386
Materials - 5300	\$2,736	\$2,819	\$2,903
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$17,926</b>	<b>\$18,464</b>	<b>\$19,018</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$854	\$879	\$906
Internal Services - 5400	\$5,369	\$5,530	\$5,696
County Collection Fee	<u>\$635</u>	<u>\$654</u>	<u>\$674</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$6,858</b>	<b>\$7,064</b>	<b>\$7,275</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$24,784</b>	<b>\$25,527</b>	<b>\$26,293</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$39,837	\$41,036	\$42,267
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$1,089)	(\$1,121)	(\$1,155)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>\$38,748</b>	<b>\$39,915</b>	<b>\$41,112</b>
<b>Balance to Levy</b>	<b>\$63,532</b>	<b>\$65,442</b>	<b>\$67,405</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$63,536</b>	<b>\$65,442</b>	<b>\$67,405</b>
Variance above/(below) Maximum Revenue	(\$4)	\$0	\$0
<b>DISTRICT STATISTICS</b>			
Total Parcels	363	363	363
Total Parcels Levied	363	363	363
Total EDUs	363.00	363.00	363.00
Total EDUs Levied	363.00	363.00	363.00
Proposed Levy per EDU	<b>\$175.02</b>	\$180.27	\$185.70
Max Levy per EDU <sup>4</sup>	\$175.03	\$180.28	\$185.69
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$163,264	\$203,918	\$245,974
Reserve Fund Adjustment	\$39,837	\$41,036	\$42,267
Interest (0.5%)	<u>\$816</u>	<u>\$1,020</u>	<u>\$1,230</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$203,918</b>	<b>\$245,974</b>	<b>\$289,471</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 24			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$17,090	\$17,603	\$18,131
Contracted Services - 5200	\$16,161	\$16,646	\$17,146
Materials - 5300	\$9,824	\$10,119	\$10,422
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$43,075</b>	<b>\$44,368</b>	<b>\$45,699</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$3,274	\$3,373	\$3,474
Internal Services - 5400	\$23,904	\$24,621	\$25,359
County Collection Fee	<u>\$1,050</u>	<u>\$1,082</u>	<u>\$1,114</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$28,228</b>	<b>\$29,075</b>	<b>\$29,947</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$71,304</b>	<b>\$73,443</b>	<b>\$75,646</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$33,696	\$34,713	\$35,761
Special Tax Support	\$0	\$0	\$0
General Fund - 101	\$0	\$0	\$0
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>\$33,696</b>	<b>\$34,713</b>	<b>\$35,761</b>
<b>Balance to Levy</b>	<b>\$105,000</b>	<b>\$108,156</b>	<b>\$111,407</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$104,999</b>	<b>\$108,149</b>	<b>\$111,393</b>
Variance above/(below) Maximum Revenue	\$1	\$7	\$13
<b>DISTRICT STATISTICS</b>			
Total Parcels	600	600	600
Total Parcels Levied	600	600	600
Total EDUs	600.00	600.00	600.00
Total EDUs Levied	600.00	600.00	600.00
Proposed Levy per EDU	<b>\$175.00</b>	\$180.26	\$185.68
Max Levy per EDU <sup>4</sup>	\$175.00	\$180.25	\$185.66
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$404,352	\$440,070	\$476,984
Reserve Fund Adjustment	\$33,696	\$34,713	\$35,761
Interest (0.5%)	<u>\$2,022</u>	<u>\$2,200</u>	<u>\$2,385</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$440,070</b>	<b>\$476,984</b>	<b>\$515,129</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 25			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$0	\$0	\$0
Contracted Services - 5200	\$0	\$0	\$0
Materials - 5300	\$0	\$0	\$0
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$0	\$0	\$0
Internal Services - 5400	\$0	\$0	\$0
County Collection Fee	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$0	\$0	\$0
Special Tax Support	\$0	\$0	\$0
General Fund - 101	\$0	\$0	\$0
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Balance to Levy</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Variance above/(below) Maximum Revenue	\$0	\$0	\$0
<b>DISTRICT STATISTICS</b>			
Total Parcels	438	438	438
Total Parcels Levied	0	0	0
Total EDUs	438.00	438.00	438.00
Total EDUs Levied	0.00	0.00	0.00
Proposed Levy per EDU	<b>\$0.00</b>	\$0.00	\$0.00
Max Levy per EDU <sup>4</sup>	\$0.00	\$0.00	\$0.00
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$0	\$0	\$0
Reserve Fund Adjustment	\$0	\$0	\$0
Interest (0.5%)	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 26			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$109,583	\$112,871	\$116,257
Contracted Services - 5200	\$96,690	\$99,591	\$102,579
Materials - 5300	\$23,506	\$24,212	\$24,938
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$229,780</b>	<b>\$236,673</b>	<b>\$243,774</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$20,996	\$21,626	\$22,274
Internal Services - 5400	\$61,682	\$63,532	\$65,438
County Collection Fee	<u>\$2,545</u>	<u>\$2,622</u>	<u>\$2,700</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$85,222</b>	<b>\$87,779</b>	<b>\$90,412</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$315,002</b>	<b>\$324,452</b>	<b>\$334,186</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$56,015)	(\$57,684)	(\$59,414)
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$2,076)	(\$2,138)	(\$2,202)
Storm Drain Fund - 101	<u>(\$2,390)</u>	<u>(\$2,462)</u>	<u>(\$2,536)</u>
<b>TOTAL ADJUSTMENTS</b>	<b>(\$60,481)</b>	<b>(\$62,284)</b>	<b>(\$64,153)</b>
<b>Balance to Levy</b>	<b>\$254,521</b>	<b>\$262,168</b>	<b>\$270,034</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$254,533</b>	<b>\$262,168</b>	<b>\$270,034</b>
Variance above/(below) Maximum Revenue	(\$11)	\$0	\$0
<b>DISTRICT STATISTICS</b>			
Total Parcels	1,130	1,130	1,130
Total Parcels Levied	1,130	1,130	1,130
Total EDUs	1,130.00	1,130.00	1,130.00
Total EDUs Levied	1,130.00	1,130.00	1,130.00
Proposed Levy per EDU	<b>\$225.24</b>	\$232.01	\$238.97
Max Levy per EDU <sup>4</sup>	\$225.25	\$232.01	\$238.97
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$366,963	\$310,948	\$253,264
Reserve Fund Adjustment	(\$56,015)	(\$57,684)	(\$59,414)
Interest (0.5%)	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$310,948</b>	<b>\$253,264</b>	<b>\$193,850</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 27			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$1,645	\$1,695	\$1,745
Contracted Services - 5200	\$4,853	\$4,999	\$5,149
Materials - 5300	\$2,272	\$2,340	\$2,410
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$8,770</b>	<b>\$9,034</b>	<b>\$9,305</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$307	\$316	\$325
Internal Services - 5400	\$3,468	\$3,572	\$3,679
County Collection Fee	<u>\$165</u>	<u>\$170</u>	<u>\$175</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$3,939</b>	<b>\$4,057</b>	<b>\$4,179</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$12,710</b>	<b>\$13,091</b>	<b>\$13,484</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$3,756	\$3,868	\$3,984
Special Tax Support	\$0	\$0	\$0
General Fund - 101	\$0	\$0	\$0
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>\$3,756</b>	<b>\$3,868</b>	<b>\$3,984</b>
<b>Balance to Levy</b>	<b>\$16,465</b>	<b>\$16,959</b>	<b>\$17,468</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$96,065</b>	<b>\$98,947</b>	<b>\$101,915</b>
Variance above/(below) Maximum Revenue	(\$79,600)	(\$81,988)	(\$84,447)
<b>DISTRICT STATISTICS</b>			
Total Parcels	116	116	116
Total Parcels Levied	116	116	116
Total EDUs	548.84	548.84	548.84
Total EDUs Levied	548.84	548.84	548.84
Proposed Levy per EDU	<b>\$30.00</b>	\$30.90	\$31.83
Max Levy per EDU <sup>4</sup>	\$175.03	\$180.28	\$185.69
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$77,421	\$81,564	\$85,840
Reserve Fund Adjustment	\$3,756	\$3,868	\$3,984
Interest (0.5%)	<u>\$387</u>	<u>\$408</u>	<u>\$429</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$81,564</b>	<b>\$85,840</b>	<b>\$90,254</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 28			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$9,746	\$10,039	\$10,340
Contracted Services - 5200	\$37,697	\$38,828	\$39,993
Materials - 5300	\$21,610	\$22,259	\$22,926
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$69,054</b>	<b>\$71,125</b>	<b>\$73,259</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$1,868	\$1,924	\$1,982
Internal Services - 5400	\$8,103	\$8,346	\$8,596
County Collection Fee	<u>\$963</u>	<u>\$991</u>	<u>\$1,021</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$10,933</b>	<b>\$11,261</b>	<b>\$11,599</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$79,987</b>	<b>\$82,387</b>	<b>\$84,858</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$16,274	\$16,768	\$17,271
Special Tax Support	\$0	\$0	\$0
General Fund - 101	\$0	\$0	\$0
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>\$16,274</b>	<b>\$16,768</b>	<b>\$17,271</b>
<b>Balance to Levy</b>	<b>\$96,261</b>	<b>\$99,154</b>	<b>\$102,129</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$96,267</b>	<b>\$99,154</b>	<b>\$102,129</b>
Variance above/(below) Maximum Revenue	(\$6)	\$0	\$0
<b>DISTRICT STATISTICS</b>			
Total Parcels	550	550	550
Total Parcels Levied	550	550	550
Total EDUs	550.00	550.00	550.00
Total EDUs Levied	550.00	550.00	550.00
Proposed Levy per EDU	<b>\$175.02</b>	\$180.27	\$185.70
Max Levy per EDU <sup>4</sup>	\$175.03	\$180.28	\$185.69
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$412,667	\$431,005	\$449,928
Reserve Fund Adjustment	\$16,274	\$16,768	\$17,271
Interest (0.5%)	<u>\$2,063</u>	<u>\$2,155</u>	<u>\$2,250</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$431,005</b>	<b>\$449,928</b>	<b>\$469,448</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 29			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$29,180	\$30,055	\$30,957
Contracted Services - 5200	\$20,479	\$21,093	\$21,726
Materials - 5300	\$6,821	\$7,026	\$7,237
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$56,481</b>	<b>\$58,175</b>	<b>\$59,920</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$5,591	\$5,759	\$5,932
Internal Services - 5400	\$24,524	\$25,260	\$26,018
County Collection Fee	<u>\$823</u>	<u>\$847</u>	<u>\$873</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$30,938</b>	<b>\$31,866</b>	<b>\$32,822</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$87,419</b>	<b>\$90,041</b>	<b>\$92,742</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$3,638)	(\$3,743)	(\$3,855)
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$1,514)	(\$1,559)	(\$1,606)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>(\$5,152)</b>	<b>(\$5,302)</b>	<b>(\$5,461)</b>
<b>Balance to Levy</b>	<b>\$82,267</b>	<b>\$84,740</b>	<b>\$87,282</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$82,272</b>	<b>\$84,740</b>	<b>\$87,282</b>
Variance above/(below) Maximum Revenue	(\$5)	\$0	\$0
<b>DISTRICT STATISTICS</b>			
Total Parcels	496	496	496
Total Parcels Levied	496	496	496
Total EDUs	496.00	496.00	496.00
Total EDUs Levied	496.00	496.00	496.00
Proposed Levy per EDU	<b>\$165.86</b>	\$170.84	\$175.96
Max Levy per EDU <sup>4</sup>	\$165.87	\$170.85	\$175.97
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	(\$4,673)	(\$8,312)	(\$12,054)
Reserve Fund Adjustment	(\$3,638)	(\$3,743)	(\$3,855)
Interest (0.5%)	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>(\$8,312)</b>	<b>(\$12,054)</b>	<b>(\$15,909)</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 30			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$9,380	\$9,661	\$9,951
Contracted Services - 5200	\$10,514	\$10,829	\$11,154
Materials - 5300	\$3,550	\$3,656	\$3,766
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$23,443</b>	<b>\$24,147</b>	<b>\$24,871</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$1,797	\$1,851	\$1,906
Internal Services - 5400	\$13,964	\$14,383	\$14,815
County Collection Fee	<u>\$570</u>	<u>\$587</u>	<u>\$605</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$16,332</b>	<b>\$16,822</b>	<b>\$17,326</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$39,775</b>	<b>\$40,968</b>	<b>\$42,197</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$17,961	\$18,502	\$19,057
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$719)	(\$740)	(\$763)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>\$17,243</b>	<b>\$17,761</b>	<b>\$18,294</b>
<b>Balance to Levy</b>	<b>\$57,018</b>	<b>\$58,730</b>	<b>\$60,492</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$57,019</b>	<b>\$58,730</b>	<b>\$60,492</b>
Variance above/(below) Maximum Revenue	(\$1)	\$0	\$0
<b>DISTRICT STATISTICS</b>			
Total Parcels	166	166	166
Total Parcels Levied	166	166	166
Total EDUs	166.00	166.00	166.00
Total EDUs Levied	166.00	166.00	166.00
Proposed Levy per EDU	<b>\$343.48</b>	\$353.79	\$364.41
Max Levy per EDU <sup>4</sup>	\$343.49	\$353.79	\$364.41
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$237,748	\$256,898	\$276,684
Reserve Fund Adjustment	\$17,961	\$18,502	\$19,057
Interest (0.5%)	<u>\$1,189</u>	<u>\$1,284</u>	<u>\$1,383</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$256,898</b>	<b>\$276,684</b>	<b>\$297,125</b>





<b>City of Tracy</b>			
<b>Consolidated Landscape Maintenance District</b>			
<b>Proposed Budget for Fiscal Year 2022-23</b>			
<b>Zone 31</b>			
	<b>Proposed Budget FY 2022-23</b>	<b>Forecasted Budget FY 2023-24</b>	<b>Forecasted Budget FY 2024-25</b>
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$0	\$0	\$0
Contracted Services - 5200	\$0	\$0	\$0
Materials - 5300	\$0	\$0	\$0
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$0	\$0	\$0
LMD Administration	\$0	\$0	\$0
Internal Services - 5400	\$0	\$0	\$0
County Collection Fee	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$0	\$0	\$0
Special Tax Support	\$0	\$0	\$0
General Fund - 101	\$0	\$0	\$0
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Balance to Levy</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$6,439</b>	<b>\$6,632</b>	<b>\$6,831</b>
Variance above/(below) Maximum Revenue	(\$6,439)	(\$6,632)	(\$6,831)
<b>DISTRICT STATISTICS</b>			
Total Parcels	1	1	1
Total Parcels Levied	0	0	0
Total EDUs	27.75	27.75	27.75
Total EDUs Levied	0.00	0.00	0.00
Proposed Levy per EDU	<b>\$0.00</b>	\$0.00	\$0.00
Max Levy per EDU <sup>4</sup>	\$232.02	\$238.98	\$246.15
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$629	\$632	\$635
Reserve Fund Adjustment	\$0	\$0	\$0
Interest (0.5%)	<u>\$3</u>	<u>\$3</u>	<u>\$3</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$632</b>	<b>\$635</b>	<b>\$638</b>



<b>City of Tracy</b>			
<b>Consolidated Landscape Maintenance District</b>			
<b>Proposed Budget for Fiscal Year 2022-23</b>			
<b>Zone 32</b>			
	<b>Proposed Budget FY 2022-23</b>	<b>Forecasted Budget FY 2023-24</b>	<b>Forecasted Budget FY 2024-25</b>
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$0	\$0	\$0
Contracted Services - 5200	\$0	\$0	\$0
Materials - 5300	\$0	\$0	\$0
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$0	\$0	\$0
Internal Services - 5400	\$0	\$0	\$0
County Collection Fee	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$0	\$0	\$0
Special Tax Support	\$0	\$0	\$0
General Fund - 101	\$0	\$0	\$0
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Balance to Levy</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$42,313</b>	<b>\$43,582</b>	<b>\$44,889</b>
Variance above/(below) Maximum Revenue	(\$42,313)	(\$43,582)	(\$44,889)
<b>DISTRICT STATISTICS</b>			
Total Parcels	2	2	2
Total Parcels Levied	0	0	0
Total EDUs	222.68	222.68	222.68
Total EDUs Levied	0.00	0.00	0.00
Proposed Levy per EDU	<b>\$0.00</b>	\$0.00	\$0.00
Max Levy per EDU <sup>4</sup>	\$190.01	\$195.72	\$201.59
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$0	\$0	\$0
Reserve Fund Adjustment	\$0	\$0	\$0
Interest (0.5%)	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>



<b>City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23</b>			
<b>Zone 33</b>			
	<b>Proposed Budget FY 2022-23</b>	<b>Forecasted Budget FY 2023-24</b>	<b>Forecasted Budget FY 2024-25</b>
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$2,064	\$2,126	\$2,190
Contracted Services - 5200	\$5,186	\$5,342	\$5,502
Materials - 5300	\$2,341	\$2,411	\$2,484
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$9,592</b>	<b>\$9,879</b>	<b>\$10,176</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$406	\$418	\$431
Internal Services - 5400	\$6,343	\$6,533	\$6,729
County Collection Fee	<u>\$2,037</u>	<u>\$2,098</u>	<u>\$2,161</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$8,785</b>	<b>\$9,049</b>	<b>\$9,320</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$18,377</b>	<b>\$18,928</b>	<b>\$19,496</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$185,783	\$191,357	\$197,097
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$504)	(\$519)	(\$535)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>\$185,279</b>	<b>\$190,837</b>	<b>\$196,562</b>
<b>Balance to Levy</b>	<b>\$203,656</b>	<b>\$209,765</b>	<b>\$216,058</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$626,839</b>	<b>\$645,644</b>	<b>\$665,013</b>
Variance above/(below) Maximum Revenue	(\$423,183)	(\$435,879)	(\$448,955)
<b>DISTRICT STATISTICS</b>			
Total Parcels	35	35	35
Total Parcels Levied	33	33	33
Total EDUs	2715.41	2,715.41	2,715.41
Total EDUs Levied	2715.41	2,715.41	2,715.41
Proposed Levy per EDU	<b>\$75.00</b>	\$77.25	\$79.57
Max Levy per EDU <sup>4</sup>	\$230.85	\$237.77	\$244.90
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$492,564	\$680,810	\$875,571
Reserve Fund Adjustment	\$185,783	\$191,357	\$197,097
Interest (0.5%)	<u>\$2,463</u>	<u>\$3,404</u>	<u>\$4,378</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$680,810</b>	<b>\$875,571</b>	<b>\$1,077,046</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 34			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$6,300	\$6,489	\$6,684
Contracted Services - 5200	\$7,052	\$7,264	\$7,482
Materials - 5300	\$1,041	\$1,072	\$1,104
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$14,393</b>	<b>\$14,825</b>	<b>\$15,270</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$1,195	\$1,231	\$1,268
Internal Services - 5400	\$2,857	\$2,943	\$3,031
County Collection Fee	<u>\$222</u>	<u>\$228</u>	<u>\$235</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$4,274</b>	<b>\$4,402</b>	<b>\$4,534</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$18,667</b>	<b>\$19,227</b>	<b>\$19,804</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$5,029	\$5,180	\$5,335
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$1,539)	(\$1,585)	(\$1,633)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>\$3,490</b>	<b>\$3,595</b>	<b>\$3,702</b>
<b>Balance to Levy</b>	<b>\$22,157</b>	<b>\$22,822</b>	<b>\$23,506</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$22,157</b>	<b>\$22,822</b>	<b>\$23,506</b>
Variance above/(below) Maximum Revenue	(\$0)	\$0	\$0
<b>DISTRICT STATISTICS</b>			
Total Parcels	9	9	9
Total Parcels Levied	9	9	9
Total EDUs	84.10	84.10	84.10
Total EDUs Levied	84.10	84.10	84.10
Proposed Levy per EDU	<b>\$263.46</b>	\$271.36	\$279.50
Max Levy per EDU <sup>4</sup>	\$263.46	\$271.36	\$279.50
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$9,832	\$14,910	\$20,164
Reserve Fund Adjustment	\$5,029	\$5,180	\$5,335
Interest (0.5%)	<u>\$49</u>	<u>\$75</u>	<u>\$0</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$14,910</b>	<b>\$20,164</b>	<b>\$25,500</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 35			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$13,967	\$14,386	\$14,818
Contracted Services - 5200	\$24,426	\$25,159	\$25,914
Materials - 5300	\$4,308	\$4,437	\$4,570
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$42,701</b>	<b>\$43,982</b>	<b>\$45,301</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$2,676	\$2,756	\$2,839
Internal Services - 5400	\$20,200	\$20,806	\$21,430
County Collection Fee	<u>\$831</u>	<u>\$856</u>	<u>\$882</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$23,707</b>	<b>\$24,418</b>	<b>\$25,150</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$66,407</b>	<b>\$68,400</b>	<b>\$70,452</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$17,679	\$18,213	\$18,759
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$957)	(\$986)	(\$1,016)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>\$16,722</b>	<b>\$17,226</b>	<b>\$17,743</b>
<b>Balance to Levy</b>	<b>\$83,129</b>	<b>\$85,626</b>	<b>\$88,195</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$83,132</b>	<b>\$85,626</b>	<b>\$88,195</b>
Variance above/(below) Maximum Revenue	(\$3)	\$0	\$0
<b>DISTRICT STATISTICS</b>			
Total Parcels	190	190	190
Total Parcels Levied	190	190	190
Total EDUs	313.08	313.08	313.08
Total EDUs Levied	313.08	313.08	313.08
Proposed Levy per EDU	<b>\$265.52</b>	\$273.48	\$281.68
Max Levy per EDU <sup>4</sup>	\$265.53	\$273.50	\$281.70
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$52,400	\$70,341	\$88,553
Reserve Fund Adjustment	\$17,679	\$18,213	\$18,759
Interest (0.5%)	<u>\$262</u>	<u>\$0</u>	<u>\$0</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$70,341</b>	<b>\$88,553</b>	<b>\$107,312</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 36			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$0	\$0	\$0
Contracted Services - 5200	\$0	\$0	\$0
Materials - 5300	\$0	\$0	\$0
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$0	\$0	\$0
Internal Services - 5400	\$78	\$81	\$83
County Collection Fee	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$78</b>	<b>\$81</b>	<b>\$83</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$78</b>	<b>\$81</b>	<b>\$83</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$78)	\$0	\$0
Special Tax Support	\$0	\$0	\$0
General Fund - 101	\$0	\$0	\$0
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>(\$78)</b>	<b>\$0</b>	<b>\$0</b>
<b>Balance to Levy</b>	<b>\$0</b>	<b>\$81</b>	<b>\$83</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$7,167</b>	<b>\$7,382</b>	<b>\$7,603</b>
Variance above/(below) Maximum Revenue	(\$7,167)	(\$7,301)	(\$7,520)
<b>DISTRICT STATISTICS</b>			
Total Parcels	1	1	1
Total Parcels Levied	0	0	0
Total EDUs	72.00	72.00	72.00
Total EDUs Levied	0.00	0.00	0.00
Proposed Levy per EDU	<b>\$0.00</b>	\$0.00	\$0.00
Max Levy per EDU <sup>4</sup>	\$99.54	\$102.52	\$105.60
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$2,301	\$2,234	\$2,245
Reserve Fund Adjustment	(\$78)	\$0	\$0
Interest (0.5%)	<u>\$12</u>	<u>\$11</u>	<u>\$11</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$2,234</b>	<b>\$2,245</b>	<b>\$2,257</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 37			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$0	\$0	\$0
Contracted Services - 5200	\$0	\$0	\$0
Materials - 5300	\$0	\$0	\$0
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$0	\$0	\$0
Internal Services - 5400	\$0	\$0	\$0
County Collection Fee	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$0	\$0	\$0
Special Tax Support	\$0	\$0	\$0
General Fund - 101	\$0	\$0	\$0
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Balance to Levy</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$7,565</b>	<b>\$7,792</b>	<b>\$8,025</b>
Variance above/(below) Maximum Revenue	(\$7,565)	(\$7,792)	(\$8,025)
<b>DISTRICT STATISTICS</b>			
Total Parcels	10	10	10
Total Parcels Levied	0	0	0
Total EDUs	76.00	76.00	76.00
Total EDUs Levied	0.00	0.00	0.00
Proposed Levy per EDU	<b>\$0.00</b>	\$0.00	\$0.00
Max Levy per EDU <sup>4</sup>	\$99.54	\$102.52	\$105.60
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$4,996	\$5,021	\$5,046
Reserve Fund Adjustment	\$0	\$0	\$0
Interest (0.5%)	<u>\$25</u>	<u>\$25</u>	<u>\$25</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$5,021</b>	<b>\$5,046</b>	<b>\$5,071</b>



