



TRACY CITY COUNCIL

REGULAR MEETING AGENDA

Tuesday, February 6, 2024, 7:00 P.M.

Tracy City Hall Chambers, 333 Civic Center Plaza, Tracy

Web Site: www.cityoftracy.org

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

MEMBERS OF THE PUBLIC MAY PARTICIPATE REMOTELY IN THE MEETING VIA THE FOLLOWING METHOD:

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

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

Remote Public Comment:

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

- *Comments via:*
 - **Online by visiting** <https://cityoftracyevents.webex.com> and using the following **Event Number: 2556 568 5705** and **Event Password: TracyCC**
 - ***If you would like to participate in the public comment anonymously***, you may submit your comment in WebEx by typing "Anonymous" when prompted to provide a First and Last Name and inserting Anonymous@example.com when prompted to provide an email address.
 - **Join by phone by dialing +1-408-418-9388, enter 25565685705#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.*

Date Posted: February 2, 2024

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

Date Posted: February 2, 2024

CALL TO ORDER

ACTIONS, BY MOTION, OF CITY COUNCIL PURSUANT TO AB 2449, IF ANY

ROLL CALL AND DECLARATION OF CONFLICTS

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS

1. Employee of the Month
2. Certificates of Appointment – Tracy Arts Commission
3. Proclamation – Random Acts of Kindness Day – February 17, 2024

ORDER OF BUSINESS

1. CONSENT CALENDAR

- 1.A. Adoption of January 16, 2024 Closed Session Minutes and January 16, 2024, Minutes of the Concurrent Regular Meeting of the Tracy City Council and the Tracy Public Financing Authority.
- 1.B. Staff recommends that the City Council adopt a resolution approving the Professional Service Agreement (PSA) with BKF Engineers (BKF) for a not-to-exceed amount of \$327,547 to provide professional engineering services in furtherance of Capital Improvement Project (CIP) 72122.
- 1.C. Staff recommends that the City Council adopt a resolution (1) accepting the construction of the Temporary Traffic Signal at Corral Hollow Road and Valpico Road, pursuant to Capital Improvement Project 72124, completed by Tennyson Electric, Inc.; (2) authorizing the City Clerk to File the Notice of Completion with the San Joaquin County Recorder's Office; (3) authorizing the City Engineer to release the bonds and retention payment in accordance with State law; and (4) authorizing the Finance Department to close the Project.
- 1.D. Staff recommends that the City Council adopt a resolution (1) accepting improvements for Plan "C" / SMPA – Elissagaray Infill, Tract 3857 as complete, (2) authorizing the City Engineer to release the Subdivider furnished bonds, and (3) authorizing the City Clerk to file a Notice of Completion with the San Joaquin County Recorder's Office.
- 1.E. The Tracy Finance Committee recommends that the City Council adopt a resolution amending the City's Operating and Capital Budget for the Fiscal Year ending June 30, 2024, and authorizing the Budget Officer to amend the City's position control roster for FY2023-24.
- 1.F. The Tracy Finance Committee recommends that the City Council adopt a resolution accepting the City of Tracy's Annual Comprehensive Financial Report (ACFR) for the fiscal year ending June 30, 2023.

2. ITEMS FROM THE AUDIENCE

3. REGULAR AGENDA

- 3.A. Staff recommends that the City Council conduct a public hearing, and upon conclusion of the hearing, adopt a Resolution: (1) making the requisite finding pursuant to California Vehicle Code Section 21455.6(a) that an automated red-light photo enforcement system (System) is needed in the City of Tracy, and (2) approving the System to be implemented for up to fifteen traffic intersections throughout the City.
- 3.B. Staff recommends that the City Council receive the annual informational report regarding the City of Tracy's Senior Services Program for 2023.
- 3.C. Staff recommends that the City Council receive the annual informational report for the Youth Advisory Commission for the 2023 calendar year and projected goals for calendar year 2024.
- 3.D. Staff Recommends that the City Council adopt a Resolution amending the Tracy Finance Committee Bylaws to change the meeting time and remove certain grant actions from the purview of the Committee.
- 3.E. Staff recommends that the Mayor appoint, subject to City Council approval, by motion, Scott Arbogast, Linda Jimenez, and Matthew ShROUT to serve on the City of Tracy's Parks and Community Services Commission, for term beginning February 7, 2024 and ending January 31, 2028.

4. ITEMS FROM THE AUDIENCE

5. STAFF ITEMS

6. COUNCIL ITEMS

7. ADJOURNMENT

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

January 16, 2024, 5:00 p.m.

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

1. Mayor Young called the meeting to order at 5:02 p.m.
 2. Mayor Young announced Council Member Evans will be participating remotely, per his use of the Just Cause exemption under AB 2449.
 3. Roll Call found Council Members Arriola, Bedolla, Evans and Mayor Young present. Mayor Pro Tem Davis absent.
 4. Items from the audience – There was no public comment.
 5. Request to Conduct Closed Session
 - 5.A. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)

Mary Mitracos, v. City of Tracy, and Surland Communities, LLC, Case No. C093383; Court Of Appeal, State Of California Third Appellate District
 - 5.B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
 - i. Significant exposure to litigation pursuant to §54956.9, subd. (d)(2) and (e)(3):
(One case).

Attachment A – Government Claims Act claim made available pursuant to (e)(3)
- There was no public comment on items 5.A and 5.B.
- ACTION:** Motion was made by Council Member Bedolla and seconded by Council Member Arriola to recess to Closed Session. Roll call found Council Members Arriola, Bedolla, Evans and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Davis absent. Time: 5:04 p.m.
6. Mayor Young reconvened the meeting to open session at 6:56 p.m.
 7. Report of Final Action, if Any – None
 8. Council Items and Comments - None
 9. Adjournment – Mayor Young adjourned the meeting at 6:57 p.m.

The above agenda was posted at the Tracy City Hall on January 11, 2024. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk

MINUTES

January 16, 2024, 7:00 p.m.

CONCURRENT REGULAR MEETING OF THE TRACY CITY COUNCIL AND THE TRACY PUBLIC FINANCING AUTHORITY

City Hall, 333 Civic Center Plaza, Tracy

Web Site: www.cityoftracy.org

Mayor Young called the meeting to order at 7:04 p.m.

Mayor Young announced Council Member Evans will be participating remotely, per his use of the Just Cause exemption under AB 2449.

Mayor Young announced it was a concurrent meeting of the City Council and the Tracy Public Financing Authority. The Authority would be voting on actions related to agenda item 3.B.

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

Timothy Mahfos, Scout Troop 939, Livermore led the Pledge of Allegiance.

Pastor Doug Diestler, Mission City Church offered the invocation.

Brian MacDonald, Interim Assistant City Manager presented Employee of the Month award for January 2024 to Ilene Macintire, Wastewater Treatment Plant.

Brian MacDonald, Interim Assistant City Manager presented Employee of the Year award to Andrea Pedigo, Parks and Recreation Department.

Mayor Young presented Certificate of Appointment to Environmental Sustainability Commissioner Jenny Wood.

Mayor Young proclaimed the month of January as Human Trafficking Prevention Month.

Mayor Young presented a proclamation for Black History Month to Gwendolyn White, President of Tracy African American Association and Olinga Yarber-Alexander, Education Chair and TUSD board member.

Council Member Bedolla requested a moment of Silence for David Cantero Valdez, a Tracy student who lost his life on Friday.

1. CONSENT CALENDAR – Following the removal of Consent Item 1.D by Robert Tanner motion was made by Mayor Pro Tem Davis 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 December 19, 2023 Closed Session and Regular Meeting Minutes.– **Minutes were adopted.**
- 1.B. Staff recommends that the City Council adopt a Resolution (1) authorizing submittal of a grant application to the United States Bureau of Reclamation for the FY24-25 Water and Energy Efficiency Grant (Grant) in the amount of \$5,000,000 for a City-wide advanced metering infrastructure installation and meter conversion project; and (2) appropriating \$5,000,000 in City Water Funds, for a 50% Grant match requirement, contingent upon receipt of the Grant.– **Resolution 2024-001** authorized 1) submittal of a grant application to the United States Bureau of Reclamation and 2) appropriating funds in City Water Funds, for a 50% grant match requirement, contingent upon receipt of the grant.
- 1.C. Staff recommends that the City Council approve the selection of the Interstate 580/Corral Hollow Road Interchange project as the City of Tracy 2024 Regional Transportation Project submittal for congressional appropriation requests during San Joaquin Council of Governments' One Voice trip to Washington D.C.– **Resolution 2024-002** approved the selection of the Interstate 580/Corral Hollow Road Interchange project as the City of Tracy 2024 Regional Transportation Project submittal for congressional appropriation requests during SJCOG One Voice trip.
- 1.E. Staff recommends that the City Council adopt a resolution (1) accepting public improvements as complete for MacArthur Drive / Grant Line Road Intersection constructed by Prologis, L.P, a Delaware Limited Partnership, (2) authorizing the City Engineer to release bonds in accordance with the Tracy Municipal Code section 12.36.080, for the public improvements, and (3) authorizing the City Clerk to file the Notice of Completion for improvements with the San Joaquin County Recorder's Office.– **Resolution 2024-003** accepted public improvements completed for MacArthur Drive / Grant Line Road Intersection constructed by Prologis, L.P., authorized the engineer to release bonds, and City Clerk to file Notice of Completion.
- 1.F. Staff recommends that the City Council adopt a resolution (1) finding that DV Electric, Inc. is non-responsive and not responsible; (2) rescinding Resolution No. 2023-131 awarding a construction contract to DV Electric, Inc., for the 384 Arbor Road Main Power Supply Project, CIP 71112; (3) rescinding Resolution No. 2023-132, awarding construction contract to DV Electric, Inc. for the 370 Arbor Road Main Power Supply Project, CIP 71112; (4) rejecting all bids for the 384 Arbor Road Main Power Supply Project, CIP 71112 received May 25, 2023 and the 370 Arbor Road Main Power Supply Project, CIP 71112 received May 17, 2023; and (5) authorizing staff to re-advertise both projects for public bidding.– **Resolution 2024-004** adopted findings that DV Electric, Inc. is non-responsive and not responsible 2) rescinded Resolution 2023-131 awarding construction contract to DV Electric, Inc. for 384 Arbor Road Main Power Supply Project, CIP 71112, 3) rescinded Resolution 2023-132 awarding construction contract to DV Electric, Inc. for 370 Arbor Road Main Power Supply Project. CIP 71112 4) rejected all bids for the 384 Arbor Road Main Power Supply Project, CIP 71112, and 370 Arbor Road Main Power Supply Project, CIP 71112 and 5) authorized staff to readvertise both projects.

- 1.D. Staff Recommends that the Tracy City Council Receive an informational report regarding the Police Department's update on Crime Statistics of Homicide, Rape, Robbery, and Aggravated Assaults. – **Report accepted.**

Robert Tanner pulled the item to ask for an update on an officer who was involved in an auto accident and asked why the Police Department's updates are on consent and not a regular agenda item.

Sekou Millington, Police Chief responded to Mr. Tanner's questions.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Arriola to accept the Police Department's update on Crime Statistics of Homicide, Rape, Robbery, and Aggravated Assaults. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Robert Tanner explained his comment made at the last meeting regarding the Mayor's lone no vote on the cannabis item, and spoke about the Mayor pushing for the MGRC, yet we are going to be losing the Aquatics Center. Mr. Tanner stated he heard there is another lawsuit that would take everything back and means no Aquatic Park. Mr. Tanner asked what is happening with the homeless who did not go to the shelter.

Mayor Young clarified no decisions have been made regarding the Aquatic Center.

Clarence Chan, Attorney representing Tracy resident John Arrington stated he is in the process of filing a lawsuit against the City over waste of taxpayer dollars regarding the City Attorney practicing law without a valid license from July through August 1, 2023, putting the City in a risky situation and based on her agreement, should have been terminated. Mayor Young expressed action that should have been taken but the City Council did not take any action.

Taiyer Raniwala shared concerns regarding late or no garbage pickups and encouraging recycling. Mr. Raniwala stated the Kensington Lane street sign is spelt incorrectly and provided a handout to Council.

Mandar Raje, resident of Ellis asked if Consent Item 1.C means the City is submitting for the SJCOG One Voice trip. Corral Hollow exit from i-580 is horrible, does the submittal include the Corral Hollow expansion and installation of traffic lights, and spoke about Corral Hollow and Valpico intersection traffic light going back to flashing red lights. What is the next action and what is happening with the Aquatic Park.

Karin Schnaider, Assistant City Manager responded to the Mandar Raje's questions regarding Consent Item 1.C.

3. REGULAR AGENDA

- 3.A Staff recommends that the City Council conduct a public hearing and, upon conclusion, adopt a Resolution: 1) adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, in accordance with the

California Environmental Quality Act, for the Multi-Generational Recreation Center Project at El Pescadero Park, and 2) authorizing the City Manager to execute and file the Notice of Determination.

Mayor Young opened the public hearing.

Richard Joaquin, Parks Planning and Development Manager provided the staff report.

There was no public comment.

There were no comments from City Council.

Mayor Young closed the public hearing.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Davis to adopt **Resolution 2024-005** 1) adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act, for the Multi-Generational Recreation Center Project 78178 and 2) authorizing the City Manager to execute and file the Notice of Determination. Roll call found all in favor; passed and so ordered.

3.B Staff recommends that the Tracy City Council and the Tracy Public Financing Authority, concurrently, take actions as follows:

Tracy City Council

1) Conduct a public hearing relating to the issuance of lease revenue bonds by the Tracy Public Financing Authority, and upon conclusion of the public hearing
2) Adopt a Resolution: (A) authorizing the issuance and sale of lease revenue bonds in the aggregate principal amount not exceeding \$60,000,000 by the Tracy Public Financing Authority to provide financing for the acquisition and construction of the multi-generational recreation center, improvements to El Pescadero Park and related public improvements, (B) declaring the intention to reimburse expenditures related to such public improvements, (C) rescinding Resolution No. 2022-061, (D) providing for approval of related documents, and (E) directing related actions

Tracy Public Financing Authority

Adopt a Resolution (A) authorizing the issuance and sale of lease revenue bonds to provide financing for the acquisition and construction of the Multi-Generational Recreation Center, improvements to El Pescadero Park and related public improvements, (B) providing for the approval of related documents, and (C) directing related actions.

Mayor Young opened the public hearing.

Sara Cowell, Finance Director provided the staff report.

There was no public comment.

There were no comments from City Council.

Mayor Young closed the public hearing.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Davis to adopt **Resolution 2024-006** (A) authorizing the issuance and sale of lease revenue bonds in the aggregate principal amount not exceeding \$60,000,000 by the Tracy Public Financing Authority to provide financing for the acquisition and construction of the Multi-Generational Recreation Center, improvements to El Pescadero Park and related public improvements, (B) declaring the intention to reimburse expenditures related to such public improvements, (C) rescinding Resolution No. 2022-061, (D) providing for approval of related documents, and (E) directing related actions. Roll call found all Council Members in favor; passed and so ordered.

ACTION: Motion was made by Board Member Arriola and seconded by Board Member Davis to adopt **TPFA Resolution 2024-001** (A) authorizing the issuance and sale of lease revenue bonds to provide financing for the acquisition and construction of the Multi-Generational Recreation Center, improvements to El Pescadero Park and related public improvements, (B) providing for the approval of related documents, and (C) directing related actions. Roll call found all Board Members in favor; passed and so ordered.

3.C Staff recommends that the City Council discuss and, by motion, make appointments of City Councilmembers as representatives on City Council committees and regional and multi-agency committees, boards and commissions.

Adrienne Richardson, City Clerk provided the staff report.

Vannie Dart shared support for Mayor Pro Tem Davis and Council Member Bedolla continuing to serve on the Tracy Homelessness Advisory Committee for 2024. There are no more unhoused neighbors at El Pescadero Park, and they are doing a phenomenal job.

Brian Bagley, Deputy Chief of Operations with South San Joaquin County Fire Authority (SSJCFA) thanked Mayor Pro Tem Davis and Council Member Evans for their phenomenal service on SSJCFA over the past year and Council's support of the Fire Authority. Mr. Bagley stated SSJCFA has a three-year strategic plan and encouraged Council to make two-year terms for Council Members appointed to serve on the JPA. They are not making a political statement, would have a great working relationship with all members of Council.

Alice English supported the previous two speaker's comments and shared support for Council Member Bedolla and Mayor Pro Tem Davis on the Tracy Homelessness Advisory Committee stating they have done a great job considering all the obstacles presented and have accomplished a lot. Ms. English shared concerns regarding Council Member Arriola's time on the Homelessness Committee.

Council Member Arriola objected to the characterization of Ms. English's comments.

Mayor Young responded to Ms. English's comments.

Joseph Jarratt, representing the Tracy Firefighters Association thanked Council for their support of the Fire Department and requested no changes be made to the current makeup of SSJCFA and shared support for Mayor Pro Tem Davis and Council Member Evans on the Fire Authority.

Mayor Young asked Council if they needed to pull any of the appointments from her suggested slate. Mayor Young confirmed the appointments below to the Council committees/boards from her slate that Council did not pull for discussion.

Tracy Finance Committee

Council Member Bedolla
Council Member Arriola

City/Chamber Liaison Committee

Council Member Arriola
Mayor Young (Alternate)

City/School Liaison Committee

Council Member Arriola
Council Member Evans
Mayor Young (Alternate)

Tracy Chamber Governmental Affairs Committee

Mayor Pro Tem Davis
Mayor Young (Alternate)

Altamont Regional Traffic Authority (ARTA) JPA

Mayor Young

City Selection Committee

Mayor Young

Integrated Waste Management Task Force

Council Member Arriola
Council Member Bedolla (Alternate)

LAFCO – No appointments until 2025

League of California Cities, Central Valley Division Executive Committee

Mayor Pro Tem Davis
Council Member Evans (Alternate)

San Joaquin Partnership

Mayor Young
Council Member Arriola (Alternate)

San Joaquin Regional Rail Commission
Mayor Young

Special City Selection Committee, SJVAPCD
Council Member Bedolla
Council Member Evans (Alternate)

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Bedolla to adopt the appointments listed above as stated by Mayor Young. Roll call found all in favor; passed and so ordered.

Council discussed the remaining board/committee appointments listed below from the Mayor's slate (Attachment E to agenda item).

ACTION: Investment Review Committee
Motion was made by Council Member Arriola and seconded by Mayor Young to appoint Council Member Evans and Mayor Pro Tem Davis to serve on the Investment Review Committee. Roll call found all in favor; passed and so ordered.

Tracy Homelessness Advisory Committee (THAC)

Council provided their input regarding assignments to THAC.

Bijal Patel, City Attorney clarified that under the Government Code the Mayor of a General Law City has a mandate to appoint but it is subject to the City Council approval. The Mayor has made a proposal so the Council will need to reject or accept the proposal, there should be a motion and second and vote on the motion.

ACTION: Motion was made by Mayor Young and seconded by Council Member Arriola to appoint Council Member Arriola and Mayor Pro Tem Davis to serve on the Tracy Homelessness Advisory Committee. Roll call found Council Member Arriola and Mayor Young in favor. Council Members Bedolla, Evans and Mayor Pro Tem Davis opposed. Motion failed.

Ms. Patel confirmed the motion failed so the Mayor would have to make another proposal for other appointees and continue through the process until there is a majority vote approving the Mayor's proposed appointees. Until then there would be no members appointed to the committee. There can be no motion to direct the Mayor to appoint anyone directly.

Mayor Young asked Council to reconsider her recommendation.

Council Member Arriola stated the committee is vital to the community and asked Mayor Young to consider alternate appointments to ensure the committee is fulfilled.

Council Member Arriola confirmed he is asking for an alternate motion for members of the committee.

Council Member Arriola withdrew his name from the nomination.

Ms. Patel confirmed there is no alternate motion, the Mayor has the power to appoint.

ACTION: Motion was made by Mayor Young and seconded by Mayor Pro Tem Davis to appoint Mayor Pro Tem Davis and Council Member Bedolla to the Tracy Homelessness Advisory Committee. Roll call found Council Members Bedolla, Evans, Mayor Pro Tem Davis and Mayor Young in favor. Council Member Arriola opposed.