<b>City of Tracy</b>			
<b>Consolidated Landscape Maintenance District</b>			
<b>Proposed Budget for Fiscal Year 2022-23</b>			
<b>Zone 40</b>			
	<b>Proposed Budget FY 2022-23</b>	<b>Forecasted Budget FY 2023-24</b>	<b>Forecasted Budget FY 2024-25</b>
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$2,183	\$2,248	\$2,316
Contracted Services - 5200	\$1,059	\$1,091	\$1,123
Materials - 5300	\$361	\$371	\$383
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$3,602</b>	<b>\$3,710</b>	<b>\$3,821</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$418	\$431	\$444
Internal Services - 5400	\$9,780	\$10,073	\$10,375
County Collection Fee	<u>\$46</u>	<u>\$47</u>	<u>\$49</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$10,244</b>	<b>\$10,551</b>	<b>\$10,868</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$13,846</b>	<b>\$14,261</b>	<b>\$14,689</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$8,740)	(\$9,002)	(\$9,272)
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$533)	(\$549)	(\$566)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>(\$9,273)</b>	<b>(\$9,551)</b>	<b>(\$9,838)</b>
<b>Balance to Levy</b>	<b>\$4,573</b>	<b>\$4,710</b>	<b>\$4,851</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$4,573</b>	<b>\$4,710</b>	<b>\$4,851</b>
Variance above/(below) Maximum Revenue	\$0	\$0	(\$0)
<b>DISTRICT STATISTICS</b>			
Total Parcels	1	1	1
Total Parcels Levied	1	1	1
Total EDUs	9.00	9.00	9.00
Total EDUs Levied	9.00	9.00	9.00
Proposed Levy per EDU	<b>\$508.08</b>	\$523.32	\$539.02
Max Levy per EDU <sup>4</sup>	\$508.08	\$523.32	\$539.02
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	(\$25,845)	(\$34,585)	(\$43,588)
Reserve Fund Adjustment	(\$8,740)	(\$9,002)	(\$9,272)
Interest (0.5%)	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>(\$34,585)</b>	<b>(\$43,588)</b>	<b>(\$52,860)</b>





City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 41			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$351	\$362	\$372
Contracted Services - 5200	\$2,008	\$2,068	\$2,130
Materials - 5300	\$58	\$60	\$62
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$2,417</b>	<b>\$2,489</b>	<b>\$2,564</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$67	\$69	\$71
Internal Services - 5400	\$23	\$24	\$25
County Collection Fee	<u>\$18</u>	<u>\$19</u>	<u>\$19</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$108</b>	<b>\$112</b>	<b>\$115</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$2,525</b>	<b>\$2,601</b>	<b>\$2,679</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	(\$622)	(\$640)	(\$659)
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$86)	(\$88)	(\$91)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>(\$707)</b>	<b>(\$729)</b>	<b>(\$750)</b>
<b>Balance to Levy</b>	<b>\$1,818</b>	<b>\$1,872</b>	<b>\$1,929</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$1,818</b>	<b>\$1,872</b>	<b>\$1,929</b>
Variance above/(below) Maximum Revenue	(\$0)	(\$0)	\$0
<b>DISTRICT STATISTICS</b>			
Total Parcels	1	1	1
Total Parcels Levied	1	1	1
Total EDUs	4.15	4.15	4.15
Total EDUs Levied	4.15	4.15	4.15
Proposed Levy per EDU	<b>\$438.06</b>	\$451.21	\$464.74
Max Levy per EDU <sup>4</sup>	\$438.06	\$451.20	\$464.74
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$9,353	\$8,778	\$8,182
Reserve Fund Adjustment	(\$622)	(\$640)	(\$659)
Interest (0.5%)	<u>\$47</u>	<u>\$44</u>	<u>\$41</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$8,778</b>	<b>\$8,182</b>	<b>\$7,563</b>



<b>City of Tracy</b>			
<b>Consolidated Landscape Maintenance District</b>			
<b>Proposed Budget for Fiscal Year 2022-23</b>			
<b>Zone 42</b>			
	<b>Proposed Budget FY 2022-23</b>	<b>Forecasted Budget FY 2023-24</b>	<b>Forecasted Budget FY 2024-25</b>
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$1,266	\$1,304	\$1,343
Contracted Services - 5200	\$3,913	\$4,030	\$4,151
Materials - 5300	\$2,209	\$2,275	\$2,344
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$7,388</b>	<b>\$7,609</b>	<b>\$7,838</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$242	\$249	\$257
Internal Services - 5400	\$799	\$823	\$848
County Collection Fee	<u>\$198</u>	<u>\$204</u>	<u>\$211</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$1,240</b>	<b>\$1,277</b>	<b>\$1,315</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$8,627</b>	<b>\$8,886</b>	<b>\$9,153</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$11,527	\$11,873	\$12,229
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$309)	(\$319)	(\$328)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>\$11,218</b>	<b>\$11,554</b>	<b>\$11,901</b>
<b>Balance to Levy</b>	<b>\$19,845</b>	<b>\$20,440</b>	<b>\$21,054</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$29,516</b>	<b>\$30,401</b>	<b>\$31,313</b>
Variance above/(below) Maximum Revenue	(\$9,671)	(\$9,961)	(\$10,260)
<b>DISTRICT STATISTICS</b>			
Total Parcels	2	2	2
Total Parcels Levied	2	2	2
Total EDUs	441.00	441.00	441.00
Total EDUs Levied	441.00	441.00	441.00
Proposed Levy per EDU	<b>\$45.00</b>	\$46.35	\$47.74
Max Levy per EDU <sup>4</sup>	\$66.93	\$68.94	\$71.01
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$47,439	\$59,203	\$71,372
Reserve Fund Adjustment	\$11,527	\$11,873	\$12,229
Interest (0.5%)	<u>\$237</u>	<u>\$296</u>	<u>\$357</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$59,203</b>	<b>\$71,372</b>	<b>\$83,958</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Zone 43			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$132	\$136	\$140
Contracted Services - 5200	\$3,378	\$3,479	\$3,584
Materials - 5300	\$2,022	\$2,082	\$2,145
Capital Projects - 5600	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL DIRECT</b>	<b>\$5,532</b>	<b>\$5,698</b>	<b>\$5,869</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$25	\$26	\$27
Internal Services - 5400	\$9	\$9	\$9
County Collection Fee	<u>\$105</u>	<u>\$108</u>	<u>\$111</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$139</b>	<b>\$143</b>	<b>\$147</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$5,671</b>	<b>\$5,841</b>	<b>\$6,016</b>
Capital Improvement Projects	\$0	\$0	\$0
Zone Reserves Adjustment	\$4,861	\$5,007	\$5,158
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$32)	(\$33)	(\$34)
Storm Drain Fund - 101	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL ADJUSTMENTS</b>	<b>\$4,829</b>	<b>\$4,974</b>	<b>\$5,123</b>
<b>Balance to Levy</b>	<b>\$10,500</b>	<b>\$10,815</b>	<b>\$11,139</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$23,398</b>	<b>\$24,100</b>	<b>\$24,823</b>
Variance above/(below) Maximum Revenue	(\$12,898)	(\$13,285)	(\$13,684)
<b>DISTRICT STATISTICS</b>			
Total Parcels	105	105	105
Total Parcels Levied	105	105	105
Total EDUs	105.00	105.00	105.00
Total EDUs Levied	105.00	105.00	105.00
Proposed Levy per EDU	<b>\$100.00</b>	\$103.00	\$106.09
Max Levy per EDU <sup>4</sup>	\$222.84	\$229.52	\$236.41
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$49,628	\$54,738	\$60,019
Reserve Fund Adjustment	\$4,861	\$5,007	\$5,158
Interest (0.5%)	<u>\$248</u>	<u>\$274</u>	<u>\$300</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$54,738</b>	<b>\$60,019</b>	<b>\$65,476</b>



City of Tracy Consolidated Landscape Maintenance District Proposed Budget for Fiscal Year 2022-23			
Consolidated Totals - 41 Zones			
	Proposed Budget FY 2022-23	Forecasted Budget FY 2023-24	Forecasted Budget FY 2024-25
<b>DIRECT COSTS <sup>1</sup></b>			
Personnel - 5100	\$1,096,050	\$1,128,932	\$1,162,455
Contracted Services - 5200	\$1,192,593	\$1,228,371	\$1,264,846
Materials - 5300	\$318,912	\$328,479	\$338,215
Capital Projects - 5600	<u>\$500,000</u>	<u>\$15,000</u>	<u>\$15,450</u>
<b>TOTAL DIRECT</b>	<b>\$3,107,555</b>	<b>\$2,700,781</b>	<b>\$2,780,966</b>
<b>ADMINISTRATION COSTS <sup>2</sup></b>			
Overhead - 5900	\$209,999	\$216,299	\$222,722
Internal Services - 5400	\$1,025,454	\$1,056,217	\$1,087,799
County Collection Fee	<u>\$37,590</u>	\$38,718	<u>\$39,867</u>
<b>TOTAL ADMINISTRATION</b>	<b>\$1,273,043</b>	<b>\$1,311,235</b>	<b>\$1,350,388</b>
<b>LEVY ADJUSTMENTS <sup>3</sup></b>			
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$4,380,598</b>	<b>\$4,012,016</b>	<b>\$4,131,354</b>
Capital Improvement Projects	(\$500,000)	\$0	\$0
Zone Reserves Adjustment	\$19,832	\$5,605	\$5,487
Special Tax Support	\$0	\$0	\$0
General Fund - 101	(\$119,000)	(\$122,570)	(\$126,234)
Storm Drain Fund - 101	<u>(\$20,000)</u>	<u>(\$20,600)</u>	<u>(\$21,202)</u>
<b>TOTAL ADJUSTMENTS</b>	<b>(\$619,168)</b>	<b>(\$137,565)</b>	<b>(\$141,949)</b>
<b>Balance to Levy</b>	<b>\$3,759,043</b>	<b>\$3,871,993</b>	<b>\$3,986,605</b>
<b>Total Revenue at Maximum Rate</b>	<b>\$4,434,758</b>	<b>\$4,567,800</b>	<b>\$4,703,548</b>
Variance above/(below) Maximum Revenue	(\$675,715)	(\$695,808)	(\$716,943)
<b>DISTRICT STATISTICS</b>			
Total Parcels	17,052	17,052	17,052
Total Parcels Levied	16,598	16,598	16,598
Total EDUs	25,975	25,975	25,975.01
Total EDUs Levied	25,139	25,139	25,138.58
<b>FUND BALANCE INFORMATION</b>			
<b>Reserve Fund</b>			
Beginning Fund Balance	\$5,663,630	\$5,213,046	\$5,234,156
Reserve Fund Adjustment	(\$480,168)	\$5,605	\$5,487
Interest (0.5%)	<u>\$29,584.32</u>	<u>\$25,882</u>	<u>\$22,731</u>
<b>Projected Reserve Fund Balance at End of Year</b>	<b>\$5,213,046</b>	<b>\$5,244,534</b>	<b>\$5,262,374</b>

## PART III – QUANTIFICATION OF BENEFIT

The Act allows cities to establish benefit zones for the purpose of providing certain public improvements which provide a special benefit to the parcels. This includes the construction, maintenance, and servicing of street lights, traffic signals, and landscaping facilities. Section 22573 of the Act requires that maintenance assessments be levied according to benefit rather than according to the assessed value of property. This section states:

“ The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.

— Streets and Highways Code Section 22573

Section 22574 of the Act permits the designation of zones of benefit within any individual assessment district if “by reason of variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvements.”

In addition, Proposition 218, the “Right to Vote on Taxes Act,” which was approved on the November 1996 Statewide ballot and added Article XIID to the California Constitution, requires that a parcel’s assessment not exceed the reasonable cost of the proportional special benefit conferred on that parcel. Proposition 218 provides that only special benefits are assessable and the City must separate the general benefits from the special benefits. In addition, Proposition 218 also requires that publicly owned property which benefits from the improvements be assessed, unless there is clear and definite evidence that those properties receive no special benefit. Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways, public greenbelts and public parkways.

The amount to be assessed may be apportioned by any formula or method which fairly distributes the amount among all assessable lots or parcels. Additionally, it’s required that the City separate the general benefits from the special benefits, because only special benefits may be assessed. The quantification and separation of general benefit from special benefits follows for each of the Zones and associated benefit areas.

## PART IV – METHOD OF ASSESSMENT

### General

The Method of Assessment outlines the formula by which property that receives special benefit from the improvements and services provided will be assessed annually. The Method of Assessment for the District follows:

Each parcel within the District is deemed to receive special benefit from the landscaping improvements. Each parcel that has a special benefit conferred upon it as a result of the maintenance and operation of the improvements is identified and the proportionate special benefit derived by each identified parcel is determined in relationship to the entirety of the costs of the maintenance, operation, and servicing of the improvements.

Each parcel is assigned a weighting factor known as an Equivalent Dwelling Unit (EDU) to identify the parcel's proportionate special benefit from the improvements. Each parcel's EDU is calculated based on the parcel's land use, development status and/or size as compared to other parcels that are associated with the improvements. All single-family residential properties are assigned an EDU of 1.00, and all other property types are assigned an EDU proportionate to the special benefits they receive as compared to this single-family residential property. The total EDU's in a Zone is divided into the total amount to be assessed (Balance to Levy) to establish the Levy per EDU (Rate). This Rate is then multiplied by the parcel's individual EDU to establish the parcel's levy amount.

The following formulas are used to calculate each property's assessment:

$$\text{Total Balance to Levy} \div \text{Total EDUs} = \text{Levy per EDU}$$

$$\text{Levy per EDU} \times \text{Parcel EDU} = \text{Parcel Levy Amount}$$

The formula used for each Zone reflects the composition of the parcels and properties, and the services provided, to accurately proportion the costs based on estimated special benefit to each parcel. The total Levy per EDU will vary between Zones due to the different costs to maintain the improvements within each Zone and the number of EDU within the Zone.

### Land Use Classifications

Every parcel within the District is assigned a land use classification based on available parcel information obtained from the County Assessor's Office and City records. To assess benefits equitably, it is necessary to relate the different type of parcel improvements to each other. The Equivalent Dwelling Unit method of assessment apportionment uses the single-family home site as the basic unit of assessment. A single-family home site equals one Equivalent Dwelling Unit (EDU). Every other land use is converted to EDU's based on an assessment formula that equates the property's specific development status, type of development (land use), and size of the property, as compared to a single-family home site.

The EDU method of apportioning benefit is typically seen as the most appropriate and equitable assessment methodology for districts formed under the 1972 Act, as the benefit to each parcel from the improvements are apportioned as a function of land use type, size and development.

**Single-Family Residential Subdivided Lot.** This land use is defined as a fully subdivided residential home site with or without a structure. This land use is assessed 1.00 EDU per lot or parcel. This is the base value that all other land use types are compared and weighted against.

**Planned-Residential Subdivision.** This land use is defined as any property not fully subdivided, but has a specific number of proposed residential lots to be developed on the parcel (approved tract map). This land use type is assessed at 1.00 EDU per planned (proposed) residential lot.

**Vacant, Undeveloped Private Property.** This land use is defined as vacant property (undeveloped) that is not a fully subdivided residential lot or planned residential subdivision. This land use is assessed at 4.00 EDU per acre. Parcels less than 0.25 acres are assigned a minimum of 1.00 EDU. In Zones 10, 11, 36 and 37 this land use is assessed at 5.00 EDU per acre. Parcels less than 0.20 acres are assigned a minimum of 1.00 EDU.

**Developed Non-Residential.** This land use is defined as property developed for non-residential use, including, but not limited to, commercial and industrial properties, offices, churches and not-for-profit institutions and private schools. This land use type is assessed at 5.00 EDU per gross acre. Parcels less than 0.20 acres are assigned a minimum of 1.00 EDU.

**Developed Multiple Residential Units.** This land use is defined as a fully subdivided residential parcel that has more than one residential unit developed on the property. This land use is assessed 1.00 EDU per unit for properties that the number of units can be identified. For properties that the number of units cannot be identified the property is assessed as Developed Commercial/Industrial property at 5.00 EDU per gross acre, but a minimum of 1.00 EDU.

**Undeveloped, Public Property.** This land use identifies properties that are exempt and are assigned 0.00 EDU. This land use classification may include, but is not limited to lots or parcels identified as:

- Public streets and other roadways (typically not assigned an APN by the County);
- Dedicated public easements such as utility right-of-ways, detention basins, channel ways, greenbelts, parkways, parks and open space areas;
- Privately owned property that cannot be developed or is associated with another property such as common areas, sliver parcels and bifurcated lots or properties that have little or no land value;

These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment. Government-owned properties commonly identified as non-taxable properties by the County Assessor's Office are not exempt from District assessments unless:

- The property has restricted development or limited land use potential and the improvements clearly provide no benefit to the property; or
- The property provides additional or substantially similar improvements being provided by the District (such is the case with parks, open space areas and common areas).



**Developed Public Property.** This land use is defined as developed property owned by a public agency such as the City or by utility companies. This land use type is assessed at 0.30 EDU per gross acre.

**Developed Regional Commercial.** This land use is defined as property that has been designated for regional commercial development (i.e. Shopping mall). This land use type is assessed at 0.36 EDU per gross acre.

**Restricted/Special Land Use.** This land use classification identifies properties that benefit from the improvements, but cannot be fairly categorized by one of the other land use designations. This land use classification may include, but is not limited to:

- Developed Commercial/Industrial properties that only a small portion of the parcel has been developed;
- Properties identified as planned residential subdivisions, but currently have development restrictions; or
- Vacant properties with development limitations or development plans that identify large portions of the property as open space areas, parklands or similar exempt land uses.

The following table shows the EDU factors assigned to each property type in the District:

<b>Property Type</b>	<b>Factor</b>	<b>Basis</b>
Single Family Residential – Subdivided Lot	1.00	Parcel
Planned Residential Subdivision	1.00	Planned Lot
Vacant, Undeveloped Private Property <sup>(1)</sup>	4.00	Acre
Vacant, Undeveloped Private Property (Zones 10, 11, 36 & 37) <sup>(1)</sup>	5.00	Acre
Developed, Non-Residential Property	5.00	Acre
Developed, Multi-Family Residential	1.00	Unit
Undeveloped, Public Property <sup>(2)</sup>	0.00	Acre
Developed, Public Property <sup>(3)</sup>	0.30	Acre
Developed, Regional Commercial <sup>(4)</sup>	0.36	Acre

Notes

1. The Undeveloped Private property factor for Zones, 10, 11, 36 and 37 (5.00 EDU/Acre) reflects the more intense use of property within these Zones when the properties are developed as compared to property development in other Zones of the District, which are assigned a weighting factor of 4.00 EDU/Acre. It is important to note that the factors shown above are used to apportion the assessment within each specific Zone, not across the entire District and therefore this distinction is an appropriate reflection of these parcels' benefit compared to other property types within the respective Zones.
2. It has been determined that undeveloped public properties generally do not benefit from the improvements and services provided by the District and are not assessed. These types of properties generally include easements, detention basins, parks or properties that have little or no development potential and therefore receive no special benefits from the District improvements.
3. Developed Public properties typically receive comparatively less benefit from the improvements and services provided by the District, since the use and enhancement of these properties has little direct benefit from aesthetics of the local environment. The factor shown was originally established based on typical proportionate cost of service and hours of use for this land use type.





4. Regional Commercial properties have been assigned a reduced benefit because of their size and their more distant proximity to the District improvements. Additionally, due to the nature and hours of use, the benefit received by such properties from the improvements and services is substantially less than other developed properties. The factor shown was originally established based on a calculation of the proportionate cost of service, average floor area ratios, and hours of use.

## Assessment Range Formula

The annual landscaping assessment shall be calculated for each parcel annually by multiplying each parcel's number of EDU's by the actual assessment rate for the specific fiscal year. The actual annual assessment rate levied in any fiscal year for the District may not exceed the maximum annual assessment rate for such fiscal year without receiving property owner approval for the increase. The actual assessment rate shall be as approved by the City Council, not to exceed the maximum annual assessment rate for such fiscal year, after a noticed public hearing has been conducted, as required by law.

In each year, starting in the first year after the consolidation of the District (2003-04), the maximum annual assessment rate for each Zone shall be increased in an amount equal to the lesser of: (1) three percent (3.0%), or (2) the annual percentage increase of the Local Consumer Price Index ("CPI") for All Urban Consumers, for the San Francisco-Oakland-Hayward Area.

Each fiscal year, the City shall identify the percentage difference between the CPI for June and the CPI for the previous June (or similar time period). This percentage difference shall then establish the range of increased assessments allowed based on CPI. Should the Bureau of Labor Statistics revise such index or discontinue the preparation of such index, the City shall use the revised index or comparable system as approved by the City Council for determining fluctuations in the cost of living.

The actual annual assessment rate and actual assessments levied in any fiscal year will be as approved by the City Council and may not exceed the maximum annual assessment rate for that fiscal year without property owner approval via a Proposition 218 compliant increase procedure.

The percentage difference for the CPI for the San Francisco-Oakland-Hayward Area June 2020 to June 2021 was 3.15%. The maximum assessment rates allowed for Fiscal Year 2022-23 therefore, have been adjusted by 3.00% over the prior year's maximum assessment rates.



## **PART V – ASSESSMENT DIAGRAM**

The assessment diagrams for each Zone in the District are on file with the City's Office of the City Clerk and available for public inspection.

The lines and dimensions of each lot or parcel within each Zone are those lines and dimensions shown on the maps of the Assessor of the County of San Joaquin for the fiscal year to which this Report applies. The Assessor's maps and records are incorporated by reference herein and made part of this Report.

An overview map of the District showing the locations of each Zone is included herein as Appendix B.



## **PART VI – ASSESSMENT ROLL**

The assessment set forth for each parcel is shown on the Assessment Roll for the District, submitted separately, as "Assessment Roll for the City of Tracy, Consolidated Landscape Maintenance District, Fiscal Year 2022-23", which exhibit is incorporated by reference herein as Appendix C under separate cover, and is on file in the Office of the City Clerk.



## APPENDIX A – IMPROVEMENT AREAS BY ZONE

### Zone 1 Sycamore subdivision on east side of Tracy Boulevard

#### *Arterial Street Landscaping*

Tracy Boulevard – Southeast corner of Tracy Boulevard and Central Avenue, north to 1688 S. Tracy Boulevard

### Zone 2 Fairhaven subdivision on west side of Tracy Boulevard

#### *Arterial Street Landscaping*

S. Tracy Boulevard – West side, approximately 1,000 feet south of Valpico to Sycamore Parkway (Fairhaven subdivision)

Rockport Way – Median strip and side strips

### Zone 3 Northwest section of Tracy, bordered by I-205 to the north, Byron Road to the south and O'Hare Drive to the east

#### *Arterial Street Landscaping*

Grant Line Road – North side from Corral Hollow Road to O'Hare Drive; south side from 1820 W. Grant Line Road, east to Lincoln Road; median island from Lincoln Road, west to Orchard Parkway; south side from Corral Hollow Road, west to Henley Parkway

Corral Hollow Road – West side from Grant Line Road, south to Byron Road; east side from Byron Road to approximately 150 feet north of Alegre; median island from Byron Road, north to Grant Line Road; east side from Grant Line Road, north to beginning of the channel way; median island on Corral Hollow Road, north of Grant Line Road to the Mall entrance

Kavanagh Avenue – South side from Corral Hollow Road, east to Golden Springs Drive



Lowell Avenue – Corral Hollow, west to Regency (both sides), north side from Henley Parkway heading west to the end of the sound wall; south side from Henley Parkway, west to Blandford Lane; median island from Corral Hollow Road, east to Lincoln Boulevard; south side from Corral Hollow Road, east to Promenade Circle; north side between the sound wall and curb, from Bridle Creek to Joe Pombo Parkway

Parkway; south side from east end of subdivision to the end of the soundwall/Joe Pombo Parkway; south side from Joe Pombo Parkway to Blandford Lane; south side from Promenade Circle, east to the end of the sound wall; northside from Henley Parkway, west to the end of the sound wall

Orchard Parkway – East side from Lowell Avenue to Grant Line Road; median island from Hillcrest, north to Joseph Damon Drive; west side from Lowell Avenue, north to approximately 500 feet north of Hillcrest, and from Joseph Damon Drive to Grant Line Road (to be weed free between curb and fence line); west side between curb and fence line, approximately 500 feet south of Joseph Damon Drive

Henley Parkway – East side between sound wall and curb, from Lowell Avenue to Bridle Creek Drive; west side from Lowell Avenue, north to the end of the sound wall (north of Giovanni)

Blandford Lane – East side from Lowell Avenue heading south to the end of the sound wall, including traffic circle at Lowell Avenue and Blandford Lane

### ***Subdivision Landscaping***

Arnaudo Village – Entryways at Lincoln Boulevard and Grant Line Road

Blossom Valley – Entryways at Travao Lane and Grant Line Road, including median-island

Foothill Ranch Estates – Entryway at Foothill Ranch Drive and Corral Hollow Road, including median-island

Woodfield Estates – Entryway at Fieldview, including north and south side sound wall and median strip along Fieldview; entryway at Promenade Circle, including west side of sound wall and median island

Sterling Estates – Alegre – north side and median-island

Pheasant Run – Entryways at Corral Hollow Road and Fieldview, including median-island; Annie Court adjacent to Fieldview, including south side of sound wall

Bridle Creek – Entryway at Lowell Avenue and Bridle Creek Circle, including median island on Bridle Creek Circle; entryway at Bridle Creek Circle and Joe Pombo Parkway

Entryways at Lowell Avenue and Oxford Way, including median-island on Oxford Way; entryway at Hampshire Lane, including median strip

Laurelbrook – Entryway at Laurelbrook Drive and Southbrook Lane, including median strip

Foothill Vista – Entryway at Hillcrest Drive between Orchard Parkway and Isabel Virginia

Countryside – Giovanni Lane, both sides, including median-island, from Henley Parkway, west to Rochester Street