South San Joaquin County Fire Authority (SSJCFA)

Ms. Patel confirmed there are no alternates on the South San Joaquin County Fire Authority.

Council provided their input regarding assignments to SSJCFA.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Evans to appoint Mayor Pro Tem Davis and Council Member Evans to serve on the South San Joaquin County Fire Authority. Roll call found all in favor; passed and so ordered.

Ava Community Energy Authority

Council Member Bedolla stated there is a reoccurring scheduling issue with the Finance Committee meetings and Ava Community Energy Authority meetings.

Karin Schnaider, Assistant City Manager responded staff will be bringing back the Finance Committee by-laws for review.

Due to scheduling conflicts with the Finance Committee meeting and Ava Community Energy Authority, Council decided to cancel the January 17, 2024 Finance Committee meeting and schedule a special Finance Committee meeting.

Council provided their input regarding assignments to Ava Community Energy Authority.

ACTION: Motion was made by Mayor Young and seconded by Council Member Arriola to appoint Council Member Arriola to serve on the Ava Community Energy Authority and Council Member Bedolla as alternate. Roll call found Council Member Arriola and Mayor Young in favor. Council Members Bedolla, Evans and Mayor Pro Tem Davis opposed. Motion failed.

Council comments continued.

Council Member Arriola asked Mayor Young to consider appointing Council Member Bedolla to Ava Community Energy Authority and himself as an alternate because it is important for our City to have a voice on the board.

Mayor Young asked Council Member Bedolla to reconsider allowing Council Member Arriola to serve on Ava Community Energy Authority and Council Member Bedolla be the alternate.

Council comments continued.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Bedolla to appoint Council Member Bedolla to serve on the Ava Community Energy Authority and Council Member Arriola as alternate. Roll call found Council Members Arriola, Bedolla, Evans, Mayor Pro Tem Davis and Mayor Young in favor; passed and so ordered.

San Joaquin Council of Governments (SJCOG)

Council provided their input regarding assignments to San Joaquin Council of Governments.

ACTION: Motion was made by Mayor Young and seconded by Council Member Arriola to appoint Mayor Young to SJCOG and Council Member Bedolla to serve as alternate. Roll call found all in favor; passed and so ordered.

San Joaquin County Water Advisory Commission

Council provided their input regarding assignments to San Joaquin County Water Advisory Commission.

ACTION: Motion was made by Mayor Young and seconded by Council Member Arriola to appoint Council Member Bedolla and staff to be assigned to serve on the San Joaquin County Water Advisory Commission. Roll call found all in favor; passed and so ordered.

Tri-Valley-San Joaquin Valley Regional Rail Authority (Valley Link)

Council provided their input regarding assignments to Tri-Valley-San Joaquin Valley Regional Rail Authority (Valley Link).

Bijal Patel, City Attorney clarified she previously researched the issue and could not find anything in the enabling statute that prohibited the local agency that had a seat on the board to have its own process. Ms. Patel stated she had a discussion with the Counsel for Valley Link and thought he was in agreement but not sure if the Executive Director was in agreement. May need to revisit but if Council seeks to have an alternate Council should make that motion and appoint today and she can continue to work with their attorney to solve the installation.

Council comments continued.

ACTION: Motion was made by Mayor Young and seconded by Council Member Bedolla to appoint Council Member Bedolla to serve on the Tri-Valley-San Joaquin Valley Regional Rail Authority and Mayor Pro Tem Davis as alternate. Roll call found all in favor; passed and so ordered.

- 3.D Staff recommends that the City Council approve a Resolution amending the Policy for Reimbursement for Travel and Expenses for Elected and Council-Appointed Officials to remove City Council pre-approval for out-of-state travel and to specify a lodging rate in the absence of a group rate.

Mariann Stolte, Executive Assistant, City Manager's Office provided the staff report.

There was no public comment.

There were no comments from Council.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Davis to adopt **Resolution 2024-007** amending the Policy for Reimbursement for Travel and Expenses for Elected and Council-Appointed Officials to remove City Council pre-approval for out-of-state travel and to specify a lodging rate in the absence of a group rate. Roll call found all in favor; passed and so ordered.

- 3.E Staff recommends that the City Council appoint, by motion, two Council Members and an alternate to serve as a selection subcommittee to interview applicants and fill three (3) term vacancies on the Tracy Parks and Community Services Commission.

Adrienne Richardson, City Clerk provided the staff report.

There was no public comment.

Mayor Young and Council Member Arriola expressed interest in serving on the Council subcommittee.

Council Member Evans nominated himself and Council Member Bedolla to the Council subcommittee.

Council Member Bedolla respectfully declined due to scheduling issues.

Bijal Patel, City Attorney clarified the appointment process and stated looking back at the Government Code and two Attorney Generals opinions, it extends to all committees. One Attorney General opinion is that includes subcommittees of the City Council. The Mayor has power to appoint and then Council can reject or accept it. If Council rejects the appointment, the Mayor would have to consider alternate appointments.

Council Member Arriola suggested Mayor Young, Council Members Evans and himself as alternate.

Council questions and comments continued.

ACTION: Motion was made by Mayor Young and seconded by Council Member Arriola to appoint Mayor Young and Council Member Arriola to serve as a selection subcommittee and Council Member Evans as alternate to interview applicants and fill three term vacancies on the Tracy Parks and Community Services Commission. Roll call found Council Members Arriola, Bedolla, Mayor Pro Tem Davis and Mayor Young in favor; passed and so ordered. Council Member Evans opposed.

Mayor Young left the meeting at 9:45 p.m.

Mayor Pro Tem Davis chaired the remainder of the Council meeting.

3.F Staff recommends that the City Council appoint, by motion, Maxine Lees and Cynthia Reis to serve on the City of Tracy's Arts Commission, for term beginning January 17, 2024 and ending December 31, 2028.

Adrienne Richardson, City Clerk provided the staff report.

Council Member Bedolla, as one of the Council Subcommittee Members briefly shared the applicant interview process.

There was no public comment.

ACTION: Motion was made by Council Member Bedolla and seconded by Mayor Pro Tem Davis to appoint Maxine Lees and Cynthia Reis to serve on the City of Tracy Arts Commission, for a term beginning January 17, 2024 and ending on December 31, 2028 and place Lindsey Humphrey on the eligibility list for 12 months. Roll call found Council Members Arriola, Bedolla, Evans and Mayor Pro Tem Davis in favor; passed and so ordered. Mayor Young absent.

Adrienne Richardson, City Clerk announced public comment was received from Dotty Nygard regarding Item 3.E. There was also a public comment from Jose Chavez regarding Item 3.C.

4. ITEMS FROM THE AUDIENCE – Mary Mitracos spoke about being in court with Surland on Friday, the Judge being unaware that during the 5 ½ years of the lawsuit that the Ellis subdivision has been built out, houses sold which means Surland received a lot of benefit. Surland made it clear they have no intention of paying the \$10 million that they have been offering for 20 years. The Judge declined the City's Attorneys request to make Surland compelled to pay the \$10 million. Ms. Mitracos shared concerns regarding Surland's lawyers lack of concern regarding a lawsuit due to Council not being able muster three votes to sue them and asked Council to continue to sue Surland for the \$10 million they own the City as citizens may end up with neither the money or land.
5. STAFF ITEMS – Midori Lichtwardt, City Manager provided the following updates:
 - The City is currently recruiting for three vacancies on our Parks and Community Services Commission, which meets the first Thursday of the month at 7:00 p.m. Applications are available in the lobby, linked on our website (CityOfTracy.org), or

contact our Clerk's Office for more information: (209) 831-6101. The deadline for the recruitment is 6:00 p.m. this Thursday, January 18th.

- The City is seeking adult volunteers to form teams of 2-4 people to conduct a visual tally of persons experiencing homelessness across our county for the biannual Point-in-Time count on Monday, January 29, 2024 from 5:00 a.m. to 10:00 a.m., meeting outside the Tracy Community Center. There is a flyer posted in the lobby with the details and a QR code to sign up, it has been shared on our [Facebook page](#), and it will also be made available on our City homepage.
6. COUNCIL ITEMS – Council Member Evans stated many attended the Martin Luther King Jr. Breakfast at Kimball High. Great way to celebrate the legacy of Martin Luther King Jr. Hats off for the Breakfast Lions for serving breakfast.
7. ADJOURNMENT – Time: 9:59 p.m.

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

The above agenda was posted at the Tracy City Hall on January 11, 2024. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk

Agenda Item 1.B

RECOMMENDATION

Staff recommends that the City Council adopt a resolution approving the Professional Service Agreement (PSA) with BKF Engineers (BKF) for a not-to-exceed amount of \$327,547 to provide professional engineering services in furtherance of Capital Improvement Project (CIP) 72122.

EXECUTIVE SUMMARY

Staff requests City Council approve a Professional Services Agreement (PSA) with the qualified consultant, BKF, for professional engineering design services, which includes the preparation of plans, specifications, and cost estimates, for the Holly Drive Roadway Improvements Project, CIP 72122 (Project).

BACKGROUND AND LEGISLATIVE HISTORY

The City of Tracy was a recipient of the San Joaquin Council of Governments' (SJCOG) Active Transportation Program (ATP) Regional Grant of \$1.6 million, under the 2021 ATP Cycle 5 Call for Projects, for the Holly Drive Pedestrian and Bikeway Improvements. Capital Improvement Project (CIP) 72122 Holly Drive Roadway Improvements is an approved Capital Improvement Project that was created to implement the scope of work in the ATP (Active Transportation Program) grant. The Project scope entails pavement rehabilitation, patch repair, ADA (Americans with Disabilities Act) curb ramp upgrades, sidewalk repair, and/or slurry sealing of Holly Drive between 11th Street and Clover Road, and incorporating pedestrian and bikeway Improvements. The Project also proposes to install approximately 205 linear feet of sidewalk across from North Elementary School to close a gap in the City's sidewalk network and provide a safe route to schools. The primary goals are to provide a safe route to the several schools within the project limits and to connect active transportation users on Holly Drive between Clover Road and 11th Street. The City aims to incorporate Complete Streets elements in this Project.

On August 24, 2023, City staff prepared and issued a Request for Proposals (RFP) for project management, coordination, pre-design research, and final design of the proposed roadway improvements for the Project. This work will include coordinating with all necessary agencies, surveying, performing pavement rehabilitation design, and preparing a complete set of plans, specifications, and an engineer's estimate (PS&E) for the Project.

On September 21, 2023, the City received a total of six (6) proposals. The City's consultant selection committee has carefully evaluated all the received proposals based upon the criteria described in the RFP. The committee has determined that BKF possesses the skills, experience, and certifications required to provide the requested services and has determined that BKF demonstrated the competence and professional qualifications necessary for the satisfactory performance of the required services. BKF has successfully designed and completed several similar projects for other public agencies. Staff negotiated with BKF to provide engineering design services for this Project on a time and material basis, for an amount not-to-exceed \$327,547, which is reasonable and competitive.

ANALYSIS

Pursuant to the City’s public bidding process prescribed in Tracy Municipal Code Section 2.20.260, BKF is eligible to be selected as a contractor for the Project because it was the lowest bidder and deemed qualified by staff and the consultant selection committee.

The consultant selection committee has carefully evaluated all the received proposals based upon the criteria described in the RFP and has determined that BKF possesses the skills, experience, and certifications required to provide the requested services. BKF has successfully designed and completed several similar projects for other public agencies. Staff negotiated with BKF to provide engineering design services for this Project on a time and material basis, for an amount not-to-exceed \$327,547, which is reasonable and competitive.

FISCAL IMPACT

The Holly Drive Roadway Improvements Project, CIP 72122, is a previously approved Capital Improvement Project with a budget of \$2,125,000. There are sufficient funds in the Project for the not-to-exceed amount of \$327,547 for the PSA.

Current Project Budget:

Funding Source	Budget	Expenses	Balance
245 - Gas Tax	\$ 340,000	\$ 13,868	\$ 326,132
248 - SB1	\$ 160,000	\$ -	\$ 160,000
ATP Grant	\$ 1,625,000	\$ -	\$ 1,625,000
CURRENT BUDGET	\$ 2,125,000	\$ 13,868	\$ 2,111,132

PUBLIC OUTREACH / INTEREST

Not applicable.

COORDINATION

Not applicable.

CEQA DETERMINATION

The project is categorically exempt, per the following CEQA Guidelines Sections: 15301. Existing Facilities Class I category, which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

ACTION REQUESTED OF THE CITY COUNCIL

The City Council, by resolution, approve the Professional Service Agreement (PSA) with BKF Engineers (BKF) for a not-to-exceed amount of \$327,547 to provide professional engineering services in furtherance of Capital Improvement Project (CIP) 72122.

Prepared by: Habibullah Habib, PE, Associate Civil Engineer
Anju Pillai, PE, Senior Civil Engineer

Reviewed by: Koosun Kim, PE, City Engineer / Assistant Director of Development Services
Sara Cowell, Finance Director
Bijal M. Patel, City Attorney
Karin Schnaider, Assistant City Manager

Approved by: Midori Lichtwardt, City Manager

ATTACHMENTS

Attachment A - Professional Services Agreement – BKF Engineers (CIP 72122)

**CITY OF TRACY
PROFESSIONAL SERVICES AGREEMENT WITH
BKF ENGINEERS, A CALIFORNIA CORPORATION FOR THE HOLLY DRIVE ROADWAY
IMPROVEMENTS CIP-72122**

This Professional Services Agreement (“**Agreement**”) is entered into between the City of Tracy, a municipal corporation (“**City**”), and **BKF ENGINEERS**, a California Corporation (“**Consultant**”). City and Consultant are referred to individually as “Party” and collectively as “Parties.”

Recitals

- A.** City desires to retain the services of Consultant for project management, coordination, pre-design research, and final design of the proposed roadway improvements for **Holly Drive Roadway Improvements CIP 72122**. This work will include coordinating with all necessary agencies, surveying, performing pavement rehabilitation design, and preparing a complete set of plans, specifications, and an engineer’s estimate (PS&E) for **Holly Drive Roadway Improvements CIP 72122** (as further described herein and in Exhibit A, the “**Services**”); and
- B.** On August 24, 2023, the City issued a Request for Proposals (RFP) for the Services. On September 21, 2023, Consultant submitted its proposal for the Services to the City. The City has determined that Consultant demonstrated the competence and professional qualifications necessary for the satisfactory performance of the required services.
- C.** After negotiations between the City and Consultant, the Parties have reached an agreement for the performance of the Services in accordance with the terms set forth in this Agreement.
- D.** This Agreement is being executed pursuant to Tracy Municipal Code section 2.20.140 and pursuant to Resolution No. _____, which was adopted by the City Council for the City of Tracy on _____.

Now therefore, the Parties mutually agree as follows:

- 1. Scope of Work.** Consultant shall perform the Services, which includes the services described in Exhibit “A” attached hereto and incorporated herein by this reference. The Services shall be performed by, or under the direct supervision of, Consultant’s “Authorized Representative”: [James McCurdy, PE, Senior Associate Principal]. Consultant shall not replace its Authorized Representative, nor shall Consultant replace any of the personnel listed in Exhibit “A,” nor shall Consultant use or replace any subcontractor or subconsultant, without the City’s prior written consent. The City may terminate this Agreement if Consultant makes any such change or uses or replaces any such subcontractor or subconsultant.
- 2. Time of Performance.** Time is of the essence in the performance of the Services under this Agreement and the timing requirements set forth herein shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. If dates for performance are set out in Exhibit A, Consultant 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 Consultant in a reasonably prompt and timely manner based upon the circumstances and direction communicated to the Consultant. If Exhibit “A” indicates that Services shall only be performed upon request, or if the City otherwise communicates the same to Consultant, Consultant shall not perform said Services until the City requests such performance. Consultant shall submit all requests for time extensions to the City in writing no later than ten (10) days after the start of

the condition which purportedly caused the delay, and not later than the date on which performance is due. The City may grant or deny such requests in its sole and absolute discretion.

2.1 Term. The term of this Agreement shall begin on January 15 ,2024” and end *on June 21,2024* or “once the City confirms that all Services were performed to the City’s satisfaction”, unless terminated in accordance with Section 6. This Agreement shall not be extended except pursuant to a writing signed by both Parties.

3. Compensation. City shall pay Consultant on a time and expense basis for Services performed under this Agreement at the billing rates set forth in Exhibit “B,” which is attached hereto and incorporated herein by this reference.

3.1 Not to Exceed Amount. Consultant’s total compensation under this Agreement shall not exceed \$327,547 dollars. Notwithstanding the foregoing, the payment of any funds under this Agreement shall be subject to the City of Tracy appropriation of funds for the Services. This Agreement shall terminate in the event that such funds are not appropriated. Unless specifically stated otherwise or agreed to in writing, the fees proposed by Consultant, as set forth in Exhibit B hereto, shall remain unchanged for the entire term of this Agreement and any extensions of this Agreement. It is understood and agreed that Consultant may not receive compensation up to the “not-to-exceed” amount (or any other amount), and Consultant’s total compensation under this Agreement will depend on the scope of the Services requested and approved by the City. Consultant’s billing rates shall cover all costs and expenses for Consultant’s performance of this Agreement. No work shall be performed by Consultant in excess of the “not-to-exceed” amount provided in this section without the City’s prior written approval.

3.2 Invoices. Consultant shall submit monthly invoice(s) to the City that describe in detail satisfactory to the City: the services performed, the times and dates of performance, and the names of the person(s) performing the Services.

3.2.1 If Consultant is providing Services in response to a development application, separate invoice(s) must be issued for each application and each invoice shall contain the City’s designated development application number.

3.2.2 Consultant’s failure to submit invoice(s) in accordance with this Section may result in the City rejecting said invoice(s) and thereby delaying payment to Consultant.

3.3 Payment. Within 30 days after the City’s receipt of invoice(s), City shall make payment to the Consultant based upon the services described on the invoice(s) and approved by the City.

3.4 Final Payment. The acceptance by Consultant of the final payment made under this Agreement shall constitute a release of City from all claims and liabilities for compensation to Consultant for anything completed, finished or relating to Consultant’s services. Consultant agrees that payment by City shall not constitute nor be deemed a release of the responsibility and liability of Consultant or its employees, subcontractors, agents and subconsultants for the accuracy and competency of the information provided and/or services performed hereunder, nor shall such payment be deemed to be an assumption of responsibility or liability by City for any defect or error in the Services performed by Consultant, its employees, subcontractors, agents and subconsultants.

3.5 Books and Accounts. Consultant agrees to maintain books, accounts, payroll records and other information relating to the performance of Consultant’s obligations under the Agreement, which shall adequately and correctly reflect the expenses incurred by the Consultant in the performance of Consultant’s work under the Agreement. Such books and records shall be open to

inspection and audit by the City during regular business hours for three years after expiration or termination of this Agreement.

4. Indemnification. Consultant 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, and reimburse the City for, any and all liabilities, obligations, losses, damages, injunctions, suits, actions, fines, penalties, claims, demands, administrative and judicial proceedings and order, judgments, remedial action requirements, costs and expenses of every kind or nature, and all costs and expenses incurred in connection therewith, including, without limitation, reasonable attorneys' fees and court costs ("**Claims**") arising directly or indirectly from or out of (including any and all related costs and expenses), relating or pertaining to or resulting from, in whole or in part, this Agreement; any act, omission, or event relating in any way to Consultant's obligations under this Agreement; and/or Consultant's breach of this Agreement, except to the extent such Claim is caused solely by the active negligence or willful misconduct of the City. In this Section 4, "City" means the City, its officials, officers, agents, employees and volunteers; "Consultant" means the Consultant, its employees, agents and subcontractors.

In the event there is a finding and/or determination that Consultant is not an independent contractor and/or is an employee of City, including but not limited to any such finding and/or determination made by the California Public Employees' Retirement System (CalPERS), the Department of Industrial Relations (DIR), or the Internal Revenue Service (IRS), Consultant shall, to the fullest extent permitted by law, indemnify, defend, and hold harmless the City from and against any and all Claims relating to or in connection with such a finding and/or determination.