### ***Park Maintenance***

Arnaudo Village – Slater Park on Suellen Drive

Buena Vista Estates – Kelly Park on Tammi Court

Foothill Ranch Estates – New Harmon Park on Hillcrest Drive

Laurelbrook – Dr. Ralph Allen Park at Veranda Court and Dorset Lane

Sterling Estates – Pombo Family Park on Joseph Damon Drive and Mary Alice Court

Park Atherton – Eagan Park on Oxford Lane and Lowell Avenue; Thrasher Park on Lowell Avenue and Joseph Menusa Lane; McCray Park on Fieldview Drive and Vivian Lane

### ***Weed Abatement***

Corral Hollow – Byron Road, north to Grant Line Road

Grant Line – North side from Corral Hollow Road heading west 500 feet from curb to 10 feet behind curb

Orchard Parkway – East side from Lowell Avenue to Hillcrest Drive curb to sidewalk; Orchard Parkway median island from Lowell Avenue to Grant Line Road



Pombo Parkway – East side from existing landscape, north to the end of the sound wall

**Zone 4** Located in front of the Summergate Apartments on Grant Line Road

***Weed Abatement***

Grant Line Road – In front of apartment complex

**Zone 5** Located south of East Grant Line Road and east of Esther Drive. No maintenance activity currently being performed

**Zone 6** Located on the southwest corner of Clover Drive and North Tracy Boulevard. No maintenance activity currently being performed

**Zone 7** Located within the boundaries of 11<sup>th</sup> Street to the south, Corral Hollow Road, the SPRR tracks to the south and Hickory Avenue on the east

***Arterial Street Landscaping***

Lauriana Lane – West side of Cypress Drive, south to Schulte Drive

Cypress Drive – North side from approximately 100 feet west of Hickory Avenue, west to Lauriana Lane; south side and median island from Lauriana Lane to Corral Hollow Road

Corral Hollow Road – East side approximately 300 feet north of Tennis Lane, south to the railroad tracks; east side, south from 11<sup>th</sup> Street to Cypress Drive (Safeway frontage only to include from face of curb to face of sidewalk); median strip from 11<sup>th</sup> Street, south to railroad tracks, south of Schulte Road; west side from Krohn Road, south to Cypress curb, to bike path

Schulte Road – From Corral Hollow Road heading east. The south side ends 1,000 feet before the railroad tracks. The north side ends at the railroad tracks and includes the median island



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***Subdivision Landscaping***

Fox Hollow – Entryways at Tennis Lane and Lauriana Lane; entryways at Cypress Drive and Fox Hollow; entryways at Cypress Drive and Hunter's Trail; entryways at Tennis Lane and Corral Hollow Road, including median strip and two cul-de-sacs at Pheasant Run Court and Thomas Dehaven Court

Harvest Country West – Entryways at Raywood Lane, including median strip

Quail Meadows – Entryway at Golden Leaf Lane, including median strip; entryway at Quail Meadows, including median strip

Candlewood Estates – Entryway at Alden Glen Drive and Cypress Drive, including median strip

Corral Hollow Estates – Entryway at Lauriana Lane, both side, including median strip from Schulte Road, south approximately 92 feet

***Park Maintenance***

Fox Hollow – Kit Fox Park at Foxwood Court and Fox Hollow Way; Rippin Park at Tennis Lane and Firefly

Harvest Country West – Harvest Park at Birchwood Court and Fireside Lane

Candlewood Estates – Patzer Park at Alden Glen Drive and Meadowlark

Quail Meadows – Bailor-Hennan Park on Golden Leaf Lane

***Weed Abatement***

11th Street – Church frontage west of Alden Glen Drive, from face of curb to chain link fence

Schulte Road – from railroad tracks east of Lauriana Lane, heading west 1,000 feet to start of landscaping, 10 feet from the curb





**Zone 8** Located within the boundaries of Corral Hollow Road on the west and 11<sup>th</sup> Street on the south

***Arterial Street Landscaping***

Belconte Drive – From 11<sup>th</sup> Street to Byron Road, east and west sides, including median-island

Redington Drive – Median-island, east and west of Belconte Drive

Byron Road – From Corral Hollow Road, west approximately 2,280 feet to the end of the subdivision sound wall

Corral Hollow Road – West side from Byron Road to 11<sup>th</sup> Street

***Park Maintenance***

Fabian – Fabian Park on Redington Drive

**Zone 9** Located west of Tracy Boulevard from the UPRR spur line to Corral Hollow Road on the west, and to the south, Edgewood and Brookview West subdivisions

***Arterial Street Landscaping***

Tracy Boulevard – Circle B Ranch – west side from 245 feet north of Mt. Diablo Avenue, heading south past Schulte Road, approximately 650 feet to the end of the shopping center

Heritage subdivision – West side starting from approximately 200 feet north of Menay Drive, heading south to West Central Avenue

West side from Central Avenue heading south approximately 970 feet south of Valpico Road, next to the baseball field

West side from Sycamore Parkway heading south approximately 570 feet, to the end of the sound wall

Corral Hollow Road – From the railroad tracks south to Parkside drive, approximately 600 feet

Sycamore Parkway – West side and medians from Amberwood Lane south to Dove Lane; south of Central Avenue to Tracy Boulevard; west side, from Schulte Road, south to Amberwood Lane

Schulte Road – Median strip from Tracy Boulevard to railroad tracks; north side from Tracy Boulevard to Sycamore Parkway; south side from Tracy Boulevard to west end of shopping center; south side, from Sycamore Parkway, west to the end of the sound wall; south side from Sycamore Parkway, east to the shopping center

Valpico Road – Tracy Boulevard, both side, west to the City limits; median islands from Tracy Boulevard, west to the City limits

West Central Avenue – Median from Tracy Boulevard to Sycamore Parkway; north side from Tracy Boulevard, west to the end of Cedrus Drive

### ***Subdivision Landscaping***

Circle B Ranch – Entryways at Morris Phelps and Schulte Road; entryways at Mt. Diablo Avenue and Tracy Boulevard

Hearthstone – Entryways at Menay Drive and Tracy Boulevard; entryways at Amberwood Ln. and Sycamore Parkway cul-de-sac at Yorkshire Loop and Hampton Ct.

Regency Square – Entryways at Monument Drive, Tracy Boulevard and Sycamore Parkway; Monument Drive (north and south sides), including

Median islands at Monterey and Vintage Courts; cul-de-sac at southeast corner of Tahoe Court and northwest corner; cul-de-sacs at northeast and southwest corners of Tahoe Circle; court adjacent to Mt. Oso Mini Park on Henderson Court; court adjacent to Mt. Diablo Mini Park on Alpine Court

Muirfield – Entryway at Steinbeck; entryway at Petrig; cul-de-sac at Whitman Court; cul-de-sac at Longfellow Court; entryway at Dove Lane; median island on Chaplin, east and west of Sycamore Parkway; entry at Cagney; cul-de-sac at Shaw Creek; cul-de-sac at Williams Court; cul-de-sac at Bogart Court; cul-de-sac at Mansfield Court; cul-de-sac at Hepburn Court; entryway at Allegheny

Glen Creek – Entryway at Glen Creek Way

Greystone Station – Median-island at Windham; median-island at Sudley Drive



Harvest Glen – Entryway at Ray Harvey Drive; entryway at Meadow Lane; cul-de-sac at Cornucopia

Ironwood – Entryway at Monument Drive; walking path from Whitehaven Court, heading west to Mountain View Road; cul-de-sac at Newcastle Court; cul-de-sac at Clairmont Court; cul-de-sac at Hampton Court

***Park Maintenance***

Hearthstone – Valley Oak Park at Larkspur and Honeysuckle Court; Evelyn Costa Park at Claremont Drive and Whitehaven Court

Parkside Estates – Evans Park on Parkside Drive

Harvest Glen – Fitzpatrick Park on Savanna Drive; Albert Emhoff Park on Jonathon Place and Moonlight Way

Regency Square – Mt. Oso Park at Henderson Court; Mt. Diablo Park at Alpine Court

Muirfield – Golden Spike Park on Christy Court; Fred Icardi Park on Russell Street at Steinbeck Way; Westside Pioneer Park at Cagney Drive and Hepburn Street

Circle B – Sister Cities Park at Morris Phelps Drive and Saddleback Court

Greystone Station – John Kimball Park at Tom Fowler Drive and Sudley Drive

Sienna Park – Tracy Press Park at Schulte Road and Weeping Willow Lane

**Zone 10**      **Includes the MacArthur Drive area, bounded by I-205 to the north and 11<sup>th</sup> Street to the south**

***Arterial Street Landscaping***

MacArthur Drive – East side, from Pescadero Avenue south to 2020 MacArthur Drive (curb to sidewalk); west side from Grant Line Road to 11<sup>th</sup> Street, approximately 35 feet from curb; median strip from I-205 to 11<sup>th</sup> Street; west side from Pescadero Avenue, south to end of the California Esprit subdivision; east side from Pescadero Avenue, north 165 feet; west side from Pescadero to a private canal; North side of 11<sup>th</sup> Street at channelway



Pescadero Avenue – North side, from MacArthur Drive, east to the end of the Outlet Center, curb to sidewalk and median strip; adjacent to Yellow Freight, from redwood header to sidewalk; south side adjacent to Market Wholesale, from face of curb approximately 30 feet; south side adjacent to the California Esprit subdivision, from MacArthur Drive west to the end of the sound wall; south side from MacArthur Drive, east to McLane Food Services; north side starting at 3403 Bungalows Drive to MacArthur Drive

Grant Line Road – North side, MacArthur Drive, east to the City limits, including median strip; south side, east of channelway to Skylark (ground cover only)

**Zone 11**      **Located southwest at the corner of W. Eleventh Street and N. MacArthur Drive.**  
In front of storage facility

**Zone 12**      **Located northwest of I-205 including the existing arterial landscaping along the right-of-way on Naglee Road and Grant Line Road**

***Arterial Street Landscaping***

Naglee Road – From Grant Line Road to Auto Plaza Drive, median and 5 foot strip between curb and sidewalk on the east side; west side from Pavilion Parkway to Robertson Drive, turf and curb strip only; Grant Line Road to Auto Plaza drive sidewalk on west side

Auto Plaza Drive – South side curb face to sidewalk, from Naglee Road, east to dead end

Robertson Drive – Both sides of the street curb face to sidewalk, from Naglee Road, west to Pavilion Parkway

Grant Line Road – South side from 2850 W. Grant Line Road, west to 3292 W. Grant Line Road; north side from west driveway of Chevron at 2615 W. Grant Line Road, west to the western edge of the property at 2785 W. Grant Line Road

Pavilion Parkway – Both sides of the street curb face to sidewalk, from Naglee Road to Power Road; median from Naglee Road, west to Power Road

Corral Hollow – Median from I-205 to Mall entrance; east side from I-205 to Mall entrance



**Zone 13** Located southwest of I-205 with 11<sup>th</sup> Street bordering on the south, Lammers Road on the west and Byron Road on the north

***Arterial Street Landscaping***

Fabian Road – North side from the edge of the sound wall, east to Montgomery Lane, west to Lammers Road; both sides and median on Montgomery Lane from King Loop to Fabian Rd

Lammers Road – East side from Fabian Road, north to Feteira Way

***Subdivision Landscaping***

Westgate – Entryway at Westgate Drive, both sides, east to Antonio Loop; entryway from Feteira Way to Glazzy Lane, both sides, from Lammers Road, east to Glazzy Lane; median on Souza Way, from Thelma Loop to Antonio Loop

***Park Maintenance***

Souza Park South – On Antonio Loop between Souza Way and Ann Marie Way

Souza Park North – On Thelma Loop between Milton Jenson Court and Michael Drive

**Zone 14** Bounded on the west by Lammers Road, on the east by Corral Hollow Road and on the south by Schulte Road and the railroad tracks

***Arterial Street Landscaping***

Corral Hollow Road – West side, 234 feet north of Tracey Jean Way, including the walking path between Corral Hollow Road and Tracey Jean Court

***Subdivision Landscaping***

Gabriel Estates – Entryway at Tracey Jean Way, including median strip

***Park Maintenance***

Joan Sparks Park – On Carol Ann Drive

Chandayne Kingsley Park – On Robert Gabriel Drive



**Zone 15** Located in the southwest section of the City, bordered by Tracy Boulevard, Linne Road and Corral Hollow Road

***Arterial Street Landscaping***

Tracy Boulevard – West side, from approximately 700 feet north of Whispering Wind, south to the end of the sound wall

Whispering Wind – Both sides, including medians from Tracy Boulevard, west to English Oaks Lane

Applebrook Lane – Both sides, including median from Whispering Wind, south to approximately 75 feet

English Oak Lane – East side from Whispering Wind, north to approximately 80 feet

Windsong Drive – Both sides, including median from Tracy Boulevard, west to approximately 370 feet

Corral Hollow Road – East side from 75 feet north of Peony Drive, heading south to railroad tracks

***Subdivision Landscaping***

Edgewood VI – Entryway at Peony Drive, both sides, including median strip from Corral Hollow Road, east to Maison Court; entryway at Middlefield Drive, both sides, including median strip from Corral Hollow Road, east to Whispering Wind Drive

***Park Maintenance***

William Adams Park – On Edgewood Terrace Drive

Don Cose Park – On Whirlway Lane

Bill Schwartz Park – On Peony Drive

**Zone 16** Bordered on the north by Byron Road, 11<sup>th</sup> Street on the south, Palomar Drive on the west and Mamie Anderson on the east

***Subdivision Landscaping***

Crossroads Drive – Crossroads Drive, east and west from 11<sup>th</sup> Street to Solomon Lane; Crossroads Drive from Solomon Drive to fence line of 2506 Spencer Lane



**Park Maintenance**

Dan Busch Park – On the northeast corner of Crossroads Drive and Tolbert Drive

**Zone 17** Includes all areas east of Tracy Boulevard between the SPRR tracks on the north and 100 feet north of Deerwood Lane on the south

**Arterial Street Landscaping**

Tracy Boulevard – East side from Valpico Road, north to the end of the shopping center (on-site landscape contractor maintains the 5,150 sq. ft. of shrubs and 800 sq. ft. of turf); east side from Valpico Road, south to the end of the shopping center

Central Avenue – West side from Schulte Road, south to Ferdinand Street and the east side from Schulte Road, south to Deerwood Lane; west side from Schulte Road, north to Country Court, including ground cover in front of fence on Mt. Oso

Schulte Road – North side from Tracy Boulevard, east to the cemetery; medians from east of Tracy Boulevard to Gianelli Street; south side from Central Avenue to 300 feet east of Independence Drive

MacArthur Boulevard – West side from Krider Court, south to the north edge of the cemetery

Third Street – North side from Jaeger to Tudor

Leamon Street – South side of California Cameo Parkway from MacArthur Boulevard, west to Third Street and Jaeger Street

Mt. Diablo Avenue – South side (est. 1,000 sq. ft.) and median-island from MacArthur, west to Third Street

Valpico Boulevard – South side from Tracy Boulevard, east to end of landscaping; north side from Tracy Boulevard, east to end of landscaping (on-site landscape contractor maintains the 4,906 sq. ft. of shrubs)

**Subdivision Landscaping**

Meadow Glen – Entryways at Edenvale and Schulte Road; parkway from Cedar Mountain Drive to San Simeon Way



Victoria Park I – Entryways at Gianelli, including median, south side of Schulte Road; cul-de-sacs at Elizabeth Court, Henry Court and Edward Court

Victoria Park II (American Classics) – Cul-de-sacs at James Court and Mary Court

Victoria Park II (Traditions) – Cul-de-sacs at Elysan, Lavender and Primrose Courts, and entrance at Junior Harrington, north side to 100 feet east

California Collections – Entryways at MacArthur Drive and Wagtail Drive; cul-de-sac at Krider Court

California Renaissance – Entryway median at Third Street; entryway and median at Hotchkiss Street; cul-de-sac at Sir Lancelot

California Cameo – Entryway median at Leamon Street; cul-de-sac at Versailles Court; cul-de-sac at Czerny Street

***Park Maintenance***

Meadow Glen – Florence Stevens Park at Tassajero Court

Victoria Park – Sullivan Park on Victoria Street

California Collections – Huck Park on Wagtail Drive

**Zone 18**     **Bounded on the north by Valpico Road, on the east by MacArthur Drive and on the south by Linne Road**

***Arterial Street Landscaping***

Valpico Road (Glenbriar Estates) – South side from MacArthur Drive, west to the end of the sound wall; south side from Pebblebrook Drive, west to the end of the sound wall, approximately 600 feet (Pebblebrook Estates)

MacArthur Drive (Glenbriar Estates) – West side from Valpico Road, south to the end of the landscaping, approximately 290 south of Fair Oaks Road; west side from Glenbrook Drive, south 237 feet to end of landscape; north 220 feet to the end of the landscaping





***Subdivision Landscaping***

Glenbriar Estates – Glenbriar Drive from Valpico Road, south to Glenbriar Circle, both sides and median

Pebblebrook Estates – Entryway at Pebblebrook Drive, including median; cul-de-sac at Pebblebrook Court

**Zone 19**      **Located north of the UPRR tracks, south of Valpico Road, east of Tracy Boulevard and west of Glenbriar Estates**

***Arterial Street Landscaping***

Tracy Boulevard – East side including median from Valpico Road, south to UPRR tracks, Whispering Winds, Regency and Brookview,

***Park Maintenance***

William Kendal Lowes Park

***Subdivision Landscaping***

Regis Drive – West side from Whispering Wind Drive, south to Dietrick Avenue; from Regis Drive, east to 418 feet east of Reids Way; from Whispering Wind Drive, north to Arezzo Way, then east on Arezzo Way to Escatta Avenue

Brookview Drive – From Perennial Place, east to Glenhaven Drive, north side; from Regis Drive, east to Glenhaven Drive, south side

**Zone 20**      **(Larkspur Estates) located generally south of Montclair Lane, west of MacArthur Drive, and north of Valpico Road**

***Arterial Street Landscaping***

MacArthur Boulevard – West side from DeBord Drive, north 415 feet to the end of the sound wall, and south from DeBord Drive 213 feet to the end of the sound wall; median on DeBord Drive

***Park Maintenance***

Stalsberg Drive – Clyde Abbot Park located on the south dead end of Stalsberg Drive



**Zone 21 (Huntington Park) located generally between Byron Road, south to Fabian Road and Gentry Lane, east to Jones Lane**

***Subdivision Landscaping***

Huntington Park – Entryway on Montgomery Lane, both sides from Fabian Road, north to King Loop, including median; entryway on Lankershire Drive, both sides from Byron Road, south to Kensington Court, including median; cul-de-sac on Kensington Court; Byron Road south side from Lankershire Drive, west 243 feet to the end of the sound wall, and east from Lankershire Drive 554 feet to the end of the sound wall; entryway at Byron Road, 100 feet to Ogden Sannazor, east and west side of the pathway

***Mini-Park Maintenance***

Richard Hastie Park – located on Huntington Park Drive

**Zone 22 Generally located between Corral Hollow Road, east to Egret Drive, and from Persimmon Way, south to Starflower Drive on the western half and Dove Drive on the eastern half**

***Arterial Street Landscaping***

Corral Hollow Road – East side from Starflower Drive, north to the end of the sound wall of the sound wall

***Subdivision Landscaping***

Parkview (Muirfield 7) – North side of Persimmon Way along the sound wall from Geranium, west to Corral Hollow Road; west side of Lotus Way, along sound wall from Starflower Drive, north to Petunia; north side of Starflower along sound wall from Corral Hollow Road, east to Lotus Way, including median

**Zone 23 Starflower Drive south to canal between Corral Hollow Road, Monroe Street and Gretchen Talley Park**

***Arterial Street Landscaping***

Corral Hollow Road – From Starflower Drive, south to Kagehiro Drive; east side of Corral Hollow, Kagehiro Drive to Lotus Way



Starflower Drive – From Corral Hollow Rd south side to Lotus way

Kagehiro Drive – From Corral Hollow Road, east to Lotus Way

**Zone 24 (Eastlake) - Located south of 26102 S. MacArthur Drive, north of Valpico Road and east of MacArthur Drive**

***Park Maintenance Only***

Tiago Park – Located on Eastlake Circle between Crater Place and McKenna Court

**Zone 25 Located north of Brichetto Road and Schulte Road, east of Zone 32. No maintenance activity currently being performed**

**Zone 26 Located generally west of Corral Hollow Road, east of Lammers Road, north of Zone 14 and south of W. 11<sup>th</sup> Street**

***Arterial Street Landscaping***

Corral Hollow Road – 60 feet north of Cypress Drive to the end of the sound wall, south approximately 240 feet; north side, 31 feet north of Cypress Drive

Sterling Park II – From San Marcos subdivision at Tennis Lane, 290 feet north to the Sterling Park subdivision; Tennis Lane, west of Corral Hollow Road center median and south side

Krohn Road – South side from Corral Hollow Road, west to end of landscaping

***Subdivision Landscaping***

Sterling Park – Cypress Drive, north and south side, including median; Banff, east and west side, including median

San Marcos – Schulte, north and south side, including median; Babcock entryway and median; Cabana entryway and median; Schulte Road, north 922 feet to Tennis Lane; Schulte Road, south to Golden Leaf Lane; Nabor Court

***Park Maintenance***

Verner Harrison – Located at Jill Drive and Brittany



Marlow Brothers – Located at Adaire Lane and Golden Leaf Lane

John Erb Park – located Barcelona Drive and Cypress Drive

**Zone 27** Located generally west of Zone 26, south of Zone 28, north of Zones 25 and 14, approximately one mile east of Lammers Road

***Arterial Street Landscaping***

South Gate – Schulte Road, east from Mabel Josephine to the end of the landscaping

South Gate – Mabel Josephine, south from Schulte Road to Patrick McCaffrey Drive

South Gate – Schulte Road median, east from Mabel Josephine to Barcelona

**Zone 28** Located generally south of W. 11<sup>th</sup> Street, west of Zone 26, north of Zone 27 and east of Lammers Road

***Subdivision Landscaping***

Crossroads Drive – From 11<sup>th</sup> Street, heading south on west side of the dead end of Crossroads Drive, curb to sound wall (curb to mow strip in front of Sports Complex); from 11<sup>th</sup> Street, heading south on the east side of the dead end of Crossroads Drive; median from 11<sup>th</sup> Street, heading south to the end of Crossroads Drive; Cranston Court; Wyman Court; Bennet Court; Marshall Court

Jefferson Parkway – 11<sup>th</sup> Street, heading south to Safford Lane; median from 11<sup>th</sup> Street, heading south to Safford Lane; east side from 11<sup>th</sup> Street to end of Sports Complex

**Zone 29** Located generally south of Schulte Road, north of Valpico Road, west of Chrisman Road and east of Zone 24

***Arterial Street Landscaping***

Valpico Road – North side of Valpico Road from Chrisman Road, heading west 1,018 feet to the end of the sound wall; north side from Elissagaray Drive, heading west 145 feet; north side starting 440 feet west of



Elissagaray Drive at sound wall, heading 238 feet west to the end of the sound wall

Chrisman Road – West side of Valpico Road, heading north 960 feet past Elissagaray Drive

***Subdivision Landscaping***

Elissagaray Drive – East side from Valpico Road to Rodger Drive; east side from Rodger Drive, heading northeast to Chrisman Road, including Amatchi Drive entrances, east and west; west side from Rodger Drive, heading north to Dominique Drive; north side from Aldacourrou Street, heading east to Chrisman Road

Dominique Drive – South side from Elissagaray Drive, heading west 525 feet past Basque Drive

Mount Pellier Street – West side from 125 feet south of Montauban Street, heading south 225 feet to the end of the fence at 2203 Mt. Pellier Street

***Subdivision Court Landscaping***

Baigorry Court – East side from 130 feet south of Rodger Drive, starting at the sound wall 210 feet to the end of the sound wall

***Park Maintenance***

Robert Kellogg Park – Located on Elissagaray Street

**Zone 30 Yosemite Vista Housing Development located on S. MacArthur Drive**

***Arterial Street Landscaping***

S. MacArthur Drive – From Yosemite Drive, heading north to the end of the sound wall; from Yosemite Drive, heading south to Jesse J. Martinez Drive; from Jesse J. Martinez Drive, heading south to the end of the landscaping

Yosemite Drive – Median-island from S. MacArthur Drive, east approximately 100 feet



***Park Maintenance***

Sentinel Drive – Jim Raymond Park

**Zone 31 Tracy Mini Storage**

***Arterial Street Landscaping***

Tracy Boulevard – East of Tracy Boulevard, west of Zone 28 and south of Valpico Road

**Zone 32** Located north of Schulte Road, east of Lammers Road. No maintenance activity currently being performed

**Zone 33** Generally located south of I-205, north of the SPRR tracks and east of Chrisman Road

***Arterial Street Landscaping***

Grant Line Road – From Best Buy warehouse, east to Skylark Way

**Zone 34** The triangle area located south of the SPRR tracks, north of W. 11<sup>th</sup> Street and east of Corral Hollow Road

***Arterial Street Landscaping***

Corral Hollow Road – East side from 11<sup>th</sup> Street, north to railroad tracks at Byron Road

11th Street – From railroad tracks east of Alden Glen, heading west to Corral Hollow Road, north side from sidewalk to mow strip

**Zone 35** East side of Tracy Boulevard between Centre Court and Tennis Lane

***Arterial Street Landscaping***

Tracy Boulevard – East side from BSC, heading south 375 feet past Tennis Lane

11th Street – From railroad tracks east of Alden Glen, heading west to Corral Hollow Road, north side from sidewalk to mow strip



***Subdivision Landscaping***

Ryland Junction – Entryway at Tracy Boulevard and Tennis Lane, including median; entryway at Tracy Boulevard and Centre Court, including median; Rockingham Court cul-de-sacs

***Park Maintenance***

Fisher Park – Located on Tracy Boulevard between Tennis Lane and Centre Court

**Zone 36 El Pescadero at Grant Line Road**

***Arterial Street Landscaping***

El Pescadero Park – South of El Pescadero Park, north of Grant Line Road and east of Buthmann

**Zone 37 Forrest Greens**

***Arterial Street Landscaping***

Acacia Street – North side of Acacia Street between East Street and MacArthur Drive

**Zone 38 This Zone is split into four different areas within the District (Funded by City's General Fund, and not assessment revenue)**

**Zone A**

***Arterial Street Landscaping***

11th Street – North side of 11<sup>th</sup> Street from Belconte Drive, west to Lammers Road; north side of 11<sup>th</sup> Street from Corral Hollow Road, west to Belconte Drive, from curb to sidewalk; north side of 11<sup>th</sup> Street from rail road tracks east of Alden Glen Drive, west to Corral Hollow Road, from curb to sidewalk; south side of 11<sup>th</sup> Street from Corral Hollow Road, west to the end of the landscaping west of Jefferson Drive, curb to sidewalk; south side of 11<sup>th</sup> Street from railroad tracks east of Alden Glen Drive, west to Corral Hollow Road, curb to sidewalk; median on 11<sup>th</sup> Street from rail road tracks east of Alden Glen Drive, heading west to Lammers Road; Lammers Road – westside, median and eastside from 11<sup>th</sup> Street to end of Kimball High School; on eastside from curb to fence.



Grant Line Road – South side of Grant Line Road from 1820 W. Grant Line Road, east to Lincoln Boulevard; Corral Hollow Road, west side from Grant Line Road, north to I-205

Tracy Transit Station – Plaza area in the middle of 6<sup>th</sup> Street from Central Avenue to D Street; traffic circle at the intersection of 6<sup>th</sup> Street and Central Avenue; traffic circle at the intersection of 6<sup>th</sup> Street and D Street; all on-site landscaping around the transit building and parking lot

**Zone B**

Valpico Town Center – North side of Valpico Road from Glenbriar Drive heading east to MacArthur Drive.

**Zone 40 Located at the northwest corner of Valpico Road and MacArthur**

***Arterial Street Landscaping***

Rite-Aid – North side of Valpico Road from MacArthur Drive, heading west 370 feet to second driveway; west side of MacArthur Drive from Valpico Road, heading north 135 feet

**Zone 41 Located at east side of Corral Hollow Road, north of Tennis Lane and south of Cypress Drive**

***Arterial Street Landscaping***

Corral Hollow Road – east side of Corral Hollow Road fronting 350 N. Corral Hollow Road, starting from 285 feet north of Cypress Drive, heading north 375 feet to the end of the landscaping

**Zone 42 Located at south side of W. Grant Line Road, north of Byron Road and west of S. Lammers Road**

***Arterial Street Landscaping***

Grant Line – Center median and south side from east to west of complex



**Zone 43**      **Located east of MacArthur Drive and north of Valpico Road**

***Arterial Street Landscaping***

Tract 3290 (Ventana) – Ongoing maintenance, servicing and operation of the landscaping improvements within the public right-of-ways, to be installed in connection with this development

**Channel Way with Arterial Landscaping**

***Located in Zone 1***

Central Avenue – From Silkwood Lane, west to Tracy Boulevard (channel way in front of the Sycamore Village apartments); Central Avenue channel along the eastern side of the Sycamore Village apartments

Transit Corridor – Bike path to face of curb; from Silkwood lane west to Tracy Blvd in front of the Sycamore Apartments

***Located in Zone 3***

Grant Line Road – East side from Grant Line Road to the I-205 freeway right-of-way, approximately 1,600 linear feet; east side from Grant Line Road, north to I-205 (no mow), weed down as needed

Orchard Parkway – West side of Orchard Parkway from Lowell Avenue to Grant Line Road

Vivian Lane/Rita Way – From south end of Vivian Lane, heading north past Rita Way to Lowell Avenue

Lowell Avenue – North side of Lowell Avenue to Orchard Parkway

Transit Corridor (bike path to face of curb) – East side of Corral Hollow Road from Grant Line Road to I-205; Orchard Parkway shrubs; Orchard Parkway, west side from Lowell Avenue to Grant Line Road; Vivian Lane/Rita Way from rail road tracks, south of Vivian Lane, north to Lowell Avenue; north side of Lowell Avenue, west to Orchard Parkway

***Located in Zone 7***

From edge of property to bike path – North side of Cypress Drive from Corral Hollow Road to Lauriana lane; east side of Lauriana Lane from Cypress Drive to Schulte Road; north side of Schulte Road from Lauriana Lane, east to the rail road tracks

Transit Corridor (bike path to face of curb) – Starting at the rail road tracks on Schulte Road west of Sycamore Parkway, heading west to Lauriana Lane, then on Lauriana, then west on Cypress Drive to Corral Hollow Road

***Located in Zone 9***

From edge of property to bike path – North side of Schulte Road channel way from railroad tracks to Sycamore Parkway; east side of Sycamore Parkway from Schulte Road, south to Windham Drive; south side of Central Avenue from Tracy Boulevard to Sycamore Parkway; east side of Windham Drive, south from Sycamore Parkway to Cherry Blossom

Transit Corridor (bike path to face of curb) – From Cherry Blossom, north to Sycamore Parkway on the east side, north to Schulte Road then west to rail road tracks; Central Avenue from Tracy Boulevard, west to Sycamore Parkway; north side of Schulte Road from Sycamore Parkway, west to Lauriana Lane

***Located in Zone 10***

MacArthur Drive – Landscaped channel way, east side from 11<sup>th</sup> Street overpass, north to driveway at 2020 MacArthur Drive-edge of property to bike path; non-landscaped channel area, east side from driveway at 2020 MacArthur Drive to Grant Line Road, north to Pescadero Road; I-205, west to rail road tracks west of MacArthur

Pescadero Avenue – Starting from the east driveway of the Outlet Mall, heading east 835 feet to the curve, then heading north 975 feet to the curve, then west 2,080 feet, ending at MacArthur Drive; starting from the south side of Pescadero Avenue from the east driveway of the Outlet Mall, heading south 2,550 feet to Grant Line Road; starting on the eastern edge of the property at 800 Grant Line Road, heading south 485 feet, then picking back up on the south side of the rail road tracks and heading south 950 feet to MacArthur Drive (Channel way is approximately 50 feet wide)

Transit Corridor (bike path to face of curb) – East side of MacArthur Drive from the 11<sup>th</sup> Street overpass, north to 1820 MacArthur Drive

***Located in Zone 12***

Naglee Detention Basin – Around fence line to bottom of the berm; entrance on Naglee Road, northwest side of Auto Plaza Drive

Park and Ride Lot – Transit corridor Park & Ride



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***Located in Zone 26***

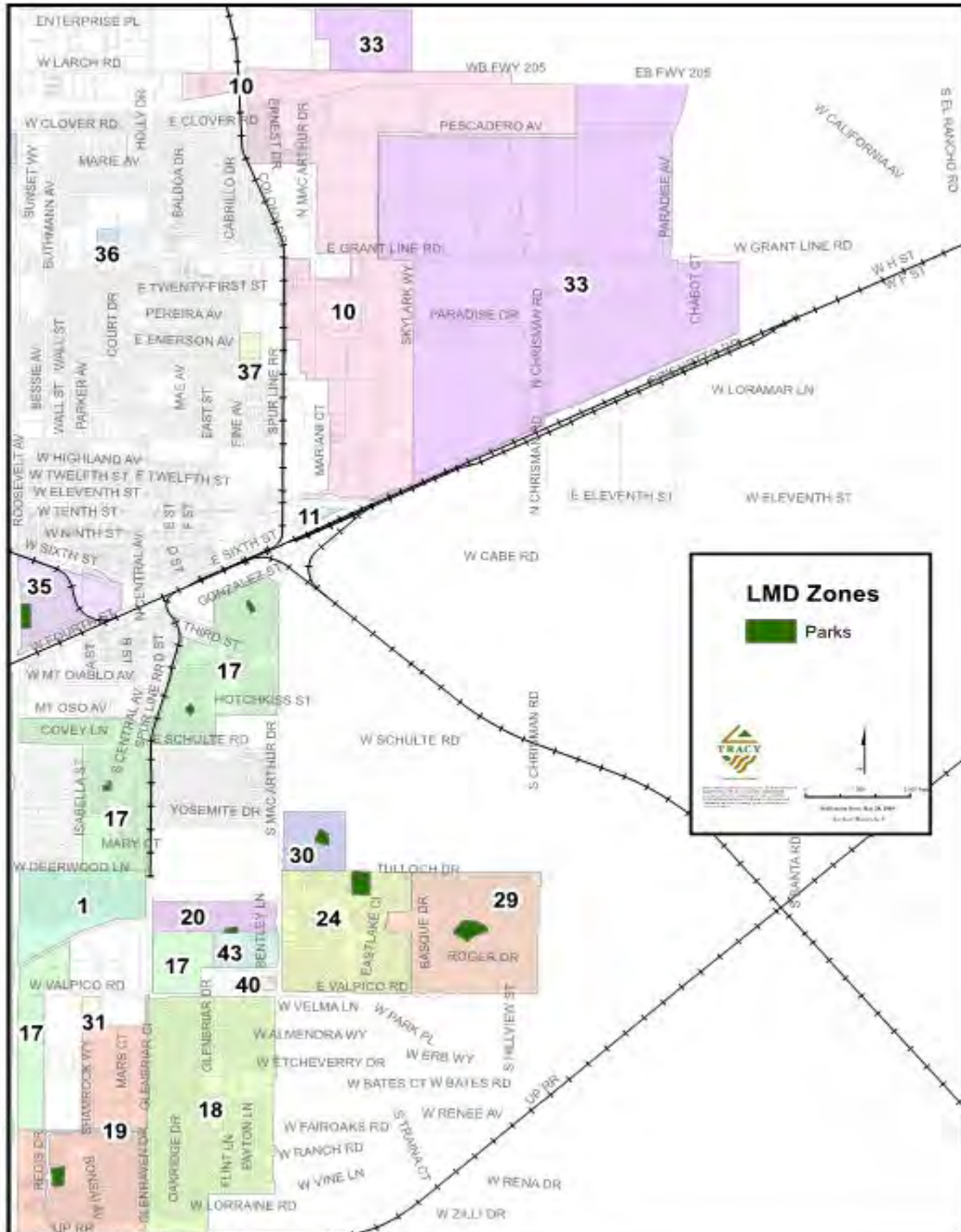
From edge of property to bike path – West side of Corral Hollow Road from Cypress Drive, north to Krohn Road; end of channel way from Krohn Road, 300 feet west to DB-V Detention Basin;

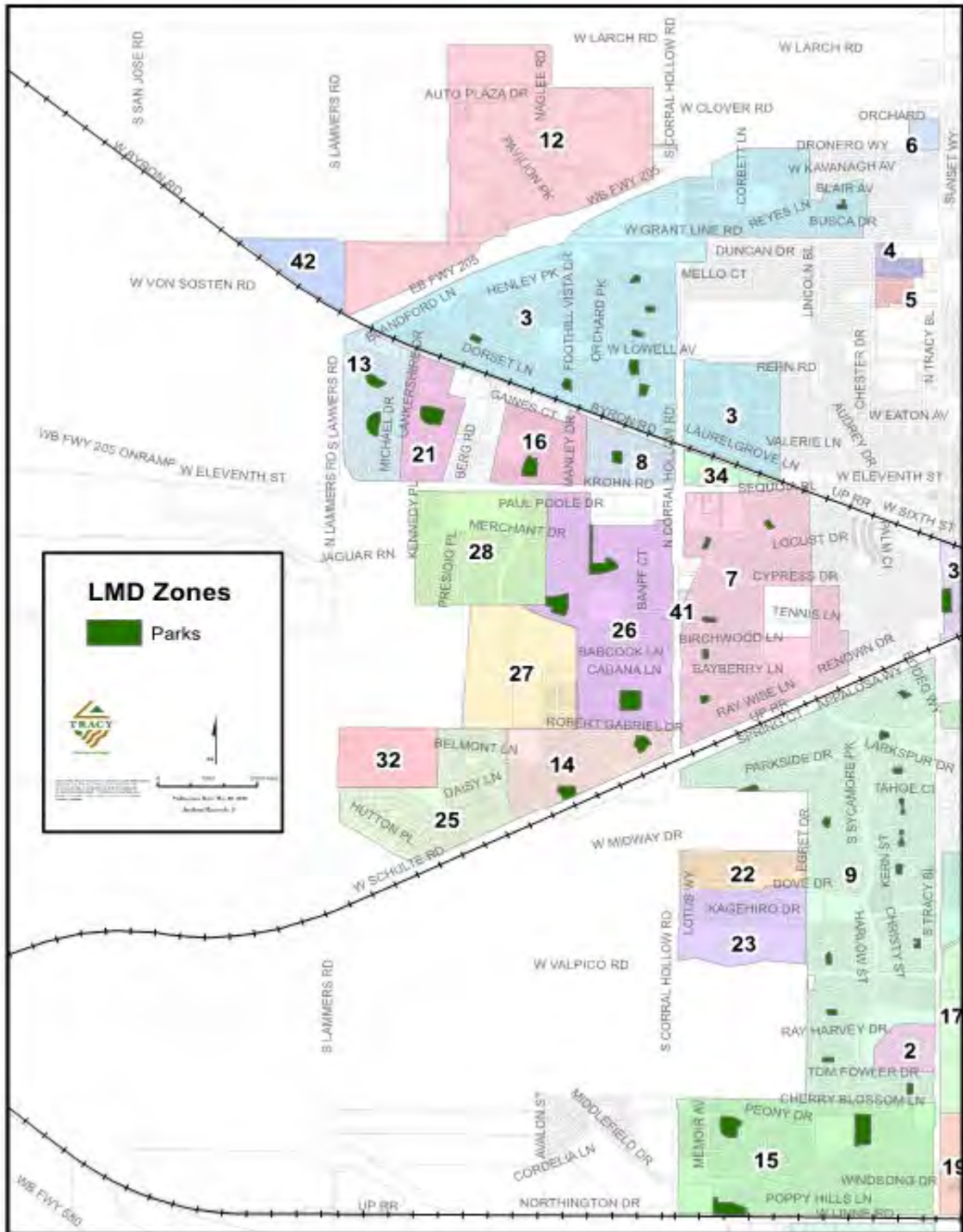
Placentia Fields Channel Way (General Fund Channel Way) – North of Cypress Drive towards 11<sup>th</sup> Street, then east to the end of the channel way

Transit Corridor (bike path to face of curb) – West side of Corral Hollow Road from Cypress Drive, north to Krohn Road

# APPENDIX B – CONSOLIDATED LANDSCAPE MAINTENANCE MAP

A Diagram showing the District and Zone boundaries is on the following page.







## **APPENDIX C – ASSESSMENT ROLL**

The assessment set forth for each parcel is shown on the Assessment Roll for the District, submitted separately, as "Assessment Roll for the City of Tracy, Consolidated Landscape Maintenance District, Fiscal Year 2022-23", which exhibit is incorporated by reference herein as Appendix C under separate cover, and is on file in the Office of the City Clerk.

The Assessment Roll lists all parcels within the boundaries of the District as shown on the Assessment Diagram, Part D herein, and on the last equalized roll of the Assessor of the County of San Joaquin, which is by reference made part of this report.

A list of names and addresses of the owners of all parcels within this District is shown on the last equalized Property Tax Roll of the Assessor of the County of San Joaquin, which by reference is hereby made a part of this report. This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll on file in the office of the City Clerk of the City of Tracy.

\_\_\_\_\_  
CITY ATTORNEY'S OFFICE

**TRACY CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_**

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**APPROVING THE ENGINEER'S REPORT REGARDING THE PROPOSED LEVY AND COLLECTION OF ASSESSMENTS FOR THE TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR FISCAL YEAR 2022/2023 AND DIRECT THE FINANCE DIRECTOR TO MAKE APPROPRIATE BUDGET ADJUSTMENTS TO REFLECT THE 2022/2023 ENGINEER'S REPORT**

**WHEREAS**, the City Council of the City of Tracy, pursuant to the "Landscaping and Lighting Act of 1972," codified in Division 15, Part 2 of the California Streets and Highways Code ("Act"), did by Resolution No. 2022-067, order the preparation of the Fiscal Year 2022/2023 Engineer's Report ("Report") for the Tracy Consolidated Landscape Maintenance District ("District"); and

**WHEREAS**, the Report was filed with the City Clerk, and upon review of the Report, the City Council declared by Resolution No. 2022-069 its intention to levy and collect assessments within the District for Fiscal Year 2022/2023, and fixed July 5, 2022 as the public hearing date to accept public comment and testimony regarding the District and proposed assessments in accordance with California Streets and Highways Code section 22624; and

**WHEREAS**, the City Council has examined and reviewed the Report and is satisfied with the description of the District, the Zones and improvements identified therein, each of the budget items and documents as set forth, and is satisfied that the proposed assessments have been spread proportionately in accordance with the special benefit each property receives from the improvements, operation, maintenance, and services to be performed, as set forth in the Report or as modified by Council action and incorporated herein; and

**WHEREAS**, the Report was completed and finalized after adoption of the City's Fiscal Year 2022/2023 Budget and minor adjustments are required to reconcile the Budget and Engineer's Report; now, therefore, be it

**RESOLVED:** That the City Council hereby resolves, orders, and determines as follows:

1. The above recitals are true and correct.

2. The Engineer's Report as previously presented or as modified by direction of the City Council consists of the following:
  - a) A sufficient description of the territory and properties within the District, the Zones therein and the improvements and services to be provided;
  - b) The Annual Budgets associated with the various improvements and services provided by the District (an estimate of the costs and expenses required for the operation and maintenance of the improvements within the various Zones of the District); and
  - c) An Assessment Rate per benefit unit and description of the Method of Apportionment sufficient to calculate the proportional special benefit assessment to be applied to each parcel for Fiscal Year 2022/2023, and identification of the maximum assessment rates that may be applied to properties within each Zone of the District, and Assessment Roll identifying the special benefit assessment proposed for each assessed parcel within the District.
3. The Report as presented or as modified by City Council action is hereby approved. Said Report as presented or as modified is ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.
4. Amend the City's budget for Fiscal Year 2022/2023 as evidence in the Annual LMD Engineer's Report.
5. The City Clerk shall certify to the passage and adoption of this Resolution and the minutes of this meeting shall so reflect the presentation and final approval of the Report.



Resolution \_\_\_\_\_  
Page 3

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The foregoing Resolution \_\_\_\_\_ was adopted by the City Council of the City of Tracy on the 5<sup>th</sup> day of July, 2022, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTENTION: COUNCIL MEMBERS:

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NANCY D. YOUNG  
Mayor of the City of Tracy, California

ATTEST: \_\_\_\_\_  
ADRIANNE RICHARDSON  
City Clerk and Clerk of the Council of the  
City of Tracy, California

\_\_\_\_\_  
CITY ATTORNEY'S OFFICE

**TRACY CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_**

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**ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT FOR FISCAL YEAR 2022/2023**

**WHEREAS**, the City Council of the City of Tracy, pursuant to the "Landscaping and Lighting Act of 1972," codified in Division 15, Part 2 of the California Streets and Highways Code ("Act"), did by Resolution No. 2022-067, initiate proceedings for the levy and collection of assessments against lots and parcels within the Tracy Consolidated Landscape Maintenance District ("District") for Fiscal Year 2022/2023; and

**WHEREAS**, Harris & Associates (the Assessment Engineer for the District) has prepared and filed the District Engineer's Report ("Report") for Fiscal Year 2022/2023 with the City Clerk pursuant to California Streets and Highways Code section 22623, and said Report has been presented to the City Council, and is incorporated herein by reference; and

**WHEREAS**, the City Council desires to levy and collect assessments against parcels of land within the District for the fiscal year commencing July 1, 2022 and ending June 30, 2023, to pay the costs and expenses of operating, maintaining, and servicing landscaping and appurtenant facilities located within the District; now, therefore, be it

**RESOLVED:** That the City Council hereby resolves, orders, determines, and certifies as follows:

1. The above recitals are true and correct.
2. Following notice duly given, the City Council has held a full and fair Public Hearing regarding a Resolution approving or amending the Report prepared in connection herewith, the levy and collection of assessments, and considered all oral and written statements, protests and communications made or filed by interested persons.
3. Based upon its review (and amendments, as applicable) of the Report, a copy of which has been presented to the City Council and which has been filed with the City Clerk, the City Council hereby finds, determines, and certifies that:
  - a) The land within the District will receive special benefit by the operation, maintenance and servicing of landscaping and appurtenant facilities within the boundaries of the District;
  - b) The District includes all of the land receiving such benefit;

- c) The net amount to be assessed upon the lands within the District has been apportioned by a formula and method which fairly distributes the net amount among the eligible parcels in proportion to the special benefit to be received by each parcel from the improvements and services for the fiscal year commencing July 1, 2022, and ending June 30, 2023;
  - d) The proposed special benefit assessments calculated and apportioned for Fiscal Year 2022/2023 are consistent with the previously adopted Rate and Method approved by the property owners within the District in accordance with the provisions of the California Constitution Articles XIII C and XIII D, and meet the requirements of Proposition 218;
  - e) The assessments are in accordance with Article 4 of Chapter 1 of Part 2 of Division 15 of the California Streets and Highways Code, commencing with Section 22565, in connection with the proposed levy and collection of assessments related thereto; and
  - f) The assessments to be levied are without regard to property valuation.
4. The Report and assessments as presented to the City Council and on file with the City Clerk are hereby confirmed as filed.
  5. The City Council hereby orders the proposed improvements to be made, which improvements are briefly described as the maintenance, operation, administration, and servicing of the improvements including turf, ground cover, shrubs and trees, irrigation systems, water features, channel way landscape, and all appurtenant facilities related thereto or that may be authorized pursuant to the provisions of the Act.
  6. The County Auditor of San Joaquin County shall enter on the County Assessment Roll opposite each parcel of land the amount of levy, and such levies shall be collected at the same time and in the same manner as the County taxes are collected. After collection by the County, the net amount of the levy shall be paid to the City Treasurer.
  7. The City Treasurer shall deposit all money representing assessments collected by the County for the District to the credit of a fund for the Tracy Consolidated Landscape Maintenance District, and such money shall be expended only for the maintenance, operation and servicing of the landscaping, parks, and appurtenant facilities as described in the Report.
  8. The adoption of this resolution constitutes the District levy for the fiscal year commencing July 1, 2022, and ending June 30, 2023.
  9. The City Clerk or their designee is hereby authorized and directed to file the levy with the County Auditor upon adoption of this resolution.

\*\*\*\*\*

The foregoing Resolution \_\_\_\_\_ was adopted by the City Council of the City of Tracy on the 5<sup>th</sup> day of July, 2022, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTENTION: COUNCIL MEMBERS:

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NANCY D. YOUNG  
Mayor of the City of Tracy, California

ATTEST: \_\_\_\_\_  
ADRIANNE RICHARDSON  
City Clerk and Clerk of the Council of the  
City of Tracy, California

July 5, 2022

AGENDA ITEM 3.D

REQUEST

**CONDUCT A PUBLIC HEARING AND UPON THE CONCLUSION ADOPT A RESOLUTION ACCEPTING THE CITY OF TRACY'S 2022 PUBLIC HEALTH GOALS TRIENNIAL REPORT ON DRINKING WATER AS REQUIRED BY THE CALIFORNIA HEALTH AND SAFETY CODE SECTION 116470(b)**

EXECUTIVE SUMMARY

California Health and Safety Code (CHSC) section 116470, subsection (b) requires that every three years a public water system that serves more than 10,000 service connections prepare and present a written report examining the concentrations of any contaminants in the water that exceed the Public Health Goals (PHG) during the last three years. PHGs are non-enforceable water quality goals published by the California Office of Environmental Health Hazard Assessment (OEHHA). The United States Environmental Protection Agency (USEPA) has also established similar non-enforceable Maximum Contaminant Level Goals (MCLGs) for contaminants in the drinking water. While establishing a baseline of the PHG & MCLG goals, by OEHHA and USEPA, only potential public health risks are considered, while the analytical detection limits, availability, and success rate of the existing treatment technology including costs are not considered by these agencies.

The City of Tracy serves and maintains over 26,000 service connections (customers). It also exceeds three categories of the PHG or MCLG goals during the last three years, therefore, it is required to prepare and present this report. The City's consultant has prepared the report from sampling and monitoring data collected by the City. The report indicates that these contaminant categories are above the PHG or MCLG goals. The City's potable water supply, however, meets all Federal and State primary drinking water standards and MCLs. The City also provides a federally mandated annual water quality report, also called the Consumer Confidence Report (CCR), to its consumers informing them of the levels of contaminants (ATTACHMENT B) in the City's water supply. The PHG and MCLG goals are not achievable due to excessive costs and lack of information about success rate even if the best available technological improvements are implemented. Therefore, no further action is required at this time. It is recommended that Council, after conducting a public hearing, adopt a resolution accepting the 2022 Public Health Goals Triennial Report as presented.