(The duty of a "design professional" to indemnify and defend the City is limited to claims that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of the design professional, under Civ. Code § 2782.8.)

Consultant and City mutually waive consequential damages for claims, disputes, or other matters in question, arising out of or relating to this Agreement. This mutual waiver is applicable, without limitation, to all consequential damages due to either Party's termination of this Agreement.

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

5. Insurance. Consultant shall, throughout the duration of this Agreement, maintain insurance to cover Consultant, its agents, representatives, and employees in connection with the performance of the 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 Consultant in an amount not less than \$1,000,000 per claim.

5.5 Endorsements. Consultant 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, Consultant’s coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Consultant’s insurance and shall not contribute with it.

5.6 Notice of Cancellation. Consultant 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. Consultant shall immediately obtain a replacement policy.

5.7 Authorized Insurers. All insurance companies providing coverage to Consultant 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. Consultant 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 and in any event, within five (5) days of such request.

5.9 Substitute Certificates. Consultant 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 Consultant’s Obligation. Maintenance of insurance by the Consultant as specified in this Agreement shall in no way be interpreted as relieving the Consultant of any responsibility whatsoever (including indemnity obligations under this Agreement), and the Consultant 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 in its sole and absolute discretion by giving ten (10) days’ written notice to Consultant. Within five (5) days of such a termination, Consultant shall give the City all original documents relating to the Services in Consultant’s possession or control, including, without limitation, preliminary drafts and supporting documents, and any other documents prepared by Consultant pursuant to this Agreement. The City shall pay Consultant for all services satisfactorily performed in accordance with this Agreement, up to the date the termination notice is given.

7. Dispute Resolution. If any dispute arises between the City and Consultant that cannot be settled after engaging in good faith negotiations, City and Consultant 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 mediator with at least ten (10) years' experience in the field of law subject to the dispute to serve as the mediator, shall be commenced within thirty (30) days of selection of a mediator, 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 mediator 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. If, for any dispute or claim to which this Section applies, any Party commences an action without first attempting to resolve the matter through the process set forth in this Section, or refuses to comply with this Section after a request has been made, then that Party shall not be entitled to recover attorney fees, even if they would otherwise be available to that party in any such 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. Ownership of Work. All original documents prepared by Consultant 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 Consultant's Services, upon termination of this Agreement, or within five (5) days of any demand from the City. No such documents shall be revealed or made available by Consultant to any third party without the City's prior written consent.

9. Independent Contractor Status. Consultant is an independent contractor and is solely responsible for the acts of its employees or agents, including any negligent acts or omissions. Consultant is not City's employee and Consultant 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. Consultant is free to work for other entities while under contract with the City. Consultant, and its agents or employees, are not entitled to City benefits. Consultant shall be solely responsible for, and shall save the City harmless from, all matters relating to the payment of Consultant's employees, agents, subcontractors and subconsultants, including compliance with social security requirements, federal and State income tax withholding and all other regulations governing employer-employee relations.

9.1 Non-Exclusive Professional Services Agreement. The City reserves the right to contract with other firms and/or consultants during the term of this Agreement to provide the City the same or similar services as those described in Exhibit A. Nothing contained in this Agreement guarantees Consultant a certain amount of work, and the City may, in its sole and absolute discretion, allocate and/or delegate work to Consultant so as to satisfy the City's needs.

10. Conflicts of Interest. Consultant (including its employees, agents, and subconsultants) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this

Agreement. If Consultant maintains or acquires such a conflicting interest, the City may terminate any contract (including this Agreement) involving Consultant's conflicting interest.

11. Rebates, Kickbacks, or Other Unlawful Consideration. Consultant 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 any 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 the value of the rebate, kickback, or other unlawful consideration; or otherwise recover the full amount of such rebate, kickback, or other unlawful consideration.

12. 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 the City:
City of Tracy
Attn: Koosun Kim, City Engineer

To Consultant:
BKF Engineers
Attn: James McCurdy, Senior Associate Principal
980 9th Street, Suite 2300, Sacramento, CA 95814

333 Civic Center Plaza
Tracy, CA 95376

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

13. Miscellaneous.

13.1 Standard of Care. Unless otherwise specified in this Agreement, the standard of care applicable to Consultant'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.

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

13.3 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. No waiver shall be effective unless it is in writing and signed by the waiving party.

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

13.5 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.

13.6 Compliance with the Law. Consultant shall comply with all applicable local, state, and federal laws, including, without limitation, those identified below, whether or not such laws are expressly stated in this Agreement.

13.6.1 Prevailing Wage Laws. Consultant is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 16000, et seq., (“Prevailing Wage Laws”), which require the payment of prevailing wage rates; 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. If the services being performed under this Agreement are part of a “public works” or “maintenance” project, as defined in the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, Consultant agrees to fully comply with such Prevailing Wage Laws. These prevailing rates are on file with the City and are available online at <http://www.dir.ca.gov/DLSR>. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents, harmless from any and all claims, costs, penalties, or interests arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

13.6.2 Non-discrimination. Consultant represents and warrants that it is an equal opportunity employer, and it shall not discriminate against any subconsultant, employee or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex, or age. Consultant 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.).

13.7. Business Entity Status. Consultant 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 Consultant. By entering into this Agreement, Consultant represents that it is authorized to do business in California, in good standing with the Secretary of State, and in good standing with all agencies having jurisdiction over Consultant (including any licensing agencies). If Consultant is a suspended entity at the time it enters this Agreement, City may take steps to have this Agreement declared voidable.

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

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

13.10 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.

13.11 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.

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

13.13 Entire Agreement. This Agreement and the attached Exhibits comprise the entire integrated understanding between the Parties concerning the services to be performed and the matters contemplated herein. This Agreement supersedes all prior negotiations, representations or agreements (in each case, whether oral or in writing). All exhibits attached hereto are incorporated by reference herein.

13.14 Counterparts. City and Consultant agree that this Agreement may be executed in two or more counterparts, each of which shall be deemed an original.

13.15 Expenses for Enforcement. Consultant and City agree that the prevailing party's reasonable costs, attorneys' fees and expenses, including investigation fees and expert witness fees, shall be paid by the non-prevailing party in any dispute involving the terms and conditions of this Agreement.

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

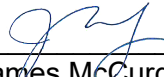
[Signature Page to Follow]

The Parties agree to the full performance of the terms set forth in this Agreement and have caused this Agreement to be duly executed.

City of Tracy, a Municipal Corporation

BKF Engineers, California Corporation


By: _____
Nancy D. Young
Title: Mayor
Date: _____

By:  _____
James McCurdy,
Title: Senior Associate Principal
Date: 1/9/2024

Attest:

Federal Employer Tax ID No. 94-1729773

Adrienne Richardson, City Clerk

By:  _____
Jean Chen

Approved as to form:

Title: Chief Financial Officer
Date: 1/9/2024

Bijal M. Patel, City Attorney

Exhibits:

- A Scope of Work
- B Compensation

EXHIBIT A Scope of Work

The scope of work includes the following:

1. Roadway pavement rehabilitation, patch repair and/ or slurry seal of Holly Drive, between 11th Street and Clover Road.
2. Installation of Class 3 bike route signage and Class 2 bicycle lane striping.
3. Correction of barriers to accessibility at curb ramps along Holly Drive, between Clover Road & 11th Street.

4. Additional improvements including signal loop replacement, curb, gutter & sidewalk repair, and installation of ~205 LF of walk across from North Elementary School.

In addition to design of the above items, the Project also include the following:

- Geotechnical investigations by BSK ASSOCIATES (Sub-Consultant) Field survey services Bid support, construction support and post construction support.

Project Approach:

Managing the process:

Project Work Plan: For the Project, Consultant's Project Manager, supported by Consultant's Principal-in-Charge, will be available to meet with the City to ensure that Consultant understand the Project's goals, objectives, and priorities. Consultant will confirm the strategy and Project expectations with the City of Tracy in order to develop an accurate and detailed work plan that accounts for the feedback received from the coordination performed by the City to date and identifies other key and critical tasks, as well as the deliverables necessary to process the Project effectively. Consultants intend for this work plan and schedule to be a living document that Consultant update, as necessary, to reflect the progress and needs of the Project.

Team Organization: Consultant's work plan will be based on the Project team organization and the coordination between the Consultant Team members. The partnering and Consultant's leadership role will be illustrated in an organization chart within Proposed Staff section. The Consultant Team will be staffed with the resources and know-how required to complete the PS&E phase based on the Project's objectives and goals on schedule and within the allocated budget. Additionally, the continuity and long tenure among consultant key staff, 10 years minimum, will evidence in that the personnel who Consultant have assigned are innately experienced and committed to this Project.

Defined Schedule: Consultant's work plan will be based on the detailed schedule provided within their proposal. The detailed schedule will include dates for specific tasks that will be updated on a monthly basis in support of the City and the ongoing coordination with stakeholders. The schedule is a critical tool for the Consultant Team, City of Tracy and other stakeholders to help plan, strategize task delivery and project flow, and track progress throughout the course of the Project in order to deliver the Project by the City's construction window July 2024 to November 2024.

Design Fee: Consultant will develop a detailed fee for their team's services based on the work plan and schedule and will closely monitor that the Consultant Team's "burn rate" is consistent with the status of the design. By simultaneously tracking cost and schedule, Consultant will establish budgetary

regulation to ensure resources are efficiently utilized on a task-by-task basis, and duplication or work is avoided.

Defining Critical Issues:

Consultant will understand that the City's goals are to maintain and improve the City's roadway network and install complete street-related safety improvements. Consultant will conduct field investigations for verification of existing conditions and constraints. The initial assessment of the project area will allow the consultant team to identify potential challenges and opportunities at the preliminary stage to pinpoint long-lead coordination items. The work cited below will identify consultant's approach to carry the design through PS&E.

Documenting Existing Conditions and Information: Obtaining pertinent existing information, evaluating the information, and developing adequate documentation to establish existing Project conditions related to traffic and safety conditions, surrounding land uses and constraints, location of utilities and surface appurtenances and existing substandard elements, is essential to preparing an accurate cost for the Project. This will be performed through field survey and visual inspection.

Field Review and Basis of Design: Consultant will perform a field review of the Project locations to understand constraints that may affect the design. Consultant will utilize available information, GIS mapping and aerial images for efficiency. During the field review, Consultant will evaluate opportunities for directional ramps, where feasible. Consultant will understand that major redesign of traffic signals is not anticipated, but available within consultant, should a need arise.

Bikeway Design Concept that Meets Purpose and Need: Consultant will work with the City of Tracy to ensure that the proposed Class 2 bicycle lane striping, and Class 3 signage are based on safety needs and functionality and meet the City's goals before advancing the concept through final design. This effort will minimize costly changes and streamline design.

Defining Risk: Risk assessment is a key to managing the overall design, approval, implementation, and costs of a Project. Consultant will be very conscientious about project risks throughout the design development and permitting process, and construction phase, which will prove invaluable in identifying, managing, tracking, and resolving individual risks to obtain Project approval and through construction. It is critical to be able to identify the challenges that either have to be addressed by the Project or will play a role in the final design phases. Consultant is conscientious of this and has already identified several key challenges that will have to be considered and/or addressed.

Balancing Project Budget with Pavement Rehabilitation Strategies

By leveraging previous planning documents, the design team will prepare the preliminary design for the corridor and generate concepts that best suit the needs of each intersection's users and surrounding community. Consultant technical approach to conflict design for this project involves a consideration of various factors to ensure optimal functionality and safety.

Consultant will integrate the City's goals of connectivity, safety & comfort, community, equity, and ridership into the ultimate design. Consultant technical approach for the Project aims to assess the feasibility of implementing the City's proposed improvements, ensuring that any necessary revisions are made, and appropriate safety measures are implemented.

Project Construction Estimate

Consultant will complete a preliminary (35% design) cost estimate for the Project elements to ensure project costs are clearly understood. This task will be very important as Consultant are seeing cost increases across all transportation projects statewide.

Quality Assurance: Quality assurance strategies will be achieved by establishing and improving standard processes and procedures, through a QMP. The QMP will define proactive activities throughout the course of the project, including requirements for independent checking and peer review of all documents.

Quality Control: Based on the QA strategies defined in the QMP, QC activities will prevent defects or errors by checking work products and correcting issues identified.

Probable Costs: With each submittal, Consultant will prepare an opinion of cost to assist in developing a project budget.

KEY PERSONNEL

- James McCurdy, PE, Principal-in-Charge
- Brandon Mettler, PE, Project Manager
- Stephany Romero, PE, QSD/P, QA/QC Manager
- Jonathan Shattuck, PLS, PE, Survey Manager
- Cristiano Melo, PE, GE, Geotechnical Engineer (BSK)
- Norm Dyer, CASp, Senior Planner
- Marley Mueller, JD, Funding Strategies Manager
- Doug, Fleming, JD, Funding Strategist
- Jeff Wang, PE, Director of Transportation
- Jaggi Bhandal, PE, LEED AP, Senior Associate Principal
- Cavin Nguyen, Senior Project Engineer
- BSK ASSOCIATES, Geotechnical Manager (Sub-Consultant)

Project Schedule

The consultant will complete this project in accordance with the schedule shown on the following page.

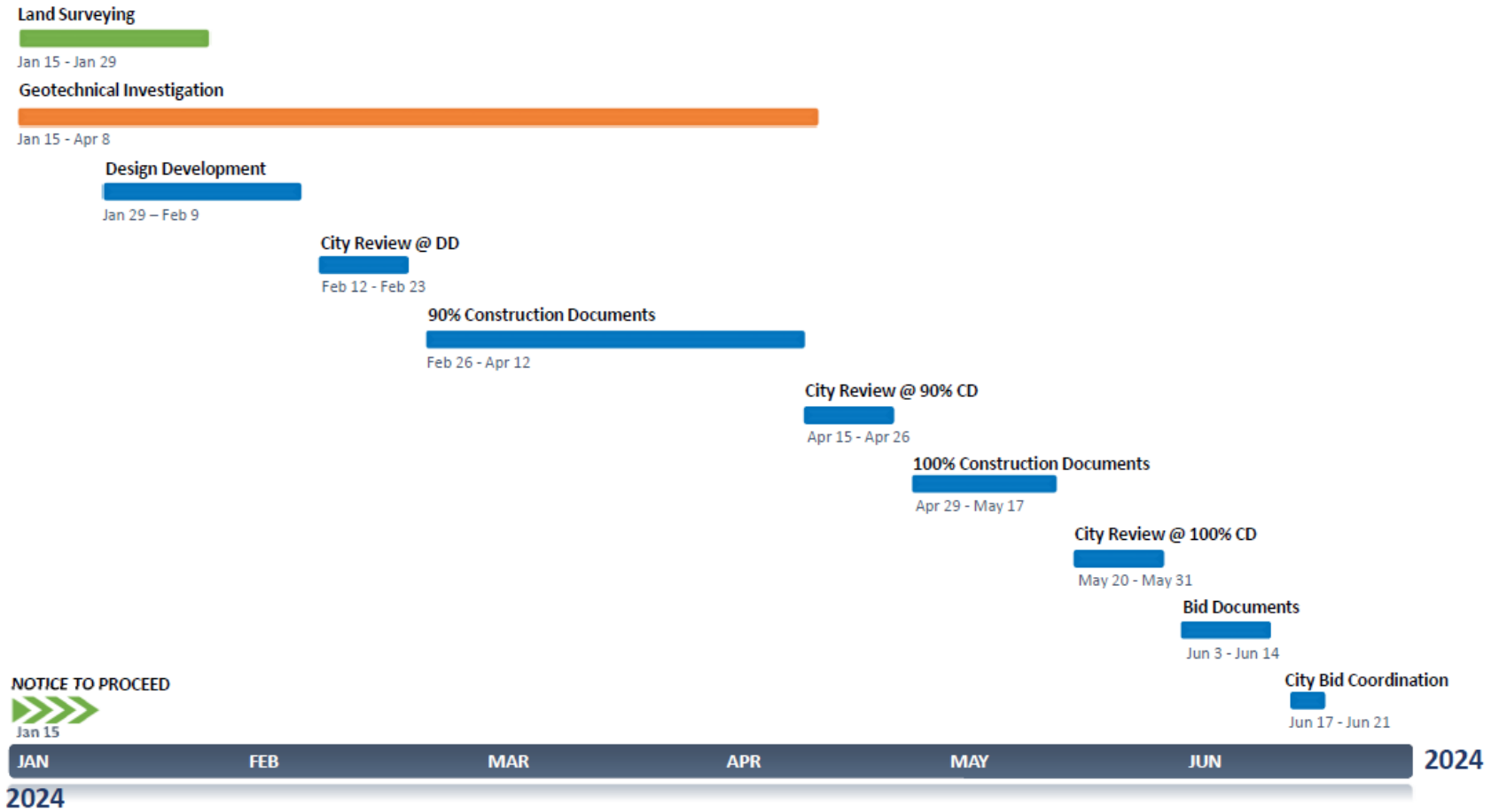


EXHIBIT B – Compensation



Holly Drive Project, Tracy, CA BKF Engineers/Civil Engineering Fee Summary

	Personnel / Hourly Rates / Task Hours						Total Hours	BKF Fees	Reimbursable Expenses	Total Fees	
	Principal-in-Charge \$288	Project Manager \$247	Project Engineer \$186	Senior Project Engineer \$212	Survey Tech 2 \$164	2-Person Survey Crew \$348					
1 Existing Conditions Verification							308	\$77,108.00	\$38,800.00	\$115,908.00	
Review Opportunities & Constraints	0	16	12	0	0	0	28	\$6,184.00		\$6,184.00	
Geotechnical Investigation								\$0.00	\$38,700.00	\$38,700.00	
Topographic Survey	0	16	0	16	120	120	272	\$68,784.00		\$68,784.00	
Meetings	4	4	0	0	0	0	8	\$2,140.00	\$100.00	\$2,240.00	
2 Design Development (60% DD)							188	\$39,270.00	\$150.00	\$39,420.00	
Preliminary Design Plans	4	24	80	60	0	0	168	\$34,680.00		\$34,680.00	
Outline Specifications	0	2	0	6	0	0	8	\$1,766.00		\$1,766.00	
Narratives	0	0	0	4	0	0	4	\$848.00		\$848.00	
Meetings	0	8	0	0	0	0	8	\$1,976.00	\$150.00	\$2,126.00	
3 Final Design Phase (90% & 100% CD)							484	\$102,092.00	\$300.00	\$102,392.00	
Final Plans	8	60	120	160	0	0	348	\$73,364.00		\$73,364.00	
Specifications	0	2	0	12	0	0	14	\$3,038.00		\$3,038.00	
Calculations	0	2	0	8	0	0	10	\$2,190.00		\$2,190.00	
Narratives	0	0	0	8	0	0	8	\$1,696.00		\$1,696.00	
Meetings	4	12	0	0	0	0	16	\$4,116.00	\$300.00	\$4,416.00	
Permitting/Approval	0	8	48	32	0	0	88	\$17,688.00		\$17,688.00	
4 Bidding Phase							20	\$3,964.00	\$0.00	\$3,964.00	
RFIs	0	4	16	0	0	0	20	\$3,964.00		\$3,964.00	
Meetings	0	0	0	0	0	0	0	\$0.00		\$0.00	
5 Construction Phase							128	\$29,680.00	\$600.00	\$30,280.00	
RFIs/Submittals	4	60	0	24	0	0	88	\$21,060.00		\$21,060.00	
Meetings	0	0	0	0	0	0	0	\$0.00		\$0.00	
Site Observation Visits	0	4	0	20	0	0	24	\$5,228.00	\$400.00	\$5,628.00	
Punch List	0	0	0	16	0	0	16	\$3,392.00	\$200.00	\$3,592.00	
6 Close Out							30	\$5,806.00	\$0.00	\$5,806.00	
Meetings	0	0	0	0	0	0	0	\$0.00		\$0.00	
Record Drawings	0	2	24	4	0	0	30	\$5,806.00		\$5,806.00	
TOTALS	24	224	300	370	120	120	0	1158	\$257,920.00	\$39,850.00	\$297,770.00

TRACY CITY COUNCIL

RESOLUTION NO. 2024-_____

APPROVING THE PROFESSIONAL SERVICES AGREEMENT (PSA) WITH BKF ENGINEERS (BKF) FOR A NOT-TO-EXCEED AMOUNT OF \$327,547 TO PROVIDE PROFESSIONAL ENGINEERING SERVICES, IN FURTHERANCE OF CAPITAL IMPROVEMENT PROJECT (CIP) 72122

WHEREAS, City of Tracy was a recipient of the San Joaquin Council of Governments' (SJCOG) Active Transportation Program (ATP) Regional Grant of \$1.6 million under the 2021 ATP Cycle 5 Call for projects, for the Holly Drive Pedestrian and Bikeway Improvements Project, Capital Improvement Project (CIP) 72122 (Project); and

WHEREAS, the Project scope entails pavement rehabilitation, patch repair, ADA curb ramp upgrades, sidewalk repair and/or slurry sealing of Holly Drive between 11th Street and Clover Road, incorporating pedestrian and bikeway Improvement; and

WHEREAS, the proposed Project also includes installation of approximately 205 linear feet of sidewalk across from North Elementary School to close a gap in the City's sidewalk network and provide a safe route to school and the project's goals are to provide a safe route to the several schools within the project limits and to connect active transportation users on Holly Drive between Clover Road and 11th Street; and

WHEREAS, on August 24, 2023, City staff prepared and issued a Request for Proposals (RFP) for project management, coordination, pre-design research, and final design of the proposed roadway improvements for the Project (Services); and

WHEREAS, on September 21, 2023, the City received a total of six (6) proposals in response to the RFP. The City's consultant selection committee carefully evaluated all the proposals based upon the criteria described in the RFP, and has determined that BKF possesses the skills, experience, and certifications required to provide the services; and

WHEREAS, the City seeks to enter into the PSA with BKF for the Services; and

WHEREAS, there is no impact to General Funds due to this project and there are sufficient funds in CIP 72122 to award this project for design services in the amount of \$327,547; and

WHEREAS, the construction of this project will be funded through ATP (Active Transportation Program) grants; now, therefore, be it

RESOLVED: That the above recitals are true and correct; and be it

FURTHER RESOLVED: That the City Council of the City of Tracy, by resolution hereby, approves a Professional Service Agreement (PSA) with BKF for a not-to-exceed amount of \$327,547 to provide Services for the Project; and be it

FURTHER RESOLVED: That the Professional Services Agreement may be executed by the City Mayor.

The foregoing Resolution 2024-_____ was adopted by the Tracy City Council on the 6th day of February 2024, 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.C

RECOMMENDATION

Staff recommends that the City Council adopt a resolution (1) accepting the construction of the Temporary Traffic Signal at Corral Hollow Road and Valpico Road, pursuant to Capital Improvement Project 72124, completed by Tennyson Electric, Inc.; (2) authorizing the City Clerk to File the Notice of Completion with the San Joaquin County Recorder's Office; (3) authorizing the City Engineer to release the bonds and retention payment in accordance with State law; and (4) authorizing the Finance Department to close the Project.

EXECUTIVE SUMMARY

City staff requests that the City Council accept the construction by Tennyson Electric, Inc., of Livermore, California, of the Temporary Traffic Signal at Corral Hollow Road and Valpico Road Project, Capital Improvement Project (CIP) 72124, (Project) as complete. Project costs are within the available budget and work was completed in a timely manner and in accordance with plans and specifications as provided. Staff recommends that the City Council accept the Project as complete to enable the City Engineer to release the contractor's bonds and retention payment.

BACKGROUND AND LEGISLATIVE HISTORY

Over the past several years, the growth of the City's residential, commercial, and commute traffic has led to an increased volume of traffic through the intersection of Corral Hollow Road and Valpico Road. The people of Tracy have requested this previous all-stop intersection to be converted into a signalized intersection and the City of Tracy Engineering Division has delivered. After several studies, including but not limited to traffic studies, intersection and accident reviews, City staff was able to plan a temporary traffic signal project and complete it as designed. This Project was designed and implemented in parallel with staff working to deliver the permanent improvements at the intersection under CIP 72095 Traffic Signal Installation and Roadway Widening at Corral Hollow Road and Valpico Road Intersection.

The temporary traffic signal is located at the intersection of Valpico Road and Corral Hollow Road. Work included the installation of a temporary traffic signal at the Project intersection with wooden signal poles, signal heads, and video vehicle detection.

Engineering consultant, Advanced Mobility Group (Consultant), and City staff prepared the plans, specifications, and estimates. The Project was advertised for competitive bids on May 6, 2022, and May 13, 2022. Bids were received and publicly opened at 3:00 p.m. on Tuesday, May 31, 2022. The City Manager, under (COVID-related) urgency Ordinance No. 1289, approved and awarded a construction contract on June 15, 2022, to Tennyson Electric, Inc., of Livermore, California (Contractor) in a not-to-exceed amount of \$373,716 for the construction of the Temporary Traffic Signal at Corral Hollow Road and Valpico Road, CIP 72124. Additionally, two change orders were issued in the total amount of \$119,909. The change orders included the following 1) additional warning signs and flags during construction, 2) left turn yield signs, added during traffic signal turn on, 3) additional construction message boards during the first weeks of traffic signal turn on for awareness, and 4) additional lighting to the intersection requested

during the public meeting, and 5) changes to signal head. All work was addressed and completed as requested and in compliance with all ADA (Americans with Disabilities Act), Building, and City Standards and Specifications.

The Contractor has completed all the work required to be done in accordance with the plans and specifications and has requested acceptance of the Project. The City Engineer has inspected the completed work and confirmed that all work conforms to the contract plans and specifications.

The Project has been completed with the available budget, within the time frame of the original contract plus the time extension given to the contractor for extra work, including rain delays, per plans, specifications, and City of Tracy Standards.

ANALYSIS

The Project was designed and constructed to accommodate the forecasted delays in implementing the permanent improvements at the intersection under separate CIP 72095. The permanent signal and widening of Corral Hollow are expected to take several months before completion. CIP 72095 Traffic Signal Installation and Roadway Widening at Corral Hollow Road and Valpico Road Intersection, was designed, advertised for bids, and awarded for construction on November 7, 2023. The City signed the construction contract for CIP 72095 on January 17, 2024. It is anticipated that the pre-construction meeting for CIP 72095 will be held in early February to establish project start date. That project requires the relocation of several existing utilities such as PG&E, Lumen and AT&T along with roadway widening, utility work and traffic signal installation. There is also a several week delay in the delivery of the traffic signal poles due to global supply chain issues. Due to the significant lead time in delivery of traffic signal poles, the multiple utility relocations, and the extensive roadway widening work, CIP 72095 is anticipated to be complete by Fall 2024-Spring 2025.

A temporary signal was needed to accommodate the heavy traffic at the intersection. After further analysis the best approach was flashing lights. This project is complete and functioning as designed until the permanent construction is installed and operational. The Engineering Division has provided comprehensive updates on the timing of the temporary and permanent traffic signal and improvements twice to the Tracy Transportation Advisory Commission. This agenda item is to accept the temporary improvements.

FISCAL IMPACT

The Temporary Traffic Signal Project, CIP 72124, is an approved Capital Improvement Project (CIP) with a budget of \$580,500. The total completed cost of Construction is \$556,245 and was funded through Gas Tax Funds (F245).

Final project costs were within budget as follows:

A.	Construction Contract Amount	\$ 373,716
B.	Approved Change orders	\$ 119,909
C.	Design, construction management, inspection, testing & miscellaneous project management expenses	\$ 62,620
		<hr/>

Total Project Costs	\$ 556,245
Total Budget Amount	\$ 580,500
<hr/> Budget Remaining	<hr/> \$ 24,255

The remaining balances in the Project will be released back into the Gas Tax Funds (F245) as follows:

Fund	Budget	Cost	Balance
245 - Gas Tax	\$ 580,500	\$ 556,245	\$ 24,255
<hr/> Totals	<hr/> \$ 580,500	<hr/> \$ 556,245	<hr/> \$ 24,255

PUBLIC OUTREACH / INTEREST

Public Meetings were held as were Transportation Advisory Commission (TAC) Meetings.

COORDINATION

Coordination between Transit staff, Police Department staff, Engineering staff, Maintenance and Operations, and Street Maintenance Division staff occurred on multiple occasions to coordinate and establish this Project as complete.

CEQA DETERMINATION

This Project is exempt pursuant to categorical exemptions per CEQA (California Environmental Quality Act) guidelines Section 15303 (d) for New Construction, which includes, water main, sewage, electrical, gas, and other utility extensions, including street improvements of reasonable length to serve such construction.

STRATEGIC PLAN

This agenda item is consistent with the City Council's adopted Quality of Life Strategy and meets the goal of enhancing the City's amenities.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a resolution (1) accepting the construction of the Temporary Traffic Signal at Corral Hollow Road and Valpico Road, pursuant to Capital Improvement Project 72124, completed by Tennyson Electric, Inc.; (2) authorizing the City Clerk to File the Notice of Completion with the San Joaquin County Recorder's Office; (3) authorizing the City Engineer to release the bonds and retention payment in accordance with State law; and (4) authorizing the Finance Department to close the Project.

Prepared by: Leisser Mazariegos, Associate Engineer

Reviewed by: Koosun Kim, PE, City Engineer / Assistant Director of Development Services
 Sara Cowell, Finance Director
 Bijal M. Patel, City Attorney
 Karin Schnaider, Assistant City Manager/Interim Development Services Director

Approved by: Midori Lichtwardt, City Manager

CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION 2024-_____

(1) ACCEPTING THE CONSTRUCTION FOR THE TEMPORARY TRAFFIC SIGNAL AT CORRAL HOLLOW ROAD AND VALPICO ROAD, CIP 72124, FOR WORK COMPLETED BY TENNYSON ELECTRIC, INC.; (2) AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION WITH THE SAN JOAQUIN COUNTY RECORDER'S OFFICE; (3) AUTHORIZING THE CITY ENGINEER TO RELEASE THE BONDS AND RETENTION PAYMENT IN ACCORDANCE WITH STATE LAW; AND (4) AUTHORIZING THE FINANCE DEPARTMENT TO CLOSE THE PROJECT.

WHEREAS, on June 15, 2022, the City Manager, under (COVID-related) urgency Ordinance No. 1289, approved and awarded a construction contract to Tennyson Electric, Inc., of Livermore, California (Contractor) for the Temporary Traffic Signal at Corral Hollow Road and Valpico Road, in Tracy, California, Capital Improvement Project (CIP) 72124, (Project); and

WHEREAS, the Contractor has completed all the work required to be done in accordance with the plans and specifications and has requested acceptance of the Project. The City Engineer has inspected the completed work and confirmed that all work conforms to the contract plans and specifications; and

WHEREAS, two change orders were issued in the amount of \$110,527. The change orders included the following 1) additional warning signs and flags during construction, 2) left turn yield signs, added during traffic signal turn on, 3) additional construction message boards during the first weeks of traffic signal turn on for awareness, 4) additional lighting to the intersection requested during the public meeting, and 5) changes to signal head; and

WHEREAS, all work was addressed and completed as requested and in compliance with all ADA (Americans with Disabilities Act), Building, and City Standards and Specifications; and

WHEREAS, the status of Project budget costs is as follows:

A.	Construction Contract Amount	\$ 373,716
B.	Approved Change orders	\$ 119,909
C.	Design, construction management, inspection, testing & miscellaneous project management expenses	\$ 62,620
	<u>Total Project Costs</u>	<u>\$ 556,245</u>
	<u>Total Budget Amount</u>	<u>\$ 580,500</u>
	Budget Remaining	\$ 24,255

; and

WHEREAS, the remaining balances in the Project will be released back into the Gas Tax Funds (F245) as follows:

Fund	Budget	Cost	Balance
245 - Gas Tax	\$ 580,500	\$ 556,245	\$ 24,255
Totals	\$ 580,500	\$ 556,245	\$ 24,255

; and

WHEREAS, the Project has been completed with the available budget, within the time frame of the original contract plus the time extension given to the contractor for extra work, including rain delays, per plans, specifications, and City of Tracy Standards; and

WHEREAS, this Project is exempt pursuant to categorical exemptions per CEQA (California Environmental Quality Act) guidelines Section 15303 (d), New Construction; Water main, sewage, electrical, gas, and other utility extensions, including street improvements of reasonable length to serve such construction; and

WHEREAS, this agenda item is consistent with the City Council’s adopted Quality of Life Strategy and meets the goal of enhancing the City’s amenities; and

NOW, THEREFORE, BE IT

RESOLVED: That the City Council accepts the construction for the Temporary Traffic Signal at Corral Hollow Road and Valpico Road, Capital Improvement Project 72124, for work completed by Tennyson Electric, Inc; and be it further

RESOLVED: That the City Council authorizes the City Clerk to File the Notice of Completion with the San Joaquin County Recorder’s Office; and be it further

RESOLVED: That the City Council authorizes the City Engineer to release the bonds and retention payment in accordance with State law; and be it further

RESOLVED: That the City Council authorizes the City Finance Department to close the Project.

The foregoing Resolution 2024-_____ was adopted by the Tracy City Council on the 6th day of February 2024 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.D

RECOMMENDATION

Staff recommends that the City Council adopt a resolution (1) accepting improvements for Plan “C” / SMPA – Elissagaray Infill, Tract 3857 as complete, (2) authorizing the City Engineer to release the Subdivider furnished bonds, and (3) authorizing the City Clerk to file a Notice of Completion with the San Joaquin County Recorder’s Office.

EXECUTIVE SUMMARY

Ponderosa Homes II, Inc. (Subdivider), successor to Ponderosa Homes III, Inc., has completed subdivision improvements for Plan “C” / SMPA – Elissagaray Infill, Tract 3857, containing 47 single-family residential lots, in accordance with the Subdivision Improvement Agreement, project plans, and specifications. Staff recommends City Council accept the improvements as completed, authorize the City Engineer to release the Subdivider furnished bonds and authorize the City Clerk to file a Notice of Completion with the San Joaquin County Recorder’s Office in accordance with State law and pre-existing agreements.

BACKGROUND AND LEGISLATIVE HISTORY

On June 5, 2018, by Resolution 2018-093, City Council approved a Subdivision Improvement Agreement and Final Subdivision Map for Elissagaray Infill, Tract 3857, a residential subdivision consisting of 47 single-family residential lots. The Agreement was made with Ponderosa Homes III, Inc.

On September 3, 2019, by Resolution 2019-178, City Council approved the First Amendment to the Subdivision Improvement Agreement, assigning to Ponderosa Homes II, Inc. Collectively, the Subdivision Improvement Agreement and the First Amendment to the Subdivision Agreement are referred to as the “Agreement”.

This subdivision is generally located north of Dominique Drive, between Eastlake Circle and Basque Drive, as shown in Attachment “A”. The Subdivision Improvement Agreement required Subdivider to perform the Scope of Work defined in the following plan sets:

- “Civil Improvement Plans for Elissagaray Infill Subdivision, Tract No. 3857”, consisting of 13 sheets, prepared by Northstar Engineering Group, Inc.
- “Elissagaray Infill Joint Trench Composite”, consisting of 2 sheets, prepared by O’Dell Engineering.

Bonds were provided by Subdivider as required by the Agreement in amounts as follows:

Bond Type	Amount
Faithful Performance	\$853,462
Labor and Material	\$853,462
Warranty	\$85,346
Monumentation	\$7,500

ANALYSIS

Per the Agreement, Faithful Performance bonds may be released upon acceptance of improvements by the City. Labor and Material bonds may be released thirty days (30) after the recordation of the Notice of Completion as the statute of limitations period expires in accordance with Civil Code §9356. Pursuant to Tracy Municipal Code 12.36.080, the Warranty bond may be released one year after the City’s acceptance of improvements and warranty work is completed. The Monumentation bond may be released upon City receipt of a letter from the project surveyor stating full payment has been received for the installation of monumentation, per Government Code Section 66496. The City is now in receipt of said letter.

A total of 1.36 acres was dedicated as public right-of-way on the Final Map for Elissagaray Infill, Tract 3857, recorded by the City at the San Joaquin County Recorder’s Office. However, the City Clerk accepted the dedication subject to satisfactory completion of the improvements. Filing of the Notice of Completion by the City Clerk will memorialize that the City finds the improvements to be satisfactorily completed under the Agreement. The land value of this dedication is estimated at \$136,000.

Subdivider has completed all work required to be done in accordance with the Agreement and has requested acceptance of the public improvements. The City Engineer has inspected the completed work and confirmed that the improvements conform to the Agreement and City specifications and plans. Notice of Completion should now be filed by the City Clerk, to be recorded at San Joaquin County Recorder’s Office.

FISCAL IMPACT

All improvements were completed by the Subdivider in accordance with the Agreement. Upon acceptance, the following asset values will be shown on the City’s financial records:

Cost Breakdown	
Roadway Improvements	\$ 572,542.00
Water	\$ 72,488.00
Storm Drainage	\$ 91,779.00
Sanitary Sewer	\$ 102,353.00
Street Lighting	\$ 14,300.00
Total	\$ 853,462.00
Dedicated Land Value	\$ 136,000.00

Maintenance of the public improvements is financed through the following funding sources:

Description	Fund
Roadway and Street Lighting	General Fund and Gas Tax
Water, Sewer, and Storm Drain	Enterprise Funds
Landscaping	LMD Zone 29
Stormwater Treatment	2018-1 Tax Zone 2

COORDINATION

Project construction activities were coordinated with the City of Tracy Maintenance and Operations and Utilities Department.

CEQA DETERMINATION

The project is exempt from the California Environmental Quality Act (CEQA) per Section 15162 pertaining to projects with a certified Environmental Impact Report (EIR) where the project does not propose substantial changes that will result in a major revision of the previous EIR. On February 1, 2011, the City of Tracy adopted the General Plan. The associated EIR (SCH# 1992 122 069) was certified February 1, 2011. The project does not propose new significant changes to the environment that was not analyzed in the General Plan EIR, including the areas of traffic, air quality, and aesthetics. Therefore, no further documentation is needed.

STRATEGIC PLAN

This agenda item is consistent with the Council approved Economic Development Strategy to ensure physical infrastructure necessary for development.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a resolution (1) accepting improvements for Plan "C" / SMPA – Elissagaray Infill, Tract 3857 as complete, (2) authorizing the City Engineer to release the Subdivider furnished bonds, and (3) authorizing the City Clerk to file a Notice of Completion with the San Joaquin County Recorder's Office.