DISCUSSION

A public water system serving more than 10,000 connections must prepare a brief report every three years if the concentration of contaminants in the drinking water exceeds one or more PHG or MCLG goals. PHGs are non-enforceable water quality public health goals established by California OEHHA. MCLGs are also non-enforceable water quality maximum contaminant levels established by United States Environmental Protection Agency (USEPA). The City prepares a federally mandated annual Water Quality Report (CCR) listing various contaminants in the drinking water which is mailed to all City water

customers in May. This CCR is a detailed report on the City's water supplies, type of treatment, and any water quality contaminant that may have occurred during the previous year. The City currently has more than 26,000 service connections and continues to remain in compliance with these primary drinking water standards as set forth by both the federal and state governments under their drinking water regulatory division.

However, under the CHSC Section 116470(b) requirement, the City does not meet four PHG or MCLG goals in its drinking water. Non-enforceable PHG and MCLG goals are established by the respective OEHHA and USEPA, solely on public health risk consideration without considering analytical detection capabilities, best available technology (BAT), benefit and costs.

#### *PREPARATION OF THE REPORT*

This PHG report was prepared by the City's consultant, West Yost Associates, who have extensive knowledge of the City's water system characterization. The report presents an analysis of the City's drinking water quality data collected between 2019 to 2021. This report accomplished the following:

- Identifies each contaminant detected in drinking water at a level that exceeds the PHG goal, or MCLG goal if no PHG goal has been identified, for contaminants that have a Maximum Contaminant Level (MCL),
- Discloses the numerical public health risk associated with the MCL and PHG (or MCLG) goal for each detected contaminant,
- Identifies the category of risk to public health associated with each detected contaminant,
- Describes the Best Available Technology (BAT), if available, to remove the contaminant, and,
- Estimates the aggregate cost and cost per customer of utilizing the BAT to reduce the concentration of each contaminant to a concentration at or below the PHG or MCLG goal.

The report also provides information on the methodology and results of the evaluation and recommends further actions, if needed. The analysis does not include the constituents Asbestos, Synthetic Organic Chemicals, Gross Alpha Particle Activity, Radium, Radon, Uranium, Gross Beta Particle Activity, Strontium-90 and Tritium, as they are required to be collected and analyzed only once every nine years.

In the report prepared by the consultant, three contaminant categories, with four contaminants, were detected in the City of Tracy's water, which were above the applicable PHG or MCLG in one or more of the City's drinking water supplies. These contaminants were Arsenic, Copper and Lead, and Total Coliform. It is important to note that while these contaminants in three categories are above the PHG/MCLG goals, they were below the federal MCL for primary drinking water standards and meet all state and federal standards.

The following is a breakdown of the detectable contaminants in the water:

**(1) Arsenic**

- Arsenic is a naturally occurring element in the earth's crust and is spread throughout the natural environment. In the City, this contaminant results from natural mineral deposits that contain arsenic and are found in the City's water supply, usually in its groundwater sources.

**(2) Copper and Lead**

- Copper is a naturally occurring, essential nutrient whose presence in drinking water is contributable to copper pipe in drinking water distribution systems including household plumbing. There is currently no MCL established for copper. Copper was not detected above the PHG in the City's water supply and distribution system. However, the tap monitoring indicates the 90<sup>th</sup> percentile concentration above the PHG levels. This may be due to multiple factors including age of the plumbing system at the premises.
- Lead is found in "pigtail" or "gooseneck" connections, service lines in distribution system plumbing, and solder used to connect pipes. Soils may also contain lead that has been deposited from atmospheric particles, lead paint and improper disposal of lead storage batteries. Lead is generally contributable to leaching from soils into groundwater and from atmospheric deposition. There is currently no MCL established for lead. Lead was not detected above the PHG in the City's water supply and distribution system. However, it was detected locally at certain water faucets due to old plumbing in the premises.

**(3) Total Coliform**

- Coliform are bacteria that occur naturally in the environment and serve as an indicator for other potentially harmful bacteria. They can occur in drinking water systems if not fully removed through treatment of a contaminated water source. They can also enter through a break in the distribution system pipeline, or if regrowth occurs in the distribution system. The City had a positive test on January 14<sup>th</sup>, 2020, for both E Coli and Total Coliform. However, based on the number of samples collected during the three-year period and the fact that the positive sample had repeat negative samples, the City did not exceed either a Level 1 or 2 treatment trigger. Therefore, no additional assessments were needed.

The City's drinking water quality for the three contaminants categories discussed above meets all primary drinking water standards established by the State Water Resources Control Board Division of Drinking Water and the USEPA to protect public health, therefore, no additional treatment is proposed at this time. Additional treatment could be implemented at the City's groundwater wells and the John Jones Water Treatment Plant (JJWTP) to reduce the levels of certain contaminants, like Arsenic, below the respective PHGs, however, this requires significant capital improvements and annual additional operational costs exceeding \$130 million. The copper and lead safe levels may generally be achieved by optimizing corrosion control in the water system.

The City's water supplies and distribution system does not have copper and lead contaminants. However, such contaminants are detected at tap level due to old plumbing and fixtures. Total coliform levels can be partially achieved by treating well

water with both chlorine and ammonia which the City is currently doing at four of its eight wells. The City is already proceeding ahead with ammonia treatment projects at the remaining four wells. The City had only one positive sample in three years with repetitive negative samples. With continued effective maintenance and monitoring of the system, the drinking water will remain at safe standards.

With regards to Arsenic, it is uncertain whether implementation of any action would reduce the contaminant concentrations that are already currently below Federal and State primary drinking water standards.

In summary, the City's water supply system is safe and meets all state and federal drinking water requirements. The City will continue to maintain its groundwater wells, the JJWTP, and the distribution system in good operational condition and make appropriate improvements to monitor water quality throughout its potable water system in order to determine whether any operational changes are warranted to continue to maintain high water quality.

#### FISCAL IMPACT

The costs associated with the preparation of this report have been absorbed in the Utilities Water Operations budget and no other fiscal impact is anticipated as no actions are recommended.

#### STRATEGIC PLAN

This agenda item is related to the City Council's Strategic Priority for Public Safety. The Utilities Department helps to promote public safety through the prevention of contaminants to the City's water distribution system by high-quality assurance and care in order to help to meet this goal.

#### RECOMMENDATION

That City Council conducts a public hearing and upon its conclusion adopt a resolution accepting the 2022 Public Health Goals Triennial Report.

Prepared by: Stephanie Reyna-Hiestand, Water Resources and Compliance Manager  
Kul Sharma, Director of Utilities

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

Approved by: Michael Rogers, City Manager

#### ATTACHMENTS

Attachment A – 2022 Public Health Goals Report  
Attachment B – 2021 Consumer Confidence Report  
Attachment C - Powerpoint Presentation PHG Report



# 2019 to 2021 Water Quality Relative to Public Health Goals

PREPARED FOR

City of Tracy



PREPARED BY



# 2019 to 2021 Water Quality Relative to Public Health Goals

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Prepared for

## City of Tracy

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Project Manager: Craig Thompson, P.E.

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Date

  
QA/QC Review: Elizabeth Drayer, P.E.

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Date

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## LIST OF ACRONYMS AND ABBREVIATIONS

µg/L	Micrograms per Liter
ACWA	Association of California Water Agencies
ASR	Aquifer Storage and Recovery
BAT	Best Available Technology
BCI	Building Cost Index
CCR	California Code of Regulations
City	City of Tracy
DDW	Division of Drinking Water
DRL	Detection Limit for Purposes of Reporting
ENR	Engineering News Record
GAC	Granular Activated Carbon
JJWTP	John Jones Water Treatment Plant
MCL	Maximum Contaminant Level
MCLG	Maximum Contaminant Level Goal
mg/L	Milligrams per Liter
mgd	Million Gallons per day
MRDL	Maximum Residual Disinfectant Level
OEHHA	California Office of Environmental Health Hazard Assessment
pCi/L	Picocuries per Liter
PHG	Public Health Goal
rTCR	Revised Total Coliform Rule
SCWSP	South County Water Supply Program
SOCs	Synthetic Organic Chemicals
SSJID	South San Joaquin Irrigation District
SWRCB	State Water Resources Control Board
USEPA	United States Environmental Protection Agency
UV	Ultraviolet

## 1.0 BACKGROUND

The California Health and Safety Code (Section 116470) requires public water systems serving more than 10,000 service connections to prepare a brief written report every three years if the concentrations of any contaminants exceeded Public Health Goals (PHGs) during the three years preceding preparation of the report. The report evaluates exceedances of PHGs, or Maximum Contaminant Level Goals (MCLGs) if PHGs have not been published, and has been prepared in accordance the Association of California Water Agencies' (ACWA's) "Suggested Guidelines for Preparation of Required Reports on Public Health Goals (PHGs) to satisfy requirements of California Health and Safety Code Section 116470(b)" dated April 2019. In accordance with ACWA's guidance, the PHG Report only includes constituents that are required to be reported (i.e., those constituents that have both a Maximum Contaminant Level (MCL) and either a PHG or MCLG).

PHGs are non-enforceable goals published by the California Office of Environmental Health Hazard Assessment (OEHHA) for many contaminants. Only public health risks are considered when setting PHGs; analytical detection limits, availability of treatment technologies, and costs are not considered. MCLGs are similar non-enforceable goals published by the United States Environmental Protection Agency (USEPA).

The City of Tracy (City) currently has over 26,000 service connections and is therefore required to prepare this report. The report specifically accomplishes the following:

- Identifies each contaminant detected in drinking water at a level that exceeds the PHG, or MCLG if no PHG has been identified, for contaminants that have an MCL
- Discloses the numerical public health risk associated with the MCL and PHG (or MCLG) for each detected contaminant
- Identifies the category of risk to public health associated with each detected contaminant
- Describes the Best Available Technology (BAT), if available, to remove the contaminant
- Estimates the aggregate cost and cost per customer of utilizing the BAT to reduce the concentration of each contaminant to a concentration at or below the PHG or MCLG

Additional information on the City's potable water system, the methodology and results of the evaluation of drinking water quality data from 2019 through 2021, and recommended further action are discussed in the following sections:

- Description of Potable Water System
- Methodology
- Constituents Detected Above PHGs or MCLGs
- Recommended Further Action



## 2.0 DESCRIPTION OF POTABLE WATER SYSTEM

The City’s potable water system currently has 26,087 active and 216 inactive service connections based on City-provided information. The City’s system relies on the following sources:

- Surface water from the Stanislaus River treated and supplied by South San Joaquin Irrigation District (SSJID)
- Surface water from the Delta Mendota Canal treated at the City’s John Jones Water Treatment Plant (JJWTP)
- Groundwater from eight production wells operated by the City, seven of which are currently active

Table 1 summarizes the annual water production volumes from each water supply source for 2019 through 2021.

<b>Table 1. Potable Water Production Volumes</b>				
Source	Annual Water Production, million gallons			Average Annual Production (2019-2021), million gallons
	2019	2020	2021	
<b>Surface Water</b>				
SSJID	2,851	3,836	4,032	3,573
JJWTP	2,697	2,142	1,560	2,133
<b>Groundwater</b>				
Lincoln Well	69	97	143	103
Well 1	6	79	93	59
Well 2	15	14	72	34
Well 3	19	17	107	48
Well 4	8	11	127	49
Well 5 (Lewis Manor Well)	0	0	0	0
Well 6 (Park and Ride Well)	39	72	218	110
Well 7 (Ball Park Well)	54	94	178	109
Well 8 <sup>(a)</sup>	0	1	0	0
<b>Total Groundwater Production</b>	<b>210</b>	<b>385</b>	<b>938</b>	<b>511</b>
<b>Total Supply</b>	<b>5,758</b>	<b>6,363</b>	<b>6,530</b>	<b>6,217</b>
(a) Well 8 is an Aquifer Storage and Recovery (ASR) well and is not considered by the City to be a groundwater production well.				

## 2019 to 2021 Water Quality Relative to Public Health Goals

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As shown in Table 1, from 2019 through 2021 the City received about 50 to 60 percent of its potable water from SSJID. This treated surface water supply is provided by the South County Water Supply Program which is a partnership of SSJID and the cities of Tracy, Manteca, Lathrop, and Escalon. The City has an allocation of 17 million gallons per day (mgd) of treatment capacity in the Nick C. DeGroot Water Treatment Plant located near Woodward Reservoir in Stanislaus County and an allocation of 11,120 acre-feet, or 3,623 million gallons, per year of water supply. It should be noted that the City also has a temporary contract with Escalon to purchase Escalon's allocation of 2,015 acre-feet per year of South County Water Supply Program (SCWSP) supply until Escalon constructs the necessary infrastructure to convey the SCWSP water; this contract is anticipated to sunset in 2025. With that temporary contract, the City's allocation from SSJID is currently 13,135 acre-feet, or 4,280 million gallons, per year.

At the JJWTP, raw surface water from the Delta Mendota Canal is treated by coagulation, flocculation, sedimentation, granular activated carbon filtration, and ultraviolet (UV) disinfection. Chlorine and ammonia are added for disinfection. The JJWTP has a treatment capacity of 30 mgd. From 2019 through 2021, the JJWTP supplied between 24 and 47 percent of the City's potable water.

The City currently operates eight groundwater production wells, including Wells 1 through 4 located at the City's JJWTP and four other wells (Lincoln Well, Lewis Manor Well [Well 5], Park and Ride Well [Well 6], and Ball Park Well [Well 7]) located throughout the City. Well 8 is used for the City's ASR Program but can be used as an extraction well when needed. From 2019 through 2021, the City's groundwater wells comprised the smallest fraction of the City's water supply, accounting for less than 10 percent of the City's total supply.



## 3.0 METHODOLOGY

Guidance for preparation of PHG reports has not been published by the State Water Resources Control Board (SWRCB) Division of Drinking Water (DDW). Therefore, suggested guidelines published by the Association of California Water Agencies (ACWA) in 2019, referred to as ACWA Guidelines herein, were used in the preparation of this PHG report.

The following sections provide more detailed discussion of the data and methodology used to prepare this report:

- Water Quality Data and Analysis
- Assessment of Public Health Risk
- Estimation of Treatment Cost

### 3.1.1 Water Quality Data and Analysis

Available water quality monitoring data collected in 2019 through 2021 for the following locations was used to determine whether any of the City's water supplies exceeded applicable PHGs or MCLGs:

- Treated surface water from SSJID at the water treatment plant (2019 – 2021)
- Treated surface water from the City's JJWTP sampled after disinfection (2019 – 2021)
- Groundwater from each well after disinfection (2019 – 2021)
- Copper and lead monitoring at water service taps throughout the distribution system (2018)
- Monthly total coliform and *Escherichia coli* (E. coli) monitoring at water service taps throughout the City's water distribution system (2019 – 2021)

Based on the ACWA Guidelines, non-detect data or results reported below the Detection Limit for Purposes of Reporting (DLR) established in California Code of Regulations (CCR) Title 22 Chapter 15 Section 64400.34 were generally set to a value of zero for inorganic, organic, and radioactive contaminants. The only exception to this practice was gross alpha particle activity, for which half of the DLR was used.

For inorganic, organic, and radioactive contaminants, average concentrations in water from each of the sources were calculated and compared to the applicable PHG or MCLG. For copper and lead, 90<sup>th</sup> percentile concentrations were calculated based on data collected at water service taps throughout the distribution system and compared to thresholds as specified in the ACWA Guidelines. For microbiological contaminants, the total number of samples in which each microbiological contaminant was detected was determined for the 36-month period from January 2019 through December 2021.

A few constituents, for which MCLs and PHGs or MCLGs have been established, were not analyzed for all water supplies as part of this report because water quality data was not available for some or all water supplies as discussed below:

- **Asbestos:** The City is required to monitor asbestos at sites throughout the distribution system once every nine years. Data was not available for the 2019-2021 period.





- **Synthetic Organic Chemicals (SOCs):** The City is required to monitor SOC's once every nine years. While atrazine, dibromochloropropane, ethylene dibromide, and simazine were monitored in the City's wells and the JJWTP in 2019 through 2021, alachlor was not monitored during the 2019-2021 period. Alachlor, atrazine, simazine, dibromochloropropane, and ethylene dibromide were monitored once and not detected in treated water provided by SSJID in the 2019-2021 period.
- **Gross Alpha Particle Activity:** The City is required to monitor gross alpha particle activity once every nine years. Only the Lincoln Well and treated water from the JJWTP were monitored in the 2019-2021 period.
- **Radium, Radon, and Uranium:** In accordance with CCR Title 22 Chapter 15 Section 64442, the City does not monitor radium-226, radium-228, radon, and uranium because the gross alpha particle activity of its water sources is consistently below 5 picocuries per liter (pCi/L).
- **Gross Beta Particle Activity, Strontium-90, and Tritium:** The City is not required to monitor gross beta particle activity, strontium-90, and tritium. Compliance for radioactive contaminants is assessed only based on gross alpha particle activity per the 2019 -2021 Inspection of the City of Tracy Domestic Water System Report.

### 3.1.2 Assessment of Public Health Risk

The category of risk to public health associated with contaminants that exceeded the applicable PHG or MCLG was determined using *Health Risk Information for Public Health Goal Exceedance Reports* published by OEHHA in February 2022. The numerical health risk associated with the MCL and PHG or MCLG were also determined based on this document.

### 3.1.3 Estimation of Treatment Cost

The BAT for removal of contaminants that exceeded the applicable PHG or MCLG was selected based on CCR Title 22 Article 12 Sections 64447 through 64447.4. The BATs presented in the CCR are specifically aimed to reduce the concentrations of contaminants to below the applicable MCLs. It is unknown if these BATs would be able to reduce concentrations of contaminants to below the applicable PHGs or MCLGs.

Based on these BAT selections, preliminary cost estimates for treatment of water sources found to exceed the applicable PHG or MCLG were prepared. The cost estimates include annualized capital and operations and maintenance costs. Cost estimates were based on unit costs presented in the ACWA Guidelines and the water production capacity for each facility. The unit costs are based on a survey conducted by ACWA in 2012 and other references compiled by ACWA. The unit costs in the ACWA Guidelines are in 2022 dollars, adjusted from 2012 dollars using the annual average values of the Building Cost Index (BCI) published by Engineering News Record (ENR).

The cost estimates are preliminary in nature, and the cost of multiple treatment technologies are presented to reflect a range of potential costs, where possible. The feasibility of removal of contaminants has not been evaluated specifically for the City's water supplies, accounting for factors such as the availability of space at well sites and water treatment plants and the ability of selected technologies to achieve concentrations at or below the PHG or MCLG for the specific contaminant. Thus, costs could be significantly higher or lower than the estimates presented.



## 4.0 CONSTITUENTS DETECTED ABOVE PHGS OR MCLGS

This section discusses any contaminants detected above the applicable PHG or MCLG, for which there is an MCL, including observed concentrations, health risks, contaminant sources, and treatment options and costs. The contaminants detected above the PHG or MCLG in one or more of the City’s drinking water supplies in the period from 2019 to 2021 include the following:

- Arsenic
- Copper and Lead
- Total Coliform

Each of these contaminants is described further below.

### 4.1 Arsenic

#### 4.1.1 Comparison to PHG/MCLG

A PHG of 0.004 micrograms per liter (µg/L) and an MCL of 10 µg/L have been established for arsenic. Arsenic was detected at two to three orders of magnitude above the PHG in each of the City’s groundwater wells, as shown in Table 2. However, arsenic concentrations in each of the City’s wells were below the MCL.

Water Supply	Average Arsenic Concentration (2019-2021), µg/L
Groundwater	
Well 1	ND
Well 2	ND
Well 3	ND
Well 4	1.0
Well 5 (Lewis Manor Well)	5.2
Well 6 (Park and Ride Well)	2.4
Well 7 (Ball Park Well)	1.1
Well 8	1.6
Lincoln Well	1.8
ND = Not Detected	

#### 4.1.2 Public Health Risk

Arsenic ingestion can result in irritation of the digestive tract, nausea, vomiting, and diarrhea (OEHHA, 2004). Ingestion of large doses of arsenic may be lethal, and prolonged exposure to lower levels can cause a variety of health impacts (OEHHA, 2004). Exposure to arsenic can also cause decreased production of red and white blood cells, abnormal cardiac function, and blood vessel damage, as well as liver and/or kidney damage and impaired nerve function in the hands and feet (OEHHA, 2004). Arsenic has also been



linked to occurrence of skin abnormalities that may progress to skin cancer and increased cancer risk, especially in the lungs, urinary bladder, kidneys, and liver (OEHHA, 2004).

OEHHA quantified arsenic health risks due to lifetime exposure as a cancer risk of one per million at the PHG and 2.5 per thousand at the MCL (OEHHA, 2019).

**4.1.3 Contaminant Sources**

Arsenic is a naturally occurring element in the earth’s crust and is spread throughout the natural environment. In Tracy, arsenic concentrations in drinking water result from natural mineral deposits containing arsenic. Other potential sources of arsenic contamination of water supplies (but not likely applicable to Tracy) include: waste chemical disposal; improper application or accidental spills of pesticides, mainly herbicides and wood preservatives; and burning of fossil fuels.

**4.1.4 Treatment Costs**

CCR Title 22 Section 64447.2 indicates that BATs for arsenic removal include the following:

- Activated alumina
- Coagulation/filtration
- Ion exchange
- Lime softening
- Reverse osmosis
- Electrodialysis
- Oxidation/filtration
- Oxidation/coagulation/filtration

Estimated costs were evaluated for coagulation/filtration, ion exchange, and reverse osmosis. Unit costs, including annualized capital and O&M costs, were estimated to be \$0.53, \$2.85, and \$9.54 per 1,000 gallons for coagulation/filtration, ion exchange, and reverse osmosis (ACWA, 2019), respectively. Resulting annual treatment costs for the City’s wells (based on production capacity) are summarized in Table 3. Costs per service connection are also shown in Table 3.

<b>Table 3. Estimated Costs for Arsenic Treatment</b>			
<b>Parameter</b>	<b>Annual Treatment Cost, \$/year</b>		
	<b>Coagulation/Filtration</b>	<b>Ion Exchange</b>	<b>Reverse Osmosis</b>
Wells 1-8 and Lincoln Well Total <sup>(a)</sup> (\$/year)	\$5,470,000	\$29,370,000	\$98,180,000
Total per Service Connection (\$/year)	\$210	\$1,126	\$3,764

(a) Based on production capacity for each well, which ranges between 2.2 and 3.6 mgd.



## 4.2 Copper and Lead

### 4.2.1 Comparison to PHG/MCLG

A PHG of 0.3 milligrams per liter (mg/L) has been established for copper. No MCL has been established, but the 90<sup>th</sup> percentile concentration of all samples from water service taps in the distribution system cannot exceed an action level of 1.3 mg/L according to CCR Title 22 Section 64678. Copper was not detected above the PHG in any of the City's water supplies. However, tap monitoring in 2021 showed a 90<sup>th</sup> percentile concentration of 420 µg/L (0.42 mg/L) based on 36 samples. Based on the ACWA Guidelines, because the 90<sup>th</sup> percentile concentration exceeds 300 µg/L (0.3 mg/L), the PHG for copper was exceeded. Nevertheless, copper concentrations throughout the distribution system were consistently below the action level.

A PHG of 0.2 µg/L has been established for lead. No MCL has been published, but the 90<sup>th</sup> percentile concentration of all samples from water service taps in the distribution system cannot exceed an action level of 15 µg/L according to CCR Title 22 Section 64678. Based on 36 water service tap samples collected in 2021, the 90<sup>th</sup> percentile lead concentration was 1.66 µg/L. According to the ACWA Guidelines, the PHG for lead was not exceeded because the 90<sup>th</sup> percentile concentration was below the State DLR of 5 µg/L and the lead concentrations in water supplies and throughout the distribution system were consistently below the action level. Based on 113 samples taken within the Tracy Joint Unified School District, Jefferson School District, New Jerusalem School District, private schools, and preschools the 90<sup>th</sup> percentile lead concentration was 28.7 µg/L. One of the two schools that had lead concentrations greater than the lead action level of 15 µg/L has been torn down and rebuilt and the other school replaced the two drinking faucets that had lead levels greater than 0.015 mg/L.

### 4.2.2 Public Health Risk

While copper is an essential nutrient, excessive ingestion of copper is associated with digestive system toxicity, leading to nausea, vomiting, and diarrhea (OEHHA, 2019). Abdominal cramps, dizziness, headaches, and liver and kidney damage are also associated with exposure to elevated copper concentrations (OEHHA, 2008). OEHHA has not quantified the numerical health risk for copper (OEHHA, 2019).

Exposure to elevated lead concentrations is associated with development neurotoxicity, causing neurobehavioral effects and slowing development in children (OEHHA, 2019). Lead is also associated with cardiovascular toxicity, causing high blood pressure, and is a known carcinogen in animals and a probable carcinogen in humans (OEHHA, 2019). Ingestion of lead is also linked to negative impacts on kidneys (OEHHA, 2009). The cancer risk associated with lead is less than one per million at the PHG of 0.2 µg/L and two per million at the action level of 15 µg/L (OEHHA, 2019).

### 4.2.3 Contaminant Sources

The presence of copper pipes in drinking water distribution systems can contribute to copper levels in drinking water measured at household taps depending on the alkalinity and hardness of the drinking water (OEHHA, 2008). In Tracy, copper in the drinking water is primarily from copper household water service pipelines and household plumbing. Copper is present in many naturally occurring minerals and is widely used in industrial and household products. Copper is present in the air due to natural sources, including wind-blown dust, volcanic activity, and spray from ocean waves, and due to human activities, such as mining, refining, smelting, and incineration of metals and burning of fuel at power plants. Copper



in the air can be deposited to land or water. Copper is also introduced in soil by discharge of treated wastewater, mining, agriculture, and other industries. This copper can leach into groundwater or run off to surface waters, which may serve as drinking water sources. As noted above, the copper level in the Tracy water supplies are well below the PHG, and these sources are unlikely to be the source of copper in the drinking water in Tracy.