Prepared by: Leisser Mazariegos, Associate Civil Engineer

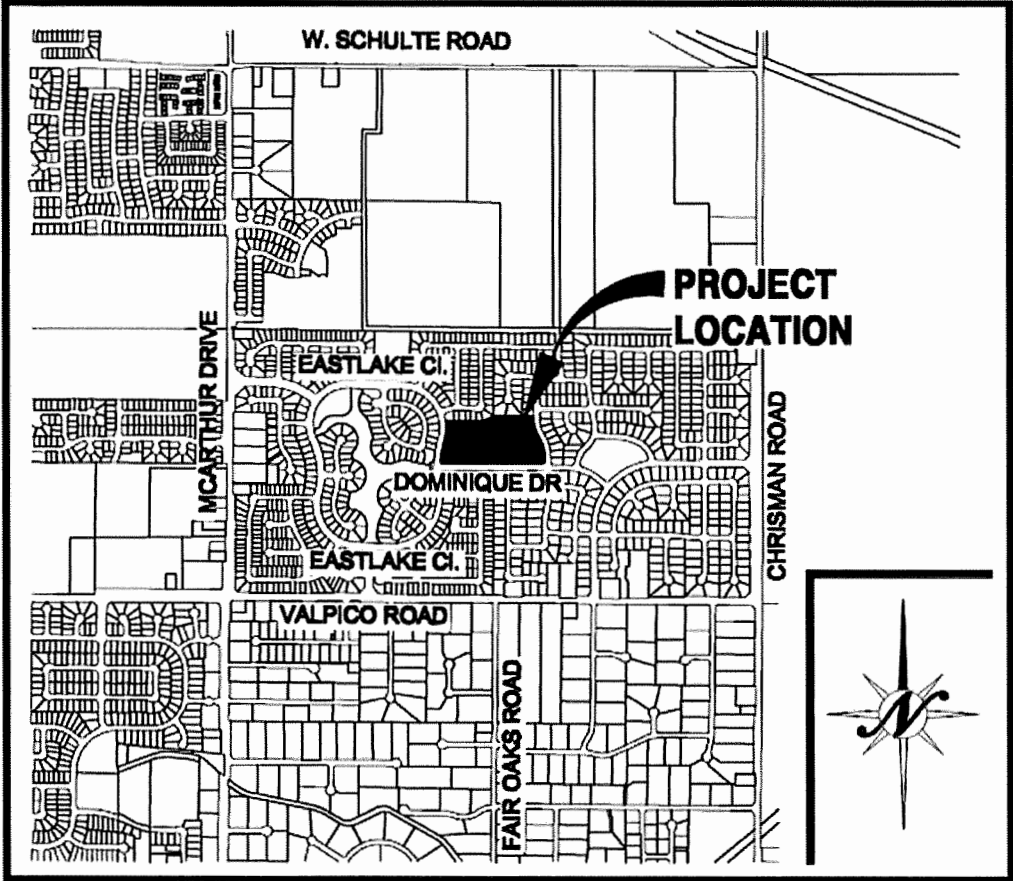
Reviewed by: Koosun Kim, PE, City Engineer / Assistant Director of Development Services
Sara Cowell, Finance Director
Bijal M. Patel, City Attorney
Karin Schnaider, Assistant City Manager

Approved by: Midori Lichtwardt, City Manager

ATTACHMENTS

Attachment A – Vicinity Map

ATTACHMENT A



VICINITY MAP

NOT TO SCALE

CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION 2024-_____

(1) ACCEPTING IMPROVEMENTS FOR PLAN "C" / SMPA – ELISSAGARAY INFILL, TRACT 3857, AS COMPLETE; (2) AUTHORIZING THE CITY ENGINEER TO RELEASE THE SUBDIVIDER FURNISHED BONDS; AND (3) AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE SAN JOAQUIN COUNTY RECORDER'S OFFICE.

WHEREAS, on June 5, 2018, City Council approved a Subdivision Improvement Agreement by Resolution No. 2018-093 with Ponderosa Homes III, Inc., (Developer) for the construction of public improvements within Elissagaray Infill, Tract 3857, consisting of 47 single-family residential lots; and

WHEREAS, on September 3, 2019, City Council approved the First Amendment to the Subdivision Improvement Agreement by Resolution No. 2019-178 assigning the Subdivision Improvement Agreement to Ponderosa Homes II, Inc. (Collectively, the Subdivision Improvement Agreement and the First Amendment are referred to as the "Agreement"); and

WHEREAS, the City Engineer has inspected the completed work and recommends acceptance of all the improvements completed in accordance with the Agreement; and

WHEREAS, Subdivider furnished performance, payment, warranty, and monumentation bonds assuring completion of the work. The estimated cost of the improvements is as follows:

Cost Breakdown

Roadway Improvements	\$	572,542.00
Water	\$	72,488.00
Storm Drainage	\$	91,779.00
Sanitary Sewer	\$	102,353.00
Street Lighting	\$	14,300.00
Total	\$	853,462.00

; and

WHEREAS, 1.36 acres, valued at \$136,000, was dedicated as public right-of-way on the Final Map for Elissagaray Infill, Tract 3857, and recorded by the City at the San Joaquin County Recorder's Office; and

WHEREAS, the City's acceptance of the dedication was subject to satisfactory completion of the improvements and filing of the Notice of Completion by the City Clerk will memorialize that the City finds the improvements to be satisfactorily completed under the Agreement; and

WHEREAS, the project is exempt from the California Environmental Quality Act (CEQA) per Section 15162 pertaining to projects with a certified Environmental Impact Report (EIR) where the project does not propose substantial changes that will result in a major revision of the previous EIR. On February 1, 2011, the City of Tracy adopted the General Plan. The associated EIR (SCH# 1992 122 069) was certified February 1, 2011. The project does not propose new significant changes to the environment that was not analyzed in the General Plan EIR, including the areas of traffic, air quality, and aesthetics. Therefore, no further documentation is needed; now, therefore, be it

RESOLVED: That the City Council of the City of Tracy, by resolution, hereby accepts the improvements for Elissagaray Infill, Tract 3857, as complete in accordance with the Agreement; and be it

FURTHER RESOLVED: That the City Council authorizes the City Engineer to release the Developer bonds in accordance with State law and pre-existing Agreements; and be it

FURTHER RESOLVED: That the City Council hereby determines that this action does not raise any new unforeseen physical impacts not previously analyzed in the Environmental Impact (EIR) Report and no further environmental review is required for the project under CEQA; and be it

FURTHER RESOLVED: That City Council authorizes the City Clerk to file a Notice of Completion with San Joaquin County Recorder’s Office.

* * * * *

The foregoing Resolution 2024_____ was adopted by the Tracy City Council on the 6th day February 2024, 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

RECOMMENDATION

The Tracy Finance Committee recommends that the City Council adopt a resolution amending the City's Operating and Capital Budget for the Fiscal Year ending June 30, 2024, and authorizing the Budget Officer to amend the City's position control roster for FY2023-24.

EXECUTIVE SUMMARY

The Tracy Finance Committee recommends that the City Council adopt a resolution amending the City's Operating and Capital Budget for the Fiscal Year ending June 30, 2024, and authorize the Budget Officer to amend the City's position control roster for FY2023-24.

On June 06, 2023, Council adopted the Fiscal Year (FY) 2023-24 Operating and Capital Budget. This report provides an update of the City's current financial performance, for First Quarter (Q2), through December 31, 2023. This financial summary identifies Q2 General Fund revenue and expenditure actuals and encumbrances, minor amendments to the FY 2023-24 budget.

BACKGROUND

Quarterly, staff prepares a report to the City Council on the year-to-date revenues and expenditures as compared to the amended budget. This report provides an update and summary of the City's current financial performance, for FY 2023-24 Second Quarter (Q2) through December 31, 2023, and requests that the City Council amend revenue and expenditures for the FY 2023-24 budget.

ANALYSIS

As of December 31, 2023, the General Fund expenditures are approximately 35% of the approved operating budget. General Fund revenues collected in Q2 (as of December 31, 2023), reflect approximately 43% of estimated revenues. City revenues tend to lag a quarter behind, and many revenues will appear lower as a result. For example, General Fund revenues in Property Tax, as well as VLF/Property Tax, are distributed in December and April and will appear in the second and fourth quarter reports. The City's Sales Tax are one-quarter in arrears and will appear after the second quarter, and first quarter collections represent advances from the State based on prior year collections, not necessarily actual collection by the State.

The chart below reviews year-to-date revenues and expenditures as compared to the amended budget as of December 31, 2023 (Second Quarter-Q2). For comparison, FY 2022-23 Q2 actuals are also provided.

FY 2023-24 General Fund Budget to Actuals

<u>REVENUES</u>	<u>FY 22/23</u>	<u>FY 23/24</u>	<u>FY 23/24</u>	<u>FY 23/24</u>	<u>% of</u>
(in thousands)	<u>Q2</u>	<u>Adopted</u>	<u>Amended</u>	<u>Actual Q2</u>	<u>Budget</u>
Property Tax	\$ 10,728	\$ 32,751	\$ 32,751	\$ 9,943	30%
Sales Tax	21,576	65,951	65,951	23,467	36%
Sales Tax (MEASURE V)	2,438	12,647	12,647	4,995	39%
Other Taxes	1,243	7,300	7,300	8,745	120%
Other Revenues	10,376	18,843	20,587	12,323	60%
Total Revenues	\$ 46,361	\$ 137,492	\$ 139,236	\$ 59,473	43%
<u>EXPENDITURES</u>					<u>% of</u>
(in thousands)					<u>Budget</u>
Personnel	\$ 24,725	\$ 57,502	\$ 57,502	\$ 26,726	46%
Contracted Services	14,839	28,189	29,862	9,581	32%
Operational Supplies & Equipment	908	3,178	3,915	1,202	31%
Utilities	1,228	2,582	2,607	1,273	49%
Internal Service Charges	5,643	12,881	12,904	6,427	50%
Capital	279	534	1,840	818	44%
Other Payments	745	762	812	346	43%
Net Transfers In/(Out)	1,865	28,772	28,772	2,362	8%
Total Expenditures	\$ 50,232	\$ 134,400	\$ 138,214	\$ 48,735	35%

Total Change in Net Position \$ (3,871) \$ 3,092 \$ 1,022 \$ 10,738

The Other Taxes revenue category includes Cannabis, Business License and Transient Occupancy Taxes (TOT). The chart below reviews year-to-date revenues as compared to the amended budget as of December 31, 2023 (Second Quarter-Q2). For comparison, FY 2022-23 Q2 actuals are also provided.

<u>Other Taxes</u>	<u>FY 22/23</u>	<u>FY 23/24</u>	<u>FY 23/24</u>	<u>FY 23/24</u>	<u>% of</u>
(in thousands)	<u>Q2</u>	<u>Adopted</u>	<u>Amended</u>	<u>Actual Q2</u>	<u>Budget</u>
Cannabis	\$ -	\$ -	\$ -	\$ 98	0%
Business License	640	4,500	4,500	8,137	181%
Transient Lodging	603	2,800	2,800	510	18%
Total Other Taxes	\$ 1,243	\$ 7,300	\$ 7,300	\$ 8,745	120%

The Other Revenues category includes:

- Charges for Services - Recreation & Arts Program Fees, Right of Way Maintenance Fees (Water/Wastewater) and Central Administration Services
- Contributions
- Fines and Forfeitures – Citations, Fines & Penalties
- Licenses and Permits - PD & Animal Services and Franchise Fees
- Other Revenues
- Revenues from Other Agencies – State/County Grants (PD)
- Special Assessments
- Use of Money – Interest Earnings (Quarterly Allocation across funds)

The chart below reviews year-to-date revenues as compared to the amended budget as of December 31, 2023 (Second Quarter-Q2). For comparison, FY 2022-23 Q2 actuals are also provided.

Other Revenues (in thousands)	FY 22/23 Q2	FY 23/24 Adopted	FY 23/24 Amended	FY 23/24 Actual Q2	% of Budget
Charges for Services	\$ 6,462	\$ 12,025	\$ 12,025	\$ 5,374	0%
Contributions	93	150	150	98	0%
Fines and Forfeitures	75	122	122	86	70%
Licenses and Permits	1,297	4,808	4,808	1,536	32%
Other Revenues	240	128	128	256	200%
Revenues From Other Agencies	1,969	601	2,345	1,359	58%
Special Assessment	243	475	475	125	26%
Use of Money	239	1,000	1,000	3,614	361%
Total Other Revenues	\$ 10,618	\$ 19,309	\$ 21,053	\$ 12,448	59%

FY 2023-24 First Quarter (Q2) Operating Budget Augmentations

The following table is a summary of all recommended Q2 budget augmentations for FY 2023-24. They are listed by department, with General and Non-General fund totals separated, and categorized as one time or on-going expenses.

Department	Description	General Fund	Other Fund	On Going	One Time
City Attorney	Personnel (1)	\$ 100,458		\$ 97,458	\$ 3,000
Development Services	Personnel (1)		\$ 167,542	\$ 117,042	\$ 50,500
Mobility & Housing	Personnel (1) & Contract Services	\$ 182,974		\$ 119,084	\$ 63,890
Non-Departmental	Fire Medical Leave Bank - Retirees	\$ 851,169			\$ 851,169
Operations & Utilities	Personnel (1), Contract Services & Supplies	\$ 150,000	\$1,921,109	\$1,827,509	\$ 243,600
Parks & Recreation	Contract Services & Supplies		\$ 451,184	\$ 451,184	

Total:	\$1,284,601	\$2,539,835	\$2,612,277	\$1,212,159
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General Fund Non-Personnel Augmentations

Department	Description	General Fund	On Going	One Time
Mobility & Housing	Personnel (1) & Contract Services	\$ 60,000	\$ -	\$ 60,000
Non-Departmental	Fire Medical Leave Bank - Retirees	\$ 851,169	\$ -	\$ 851,169
Operations & Utilities	Contract Services & Supplies	\$ 150,000	\$ 150,000	\$ -
Total:		\$ 1,061,169	\$ 150,000	\$ 911,169

Mobility & Housing

The Airport Division is requesting a one-time increase for professional services to repair damage (sinkhole) in the Hangar Taxi Lane.

Non-Departmental

This adjustment is to account for the City's liability of medical leave banks for retirees from South San Joaquin County Fire Authority. (Employees may convert all accrued unused sick leave at time of retirement to medical insurance bank (# of hours x hourly rate of pay).

Operations & Utilities

The Operations Division requested on-going funding for additional asphalt for Streets.

General Fund Personnel Augmentations

Department	Description	General Fund	On Going	One Time
City Attorney	Personnel (1)	\$ 100,458	\$ 97,458	\$ 3,000
Mobility & Housing	Personnel (1)	\$ 122,974	\$ 119,084	\$ 3,890
Total:		\$ 223,432	\$ 216,542	\$ 6,890

City Attorney

(1) Paralegal - The City Attorney's office is requesting to fund one Paralegal position to assist with the increased volume of work.

Mobility & Housing

(1) Economic Development Management Analyst I/II - The Economic Development Division is requesting the addition of (1) Economic Development Management Analyst I/II. This addition will assist in the implementation of Economic Development recommendations, goals, and actions outlined in the City's recently adopted 10-Year Economic Development Strategic Plan.

Other Funds Non-Personnel Augmentations

Department	Description	Funding Source	On Going	One Time
Operations & Utilities	Contract Services	Internal Services		\$ 40,000
Operations & Utilities	Contract Services & Supplies	Water Operating	\$ 952,000	\$ 201,000
Operations & Utilities	Contract Services & Supplies	Wastewater Operating	\$ 587,000	
Parks & Recreation	Contract Services & Supplies	Ellis CFD	\$ 374,364	
Parks & Recreation	Contract Services & Supplies	City Wide CFD	\$ 76,820	

Total: \$1,990,184 \$ 241,000

Operations & Utilities

The Operations Division is requesting one time funding for Building Maintenance to repair the cooling tower in the Police Department building.

The Utilities Water Operations Division is requesting on-going funding for Water Contracts related to an increase in water purchases, supplies for chemicals for water treatment, costs related to permits for Groundwater Sustainability Act and one-time funding for a pump replacement.

The Utilities Wastewater Operations Division is requesting on-going funding for supplies for chemicals due to increased costs and usage, and professional services for specialized work to maintain plant equipment.

Parks & Recreation

The Parks Maintenance Division is requesting on-going funding for contract services and supplies to maintain landscaping and parks in the Ellis CFD and Citywide CFD.

Other Funds Non-Personnel Augmentations

Department	Description	Funding Source	On Going	One Time
Development Services	(1) Construction Inspector	Development Services	\$ 112,342	\$ 2,000
Development Services	Construction Inspector - Truck	Development Services	\$ 4,700	\$ 48,500
Operations & Utilities	(1) Environmental Compliance Technician	Wastewater Operating	\$ 138,509	\$ 2,600
Total:			\$ 255,551	\$ 53,100

Development Services

(1) Construction Inspector I/II – The Engineering Division is requesting the addition of one Construction Inspector I/II to Construction Management. This position will be dedicated to public right-of-way, landscaping, new turn-key parks, and other capital projects that will allow the Parks Planning Division to focus on the highly skilled and technical components.

Operations & Utilities

(1) Environmental Compliance Tech - The Utilities Wastewater Operations Division is requesting the addition of one Environmental Compliance Tech to focus on regulatory compliance needs for Wastewater that are required to provide compliance with water quality mandates and discharge requirements.

Non-Budgetary-Personnel Amendments:

Staff is making the following recommendations to amend FY2023-24 Position Control Roster, which are the approved positions that are included in the adopted operating budget; however, the requests do not require a budget augmentation:

(1) Economic Development Analyst Management Analyst I/II – Mobility & Housing is requesting to delete (1) Management Analyst I/II and re-allocate funding to add (1) Economic Development Analyst Management Analyst I/II to the Economic Development division. This item does not require a budget augmentation.

FY 2023-24 Second Quarter (Q2) Capital Improvement Project (CIP) Augmentations

Staff is making the following recommendation to increase the budget for the following CIP:

CIP AUGMENTATION		
CIP	Budget	Fund
73198 - Improvements at I-580/CH Intrchg	\$ 200,000	245 - Gas Tax
72104 - Intersection Improvements - Corral Hollow & Linne	\$ 100,000	242 - Measure K
72098 - Adaptive Traffic System	\$ 160,000	245 - Gas Tax
72118 - Upgrade & Main of Traffic Management Center Software	\$ 75,000	245 - Gas Tax

Total \$ 535,000

FISCAL IMPACT

Quarterly, staff prepares a report to the City Council on the year-to-date revenues and expenditures as compared to the amended budget as of December 31, 2023 (Second Quarter Q2). Staff is recommending amendments to the City Operating and Capital Budget for FY 2023-24. The FY 2023-24 proposed budget appropriations of \$1.28 million General Fund and \$2.53 million from other funds. In addition, the FY 2023-24 budget has been amended by \$535,000 for Capital Improvement Projects.

**SUMMARY OF NEW BUDGET AUGMENTATIONS
 FOR (Q2) FY 2023-24**

Department	Description	General Fund	Other Fund	On Going	One Time
City Attorney	Personnel (1)	\$ 100,458		\$ 97,458	\$ 3,000
Development Services	Personnel (1)		\$ 167,542	\$ 117,042	\$ 50,500
Mobility & Housing	Personnel (1) & Contract Services	\$ 182,974		\$ 119,084	\$ 63,890
Non-Departmental	Fire Medical Leave Bank - Retirees	\$ 851,169			\$ 851,169
Operations & Utilities	Personnel (1), Contract Services & Supplies	\$ 150,000	\$1,921,109	\$1,827,509	\$ 243,600
Parks & Recreation	Contract Services & Supplies		\$ 451,184	\$ 451,184	
Total:		\$1,284,601	\$2,539,835	\$2,612,277	\$1,212,159

CIP AUGMENTATION		
CIP	Budget	Fund
73198 - Improvements at I-580/CH Intrchg	\$ 200,000	245 - Gas Tax
72104 - Intersection Improvements - Corral Hollow & Linne	\$ 100,000	242 - Measure K
72098 - Adaptive Traffic System	\$ 160,000	245 - Gas Tax
72118 - Upgrade & Main of Traffic Management Center Software	\$ 75,000	245 - Gas Tax
Total		\$ 535,000

STRATEGIC PLAN

This agenda item supports the City's Governance Strategic Priority, with Goal 2: Ensure short and long-term fiscal health.

ACTION REQUESTED OF THE CITY COUNCIL

The Tracy Finance Committee recommends that the City Council, adopt a resolution amending the City's Operating and Capital Improvement Projects (CIP) Budget for Fiscal Year 2023-24 and authorize the Budget Officer to amend the City's position control roster for FY2023-24.