Lead “pigtail” or “gooseneck” connections, service lines in the distribution system plumbing, and solder used to join pipes in residences can contribute to lead levels in drinking water if appropriate corrosion control measures are not used (OEHHA, 2009). In Tracy, lead in the drinking water is primarily from household plumbing. Lead is released into the air by smelters and refineries and when particles of lead-contaminated soil become airborne. Soil can become contaminated by lead due to deposition of atmospheric particles, lead paint, and disposal of lead storage batteries. Lead in drinking water sources comes from deposition of atmospheric particles and leaching from soils.

### 4.2.4 Treatment Costs

CCR Title 22 Chapter 17.5 Section 64670 indicates that reduction of copper and lead levels is generally achieved by optimizing corrosion control. The City’s potable water system complies with the Lead and Copper Rule set out in CCR Section 64670 and has a history of consistent compliance with action levels for copper and lead.

The City conducts reduced tap monitoring for copper and lead once every three years at no less than 30 sites in accordance with CCR Section 64675, Table 64675-A. The City monitors parameters related to corrosion, including pH and water temperature, throughout the distribution system weekly. The City also monitors other corrosion-related parameters, including pH, specific conductance, hardness, alkalinity, and TDS, at entry points to the distribution system annually. The City will take action if necessary to ensure adequate corrosion control based on observed condition.

No corrosion control chemicals are added to the water from the groundwater wells, at SSJID’s WTP, or where SSJID’s water is delivered to the City. To further reduce copper concentrations at water service taps to below the PHG, the City could install corrosion control chemical addition systems at each of the well sites. However, the City’s current practices are protective of public health, demonstrating lead and copper concentrations below their respective action levels throughout the distribution system. Therefore, additional corrosion control measures are not recommended as they would require addition of more chemicals and could cause other water quality issues. No cost estimate has been prepared for chemical addition to improve corrosion control.

## 4.3 Total Coliform

### 4.3.1 Comparison to PHG/MCLG

An MCLG of 0 percent and an MCL of 5 percent of distribution system samples positive for total coliform have been established. Based on the City’s current population, the City collects at least 92 samples throughout the distribution system each month. In 2019 through 2021, a total of seven samples were positive for total coliform but all repeat samples were negative. The highest monthly percent of samples that were positive for total coliform during these three years was 1.7 percent. The total *coliform* MCLG of 0 percent was exceeded during six of the 36 months but the City consistently complied with the MCL.



The federal Revised Total Coliform Rule (rTCR) became effective on April 1, 2016. The California rTCR became effective in California on July 1, 2021. The California rTCR that became effective on July 1, 2021 and the rTCR that was published in the Federal Register on February 13, 2013 indicates that the City would exceed a Level 1 treatment technique trigger if more than 5 percent of samples are total coliform-positive in a given month or if the City fails to take all required repeat samples after any single total coliform-positive sample. If the City exceeds a Level 1 treatment technique trigger, it would need to conduct a Level 1 assessment. The assessment would need to review inadequacies in sample sites, sampling protocol, and sample processing; unusual events that could affect water quality; changes in distribution system maintenance and operation that could affect water quality; source and treatment considerations that affect water quality; and existing water quality monitoring data. The assessment also must identify any sanitary defects detected, corrective actions completed, and a schedule for any additional proposed correction actions.

The rTCR indicates that the City would exceed a Level 2 treatment technique trigger if it violates the *E. coli* MCL<sup>1</sup> or the water system has two Level 1 treatment technique triggers within a rolling 12-month period unless the SWRCB DDW has determined a likely reason that the samples that caused the first Level 1 treatment technique trigger were total coliform-positive and has established that the water system corrected the problem. If the City exceeds a Level 2 treatment trigger, the City would need to arrange that the SWRCB DDW completes a Level 2 assessment, which reviews the same elements as a Level 1 assessment. The public water system must submit this assessment and a document identifying any sanitary defects detected, corrective actions completed, and a schedule for any proposed corrective actions.

The water sample collected at 4089 English Oak on January 14th, 2020 was positive (“P”) for both *E. coli* and *Total coliform*. Based on the number of total coliform-positive samples collected in 2019 through 2021 and the fact that the City only had one *E. coli*-positive sample and that the follow up sample was negative, the City did not exceed either a Level 1 or Level 2 treatment technique trigger in 2019 through 2021 and no assessments have been needed.

### 4.3.2 Public Health Risk

Coliforms are bacteria that occur naturally in the environment and serve as an indicator for other, potentially harmful bacteria. The numerical health risk associated with coliforms has not been quantified because coliforms are an indicator of pathogens but are not typically pathogenic.

### 4.3.3 Contaminant Sources

Coliform bacteria are present in the environment and can occur in water distribution systems if they are not removed by treatment of a contaminated water source, if they enter through breaks in the distribution system, or if regrowth occurs in the distribution system.

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<sup>1</sup> An *E. coli* MCL violation occurs if routine and repeat samples are total coliform-positive and either is *E. coli*-positive; the City fails to take repeat samples following an *E. coli*-positive routine sample; or the City fails to analyze a total coliform-positive repeat sample for *E. coli*.

### 4.3.4 Treatment Costs

CCR Title 22 Section 64447 indicates that the BAT for achieving compliance with the total coliform MCL includes:

- Placement and construction of wells to protect from coliform contamination
- Maintenance of disinfection residual throughout the distribution system
- Proper maintenance of the distribution system
- Filtration and/or disinfection of water sources

At the City's JJWTP, surface water is treated using a combination of coagulation, flocculation, sedimentation, granular activated carbon (GAC) media filtration, and UV light and free chlorine disinfection; a chloramine residual is established by addition of both chlorine and ammonia as the final disinfectant. Chlorine is added for disinfection at each groundwater well. Surface water at the SSJID WTP is treated using ultrafiltration and chlorine disinfection. Ammonia for chloramine formation can be added at the Mossdale Pump Station, which delivers water from SSJID to the City's distribution network. If the chlorine needs to be boosted, it can be added at either the Linne Reservoir or the Northeast Industrial Reservoir. The City monitors total chlorine or chloramine residual weekly at all sites at which microbiological samples are collected and maintains its distribution system through routine flushing for example.

The City's system exceeded the MCLG of 0 percent for Total *coliform* bacteria in seven water samples during 2019 through 2021. Since the City has a combined chlorine (mono-chloramine) concentration goal that is lower than the maximum residual disinfectant level (MRDL) for mono-chloramine (4.0 mg/L "as Cl<sub>2</sub>") the City's treated water should have a chloramine concentration below the MRDL. The City's combined chlorine concentration goal is at least 1.8 mg/L and is typically between 1.0 and 2.5 mg/L. The free chlorine concentration in treated water received from SSJID's WTP is 1.0 mg/L or less, so the combined chlorine concentration will be 1.0 mg/L or lower after ammonia is added to convert the free chlorine to mono-chloramine. Several of the City's wells currently add chlorine as a disinfectant. When the chlorinated well water mixes with the City's chloraminated surface water, the free chlorine in the well water can oxidize the mono-chloramine to di-chloramine, tri-chloramine, or complete oxidation that converts the ammonia to nitrogen gas. Depending on the chlorine and chloramine concentration in the well water and treated surface water and the blending ratio, the chlorine and mono-chloramine can react to consume both the chlorine and chloramine resulting in an inadequate chloramine or mono-chloramine residual in the treated water. The City has an on-going project to modify its wells to enable adding both chlorine and ammonia to the wells' water to provide a chloramine residual in the wells' water. This improvement to the wells' disinfectant should minimize vulnerability of the wells' water and treated surface water reacting to consume the disinfectant needed to control microorganisms in the distribution system.

The City could increase the disinfectant residual to decrease the possibility of exceeding the MCLG, but higher disinfectant residuals may increase the rate at which regulated disinfection byproducts are formed. This could increase cancer risk through chronic exposure. Higher free chlorine disinfectant residuals can also increase taste and odor complaints and related issues. The City uses chloramines as a disinfectant to reduce disinfection byproduct formation, and it must balance the need to meet both regulatory and aesthetic requirements and to minimize both coliform detection and formation of disinfection byproducts. Because the City's potable water system continuously complies with the total *coliform* MCL, no further action is recommended to reduce total coliforms in the distribution system.



## **5.0 RECOMMENDATION FOR FURTHER ACTION**

The City's drinking water quality for the contaminants discussed in this PHG Report meets all drinking water standards established by the SWRCB and USEPA to protect public health. Additional treatment would need to be implemented at the City's wells and the JJWTP to reduce the levels of contaminants identified in this Report to concentrations below the respective PHGs or MCLGs. However, additional treatment could increase operating costs, and it is uncertain whether additional treatment would further reduce the contaminant concentrations that are currently below the applicable MCLs to achieve levels below the applicable PHGs or MCLGs.

Public health protection benefits that might be increased from additional treatment are unclear. Therefore, no additional treatment is proposed at this time. Instead, the City should continue to maintain its wells, the JJWTP, and distribution system in good operational conditions and to monitor water quality throughout its potable water system to determine whether any operational changes are warranted to maintain high water quality.





## **6.0 REFERENCES**

Association of California Water Agencies. *Suggested Guidelines for Preparation of Required Reports on Public Health Goals (PHGs) to satisfy requirements of California Health and Safety Code Section 116470(b)*. April 2019.

Office of Environmental Health Hazard Assessment. *Public Health Goal for Arsenic in Drinking Water*. April 2004.

Office of Environmental Health Hazard Assessment. *Public Health Goal for Copper in Drinking Water*. February 2008.

Office of Environmental Health Hazard Assessment. *Public Health Goal for Lead in Drinking Water*. April 2009.

Office of Environmental Health Hazard Assessment. *Public Health Goals: Health Risk Information for Public Health Goal Exceedance Reports*. February 2022.

## Conservation



**Everyone's Responsibility!** On average, the Sierra snowpack supplies about 50 percent of California's water needs as it melts in the spring and early summer to meet higher water demands in the summer and fall. The City of Tracy depends on this snowmelt to fill the reservoir that supplies its water. Unfortunately, a very dry winter with a less than average snowpack means the rivers, lakes and streams will not receive the water they need to remain at or above ideal conditions. What does this mean for you?

**Make Conservation a Way Of Life.** New laws require that all water suppliers, like the City of Tracy, must reduce their daily water consumption for all users. This includes indoor and outdoor water uses, as well as commercial, industrial and institutional water uses. In order to meet the ever-increasing mandates by the State, the City of Tracy enacts Water Stages for conservation measures. Currently, the City is in Stage 3 of its Water Conservation Ordinance. This limits outdoor water use, such as irrigating your landscape, to the hours of 7:00 p.m. to 9:00 a.m., three days per week depending on your odd or even address. It also prohibits using water from your hose to wash off driveways, patios and other hardscapes.

**Water You Doing to Conserve?** What are you able to do to help? Some simple indoor measures include: taking shorter showers, turning water off while sham-pooing, washing full loads of laundry, never using the toilet as a trash receptacle, repairing drips and leaking faucets quickly, and always turning off water while brushing teeth. Businesses might also consider changing out high water consuming appliances and toilets to more efficient models. The biggest use of water by homeowners and businesses is out-door activities. Mandatory outdoor water conservation measures include: using a triggered handheld sprayer and bucket when washing your own car; and turning off non-recirculating fountains and ornamental water features. Some simple voluntary measures are: turning off irrigation timers in the winter months; never water landscaping on a windy day; and do not water for longer than eight minutes per cycle.

For more information on drought conditions visit <https://water.ca.gov/Water-Basics/Drought>. Also, you may report any water waste by calling (209)831-6333 or online at [www.cityoftracy.org](http://www.cityoftracy.org). Your continued efforts will assist the City in attaining its water conservation goals!

## 2021 Consumer Confidence Report

A publication of the City of Tracy

Utilities Department



"Think Inside the Triangle"

## City of Tracy

# 2021 Consumer Confidence Report



The City of Tracy is pleased to report that from January 1 - December 31, 2021, the water delivered to your home or business complied with, or exceeded, all state and federal drinking water requirements! Within this brochure is a table that lists detectable and non-detectable substances found in the City's drinking water, and the maximum allowable substance levels set by United States Environmental Protection Agency (USEPA).

In California, drinking water standards, also called Maximum Contaminant Levels (MCLs), are set in two categories: Primary Standards related to public health, and Secondary Standards which relate to the aesthetic qualities such as taste, odor, and color. Within you will find a complete listing of both types of standards along with the results of the analysis of your water supply.

Este informe contiene información muy importante sobre su agua potable. Tradúzcalo ó hable con alguien que lo entienda bien.

## Information

### Where Does Your Water Come From?

Sources of the City of Tracy's water supply include the Stanislaus River, the Delta-Mendota Canal, and groundwater pumped from wells. In 2021, 64% of the water supply, or 4.2 billion gallons, came from the Stanislaus River. Water from the Delta-Mendota Canal comprised 34% of the total water supply, or 1.6 billion gallons. The groundwater supply comprised 14%, or 0.93 billion gallons. During 2022, the City anticipates having an adequate water supply for the community.

### More About Stanislaus River Water

The City of Tracy is committed to providing a safe, reliable and affordable water supply to meet the needs of the community today and in the future. The City has participated with the cities of Manteca, Lathrop, Escalon, and the South San Joaquin Irrigation District to bring high quality Sierra water from the Stanislaus River. This water source has increased the reliability of City water supplies by having a third source of supply and redundancy in treatment facilities. Delivery of this water comprises the majority of water consumed in the City and is the only supply source used during the winter months. The Stanislaus River water supply is very soft water and has significantly reduced the minerals in the City's water supply. You may no longer need to use a water softener; however, if you do, the recommended setting is two grains per gallon.

### Water Quality Control

Before the water reaches your property, samples are collected and tested in State-certified laboratories. The City of Tracy has a water quality monitoring program and inspection system that ensures safe drinking water is delivered to you and your family.

As required by the Federal Safe Drinking Water Act, the City's water supplies must meet stringent water quality standards set by the State Water Resource Control Board Division of Drinking Water and the United States Environmental Protection Agency. The City of Tracy completed a watershed sanitary survey of its drinking water sources in 2021. This survey can be obtained by contacting the Water Operations Superintendent at the number provided below.

Water customers who are landlords receiving this report are asked to share this information with any tenant or user on the premises. The City of Tracy staff is available to answer your questions and provide further information by calling: (209) 831-6302.

### Water Source Assessment

An assessment of the drinking water sources for the City of Tracy's water system was completed in January 2021. The sources are considered most vulnerable to the following activities: airports (maintenance and fueling areas), gas stations (historic and current), mining activities (historic and current), septic and waste landfill dumps (historic and current). You may request a copy of the assessment by contacting the Water Operations Superintendent, Lea Emmons, by calling (209) 831-6302.

The native groundwater under Tracy contains boron, a naturally occurring, non-carcinogenic, unregulated contaminant. Six of the City's wells contain elevated levels of boron. Although well water comprises only a small portion of the City's total water supply, well water does contain boron. Some pregnant women who drink water containing boron may have an increased risk of developmental effects in their baby, based on studies.

### Cross Connection Protection

Backflow prevention assemblies are designed to allow water to flow into your home or office from the public water system but not allow water to flow in the reverse direction, creating effective cross connection protection. Reverse flow can carry untreated pollutants and contaminants back to the public water system, compromising the water quality for all customers. Backflow prevention assemblies are required to be tested annually to ensure they are effectively protecting the public water system. If your residence has an active well on the premises or your business has fire sprinklers and/or landscaping, you should have a backflow prevention assembly. For questions regarding annual testing requirements, please call Gabriel Duong, Utilities Laboratory Superintendent, at (209) 831-6325.



## Disinfection Practices

The City effectively disinfects the drinking water using three processes: ultraviolet (UV) light, chlorine, and chloramines.

**Chloramines:** Chloramines are used late spring, summer, and early fall, depending on the temperature of the water. When the water temperature rises the chlorine residual can degrade quickly and form Trihalomethanes, as seen in the table. Chloramine is a compound formed by adding ammonia to chlorine. This compound is a more stable disinfectant that does not degrade as quickly as chlorine alone. Also, chloramines do not react as quickly with the organics in the water and form Trihalomethanes. **However, chloramines must be removed for kidney dialysis treatment and may require recalibration of dialysis equipment. If you are receiving kidney dialysis treatment, please contact your doctor or dialysis technician.**

## Definitions

**RAL (Regulatory Action Level):** The concentration of a contaminant, which, if exceeded, triggers treatment or other requirements, which a water system must follow.

**MCL (Maximum Contaminant Level):** The highest level of a contaminant that is allowed in drinking water. Primary MCLs are set as close to the PHGs (or MCLGs) as is economically and technologically feasible.

**Secondary MCLs (SMCL):** Are set to protect the odor, taste, and appearance of drinking water.

**MCLG (Maximum Contaminant Level Goal):** The level of a contaminant in drinking water below, which there is no known or expected risk to health. MCLGs are set by the U.S. Environmental Protection Agency.

**PHG (Public Health Goal):** The level of a contaminant in drinking water below which there is no known or expected risk to health. PHGs are set by the California Environmental Protection Agency.

**PDWS (Primary Drinking Water Standard):** MCLs for contaminants that affect health along with their monitoring and reporting requirements, and water treatment requirements.

**TT (Treatment Technique):** A required process intended to reduce the level of a contaminant in drinking water.

**NA:** Not applicable.

**ND:** Not detected.

**NS:** No standard.

**NTU (Nephelometric Turbidity Units):** Measurement of the clarity, or turbidity, of water.

**ppb (Parts Per Billion):** One part per billion (or micrograms per liter).

**ppm (Parts Per Million):** One part per million (or milligrams per liter).

**pCi/L (Picocuries Per Liter):** A measure of the natural rate of radioactive disintegration.

**umhos/cm (Micromhos Per Centimeter):** A measure of electrical conductance.

## Sampling Results Showing Treatment of Surface Water Sources

**Treatment Technique:** A required process intended to reduce the level of a contaminant in drinking water (type of approved filtration technology used).

## Turbidity of the filtered water must:

1. Be less than or equal to 0.3 NTU in 95% of measurements in a month.
2. Not exceed 1 NTU for more than eight consecutive hours.
3. Not exceed 3 NTU at any time.

**Turbidity Performance Standards:** Turbidity (measured in NTU) is a measurement of the cloudiness of water and is a good indicator of water quality and filtration performance. Turbidity results, which meet performance standards, are considered to be in compliance with filtration requirements (that must be met through the water treatment process). Lowest monthly percentage of samples that met Turbidity Performance Standard No.1: 100%. Highest single turbidity measurement during 2021 was 0.725 NTU.

## Substances Expected To Be In The Drinking Water

The sources of drinking water (both tap and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or human activity. Contaminants that may be present in source water include:

- **Microbial Contaminants**, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife;
- **Inorganic Contaminants**, such as salts and metals, which can be naturally occurring or result from urban storm water runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming;
- **Pesticides and Herbicides**, which may come from a variety of sources such as agriculture, urban storm water runoff, and residential uses;
- **Organic Chemical Contaminants**, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and can, also come from gas stations, urban runoff and septic systems;
- **Radio Active Contaminants**, which can be naturally occurring or be the result of oil and gas production and mining activities.

In order to ensure that the water supplied to your property by the City is safe to drink, USEPA and the State Water Resource Control Board Division of Drinking Water prescribe regulations that limit the amount of certain contaminants in water provided by public water systems. State Water Resource Control Board Division of Drinking Water regulations also establish limits for contaminants in bottled water that must provide the same protection for public health. Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that the water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the USEPA's Safe Drinking Water Hotline (800) 426-4791.

## Safe Drinking Water Act

Under the Safe Drinking Water Act (SDWA), USEPA is responsible for setting national limits for hundreds of substances in drinking water and also specifies various treatments that water systems must use to remove these substances. Each system continually monitors for these substances and reports directly to the State Water Resource Control Board Division of Drinking Water if they were detected in the drinking water. USEPA uses this data to ensure that the consumers are receiving drinkable water and to verify that states are enforcing the laws that regulate drinking water.

This publication conforms to the regulation under the SDWA requiring water utilities to provide detailed water quality information to each of their customers annually. We are committed to providing you with this information about your water supply because customers who are well informed are our best allies in supporting improvements necessary to maintain the highest quality drinking water standards.

## Special Health Information

Some people may be more vulnerable to contaminants in drinking water than the general population. Immunocompromised persons, such as those with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune disorders, and some elderly and infants, can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. USEPA/CDC (Center for Disease Control) guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the Safe Drinking Water Hotline (800) 426-4791.

Sampling Results Showing The Detection Of Lead And Copper							
Lead and Copper (To be completed only if detection of lead or copper in the last sample set)	# of Samples Collected	Sample Date	90TH Percentile Level Detected	# Sites Exceeding RAL	RAL	MCLG	Typical Source of Contaminant
Lead (ppb)	36	2021	0.0083	0	0.015	0	Internal corrosion of household water plumbing systems; discharges from industrial manufacturers; erosion of natural deposits.
Copper (ppm)	36	2021	0.4	0	1.3	1.3	Internal corrosion of household water plumbing systems; erosion of natural deposits; leaching from wood preservatives.

## What's In My Water?

ANALYTICAL PARAMETER (UNITS)	TREATED SURFACE WATER		WELL WATER			REGULATORY LIMIT			MAJOR SOURCES IN DRINKING WATER
	SOUTH SAN JOAQUIN IRRIGATION DISTRICT	JOHN JONES WATER TREATMENT PLANT	AVERAGE	MINIMUM	MAXIMUM	MCLG OR PHG	MAXIMUM CONTAMINANT LEVEL (MCL)	VIOLATION	
<b>PRIMARY STANDARDS</b>									
<b>INORGANIC</b>									
Arsenic (ug/L)	ND	ND	1.0	ND	2.4	0.004	10	No	Erosion of natural deposits; runoff from orchards; run off from glass and electronics production wastes
Barium (ug/L)	ND	32	30	26	38	2000	2000	No	Discharge of drilling waters; discharge from metal refineries; erosion of natural deposits
Chromium (ug/L)	ND	ND	4	ND	8	100	100	No	Discharge from steel and pulp mills; erosion of natural deposits
Copper (ug/L)	ND	ND	0.6	ND	3.3	1300	1300	No	Corrosion of household plumbing systems; erosion of natural deposits
Turbidity (NTU)	0.2	0.3	0.5	ND	1.2	NA	5	No	Soil runoff
<b>FLUORIDE</b>									
FLUORIDE (mg/L)	ND	0.08	0.14	ND	0.20	1	2	No	Erosion of natural deposits
<b>NITRATE / NITRITE</b>									
Nitrate (as NO3) (mg/L)	ND	0.28	1	ND	2	10	10	No	Runoff from fertilizer use; leaking from septic tanks, sewage; erosion of natural deposits
Nitrate + Nitrite (sum as N) (mg/L)	ND	0.28	1	ND	2	11	11	No	
Nitrite (as N) (mg/L)	ND	ND	ND	ND	ND	1	1	No	
<b>REGULATED ORGANICS (ug/L)</b>									
<b>TRIHALOMETHANE</b>									
Bromodichloromethane (ug/L)		3.0	ND	ND	ND	NA	Total < 80	No	By-products of drinking water disinfection
Bromoform (ug/L)		ND	ND	ND	ND				
Chloroform (ug/L)		4.5	3	ND	1.6				
Dibromochloromethane (ug/L)		1.4	ND	ND	ND				
Total Trihalomethane (ug/L)	33	8.9	3	ND	1.7	NA	80	No	
<b>SECONDARY STANDARDS</b>									
<b>Aesthetic - Related</b>									
Iron (ug/L)	ND	ND	35	ND	120	NA	300		Leaching from natural deposits; industrial waste
Manganese (ug/L)	ND	ND	6	ND	22	NA	50		Leaching from natural deposits
Apparent Color (Units)	ND	ND	ND	ND	ND	NA	15		Naturally-occurring organic materials
Foaming Agents (MBAS) (mg/L)	ND	ND	ND	ND	ND	NA	0.5		Municipal and industrial waste discharge
Odor (TON)	ND	ND	ND	ND	1	NA	3		Naturally-occurring organic materials
Bicarbonate (HCO3) (mg/L)	55	72	165	95	220	NA	NS		Erosion of natural deposits
Carbonate (CO3) (mg/L)	ND	ND	1	ND	5	NA	NS		Erosion of natural deposits
Hydroxide Alkalinity (OH) (mg/L)	ND	ND	ND	ND	ND	NA	NS		Erosion of natural deposits
Total Alkalinity (CaCO3)(mg/L)	45	59	136	78	180	NA	NS		Erosion of natural deposits
Boron (B) (mg/L)	ND	0.2	2	ND	3	NA	NS		Erosion of natural deposits
Calcium (Ca) (mg/L)	12	23.0	67	26	97	NA	NS		Erosion of natural deposits
Magnesium (Mg) (mg/L)	2.6	15.0	25	7	34	NA	NS		Erosion of natural deposits
Sodium (Na) (mg/L)	4.4	65	124	48	170	NA	NS		Erosion of natural deposits
Total Hardness (CaCO3) (mg/L)	42	120	267	94	380	NA	NS		Hardness is the sum of naturally occurring cations present in the water, generally calcium and magnesium
TDS (mg/L)	68	290	700	250	930	NA	1000		Runoff/leaching from natural deposits
Specific Conductance (umhos/cm)	100	560	977	230	1400	NA	1600		Substances that form ions when in water
Chloride (mg/L)	3.4	100	109	16	210	NA	500		Runoff/leaching from natural deposits
Sulfate (mg/L)	2.3	61	239	64	330	NA	500		Runoff/leaching from natural deposits; industrial wastes
pH (S.U.)	7.9	7.7	8.1	7.9	8.5	NA	6.5-8.5		NA