Prepared by: Felicia Galindo, Budget Officer

Reviewed by: Sara Cowell, Director of Finance
Bijal Patel, City Attorney
Karin Schnaider, Assistant City Manager

Approved by: Midori Lichtwardt, City Manager

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION NO. _____

AMENDING THE CITY'S OPERATING AND CAPITAL BUDGET FOR FISCAL YEAR ENDING JUNE 30, 2024 AND AUTHORIZING THE BUDGET OFFICER TO AMEND THE CITY'S POSITION CONTROL ROSTER FOR FY2023-24

WHEREAS, The City Council, on June 6, 2023, adopted the FY 2023-24 Operating and Capital Budget for the City of Tracy; and

WHEREAS, Based upon a review of revenues and expenditures, the City Manager has prepared and proposed additional amendments to the FY 2023-24 budget; and

WHEREAS, The Mobility and Housing Airport Division will be getting a one-time funding to contract services to repair damage (sinkhole) in the Hangar Taxi Lane; and

WHEREAS, A Non-Departmental adjustment is needed for one-time funding from General Fund to account for the city's liability of medical leave banks for retirees from South San Joaquin County Fire Authority; and

WHEREAS, The Operations and Utilities Department will be getting increases to contract services and supplies for chemicals, water purchases, plant maintenance, one-time funding for pump replacement and repairs to the Police Department building; and

WHEREAS, The Parks and Recreation Department Parks Maintenance Division will be getting increases for contract services and supplies to maintain landscaping and parks in the Ellis CFD and Citywide CFD; and

WHEREAS, The Budget Officer will be adding (1) Paralegal to the City Attorney's position control roster; and

WHEREAS, The Budget Officer will be adding (1) Construction Inspector I/II to the Development Services Department position control roster; and

WHEREAS, The Budget Officer will be deleting (1) Management Analyst I/II and adding (2) Economic Development Management Analyst I/II to the Mobility & Housing position control roster; and

WHEREAS, The Budget Officer will be adding (1) Environmental Compliance Technician to the Operations & Utilities Department position control roster; and

WHEREAS, The Tracy Finance Committee heard this item on January 23, 2024 and recommends that the City Council adopt this proposed Resolution; and

WHEREAS, The City Council has considered information related to these matters, as presented at a public meeting of the City Council, including any supporting documents and reports by City staff, and any information provided during that public meeting; and

WHEREAS, The City Council has reviewed the level of budgeting control needed by the City Manager to ensure efficiency in managing the operations of the City, including the authorization of budget transfers between funds; now, therefore, be it

RESOLVED: That the City Council of the City of Tracy hereby adopts the Amended Operating and Capital Budget for Fiscal Year 2023-24 as evidenced by the attached summaries and authorize the Budget Officer to amend the City's position control roster for FY2023-24.

* * * * *

The foregoing Resolution 2024-_____ was adopted by the Tracy City Council on the 6th day of February, 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

FY 2023-24 General Fund Budget to Actuals

<u>REVENUES</u>	<u>FY 22/23</u>	<u>FY 23/24</u>	<u>FY 23/24</u>	<u>FY 23/24</u>	<u>% of</u>
(in thousands)	<u>Q2</u>	<u>Adopted</u>	<u>Amended</u>	<u>Actual Q2</u>	<u>Budget</u>
Property Tax	\$ 10,728	\$ 32,751	\$ 32,751	\$ 9,943	30%
Sales Tax	21,576	65,951	65,951	23,467	36%
Sales Tax (MEASURE V)	2,438	12,647	12,647	4,995	39%
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Other Revenues	10,376	18,843	20,587	12,323	60%
Total Revenues	\$ 46,361	\$ 137,492	\$ 139,236	\$ 59,473	43%
<u>EXPENDITURES</u>					<u>% of</u>
(in thousands)					<u>Budget</u>
Personnel	\$ 24,725	\$ 57,502	\$ 57,502	\$ 26,726	46%
Contracted Services	14,839	28,189	29,862	9,581	32%
Operational Supplies & Equipment	908	3,178	3,915	1,202	31%
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Capital	279	534	1,840	818	44%
Other Payments	745	762	812	346	43%
Net Transfers In/(Out)	1,865	28,772	28,772	2,362	8%
Total Expenditures	\$ 50,232	\$ 134,400	\$ 138,214	\$ 48,735	35%

Total Change in Net Position \$ (3,871) \$ 3,092 \$ 1,022 \$ 10,738

Department	Description	General Fund	Other Fund	On Going	One Time
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Development Services	Personnel (1)		\$ 167,542	\$ 117,042	\$ 50,500
Mobility & Housing	Personnel (1) & Contract Services	\$ 182,974		\$ 119,084	\$ 63,890
Non-Departmental	Fire Medical Leave Bank - Retirees	\$ 851,169			\$ 851,169
Operations & Utilities	Personnel (1), Contract Services & Supplies	\$ 150,000	\$1,921,109	\$1,827,509	\$ 243,600
Parks & Recreation	Contract Services & Supplies		\$ 451,184	\$ 451,184	

Total: \$1,284,601 \$2,539,835 \$2,612,277 \$1,212,159

CIP AUGMENTATION		
CIP	Budget	Fund
73198 - Improvements at I-580/CH Intrchg	\$ 200,000	245 - Gas Tax
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72098 - Adaptive Traffic System	\$ 160,000	245 - Gas Tax
72118 - Upgrade & Main of Traffic Management Center Software	\$ 75,000	245 - Gas Tax
Total		\$ 535,000

Agenda Item 1.F

RECOMMENDATION

The Tracy Finance Committee recommends that the City Council adopt a resolution accepting the City of Tracy's Annual Comprehensive Financial Report (ACFR) for the fiscal year ending June 30, 2023.

EXECUTIVE SUMMARY

The City of Tracy's (City) auditor, The Pun Group, has completed the review of the City's annual financial statements for the fiscal year ending June 30, 2023. The audited financial statements are incorporated into an Annual Comprehensive Financial Report (ACFR). The auditors have issued an unmodified ("clean") audit opinion. An unmodified opinion indicates that the financial data of the City is fairly presented in accordance with accounting principles generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. These standards require that the City's auditors plan and perform the audits to obtain reasonable assurance as to whether the financial statements are free of material misstatement.

BACKGROUND AND LEGISLATIVE HISTORY

The City Council, on January 19, 2021, authorized the appointment of The Pun Group as the City's Auditor for fiscal years 2020-2021 through 2022-2023. The City is required to have an independent audit of its financial records conducted on an annual basis. The auditors have completed their review of the June 30, 2023, financial statements and have issued an unmodified opinion stating that the "financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Tracy..."

The audited financial statements are incorporated into an Annual Comprehensive Financial Report, which provides additional analytical and statistical information to fully describe the City's financial condition. The ACFR is submitted to the Government Financial Officers Association of the United States and Canada (GFOA) for consideration of Award of the Certificate of Achievement for Excellence in Financial Reporting. The City has received this award for 35 consecutive years.

At June 30, 2023, the City's governmental funds reported combined fund balances of \$386.7 million, which is an increase of \$36.0 million or 10.3%, from \$350.8 million at June 30, 2022. Total governmental funds revenues decreased by \$10 million or 4.8%, from \$214 million at June 30, 2022, to \$192 million at June 30, 2023. Of this total, \$134 million was in the General Fund. Total governmental funds expenditures increased by \$34 million or 27.1%, from \$123 million at June 30, 2022, to \$156 million at June 30, 2023. Of this total, \$102 million was in the General Fund. Expenditures increased in relation to capital outlay for capital improvement projects and the addition of City staff. Staffing levels expanded by an average of 4% annually throughout the organization.

	FY 2023		FY 2022		Difference
	(in thousands of dollars)				
Governmental Fund Balance	\$	386,722	\$	350,762	\$ 35,960
Total Citywide Revenues	\$	288,517	\$	301,909	\$ (13,392)
Total Citywide Expenditures	\$	239,636	\$	202,314	\$ 37,322

At June 30, 2023, the General Fund balance of \$40.4 million, was comprised of \$3.6 million restricted funds for medical leave banks, \$16.4 million committed funds for Contingency/Emergency reserve, and \$12.9 million in assigned funds. Included in this amount is \$10.9 million for Economic/Budget stability and \$2.0 million for carryover to balance fiscal year 2023-24. There were \$1.9 million in unassigned funds and \$5.5M in non-spendable funds at June 30, 2023. Fund balances have been classified in accordance with generally accepted accounting principles. While amounts have been categorized as unassigned, they may be informally earmarked by the City Council for specific purposes.

(in thousands)	Fiscal Year				
	2023	2022	2021	2020	2019
General Fund:					
Non-spendable	\$ 5,535	\$ -	\$ 40	\$ 40	\$ 470
Restricted	3,596	3,175	2,348	-	-
Committed	16,489	14,505	16,401	14,479	14,883
Assigned	12,952	11,435	11,277	6,112	15,213
Unassigned	1,857	7,762	3,964	-	-
Total General Fund	\$ 40,429	\$ 36,877	\$ 34,030	\$ 20,631	\$ 30,566

Fiscal Year 2022-2023 was the seventh year of “Measure V” collection; a voter approved additional half cent sales tax approved in the November 2016 elections. The amount of Measure V tax proceeds received and recorded during fiscal year 2022-2023 was \$10,487,942. The City Council has committed Measure V funds toward the development of a new aquatic center and multi-generational community gymnasium center, improvements at Legacy Fields Sports Complex, and a nature park.

Measure V Capital Funded City Amenities

Project	Accumulated Fund Balance as of June 30, 2023
Aquatic Center	\$40.7M
Multi-Gen Rec Center	\$4.0M
Legacy Fields-Phase 1E	Debt Finance
Nature Park	\$1.0M
Ritter Family Ball Park	\$3.0M
Senior Center-Complete	\$1.0M
Ongoing Operations & Maintenance	\$1.6M
Debt Service	\$1.7M

The Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2023 can be found on the City of Tracy's website.

STRATEGIC PLAN

This agenda item addresses Goal 2 of the Governance Strategy to ensure continued fiscal sustainability through financial and budgetary stewardship.

FISCAL IMPACT

There is no fiscal impact associated with this action.

RECOMMENDATION

The Tracy Finance Committee recommends that the City Council adopt a resolution accepting the City of Tracy's Annual Comprehensive Financial Report (ACFR) for the fiscal year ending June 30, 2023.

Prepared by: Robert Harmon, Accounting Manager

Reviewed by: Sara Cowell, Finance Director
Karin Schnaider, Assistant City Manager
Bijal Patel, City Attorney

Approved by: Midori Lichtwardt, City Manager

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION NO. _____

ADOPT A RESOLUTION ACCEPTING THE ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2023

WHEREAS, The financial statements of the City of Tracy for the fiscal year ended June 30, 2023, have been prepared by the City's Finance Department; and

WHEREAS, The annual financial statements were examined by the independent public accounting firm of The Pun Group; and

WHEREAS, The City prepared the Annual Comprehensive Financial Report for the fiscal year ended June 30, 2023 and the auditor's opinion is included therein; and

WHEREAS, It is the opinion of the auditors that the financial statements present fairly the financial position of the City as of June 30, 2023, and that the statements were prepared in accordance with accounting principles generally accepted in the United States of America; and

WHEREAS, The Tracy Finance Committee heard this item on January 23, 2024 and recommends that the City Council adopt this proposed Resolution; now, therefore, be it

RESOLVED: That the City Council of the City of Tracy does hereby accept the Annual Comprehensive Financial Report for the fiscal year ended June 30, 2023.

* * * * *

The foregoing Resolution 2024-_____ was adopted by the Tracy City Council on the 6th day of February, 2024, 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

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing, and upon conclusion of the hearing, adopt a Resolution: (1) making the requisite finding pursuant to California Vehicle Code Section 21455.6(a) that an automated red-light photo enforcement system (System) is needed in the City of Tracy, and (2) approving the System to be implemented for up to fifteen traffic intersections throughout the City.

EXECUTIVE SUMMARY

The Police Department recommends the adoption of a cost-neutral, automated red-light photo enforcement program for up to fifteen (15) identified traffic intersections to increase safety at signalized intersections around the City. Upon adoption of the program, at a subsequent City Council meeting staff will recommend a private operator of the program in compliance with public procurement requirements.

Adoption of a red-light photo enforcement program is a three-step process under the California Vehicle Code (CVC). First, CVC Section 21455.6(a) requires the City Council to conduct a noticed public hearing on the “proposed use of an automated enforcement system.” Second, typically the agency awards a service contract through public bidding or sole source authority to a contractor specializing in the installation, implementation, and maintenance of the red-light photo system. Third, prior to launching a program or system at particular signalized intersections, CVC Section 21455.5(b) requires a “public announcement” 30 days in advance, and a 30-day grace period following the commencement of the system, whereby only warning notices are issued in lieu of citations.

The first two steps require City Council approvals, and this item relates only to the first step. Staff anticipates recommending a service contract award in late February 2024.

BACKGROUND AND LEGISLATIVE HISTORY

Residents of the City have requested increased safety precautions in response to traffic light violations in the City.

The Insurance Institute for Highway Safety found that the use of traffic cameras reduced red-light violations by 40% at the intersections where they were installed (Retting et., 1999). Additionally, the fatal collision rate caused by red light violations was reduced by 24% throughout cities that used traffic cameras. There are likely safety benefits at all signaled intersections in the City where automated red-light cameras are located, even if cameras are installed only in a single traffic direction.

For a case study (within the past five years) – the City of Citrus Heights reported reductions in several areas since the introduction of red-light photo enforcement.

- Reduced red-light violations by 40%.
- Reduced side impact collisions with injury by 68%.

- Reduced fatalities caused by red-light violations by 21%.
- Reduced all types of fatal crashes at signalized intersections by 14%.

As noted above, adoption of a red-light photo enforcement program is a three-step process under the California Vehicle Code (CVC). First, CVC Section 21455.6(a) requires the City Council to conduct a noticed public hearing on the “proposed use of an automated enforcement system.” Second, typically the agency awards a service contract through public bidding or sole source authority to a contractor specializing in the installation, implementation, and maintenance of the red-light photo system. Third, prior to launching a program or system at particular signalized intersections, CVC Section 21455.5(b) requires a “public announcement” 30 days in advance, and a 30-day grace period following the commencement of the system, whereby only warning notices are issued in lieu of citations.

ANALYSIS

The program, as proposed, will be cost-neutral for the City because the program will be installed and maintained by a service contractor at its cost.

The proposed red-light photo enforcement program will comply with CVC Section 21455.5 by including the following components:

- Red-light cameras will be clearly identified by signs posted within 200 feet;
- Compliance with specific yellow-light time intervals as required by CVC Section 21455.7;
- The program will be supervised by the Tracy Police Department, and is anticipated to be implemented by a qualified service contractor;
- No access to or manipulation of traffic signal timing;
- All records and information are confidential;
- Payment to the contractor shall not be based on the number of citations generated or related to revenue from the system;
- Contractor shall provide statistical reports to the judicial council;

Once a violation is recorded by the automated system, a service contractor will review and provide a summary to the Tracy Police Department for verification of the violation. If verified, the contractor will issue the citation by mail to the driver and the fine is paid directly to the Superior Court of California – County of San Joaquin. Once the driver receives the citation in the mail, they will have the opportunity to review the images and video, pay the citation, nominate another driver, or request a hearing and go to court. A portion of the funds will be routed to the City and a set monthly fee is paid to contractor. The monthly fee does not change, and the City will only pay what is collected in the revenue from violations up to the monthly fee; excess revenue can be utilized at the City’s discretion.

The Tracy Police Department will be required to provide a Community Service Officer (CSO), Officer, or other designated person to interact with the citation process, evaluate photos and video to determine violations, attend court proceedings and provide administration for the Tracy Police Department program. It is anticipated that existing staff will be assigned to monitor the program there will not be an additional cost associated with the citation process at this time. It is expected that revenue will be collected exceeding the contractor’s cost and City administration of the system.

Under CVC 21455.5(c)(2)(A), the City must adopt findings of fact establishing red-light photo enforcement is necessary for safety reasons at each proposed location. Staff reviewed several intersections in the City to determine the most effective locations for the installation of the traffic cameras. The determination of intersections will be based on collisions, community complaints, traffic volume and observations of the intersection.

Concurrent with initial adoption of the red-light photo enforcement program, Staff recommends the City Council approve installation of photo enforcement cameras, include the following intersections:

- 1) Corral Hollow Rd. and 11th St.
 - 2) Clover Rd. and Tracy Blvd.
 - 3) Corral Hollow Rd. and Grantline Rd.
 - 4) Grantline Rd. and Naglee Rd.
 - 5) 11th St. and Tracy Blvd.
 - 6) Grantline Rd. and Tracy Blvd.
 - 7) Grantline and Mac Arthur Dr.
- Intersections continued:
- 8) 11th and Mac Arthur Dr.
 - 9) Valpico Rd. and 11th St.
 - 10) Valpico Rd. and Tracy Blvd.
 - 11) Valpico Rd. and Corral Hollow Rd.
 - 12) Schulte Rd. Corral Hollow Rd.
 - 13) Schulte Rd. and Tracy Blvd.
 - 14) Schulte Rd. and Mac Arthur Dr.
 - 15) Schulte Rd and International Pkwy.

FISCAL IMPACT

By agreement, the fiscal impact of red-light photo enforcement will be neutral and requires no upfront funding for the installation of the cameras. The future agreement will call for a specific dollar amount per approach paid to the contractor covering the equipment installation, maintenance, and the processing of the photo/motion pictures. Language will be included in the proposed agreement that will require the City to pay “what is collected” from individual citations issued. However, no money is paid upfront to the contractor prior to revenue being collected from citations.

PUBLIC OUTREACH/INTEREST

Traffic enforcement continues to be a topic of concern expressed by the public and City Council. The request for additional enforcement is ongoing throughout Tracy. The Tracy Police Department is in continuous receipt of feedback from the public regarding traffic concerns and traffic safety. Acquisition of this technology would increase the efficiency in which the Tracy Police Department enforces, and provides data related to traffic safety to the City Council, the public and department members, and to better deploy its resources to address traffic concerns.

COORDINATION

In preparation of this project, the Tracy Police Department has coordinated with our Police Department's Bureau of Support Operations, Bureau of Field Operations, City Engineering, City

Attorney's Office, and the City of Tracy's Information Technology Department. In addition, we have consulted with Verra Mobility and Superior Court of California – County of San Joaquin.

CEQA DETERMINATION

This project is exempt under CEQA pursuant to CEQA guidelines section 15311 pertaining to construction, or replacement of minor structures accessory to existing commercial, industrial, or institutional facilities, including on-premises signs. This project is also exempt under Common Sense Exemption CEQA Guidelines 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

STRATEGIC PLAN

This agenda item relates to Council's strategic priority for Public Safety 2.c. Reduce fatal injury collisions through enforcement, education, roadway engineering, and use of technology.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council conduct a public hearing, and upon conclusion of the hearing, adopt a Resolution: (1) making the requisite finding pursuant to California Vehicle Code Section 21455.6(a) that an automated red-light photo enforcement system (System) is needed in the City of Tracy, and (2) approving the System to be implemented for up to fifteen traffic intersections throughout the City.

Prepared by: Brian Wilmshurst, Traffic Safety Unit Sergeant

Reviewed by: Miguel Contreras, Lieutenant
Sekou Millington, Chief of Police
Sara Cowell, Director of Finance
Jeffrey Crosswhite, Assistant City Attorney
Koosun Kim, City Engineer

Approved by: Midori Lichtwardt, City Manager

TRACY CITY COUNCIL
RESOLUTION NO. _____

-
- (1) ADOPTING THE FINDING, PURSUANT TO CALIFORNIA VEHICLE CODE SECTION 21455.6(A), THAT A RED-LIGHT PHOTO ENFORCEMENT SYSTEM IS NEEDED TO INCREASE SAFETY AT THE 15 OF THE SPECIFIED INTERSECTIONS;**
 - (2) ADOPT A RESOLUTION APPROVING THE AUTOMATED RED-LIGHT PHOTO ENFORCEMENT PROGRAM FOR UP TO 15 TRAFFIC SPECIFIED INTERSECTIONS THROUGHOUT THE CITY; AND**
 - (3) FINDING AND DETERMINING THAT AUTOMATED RED-LIGHT PHOTO ENFORCEMENT PROGRAM IS EXEMPT FROM CEQA.**

WHEREAS, The Tracy Police Department recommends the adoption of a cost-neutral red-light photo enforcement program for up to 15 identified traffic intersections to increase safety at signalized intersections around the city; and

WHEREAS, Residents of the City have requested increased safety precautions in response to traffic light violations in the City; and

WHEREAS, The Insurance Institute for Highway Safety found that the use of traffic cameras reduced red-light violations by 40% at the intersections where they were installed. Additionally, the fatal collisions rate caused by redlight violations was reduced by 24% throughout cities that used traffic cameras; and

WHEREAS, California Vehicle Code (CVC) Section 21455.6(a) requires the City Council to conduct a noticed public hearing on the "proposed use of an automated enforcement system."; and

WHEREAS, The program, as proposed will be cost-neutral for the City because the program will be installed and maintained by a service contractor at its cost; and

WHEREAS, The proposed red-light photo enforcement program will comply with CVC Section 21455.5. and include all required components; and

WHEREAS, Under CVC 21455.5(c)(2)(A), the City must adopt findings of fact establishing red-light photo enforcement is necessary for safety reasons at each proposed location; and

WHEREAS, Based on traffic records, observation, vehicle traffic, incident reports, and sightlines, the Police Department has initially identified the fifteen (15) intersections enumerated below

that would significantly increase safety with the installation of red-light photo enforcement (collectively “Specified Intersections”):

- 1) Corral Hollow Rd. and 11th St.
- 2) Clover Rd. and Tracy Blvd.
- 3) Corral Hollow Rd. and Grantline Rd.
- 4) Grantline Rd. and Naglee Rd.
- 5) 11th St. and Tracy Blvd.
- 6) Grantline Rd. and Tracy Blvd.
- 7) Grantline and Mac Arthur Dr.
Intersections continued:
- 8) 11th and Mac Arthur Dr.
- 9) Valpico Rd. and 11th St.
- 10) Valpico Rd. and Tracy Blvd.
- 11) Valpico Rd. and Corral Hollow Rd.
- 12) Schulte Rd. Corral Hollow Rd.
- 13) Schulte Rd. and Tracy Blvd.
- 14) Schulte Rd. and Mac Arthur Dr.
- 15) Schulte Rd and International Pkwy.

WHEREAS, Automated red-light photo enforcement relates to Council’s strategic priority for Public Safety 2.c. Reduce fatal injury collisions through enforcement, education, roadway engineering and use of technology; and

NOW, THEREFORE be it

RESOLVED: That the City Council does hereby make the finding, pursuant to California Vehicle Code Section 21455.6(a), that a red-light photo enforcement system is needed to increase safety in the City of Tracy; be it further

RESOLVED: That the City Council does hereby approve the Automated Red-Light Photo Enforcement Program to be implemented in the City, for up to 15 of the Specified Intersections; be it further

RESOLVED: That this action shall not be deemed to approve a contract with any particular vendor, and staff shall return to the City Council at a future meeting for approval of any such contract; and be it further

RESOLVED: That the City Council hereby finds and determines that the project is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15311 pertaining to construction, or replacement of minor structures accessory to existing commercial, industrial, or institutional facilities, including on-premises signs; and further finds this project is also exempt under Common Sense Exemption CEQA Guidelines 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

The foregoing Resolution 2024- _____ was adopted by the Tracy City Council on February 6, 2024 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: _____

Agenda Item 3.B

RECOMMENDATION

Staff recommends that the City Council receive the annual informational report regarding the City of Tracy's Senior Services Program for 2023.

EXECUTIVE SUMMARY

This report discusses the activities of the Senior Services Program during the previous year, including program highlights and increases in attendance. The report includes an update on the senior needs and concerns based on the finding from the annual senior forum and summarizes the efforts of the Parks and Community Services Commission, which has an active role within the senior community.

BACKGROUND AND LEGISLATIVE HISTORY

The City of Tracy Parks and Recreation Department provides a wide variety of programs, services and activities for seniors including educational programs, health and wellness presentations, recreational programs, special events, senior related seminars, and volunteer and intergenerational opportunities. At the center of these programs is the Lolly Hansen Senior Center. Dedicated in 1986, the facility serves as a resource hub to connect seniors and their families to services and referrals in coordination with various local agencies. Most importantly, it is a place for older adults in the Tracy community to gather and socialize.

Parks & Community Services Commission

The Parks and Community Services Commission acts as an advisory body to the Council in the areas of parks and programming for youth, adults, and seniors. The Commission has made it a priority to actively engage seniors in the Tracy community. Staff from the Recreation Division provides quarterly updates on senior comments and concerns to the Commission in addition to meeting with the various subcommittees that have been established to meet the Commission's goals for FY's 2023/2024.

Informally, the Commission has also attended senior center activities and events, Downtown Block Parties, Farmers Markets, and various other community events that provide the Commissioners the opportunity to interact with the community and engage with seniors. The Community Involvement subcommittee is available upon request to provide presentations to various community groups in Tracy where they provide information regarding the various senior services and the role of the Commission, including how to connect to City services, the Local Senior Resource Guide, the Senior Link-Tracy program, the Recreation Activity Guide, and the Arts Education Catalog.

Lastly, a Commissioner, along with City staff, regularly attend the Tracy Senior Association (TSA) and Tracy Golden Agers monthly meetings, where they listen to seniors' needs and concerns and provide information to the group. The Commission's Community Involvement subcommittee will continue to increase the Commission's visibility in the senior community by attending community events and senior center events and will continue to outreach to the various neighborhood groups and service clubs.

ANALYSIS

Currently, 7,593 seniors are registered with the senior center, an 11.4% increase from last year. In 2023, there were approximately 41,083 visits by seniors who utilized the 97 individual program offerings for the year. Over the past year, staff has added the following new activities: one new Health and Wellness class, nine recreational classes, three arts and music programs, and six social events at the request of participants and community member suggestions.

“Exhibit A” to this report outlines the senior center’s improved program impact numbers through increased offerings for 2023. The senior center continues to partner with Tracy Golden Agers, a local nonprofit group that was established to create activities to unite seniors to support and encourage each other to stay active and involved. Through this partnership the senior center and Golden Agers will continue to co-host two senior presentations, a new senior event, and Golden Agers will offer two casino trips a year.

On November 18, 2014, Council supported staff’s recommendation to create “Senior Link-Tracy” to address an alternative way to outreach to seniors regarding their needs and concerns. For the past 9 years, the Senior Link-Tracy program has provided an opportunity for senior citizens in Tracy to voice their concerns, share their needs, and identify resources that will assist them in living full, vibrant, and independent lives. This service is provided by phone, email, or in person at the senior center. Approximately 173 seniors used this service in 2023. Council also supported the Local Senior Resource Guide, which assists seniors and caregivers in connecting with a wide variety of local resources and non-profit agencies, as well as to City Council and Commissions. The guides can be found at the senior center, City facilities, City website and throughout the community. With this service, approximately 385 inquiries were made in 2023 to connect people to various resources.

Recreation staff and the Parks and Community Services Commission will continue to outreach to the senior community and provide an opportunity for seniors to address their needs and concerns by:

- Reporting to the Commission on a quarterly basis on current and future needs for seniors in the Tracy community.
- Using the senior center as a resource hub to inform the senior community on how to connect with City services and other senior-related agencies.
- Marketing the Senior Link-Tracy program and Local Senior Services and Resources guide.
- Hosting the annual Community Conversations event in May 2024, and a special meeting in November 2024, at the senior center to gather the needs and concerns from seniors to report back to City Council in February 2025.
- Attending the Tracy Senior Association and Tracy Golden Agers meetings.

FISCAL IMPACT

Costs related to supporting senior services are included in the previously approved Parks and Recreation budget. There are no additional fiscal impacts.

PUBLIC OUTREACH/ INTEREST

On May 24, 2023, the yearly “Community Conversation” forum was held at the Lolly Hansen Senior Center. After receiving participant feedback, the two original sessions were combined to offer one session. This resulted in our largest attendance of 55 seniors and community members.

On November 1, 2023, the Commission held a special meeting at the Lolly Hansen Senior Center to provide seniors the opportunity to address the Commission regarding their questions, comments, needs and concerns. The meeting was held in the early afternoon and approximately 11 seniors were in attendance. “Exhibit B” to this report outlines the senior concerns expressed at both gatherings, with staff responses.

Marketing efforts for these outreach meetings and senior center activities, programs and events include advertisement on the City website, social media, outreach to the various senior living facilities and apartments, community service clubs, local churches, local newspaper, throughout City facilities, TRACER buses, Channel 26, and local business throughout the City of Tracy.

STRATEGIC PLAN

This agenda item supports the Quality-of-Life Strategy, specifically:

Goal 3: Provide City programming and events that bolster quality of Life.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council receive the annual informational report regarding the City of Tracy’s Senior Services Program for 2023.

Prepared by: Amanda Jensen, Recreation Program Coordinator

Reviewed by: Justin Geibig, Recreation Services Supervisor
Jolene Jauregui-Correll, Interim Director of Parks and Recreation
Sara Cowell, Director of Finance
Bijal Patel, City Attorney
Brian MacDonald, Interim Assistant City Manager

Approved by: Midori Lichtwardt, City Manager

Attachments:

Attachment A – Summary of the Senior Center program impact numbers and offerings
Attachment B – Status of senior needs and concerns from two senior forums

LOLLY HANSEN SENIOR CENTER - PROGRAM IMPACT

LIFE ENRICHMENT & WELLNESS PROGRAMS

PURPOSE: To promote health and wellness by providing access to activities, programs, and services.

2022 STATISTICS & SIGNIFICANT INFORMATION:

- Yearly attendance = 32,757
- Average daily attendance = 136
- Average weekly attendance = 682
- Average monthly attendance = 2,730
- 90 Individual educational opportunities, activities, recreational programs, and services were offered.
- New events = 2
- New programs = 4
- New classes = 4
- Information & Assistance appointments = 3,843
- Average number of meals served:
 - 21/day
 - 105/week
 - 420/month
 - 5,045/year
- Number of meals delivered = 4,800
- AARP Tax Assistance appointments = 92

2023 STATISTICS & SIGNIFICANT INFORMATION:

- Yearly attendance = 41,083
- Average daily attendance = 171
- Average weekly attendance = 856
- Average monthly attendance = 3,424
- 97 Individual educational opportunities, activities, recreational programs, and services were offered.
- New events = 6
- New programs = 10
- New classes = 2
- Information & Assistance appointments = 4,204
- Average number of meals served:
 - 27/day
 - 134/week
 - 536/month
 - 6,430/year
- Number of meals delivered = 4,800
- AARP Tax Assistance appointments = 278

VOLUNTEER SUPPORT

2022 Hours of Volunteer Support:

The number of unduplicated volunteers that reported volunteer hours = 37

Total of reported volunteer hours = 5,506

2023 Hours of Volunteer Support:

The number of unduplicated volunteers that reported volunteer hours = 40

Total of reported volunteer hours = 6,125

We continue to work at increasing the number of volunteers who record their hours in our database.

We appreciate all volunteer service, whether formally recorded or not.

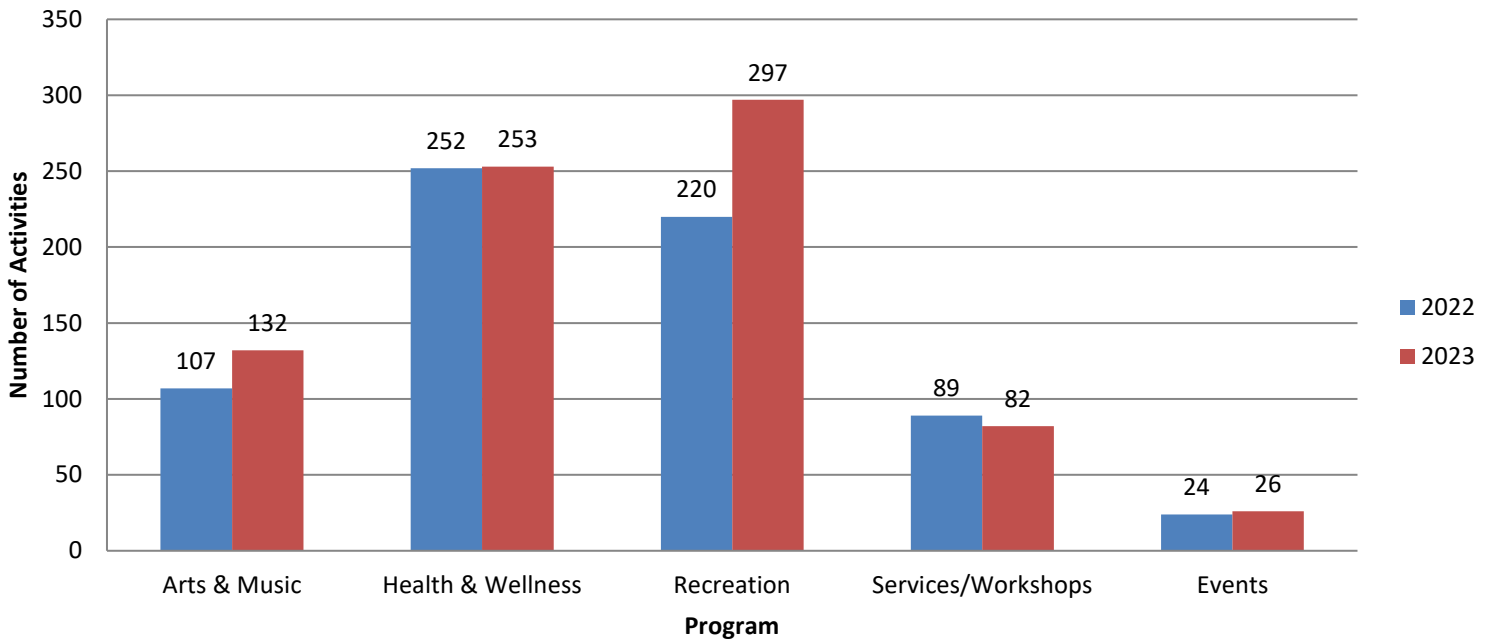
SERVICE-RELATED OFFERINGS:

- AARP Driver Safety Classes
- AARP Driver Refresher Course
- AARP Tax Assistance
- Brown Bag
- Daily Nutrition Lunch
- HICAP (Health Insurance Counseling & Advocacy Program)
- Meals on Wheels
- Mobile Farmer's Market
- Paralegal
- Senior Link – Tracy Program
- University of Pacific Health Fair for Seniors & Medicare Beneficiaries

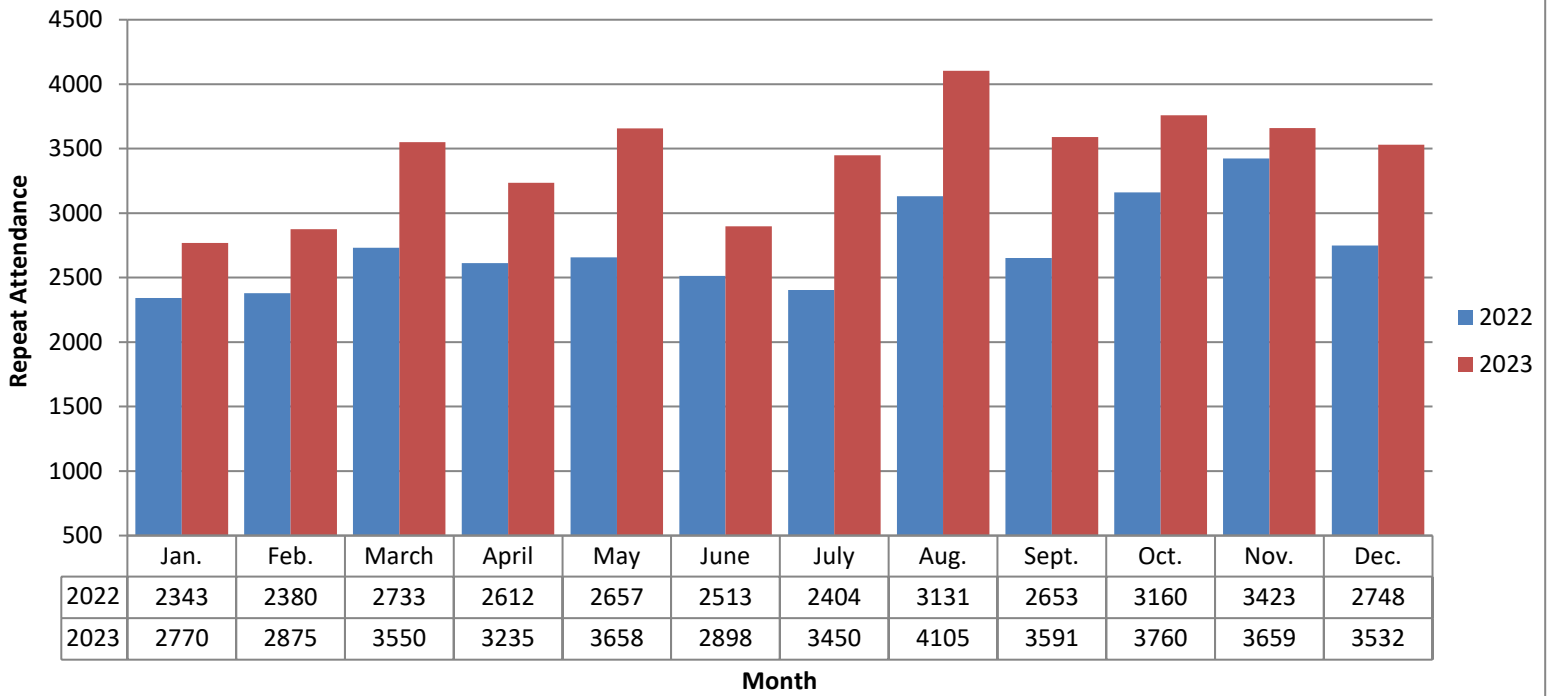
Lolly Hansen Senior Center Attendance for Programs



Programs and Activities Offered at the Lolly Hansen Senior Center



Lolly Hansen Senior Center Monthly Total - Repeat Senior Attendance



Senior Community Conversation Meeting 2023
Current Senior Citizen Needs and Concerns
May 24, 2023
Attendance: 55

Organizations Present:

- Tracy Senior Citizens Club, Inc.
- Tracy Senior Association
- SJ County Commission on Aging
- Tracy Golden Agers
- VG Capital
- Congressman Josh Harder's Office
- Welbe health PACE
- Astoria Gardens
- San Joaquin Housing Authority

What's Working:

- Great senior events, activities, and resources
- Great center
- Great staff
- Block Parties & Grand events

Staff Present:

- Brian MacDonald, Director of Parks & Rec
- Jolene Jauregui, Parks & Rec Manager
- Justin Geibig, Rec. Services Supervisor
- Amanda Jensen, Rec. Program Coordinator
- Suzette Lovell, Rec. Leader III
- Ed Lovell, Transit Manager
- Jayne Pramod, Transit Coordinator
- Brandi Reybol, Transit Coordinator
- Connie Lopes, Management Analyst II - Operations
- Stephanie Reyna-Hiestand, Assistant Director - Utilities
- Code Enforcement
- Police Department - Chief Millington & VIPS
- Amanda Trask, Marketing Coordinator

Department: Parks & Recreation – Senior Division

Senior Concern/Comments	Recommendation	By When
New Class/Program Recommendations: <ul style="list-style-type: none"> • Badminton • Afternoon Tai Chi • Hayat's class 5 days a week • More time at trip destinations/return later • More fitness classes. 	<p>Staff continually seeks contractors or volunteers that are interested in teaching a variety of classes. Staff will work on implementing badminton for the 2024 Winter/Spring guide in addition to adding afternoon Tai Chi and more fitness classes.</p> <p>Due to the current fitness instructor's availability, she is not able to teach five days a week or in the afternoon, but she is currently teaching four days a week.</p>	<p style="text-align: center;">Ongoing</p> <p style="text-align: center;">Completed September 2023</p>