WATER DISTRIBUTION DATA SHEET						
ANALYTICAL PARAMETER	AVERAGE	MINIMUM	MAXIMUM	REGULATORY LIMIT		TYPICAL SOURCES
				MCLG OR PHG	MCL	
<b>BACTERIOLOGICAL (% Present)</b>						
Coliform Density	<1	<1	<1	0	5%Present/mo	Municipal and industrial waste discharge
<b>ORGANICS (ug/L)</b>						
<b>RUNNING ANNUAL AVERAGE</b>						
Total Trihalomethane (ug/L)			38	NA	80	By-products of drinking water disinfection
Total Haloacetic Acids (ug/L)			21	NA	60	By-products of drinking water disinfection



# City of Tracy 2022 Public Health Goals Report

Presentation to Tracy City Council

July 5, 2022

# Purpose of the Report

- Provides consumers information on contaminants detected in the drinking water system even if concentrations are below enforceable drinking water standards
- Informs consumers about potential health risks associated with detected contaminants
- Informs consumers about potential costs of additional for drinking water treatment

California Health & Safety Code requires a PHG Report and Public Hearing every 3 years



# Definitions

- Maximum Contaminant Level (MCL)
  - Enforceable drinking water quality standards published by the U.S. EPA and California State Water Resources Control Board Division of Drinking Water
  - Established at very conservative levels to provide protection to the public

**The City's water supplies meet all established MCLs for water contaminants**

# Definitions

- Public Health Goal (PHG)
  - Non-enforceable drinking water quality goals published by California Office of Environmental Health Hazard Assessment (OEHHA)
- Maximum Contaminant Level Goal (MCLG)
  - Non-enforceable drinking water quality goals published by U.S. EPA
- Action Level
  - Concentration set by U.S. EPA to identify requirements for monitoring, changes to operations and maintenance, and public notification (applicable for lead and copper only)

**PHGs and MCLGs are not enforceable.**  
**Treatment technologies to reach such low levels have in many cases not been defined, and can be very costly, unaffordable and do not guarantee complete removal of a contaminant.**

# Contaminants Identified in the PHG Report

- Arsenic – naturally occurring mineral
- Copper and Lead
- Total Coliform

## **Criteria for Identification of a Contaminant**

MCL exists as of December 31, 2018

PHG or MCLG exists as of December 31, 2018

Observed concentration exceeds PHG or MCLG



# Conclusions

- The City's drinking water meets all state and federal drinking water standards established by the SWRCB DDW and USEPA to protect public health
- Cost for treatment to achieve the PHGs/MCLGs is very high (e.g., cost for Arsenic treatment would be millions of dollars per year)
- No additional treatment is required or recommended to reduce contaminant levels to below PHGs/MCLGs

# Next Steps

- Notify SWRCB Division of Drinking Water of completion of PHG Report and public hearing
- Continue routine monitoring of water supplies and distribution system and preparation of annual Consumer Confidence Reports
- Prepare follow-up PHG reports every three years (next report will be due in 2025)

# Extra Slides

- Extra Slides with Additional Detail (just in case questions come up)



# Arsenic

- Average concentrations in City's groundwater wells ranged from 1.0 to 5.2 µg/L in 2019-2021

Standard	Standard Limit	Observations in 2019-2021
PHG	0.004 µg/L	City's groundwater wells exceeded
<b>MCL</b>	<b>10 µg/L</b>	<b>All water supplies complied</b>

- Health Risk: Carcinogen
- Treatment: Coagulation/Filtration, Ion Exchange, Reverse Osmosis

Coagulation/Filtration	Ion Exchange	Reverse Osmosis
\$5.5 million per year	\$29.4 million per year	\$98.2 million per year
\$210 per service connection per year	\$1,126 per service connection per year	\$3,764 per service connection per year

# Copper

- 90<sup>th</sup> percentile concentration of 0.42 mg/L based on distribution system residential faucet monitoring in 2021

Standard	Standard Limit	Observations in 2019-2021
PHG	0.3 mg/L	All water supplies complied Distribution system exceeded
<b>Action Level</b>	<b>1.3 mg/L</b>	<b>All water supplies and distribution system complied</b>

- Health Risk: Digestive system toxicity
- Treatment: Optimized Corrosion Control
  - Current corrosion control practices are protective of public health
  - Further chemical addition would be needed and could cause other water quality issues

# Lead

- 90<sup>th</sup> percentile concentration of 1.66 µg/L based on distribution system residential faucet monitoring in 2021

Standard	Standard Limit	Observations in 2019-2021
PHG	0.2 µg/L	All water supplies complied Distribution system exceeded
<b>Action Level</b>	<b>15 µg/L</b>	<b>All water supplies and distribution system complied</b>

- Health Risk: Developmental neurotoxicity, cardiovascular toxicity, carcinogen
- Treatment: Optimized Corrosion Control
  - Current corrosion control practices are protective of public health
  - Further chemical addition would be needed and could cause other water quality issues

# Total Coliform (current regulation)

- 7 samples throughout distribution system over 36-month period (2019-2021) were total coliform-positive
  - 92 samples collected per month
  - All repeat samples were total coliform-negative
- Overall, 1.7% of samples were total coliform-positive
- Total Coliform removed from list of regulated contaminants and replaced by *E. coli* in Revised Total Coliform Rule

Standard	Standard Limit	Observations in 2019-2021
MCLG	0% total coliform-positive samples	Distribution system exceeded
<b>MCL</b>	<b>5% total coliform-positive samples per month</b>	<b>Distribution system complied</b>

# Total Coliform

- Health Risk: Indicator for other, potentially harmful bacteria
- Treatment
  - Protection of wells' groundwater sources from *coliform* contamination
  - Filtration and/or disinfection of water sources
  - Maintenance of disinfection residual throughout distribution system
  - Optimize distribution system maintenance
- Cost not estimated
  - No action could be taken to ensure that no samples are coliform-positive
  - Increasing disinfectant residual would decrease the likelihood of exceeding the MCLG but is not recommended
    - Could increase formation of regulated disinfection byproducts
    - Could cause taste and odor complaints



CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION 2022-\_\_\_\_\_

**ACCEPTING THE CITY OF TRACY'S 2022 PUBLIC HEALTH GOALS TRIENNIAL REPORT ON DRINKING WATER AS REQUIRED BY THE CALIFORNIA HEALTH AND SAFETY CODE SECTION 116470(b)**

**WHEREAS**, California Health and Safety Code (H&SC) Section 116470(b) requires all public water systems with 10,000 or more service connections to prepare a brief written report, in plain language, every three years, that gives information on the "detection" of any contaminants above the Public Health Goals (PHGs), and

**WHEREAS**, PHGs are non-enforceable goals published by the state's Office of Environmental Health Hazard Assessment (OEHHA), and

**WHEREAS**, the City meets all primary drinking water standards set by both the State Water Board Division of Drinking Water and the Environmental Protection Agency to protect public health, and

**WHEREAS**, the City of Tracy annually prepares a federally mandated Water Quality Report also called Consumer Confidence Report with detailed information on its public water system that is distributed to all its water consumers every May, and

**WHEREAS**, the City of Tracy procured the services of West Yost Associates to prepare the 2022 Public Health Goals report, and

**WHEREAS**, this report presents an analysis of the City's drinking water quality data collected over the last three years (2019, 2020 and 2021); and

**WHEREAS**, upon acceptance, the Division of Drinking Water shall be notified that the public hearing was conducted, the report was completed and is available; and now, therefore, be it

**RESOLVED**, that the City Council of the City of Tracy hereby adopt a resolution accepting the City of Tracy 2022 Public Health Goals Triennial Report.

\*\*\*\*\*

The foregoing Resolution 2022-\_\_\_\_\_ was adopted by the Tracy City Council on July 5, 2022, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTENTION:	COUNCIL MEMBERS:

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NANCY D. YOUNG  
Mayor of the City of Tracy, California

ATTEST: \_\_\_\_\_  
ADRIANNE RICHARDSON  
City Clerk and Clerk of the Council of  
the City of Tracy, California

July 5, 2022

## AGENDA ITEM 3.E

### REQUEST

**ADOPT A RESOLUTION DECLARING EL PESCADERO PARK AS THE SITE LOCATION FOR THE MULTI-GENERATIONAL RECREATION CENTER AND RECEIVE AN INFORMATIONAL REPORT REGARDING COMMUNITY OUTREACH, THE SITE SELECTION PROCESS, IMPROVEMENTS TO EL PESCADERO PARK, AND THE CONCEPTUAL DESIGN OF THE MULTI-GENERATIONAL RECREATION CENTER**

### EXECUTIVE SUMMARY

On February 15, 2022, the City Council approved a Professional Services Agreement with LPA, Inc., a California Corporation (LPA), to lead the design of the Multi-Generational Recreation Center (Rec Center) capital improvement project. Since that time, LPA along with City staff, have kicked off the project with site tours of Joseph Ceciliani Park and El Pescadero Park, hosted a site awareness tour, and conducted two community workshops.

Based on site selection analysis and the feedback received from the community, staff is recommending that the City Council select El Pescadero Park as the final location for the Rec Center. This report will also provide an update on the Rec Center project including recent activity, summary of community outreach conducted, site selection analysis, construction market conditions, and next steps for the project.

### DISCUSSION

#### Background

On August 31, 2021, the City Council held a workshop to discuss the location and program priorities of the Multi-Generational Recreation Center project CIP 78178 (Rec Center). City Council directed staff to focus on a community recreation center that served Tracy residents, which meant a bi-furcation of the original project and removing the tournament-sized gymnasium component to a future project located at Legacy Fields. The tournament-sized facility was moved to an unfunded Measure V project list. City Council also directed staff to conduct further analysis of Joseph Ceciliani Park (Ceciliani Park) and one other site, to be determined, for the future location of the Rec Center.

#### *Recap of City Council Programming Priorities from 8/31/21 Workshop*

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

Shortly thereafter, staff completed a Request for Proposal (RFP) process to hire an architect. On February 15, 2022, the City Council approved a Professional Services Agreement with LPA, Inc., a California Corporation (LPA), to lead the design of the Rec Center.

#### Project Activity

The project started with a Kick-Off Meeting on March 7, 2022, with LPA and the City's project steering committee followed by a walking tour of Ceciliani Park.

On February 22, 2022, a letter from a neighborhood group near Ceciliani Park was sent to the City Council discussing the potential of locating the Rec Center at Ceciliani Park. The letter discussed optimal placement and orientation of the building within the park as well as concerns over noise, nighttime lighting, parking and traffic safety.

In response to the letter received, staff scheduled a site awareness tour on March 24, 2022, with the neighborhood group at Ceciliani Park. LPA and staff met with approximately 30-40 residents and walked the park. Over half of the attendees expressed major concerns over traffic and the impact a new building and parking lot would have on the 7.5-acre neighborhood park.

Soon after, on April 6, 2022, Community Workshop #1 was held at the Tracy Community Center. A presentation was given by staff and LPA to approximately 40 attendees talking through a brief project history, site selection criteria, and Council program priorities. This was followed by a green-dot/red-dot exercise in which attendees place dots on preferred programming. Staff received some great feedback on preferred programming and amenities for the project but was again met with heavy opposition to locating the project at Ceciliani Park.

On May 4, 2022, Community Workshop #2 was held at North School, which is immediately adjacent to El Pescadero Park. A presentation was given by staff and LPA to approximately 120 attendees talking through a brief project history, site selection criteria, and Council program priorities. This was the most attended community workshop staff has experienced in recent years. The workshop was a collaborative effort between the Parks and Recreation Department, Tracy Police Department, and the North School Administration. Since there was a high demand for Spanish-speaking translation, North School provided a translator/parent liaison to assist. Tracy Police Department was also instrumental in gathering the neighborhood participants. This was followed by a green-dot/red-dot exercise in which attendees placed dots on preferred programming. Staff received some great feedback on preferred programming and amenities for the project and found overwhelming support of locating the project at El Pescadero Park. In fact, residents notified staff that they were going to send signatures to City Council expressing their support for locating the project in their neighborhood.

#### Community Workshop Summary

The overwhelming consensus from community outreach was to locate the Rec Center at El Pescadero Park. Many residents see this project as a catalyst to revitalize the park once the unsheltered are transitioned out of the park to the City's planned Temporary Emergency Housing Facility.

### *Green-Dot/Red-Dot Exercise*

Each attendee was given three (3) green dots and one (1) red dot to stick on posters with images of programming elements. Green dots represented support for that amenity and red dots represented non-support. The results from both workshops are combined in Attachment 'A' and are broken down by City Council Programming Priorities. The most desired amenities from the community workshops for this project in large part align with the results of feedback received over the last several years through the outreach process for the Citywide Parks, Recreation and Trails Master Plan.

### Site Selection Recommendation

In August 2021, the City Council directed staff to further analyze Cecilian Park and one other site (to be determined) to serve as the future home of the Rec Center.

Cecilian Park is an approximately 7.5-acre neighborhood park located in central Tracy. The property is owned by Tracy Unified School District (TUSD) and the City of Tracy has a long-term lease (99-year) with TUSD for the purposes of providing a public park. This park aligns with the 2018 Needs Assessment completed by the Dahlin Group (Needs Assessment) that established preferred location characteristics. It is in close proximity to two schools immediately adjacent to the park: Louis J. Villalovoz Elementary School and Earle E. Williams Middle School. The park is approximately 1.6 miles from downtown and in close proximity to Sycamore Parkway which is a popular trail/bikeway. It also has an expansive tree canopy with numerous mature trees providing significant shade throughout. The existing amenities include: a playground, a sand volleyball court, two tennis courts, picnic areas, a park restroom, a dedicated parking lot and an open turf area. In October 2021, Staff attended a TUSD board meeting and gave a brief presentation regarding the City considering Cecilian Park for the Rec Center. This was a critical step for this site as TUSD would need to agree to amend the current lease agreement if the Rec Center were to be located on their property. The board was generally supportive of the project but did express concern about traffic and getting feedback from the neighboring residents.

Staff and LPA agree that this site aligns well with the project for a number of reasons, however, after further analysis and community outreach there are also a number of concerns. Outreach efforts with the neighborhood around this park were met with strong opposition for the project. Concerns were mainly focused on two areas: traffic congestion and impacts the new Rec Center would have on the existing park. Residents expressed concerns about the Rec Center adding to existing traffic congestion that already occurs in this area due to pick-up/drop-off at the adjacent schools. Additionally, residents were very concerned about how much of an impact the new building and parking lot would have on the existing park including the existing amenities, existing mature trees and large open turf area.

During summer 2021, Council provided direction to further analyze Cecilian Park and consider another potential site for the Rec Center. During that same time, the City was awarded \$3.66 million from San Joaquin County to fund the construction of Phase 1 of the Temporary Emergency Housing Facility (TEHF), which is a major component of the City's Homeless Strategic Plan. The completion of Phase 1 of the TEHF, which is now tentatively planned for completion in Fall 2022, will allow the City to begin transitioning Tracy's unsheltered population out of City parks, including El Pescadero Park. Prior to the award of this funding from San Joaquin County, the City was experiencing a funding

shortfall for Phase 1 of the project. Therefore, El Pescadero Park was not considered a viable option for the Rec Center at that time. Now that construction of the first phase of the TEHF is underway, El Pescadero Park has emerged as the primary candidate for the future home of the Rec Center.

El Pescadero Park is a large 14.62-acre City-owned community park located in north Tracy between Grant Line Road and West Kavanagh Avenue. This site aligns with the 2018 Needs Assessment completed by the Dahlin Group that established preferred location characteristics:

- *Proximity to Schools*  
There are multiple schools within the immediate area of the park including: North Elementary School, Tracy Kindercare (preschool), Tender Loving Care (preschool) and Tracy Learning Center Preschool.
- *Proximity to Public Transportation*  
An existing bus stop is located on West Kavanagh Avenue at the dog park with the possibility of adding a new bus stop more immediately adjacent to the Rec Center as a part of the project.
- *Proximity to Downtown Tracy*  
The park is approximately 1.7 miles from downtown Tracy which equates to 5-6 minute car ride, and under 10 minutes to bike downtown.
- *Proximity to Park Facilities*  
Locating the Rec Center within the park would provide immediate and direct access to the City's 2<sup>nd</sup> largest community park and its amenities. The existing park amenities include: a dog park, a playground, a park restroom, a skate park, an open turf area, and a dedicated parking lot.
- *Proximity to Trail Systems*  
An existing class II bikeway on Grant Line Road connects the site to the City's bikeway system. There is not an existing trail connection, however, a walking trail/loop could be considered with park improvements. This type of amenity is highly desired through the outreach staff received and could also serve the senior living facilities next to the park.

Vehicular access to the park is well articulated to support increased traffic volumes from the addition of a Rec Center with an existing signalized interchange at Grant Line Road, a major arterial, and Parker Avenue. A full traffic study will be completed on the site to verify and potentially mitigate any new impacts if the Council approves this site.

Within the park also includes two existing buildings. Tracy Interfaith Ministries owns an approximately 11,500 square foot building/warehouse in which they have a 55-year ground lease with the City. This agreement also includes non-exclusive use of the park parking lot. The other building is leased to South County Fire Authority as their Support Services Facility. Staff has been in discussions with Tracy Interfaith Ministries recently regarding potential modifications to the existing parking lot to help facilitate their needs and the Rec Center project has the potential to address that as well.

There are a few concerns with the site that should be noted. El Pescadero Park has been home to a large unsheltered population for a few years now and the condition of the park has deteriorated, which will require a capital investment to rehabilitate the park.

The current project budget for the Rec Center (\$40 million) does include funding to address park improvements, but rather focuses on construction of a new building and a dedicated parking lot with pedestrian access to the building. If the Council approves this site, staff is recommending a few items be considered as additions to the scope of the project.

- 1) That additional funding for the project be considered to rehabilitate and renovate the park due to the impacts of ongoing encampments. The preferred approach would be to have LPA analyze the condition of the park, including all amenities, and create a conceptual plan that considers the entire park site including how the Rec Center will be integrated into the park and what amenities can be added/renovated/preserved to revitalize the park. Staff believes park improvements could be in the \$5-10 million range, but LPA would need to study the site and create those cost estimates to be presented at a future date to the Council. The existing contract with LPA will cover the additional cost for conceptual design and cost estimating the park improvements.
- 2) That Parks & Recreation Department staff be relocated from various City facilities to the Rec Center to serve as the new home for the department. This would also include a dedicated office for the Police Department to create a significant City presence in this park to assure that the revitalization of the park is a long-term solution. This will require an increase of square footage to the building in which further analysis still needs to be done to confirm cost impact to project budget. LPA is developing two programming options for the Council to consider. The shifting of Parks & Recreation staff would also free up critical space at City Hall for ongoing capacity issues, which aligns with strategies proposed in the Citywide Public Facilities Master Plan Update.

It should be noted that through the update process of the Citywide Parks, Recreation and Trails Master Plan, North Tracy and the neighborhoods around El Pescadero Park are considered underserved in terms of access to parks and access to recreational programming. This inequity creates a need for an investment in park improvements in this area of the City and the Parks Planning & Development division has already started to address this through proposed improvements for AR Glover Park in the Fiscal Year 2022/2023 CIP. For this reason, along with the alignment of the site selection criteria and overwhelming community support for this location, staff is recommending that the City Council select El Pescadero Park as the final location for the Rec Center.

#### Construction Market Conditions

Staff has been highlighting the impacts of inflation on capital improvement projects in a number of recent staff reports and this project is subject to the same impacts. Inflation impacts on project budgets are creating 1.5% to 2% increases per month since January 2021. For every \$10 million, projects can expect to see \$150,000 to \$200,000 per month of escalation. Current construction market conditions are creating a real sense of urgency to keep the project moving forward. Options for scope and scale of the project will be prepared by LPA and staff is planning to bring this information back to the Council in October 2022.

Next Steps & Timing

Parks & Recreation staff, as well as the project architect (LPA), continue to work closely and receive regular updates from our City Manager’s Office, Police Department and Code Enforcement regarding the transitioning of the unsheltered and current status of the new TEHF.

Below are the next steps for the project including tentative timing:

Description	Time Frame
Project Kick-Off and Community Outreach	Complete
Schematic Design Begins <ul style="list-style-type: none"> <li>• Parks &amp; Community Services Commission Meeting</li> <li>• Arts Commission Meeting</li> <li>• Park Concept Design</li> </ul>	June – October 2022
City Council Presentation <ul style="list-style-type: none"> <li>• Approve Conceptual Site Plan (building and park improvements)</li> <li>• Conceptual Cost Estimate                             <ul style="list-style-type: none"> <li>○ Provide options for Council to consider</li> </ul> </li> <li>• LPA contract amendment to include design of park improvements</li> </ul>	October 2022
Project Construction Documentation	Winter 2023
Begin Construction	Spring 2024
Construction Complete	Summer 2025

STRATEGIC PLAN

This agenda item supports the City of Tracy’s Quality of Life Strategic Priority, and specifically implements the following goals:

Goal 2: Facilitate the Completion of Measure V Amenities; Objective 2: Advance Measure V amenity planning.

FISCAL IMPACT

The Multi-Generational Recreation Center project budget is \$40 million, funded through the City’s General Fund: Measure V Sales Tax, a state grant, and community benefit funds. The current project budget was planned to include construction of a 30,000+ square foot building, a dedicated parking lot with access from the main road, and basic pedestrian access to the building from the parking lot. As previously mentioned in the report, approximately \$5-10 million may also be required for park improvements within El Pescadero Park. A discussion on additional funding needed will return to the City Council after the conceptual site plan is completed.

RECOMMENDATION

Staff recommends that City Council adopt a resolution declaring El Pescadero Park as the site location for the Multi-Generational Recreation Center and receive an informational report regarding community outreach, the site selection process, improvements to El Pescadero Park, and the conceptual design of the Multi-Generational Recreation Center.



Prepared by: Richard Joaquin, Parks Planning and Development Manager

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

Approved by: Michael Rogers, City Manager

ATTACHMENTS

Attachment A – Community Workshop Results

Attachment B - Powerpoint

<b>#1 City Council Priority – Gymnasium</b>	<b>Green Dots</b>	<b>Red Dots</b>	<b>Total Dots</b>
Basketball (Volleyball, dodgeball, etc.)	53	2	51
Running Track	42	3	39
MAC (futsal, indoor soccer, roller hockey, etc.)	24	1	23
<b>#2 City Council Priority – Outdoor Recreation Facilities</b>	<b>Green Dots</b>	<b>Red Dots</b>	<b>Total Dots</b>
Splash Pad	56	0	56
Children's Play Area	39	0	39
Skating	31	0	31
Nature Trail	30	0	30
Picnic Areas	29	0	29
Fitness Loop	19	0	19
Fitness Courts	19	0	19
Basketball	17	0	17
Dog Park	15	0	15
Community Garden	15	0	15
Art Integration	10	0	10
Shade Pavilion	8	0	8
Futsal	7	0	7
Volleyball	5	0	5
Educational Signage	4	0	4
Tennis/Pickleball	4	0	4
Multi-purpose Plaza	3	0	3
Nature Exploration	3	0	3
Play Tables	4	2	2
Outdoor Patio	2	0	2
Flexible Lawn Area	0	0	0
<b>#3 City Council Priority – Multi-Purpose Room</b>	<b>Green Dots</b>	<b>Red Dots</b>	<b>Total Dots</b>
Teen Lounge	48	0	48
Fitness Studio	33	8	25
Group Exercise/Yoga	23	3	20
Spin Studio	18	5	13
Indoor-Outdoor Connection	13	3	10
Community Meeting Space	2	0	2
<b>#4 City Council Priority – Library and Education Spaces</b>	<b>Green Dots</b>	<b>Red Dots</b>	<b>Total Dots</b>
Maker Space	48	0	48
Social Learning	29	1	28
Conference Room	6	2	4
<b>#5 City Council Priority – Lounge/Lobby</b>	<b>Green Dots</b>	<b>Red Dots</b>	<b>Total Dots</b>
Boulder Climbing Wall	49	2	47
Public Art in Lobby	17	0	17
Two-Story Lobby	15	1	14
One-Story Lobby	5	1	4
Social Lounge A	3	0	3
Entrance Lobby	0	1	-1
Social Lounge B	1	6	-5
<b>#6 City Council Priority – Teaching Kitchen</b>	<b>Green Dots</b>	<b>Red Dots</b>	<b>Total Dots</b>
Catering Production/Rental Kitchen	31	1	30
Demonstration Kitchen A	4	0	4
Demonstration Kitchen B	3	5	-2

A large, faint, light green and tan logo is visible in the background on the left side of the page. It features a stylized mountain peak with a green triangle at its apex, a tan line forming the left slope, and a tan horizontal line forming the base. Below this, the word "TRACY" is written in large, light green, serif capital letters. At the bottom of the logo, there is a green leaf and three wavy tan lines.

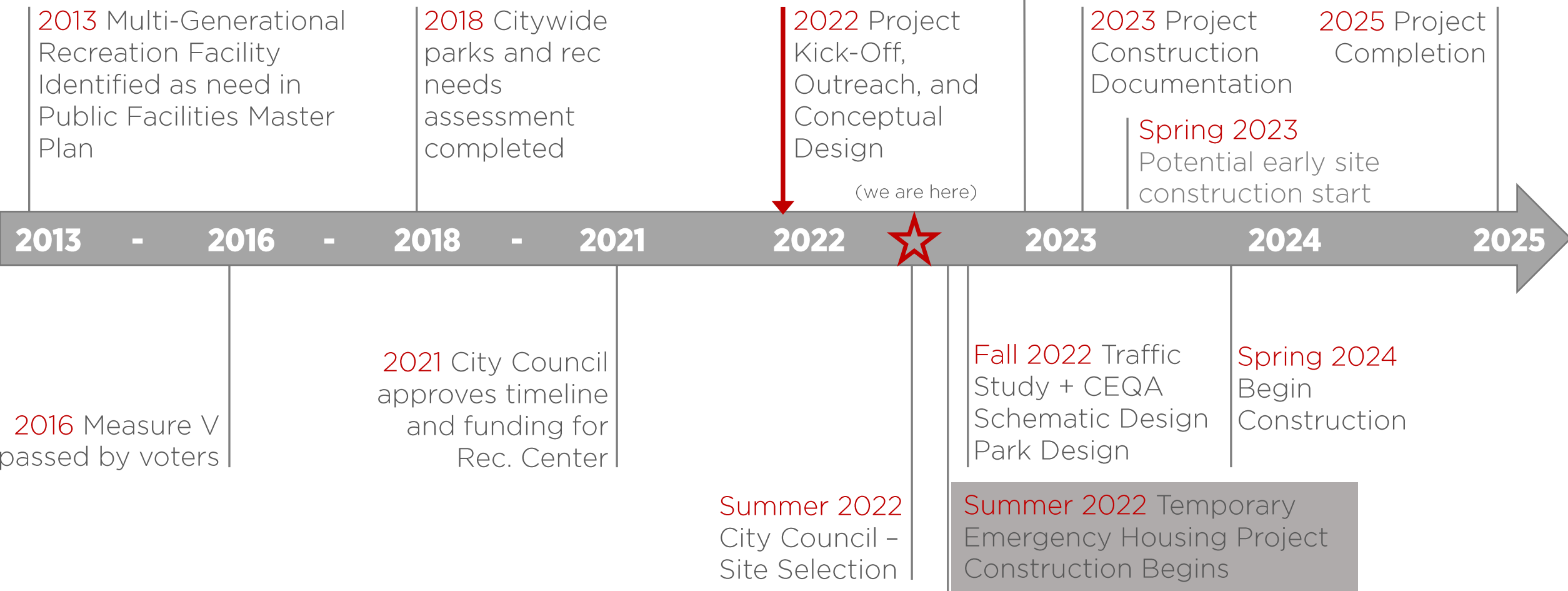
Tracy, California

Council Meeting  
July 05, 2022

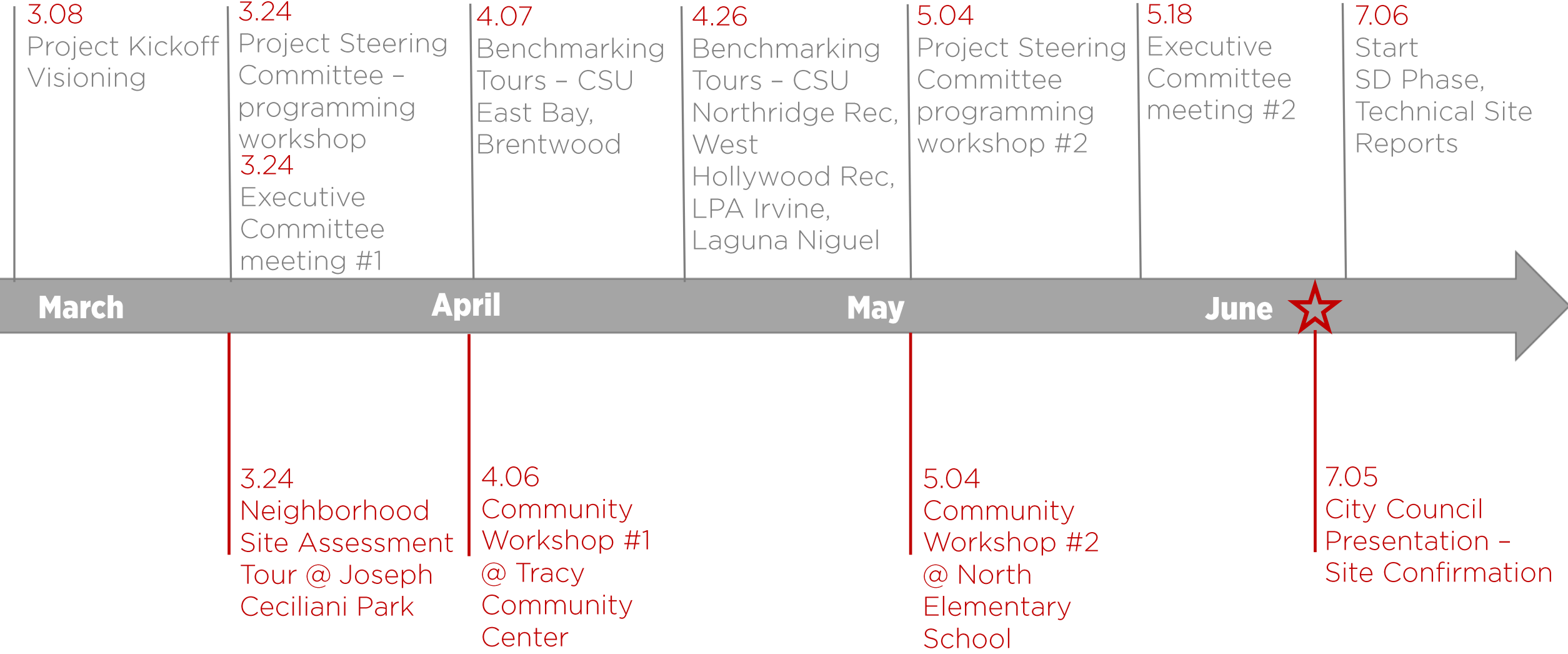
# Agenda

1. Schedule Update
2. Community Workshop Update
3. Site Selection Recommendation
4. Programming Update
  - Park Improvements
  - Parks & Recreation Department Relocation
  - Police Department Office
5. Next Steps

# Project Timeline - Overall



# 2022 Project Schedule - Detailed



# Community Workshop Feedback

Workshop #1 At Tracy Community Center, April 6, 2022

- 40 community members

Workshop #2 At North Elementary School, May 4, 2022

- 120+ community members



# Community Workshops Feedback



2021 City Council Program Priorities for a Multi-Generational Recreation center:

1. Gymnasium
2. Outdoor Amenities
3. Multi-purpose Space
4. Library + Education Space
5. Lobby / Lounge Space
6. Teaching Kitchen

Target Audience:  
Local facility for youth, teens, seniors, inclusionary facility

Community Feedback alignment with Program Priorities

AREA	Green Dots	Red Dots	How will you utilize the spaces in your recreation center?
<b>GYMNASIUM/MULTIPURPOSE COURT</b>			
Basketball (Volleyball, Dodgeball, etc.)	45	0	* 10 comments for building this at Pescadero Park
MAC (Futsal, Indoor Soccer, Roller Hockey, etc.)	10	0	
Running Track	25	3	* 2 comments calling for pool - large enough for laps, toddler area & aerobics
<b>MULTIPURPOSE ROOM</b>			
Community Meeting Space	-	-	* 2 comments calling for boxing area
Teen Lounge	29	0	
Indoor-Outdoor Connection	3	3	* 3 comments regarding the homeless situation, 1 mentioning the fire they had started
Spin Studio	18	4	
Fitness Studio	33	0	* Ideas - make the park bigger, add a sand box, add swings, a little lake with dock, chess table, do it for our kids
Group Exercise/Yoga	15	3	
<b>TECHNOLOGY/LEARNING SPACE</b>			
Conference Room	1	2	
Conference Room	3	0	* Weight room with free weights, machine, stretching & separate cardio machine areas. Family changing rooms.
Maker Space	31	0	
Social Learning	21	1	* Skip the building, fix the park
<b>TEACHING KITCHEN</b>			
Demonstration Kitchen	4	0	* Get rid of the homeless people because they started a fire by my apartment
Demonstration Kitchen	3	5	
Catering Production/Rental Kitchen	31	1	* When is this opening?
<b>LOBBY/LOUNGE</b>			
Two-Story Lobby	12	0	* I would use the outdoor areas more. Trails & habitats are important. I like the idea of a fitness course (trail)
One-Story Lobby	-	-	
Entrance Lobby	0	1	* Lots of light at night
Public Art in Lobby	9	0	
Social Lounge	1	0	
Social Lounge	0	6	* Horseshoe pits, bocceball courts, covered picnic tables, BBQ pits, increase parking
Boulder Climbing Wall	49	2	
<b>PASSIVE PROGRAM</b>			
Nature Trail	12	0	* What does the city need from the community to make the final decision and choose our park for this project?
Outdoor Patio	2	0	
Multipurpose Plaza	2	0	
Flexible Lawn Area	-	-	* (Translated from Spanish) I really like the proposal of this project because I think it's very important for Tracy's community both culturally and socially, and the most important is safety for our families. I would very much like this project to be approved because it would be very beneficial for the entire community as well as for the people currently living here.
Shade Pavilion	2	0	
Picnic Areas	20	0	
Community Garden	7	0	
Educational Signage	4	0	
Play Tables	4	0	* (Translated from Spanish) I want to know if there will be cooking courses, painting and sports, and if it will be free or low cost. Can others in the county enjoy this as well since we live near the neighborhood?
Nature Exploration	2	0	
Dog Park	15	0	
Art Integration	3	0	* (Translated from Spanish) It's a waste of a large space if our children cannot use it. We want to know when construction is starting and when they are going to move homeless out of the park.
<b>ACTIVE PROGRAM</b>			
Fitness Loop	16	0	
Fitness Courts	12	0	
Children's Play Area	25	0	
Splash Pad	40	0	
Basketball	13	0	
Futsal	7	0	
Volleyball	4	0	
Skating	26	0	
Tennis/Pickleball	4	0	



# Community Workshops Feedback

## 1. Gymnasium

- (51) Gym
- (39) Elevated Running Track

\*Gym was the highest responded to building program by community



# Community Workshops Feedback

## 2. Outdoor Amenities

- (56) Splash Pad
- (49) Fitness Loop / Nature Trails
- (39) Children's Play Area
- (31) Skating
- (29) Picnic



# Community Workshops Feedback

## 3. Multi-Purpose Space

- (48) Teen Lounge
- (33) Spin Studio / Group Exercise
- (25) Fitness Studio



# Community Workshops Feedback

## 4. Library + Education Space

- (48) Maker Space
- (28) Social Learning



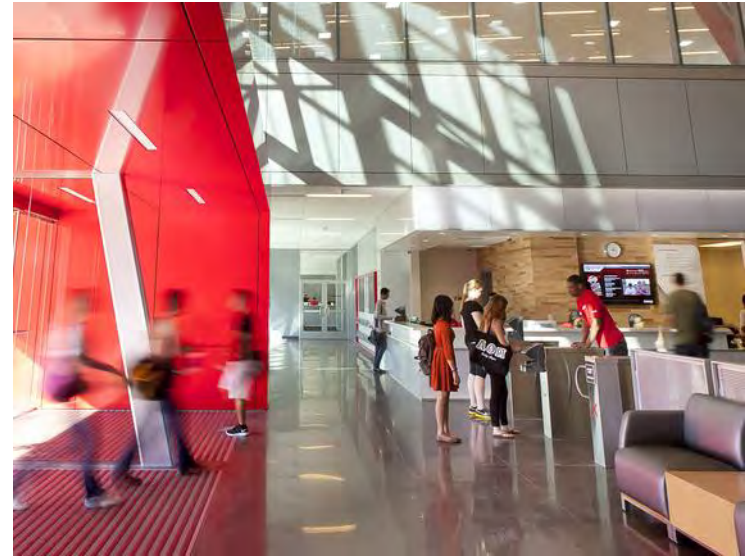
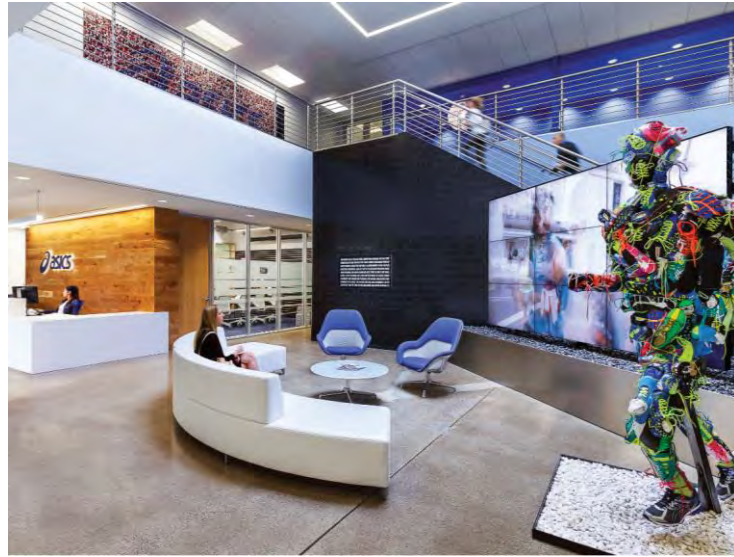
# Community Workshops Feedback

## 5. Lobby / Lounge Space

- (47) Bouldering Climbing Wall

Public Art

Access Control



# Community Workshops Feedback

## 6. Teaching Kitchen

- (35) Catering / Rental Kitchen



# Site Selection Criteria

# Site Selection

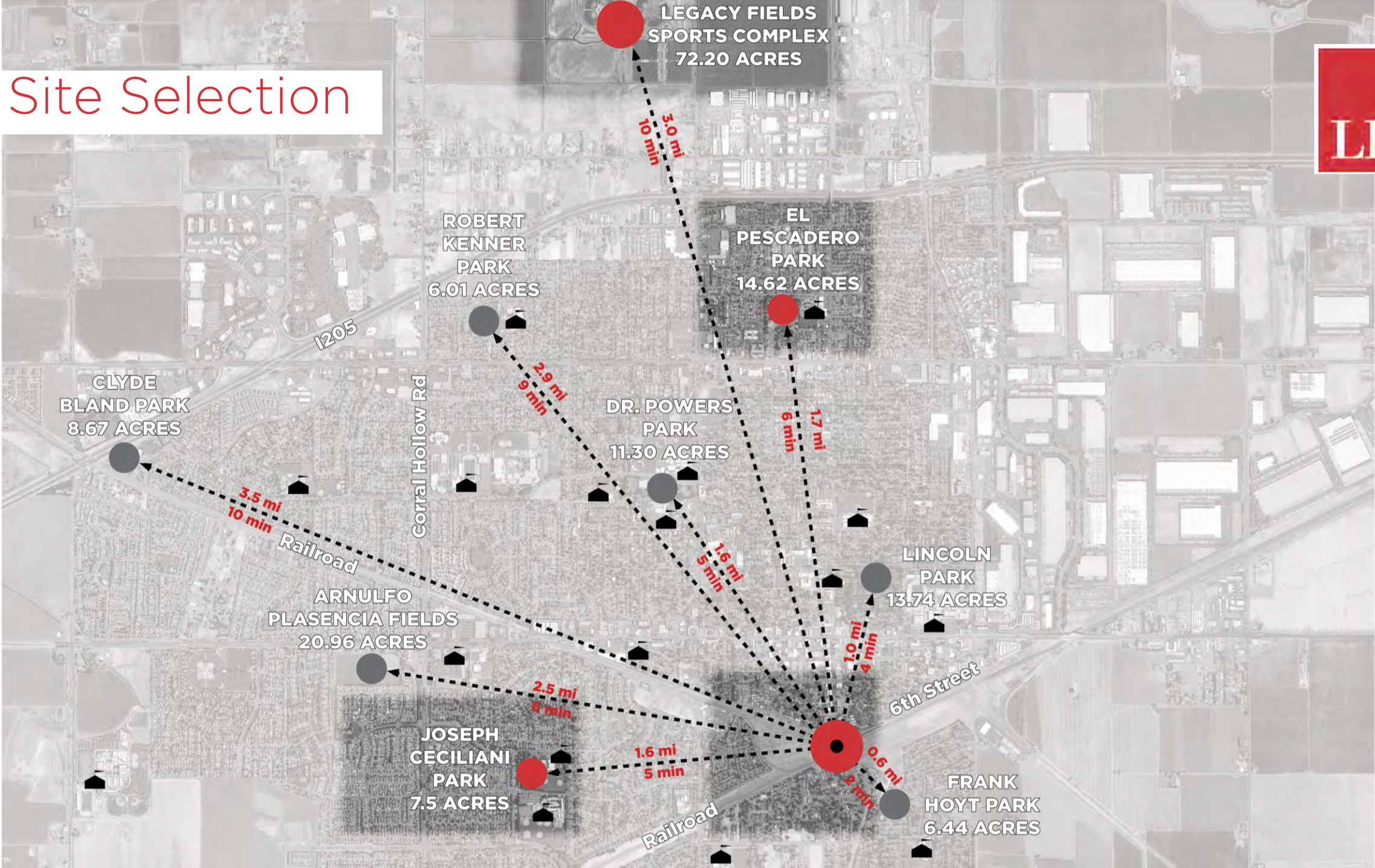
## Criteria

- Proximity to Schools
- Proximity to Public Transportation
- Proximity to Downtown Tracy
- Connectivity to Trails/ Parks / Open Space
- Site Acreage
- Adjacent Amenities
- No land Acquisition





# Site Selection



# Site Review of Joseph Ceciliani Park

## Pros:

- Near Schools
- Near Downtown
- Already has some site amenities:
  - Tennis & Basketball Courts
  - Playground
  - Picnic

## Cons:

- Neighborhood strongly opposes!
- Size - Small neighborhood park
- Traffic congestion
- Potential need for added traffic signals
- Tree canopy mitigation
- New building would minimize park open space



# Recommendation of El Pescadero Park

## Pros:

- Community Support!
- Size - Large Community Park
- Near Schools
- Near Downtown
- Grant Line Road access – existing signaled intersection infrastructure in place
- Already has some site amenities:
  - Skate park
  - Playground
  - Dog Park



## Cons:

- Large number of Encampments
- Requires major investment in park to renovate/revitalize

## Opportunity:

- Park Improvements to fully activate program uses throughout the park as well as fill programming/access gaps in North Tracy

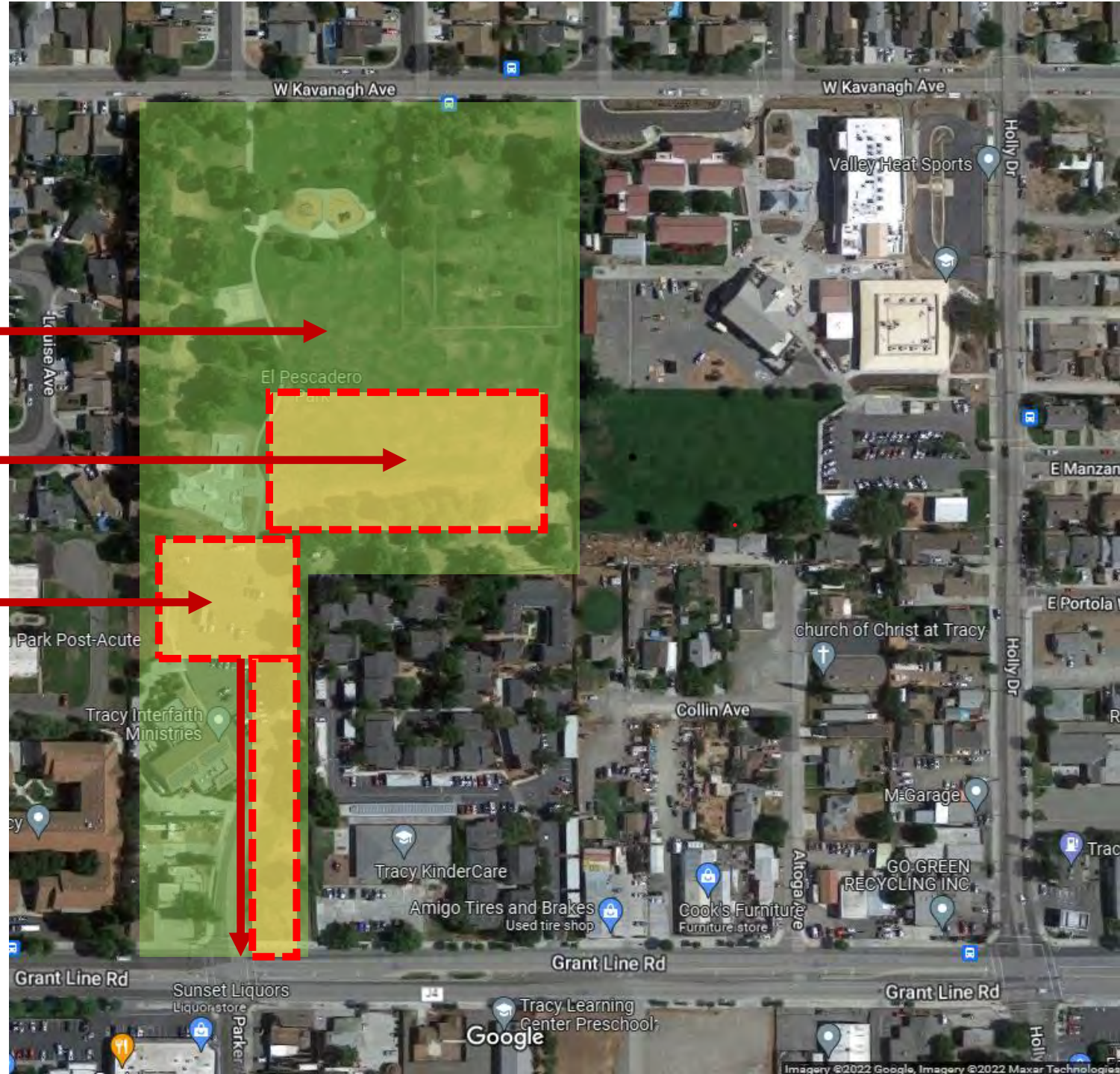


# El Pescadero Park

Park Improvements  
(remainder of site area)

Multi-Generational  
Recreation Center  
(potential site location)

Parking and Entry  
Improvements associated  
with new recreation  
center



# Building Program Update

Additional Programming Spaces:

- Parks & Recreation Staff relocation
- Police Department office

Developing Two programming options for consideration.

# Construction Market Conditions

Urgency in keeping project moving forward.

Cost Impacts over Time:

Inflation impacts to project budget  
1.5% - 2% per month since Jan 2021

For every \$10m = \$150,000 to \$200,000 per month of escalation

# Next Steps

- July 2022 - Schematic Design Begins
  - Parks & Community Services Commission Meeting
  - Arts Commission Meeting
  - Park Masterplan Concept Design
- October 2022 - City Council Meeting
  - Approve Site Plan (building and park improvements)
  - Conceptual Cost Estimate - ROM
    - Augment project budget on approved plan
  - LPA contract amendment to include design of park improvements
- Ongoing - Executive Committee Meetings
  - Continue collaboration with CMO, PD and CODE



Changing Lives by Design™



APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
CITY ATTORNEY'S OFFICE

**TRACY CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_**

**DECLARING EL PESCADERO PARK AS THE SITE LOCATION FOR THE MULTI-GENERATIONAL RECREATION CENTER**

**WHEREAS**, on February 15, 2022, the Tracy City Council approved a Professional Services Agreement with LPA, Inc., a California Corporation, to lead the design of the Multi-Generational Recreation Center capital improvement project (Resolution #2022-019); and

**WHEREAS**, since that time, the City conducted two community workshops to gain feedback from community members on potential locations for the Multi-Generational Recreation Center; and

**WHEREAS**, the overwhelming consensus from the Tracy community was to locate the Multi-Generational Recreation Center at El Pescadero Park; and

**WHEREAS**, El Pescadero Park is a large 14.62 acre City-owned community park located in north Tracy between Grant Line Road and West Kavanagh Avenue; now, therefore, be it

**RESOLVED:** That the City Council declare El Pescadero Park as the site location for the Multi-Generational Recreation Center.

\* \* \* \* \*

The foregoing Resolution 2022-\_\_\_\_\_ was adopted by the Tracy City Council on July 5, 2022, by the following vote:

AYES:                    COUNCIL MEMBERS:  
NOES:                    COUNCIL MEMBERS:  
ABSENT:                COUNCIL MEMBERS:  
ABSTENTION:         COUNCIL MEMBERS:

\_\_\_\_\_  
NANCY D. YOUNG  
Mayor of the City of Tracy, California

ATTEST: \_\_\_\_\_  
ADRIANNE RICHARDSON  
City Clerk and Clerk of the Council of the  
City of Tracy, California