<ul style="list-style-type: none"> Bocci ball court 	<p>Staff will look into extending the time that participants are on trips, but it will depend on the season as some seniors find it difficult to drive home at night from the senior center.</p> <p>Staff will be hosting a community outreach meeting on Thursday, August 24th to receive feedback on what new amenities participants would like to see in the horseshoe and back corner area and bocci ball has been mentioned.</p>	<p>Ongoing</p> <p>Completed August 2023</p>
<p>Pickleball</p> <ul style="list-style-type: none"> Update Hoyt Park for pickleball Look at Dr. Powers for another multi-striping locations 	<p>This comment was originally made at the November 2021 Parks & Community Services Special Meeting at which time staff had implemented a pilot pickleball program at Hoyt Park. Staff worked with Parks Maintenance to have two pickleball courts painted inside of the existing tennis courts at Hoyt Park. Additionally, staff has also added a strap to the tennis nets, which allows the net to be pulled down for pickleball and put back up for tennis. Two additional pickleball only courts were built at Western Park in Ellis and four pickleball courts will be added to the next phase of the Gretchen Tally Park expansion.</p> <p>Dr. Powers Park is heavily utilized for tennis programming. Staff is looking into additional locations.</p>	<p>Completed June 2023</p> <p>Ongoing</p>
<p>Larger Senior Center</p> <ul style="list-style-type: none"> Multipurpose room not big enough for events & fitness classes 	<p>The Senior Center was just recently renovated and expanded by over 1,000 square feet. Staff will look at additional layout options for both events and fitness class. If events continue to grow, staff will look into hosting them at the Tracy Community Center.</p>	<p>Ongoing</p>
<p>Parking at the Senior Center</p> <ul style="list-style-type: none"> More parking Back parking lot needs to be restriped. More handicap parking stalls Tags for participants to have in cars 	<p>Staff currently monitors the parking lots for non-participants and drivers who park incorrectly, causing loss of parking in the stalls next to the vehicle. Staff also shared the information with Development Services staff to see if and how any additional parking can be added.</p> <p>Staff will work with Operations staff to have the back parking lot restriped.</p> <p>The Senior Center has had parking tags in the past and will look into reordering new tags for participants that utilize the senior center.</p>	<p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p>
<p>Contact list:</p> <ul style="list-style-type: none"> List of seniors with profiles, needs and to make constant monthly contact 	<p>The Senior Center uses a programming software to register and store participant information. Those who would like to be contacted by email are included on the list. Seniors who are in need of specific requests such as help at home, home repairs, etc., are referred to various agencies who can help to provide the service.</p>	<p>Completed May 24, 2023</p>

Department: Mobility and Housing – Transportation Division

Senior Concern	Recommendation	By When
Bike lane on MacArthur & Schulte to 11 th St.	Information shared with the Transportation Division.	Completed September 1, 2023
More Bus C routes running	Information shared with the Transportation Division.	Completed September 1, 2023

Department: Development Services

Senior Concern	Recommendation	By When
More senior housing	Staff from the Planning Division was present and noted the suggestions.	Completed September 1, 2023
Another Kaiser	Information shared with the staff from the Planning Division.	Completed September 1, 2023
New post office <ul style="list-style-type: none"> • Passport services 	Information shared with the staff from the Planning Division.	Completed September 1, 2023

Department: Operations and Utilities

Senior Concern	Recommendation	By When
Smaller garbage containers for seniors <ul style="list-style-type: none"> • City of Fremont & Castro Valley, free trash pick-up for 75 and older • Education on how to handle landfill, recycling, & compost bins 	Information shared with the Operations and Utilities staff and will be shared with Tracy Material Recovery. Staff will work with the Operations and Utilities Department to schedule an educational seminar at the Senior Center.	Completed September 1, 2023 Summer 2024

**PARKS & COMMUNITY SERVICES COMMISSION
SPECIAL MEETING NOVEMBER 1, 2023
Attendance: 11**

Organizations Present:

- Tracy Community Connections Center
- Tracy Golden Agers
- SJ County Commission on Aging

What's Working:

- Trips
- Transportation Services

Staff Present:

- Brian MacDonald, Interim Assistant City Manager
- Jolene Jauregui, Interim Director of Parks & Rec
- Andrea Pedigo, Executive Assistant – Parks & Rec.
- Justin Geibig, Recreation Services Supervisor
- Amanda Jensen, Rec. Program Coordinator
- Suzette Lovell, Rec. Leader III
- Todd Rocha, Operations Superintendent
- Brandi Reybol, Transit Coordinator

Department: Parks & Recreation – Senior Division

Senior Concern/Comments	Recommendation	By When
New Class/Program Recommendations: <ul style="list-style-type: none"> • Partner with a new gym or bowling alley to offer new programming. • Reasonable cost 	Parks & Recreation staff continuously seek to expand program offerings. Senior Center staff researches new programs to implement seasonally. Staff will reach out to local gym and bowling alley to see if there we can potentially partner to offer new classes.	Ongoing
Pickleball <ul style="list-style-type: none"> • Scheduling conflicts & additional days for Pickleball at Hoyt Park • Extended hours to accommodate additional Pickleball play time. • Permanent lines for indoor Pickleball • Use of lighted courts • Current location not appealing (Hoyt Park) <ul style="list-style-type: none"> ○ Uneven pavement ○ Cracks on pavement 	Staff will post schedules when the courts are reserved for Pickleball which occurs weekly on Tuesdays, Thursdays, and Saturdays. Staff will patrol the tennis courts during peak times to ensure court is not in use. There are two other park locations with Pickleball courts (Western Park). The Senior Center also offers indoor Pickleball on Wednesdays at 3pm. The lines cannot be painted permanently in the Senior Center as the facility was intended to be a multi-use facility for programming and events. A Parks & Community Services Commissioner explained that (3) Tracy Unified School District High Schools have converted tennis courts into	Completed December 2023 Ongoing Completed November 1, 2023 Ongoing

	<p>pickleball courts that are also equipped with lights. West High has (8) courts and Tracy High has (6) courts. Staff will explore options to offer extended programming by utilizing additional courts. This comment was also made previously at the November 2021 and November 2022 Parks & Community Services Special Meeting at which time staff had implemented a pilot Pickleball program at Hoyt Park. Parks Operation staff mentioned that it was not within the budget to complete a full resurface. However, staff will look at the hazards mentioned on the courts. Staff also mentioned that Kenner Park is an additional tennis court they are looking at to add Pickleball.</p>	
<p>Fitness</p> <ul style="list-style-type: none"> • New bands • Installment of mirrors 	<p>Staff is currently working with the fitness instructor for a list recommended equipment needed such as the bands. Staff will work with instructor and explore portable mirror options. Update: New bands and weights were purchased and are currently being utilized.</p>	<p>Completed December 2023</p>
<p>Ping Pong</p> <ul style="list-style-type: none"> • Ping Pong players level (beginner/intermediate) • Ping Pong table capacity • Ping Pong instructor 	<p>Ping pong is open for all skill levels. There are (4) ping pong tables utilized where (1) table is dedicated for tournaments (more advanced players) and the remaining (3) tables are open for beginners. There is a volunteer onsite that is available to assist with anything the players need during their playtime.</p>	<p>Completed November 1, 2023</p>
<p>Mutli-Generational Recreational Facility</p> <ul style="list-style-type: none"> • Status of project 	<p>Staff provided an update for the Multi-Generational Recreation Center is scheduled to go to council on December 5, 2023, with updates for the environmental study and budget. Bids are anticipated to go out in the Spring with an estimated 2.5 yr. project timeline. All updates regarding the project are listed on the city's website.</p>	<p>Completed November 1, 2023</p>
<p>Senior Housing</p> <ul style="list-style-type: none"> • Access to In-Home Services 	<p>The Lolly Hansen Senior Center currently offers a Senior Link service that connects seniors to resources such as senior housing, in-home care, transportation services, health services and more. Appointments available upon request.</p>	<p>Ongoing</p>

Department: Development Services

Senior Concern/Comments	Recommendation	By When
Renovate Existing Buildings <ul style="list-style-type: none"> • Renovate previous Orchard Supply Building to Pickleball Courts 	Information shared with the staff from the Planning Division.	Completed January 2024

Department: Mobility and Housing – Transportation Division

Senior Concern/Comments	Recommendation	By When
<ul style="list-style-type: none"> • Accessibility across all transportation options • Marketing of transportation services • Charter Services 	<p>A Parks & Community Services Commissioner & staff from the Transportation Division shared marketing efforts put forth at the Senior Center as well at City Hall.</p> <p>Transit Coordinator reported on the services that the City Transit Station provides and how they advertise. She also mentioned that last year Transit placed 5,000 inserts into water bills that were distributed to Tracy residents. She concluded that it is time to redistribute once again.</p> <p>The Parks & Recreation Department adds transportation information in the seasonal activity guide that gets distributed (3) times a year in the Winter/Spring, Fall & Summer seasons. Recreation staff also distributes various information to areas such as doctors' offices, pharmacies, senior living facilities, apartments, city facilities, etc.</p> <p>The Transit Station does not offer a charter service for large groups. They only provide services with the programs/services currently offered. The Senior Center offers (4) trips a year.</p>	<p>Completed November 1, 2023</p> <p>Completed November 1, 2023</p> <p>Ongoing</p> <p>Completed November 1, 2023</p>



SENIOR SERVICES
2023 ANNUAL REPORT



HIGHLIGHTS

- Activities provided by the Senior Services Program
- Current and future needs of seniors in Tracy
- Update on the efforts of the Parks & Community Services Commission



LOLLY HANSEN SENIOR CENTER

- Activities, Programs & Services
- Resource Hub:
 - San Joaquin County Services
 - AARP, HICAP, Paralegal
 - Local Non-Profits
 - Tracy Golden Ager's &
 - Tracy Senior Association
- Gather & Socialize



<p>HEALTH SERVICES Behavioral Health Services of Tracy (209) 831-5841 www.sjchsa.org</p> <p>Tracy Family Resource Center (209) 229-4922</p> <p>Poison Control Hotline (800) 222-1222</p> <p>Suicide Prevention Hotline (800) 273-8255</p> <p>Tracy Volunteer Services (209) 835-2772 www.tracyvolunteercaregivers.org</p> <p>Disability Insurance (800) 480-3287 Spanish: (866) 658-8846</p> <p>HICAP (209) 470-7812 Email: hicap@lano.net</p> <p>Covered California - Medi-Cal (800) 300-1506 www.coveredca.com</p> <p>In-Home Supportive Services (IHSS) (209) 468-1104 www.sjchsa.org/Assistance/In-Home-Care</p> <p>St. Mary's Dining Room (209) 467-0703 www.stmarysdiningroom.org</p> <p>UOP Dental Hygiene Clinic (209) 945-7404</p> <p>Catholic Charities (209) 444-5900 www.ccstockton.org</p> <p>LATE LIFE SERVICES Community Hospices (209) 379-6300 Hospice of San Joaquin (209) 957-3888</p>	<p>GET CONNECTED City Council 1st & 3rd Tuesday of each month at 7:00pm City Hall, 333 Civic Center Plaza council@cityoftracy.org</p> <p>Parks & Community Services Commission 1st Thursday of each month at 7:00pm City Hall, 333 Civic Center Plaza parks@cityoftracy.org</p> <p>Planning Commission 2nd & 4th Wednesday of each month at 7:00pm City Hall, 333 Civic Center Plaza plandirector@cityoftracy.org</p> <p>Tracy Arts Commission 2nd Tuesday of each month at 7:00pm Grand Theatre Center for the Arts 715 Central Avenue boxoffice@cityoftracy.org</p> <p>Transportation Advisory Commission 2nd Thursday of each month at 7:00pm Tracy Transit Station 50 East 6th Street parks@cityoftracy.org</p> <p>SJ County Commission on Aging 1st Monday of each month at 1:30pm Human Services Agency 102 S. San Joaquin Street, Stockton</p> <p>*Information Subject to Change* **The City of Tracy only provides information for non-profit organizations.</p>	<p>Local Senior Services & Resources</p>  <p>Lolly Hansen Senior Center</p> <p>Hours of Operation Monday - Friday 8:00am to 4:00pm 375 E. 9th Street (209) 831-6240 tracyseniorcenter@cityoftracy.org</p>  <p>Parks & Recreation Department 333 Civic Center Plaza (209) 831-6202 Monday-Thursday 8:00am to 6:00pm Every other Friday 8:00am to 5:00pm www.cityoftracy.org</p>	<p>DISCOUNTED SERVICES AARP - Driver Safety Classes & Tax Aid (209) 831-6240</p> <p>California Lifeline Program English: (866) 272-0349 Spanish: (866) 272-0350</p> <p>City of Tracy Program Scholarships (209) 831-6240</p> <p>City of Tracy Finance Department Ask for LIRA Application (209) 831-6800 customerservice@cityoftracy.org</p> <p>Low Income Home Energy Assistance Program (LIHEAP) (209) 468-3988</p> <p>Utility Payment Assistance (209) 468-1500</p> <p>Senior Link - Tracy</p> <p>Need help finding services? *Senior Housing* Transportation Services *Health Services* In-Home Care *Discount Services* Volunteer Opportunities</p> <p>Appointments available upon request. (209) 831-6240 tracyseniorcenter@cityoftracy.org</p> <p>Senior Link - Tracy is assisting Senior Citizens in living a full, vibrant and independent life by providing Information of local agencies and services providers.</p>
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Think Inside the Triangle™

PROGRAM HIGHLIGHTS

- 7,593 Seniors Registered
- 868 New Seniors
- New Programs & Events For 2023
 - Bidwhist
 - Coffee with a Cop
 - Fun Flick Movie Night
 - Indoor Pickleball
 - Single, Let's Mingle
 - Chess Club
 - Writing Club
 - Computer Classes
 - Extended Line Dancing
 - Coffee on the Patio
 - Rock Painting
 - Craft Studio
 - Open Workshop
 - Matter of Balance
- New Events for 2023
 - Cornhole Tournament
 - Not-So Newly Wed Game
 - Holiday Craft Fair
 - Swinging Through Time
 - Backyard BBQ
 - Canvas & Mocktails



Pickleball



Hoyt Park



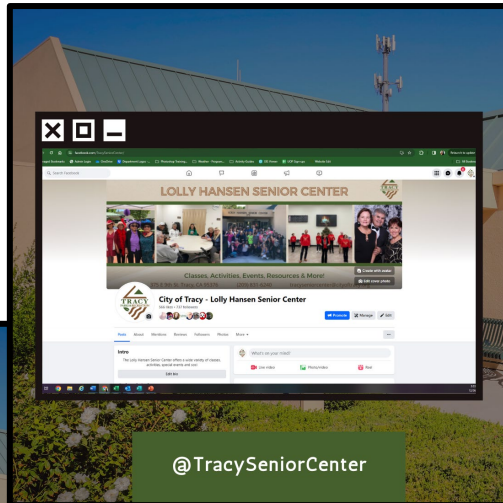
Hoyt Park



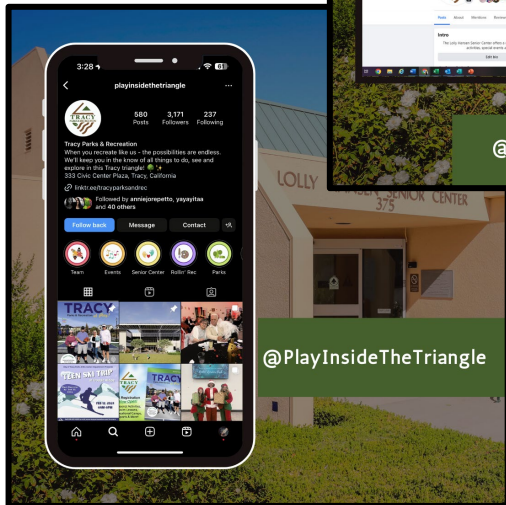
Western Park

MARKETING EFFORTS

Social Media Outlets Facebook & Instagram



@TracySeniorCenter



@PlayInsideTheTriangle



@tracyseniorcenter



@playinsidethetriangle

Flyers & Posters

CAREGIVER SUPPORT Resources

In partnership with Sutter Tracy, the Lolly Hansen Senior Center will be hosting an informational hour of resources! Come in to chat about all things surrounding Caregiver Support.

December 6, 2023
10:00am-11:00am
Lolly Hansen Senior Center
375 E. 9th Street

Sock Hop Dance

WEDNESDAY, MAY 15TH
4PM - 7PM
\$10

TRACY PARKS & RECREATION
Lolly Hansen Senior Center
375 E. 9th Street
(209) 831-6240

Insightful Seminar: House Plant Maintenance

WEDNESDAY, SEPTEMBER 13TH
10AM - 11AM
FREE

LEARN PLANT INFORMATION, HOT-TO TIPS, AND MUCH MORE!

TRACY PARKS & RECREATION
LOLLY HANSEN SENIOR CENTER
375 E. 9TH STREET
(209) 831-6240



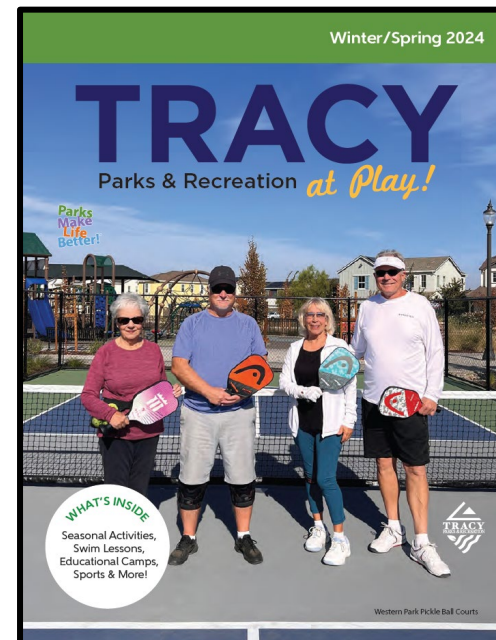
Think Inside the 'Triangle'

MARKETING EFFORTS

- Daily updates @ Senior Center
- City Facilities & Parks
- City Website
- Recreation Activity Guide
- Channel 26
- Email Blasts
- Tracy Press Datebook
- Chamber of Commerce
- Community Events
- Farmer's Market
- TRACER/Paratransit buses

Outreach to:

- Senior Community
- Churches
- Local organizations
- Doctors' offices



Think Inside the 'Triangle'

PARKS & COMMUNITY SERVICES COMMISSION

- Priority to actively engage seniors in the Tracy Community
- Quarterly updates on Senior Comments and Concerns



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PARKS & COMMUNITY SERVICES COMMISSION

Commission's FY 2023/2024 Goals:

- 1.B. – Ensure representation with the Tracy Senior Association and Tracy Golden Agers
- 1.D. – Public outreach to senior community
 - Conduct a special meeting of the Parks Commission at the Lolly Hansen Senior Center



NEXT STEPS

Parks Commission



Recreation Staff & Parks Commission



Think Inside the 'Triangle'

Thank you!



Coffee with a Cop



Older American's Month
Proclamation

Agenda Item 3.C

RECOMMENDATION

Staff recommends that the City Council receive the annual informational report for the Youth Advisory Commission for the 2023 calendar year and projected goals for calendar year 2024.

EXECUTIVE SUMMARY

The Youth Advisory Commission (YAC) was established by the City Council in 1998 with the purpose of advising the Council and the Parks and Community Services Commission on opportunities for youth to lead and plan recreation and community service activities, with emphasis on youth development, to enhance leadership skills and self-esteem of people, ages 12 to 18 years. This report is an accounting of the Youth Advisory Commission for the calendar year 2023 as well as projected goals for calendar year 2024.

BACKGROUND AND LEGISLATIVE HISTORY

As noted above, the YAC was formed in 1998 with the purpose of providing youth with an opportunity to make a positive impact in their communities and advising the City Council, Parks and Community Services Commission and staff on matters relating to the welfare of youth in Tracy.

Currently YAC has ten youth Commissioners and one adult Commissioner. As listed below, each youth Commissioner represents one of the local high schools.

- Tracy High School (2 Commissioners)
- West High School (3 Commissioners)
- Kimball High School (2 Commissioners)
- Millennium High School (2 Commissioners)
- Tracy Charter High School (1 Commissioner)

The Youth Advisory Commission is holding a spring recruitment for both youth and adult Commissioners, which will end on April 26, 2024. Interviews will be conducted in May and new commissioners will be appointed in August.

DISCUSSION

Due to the lack of quorum throughout the year and vacancies on the YAC from June 2023 to August 2023, the Commission was unable to meet and accomplish all of their goals. However, YAC worked with City staff to prepare an overview of the objectives that were accomplished for the 2023 calendar year. Under each goal is the status on Commission activities.

1. Program Enhancement
 - Look for ways to enhance Recreation Programs that will provide benefits to teens.

- Commissioners assisted in the youth spring break camp, summer youth and teen programming, in camps such as Bake Like a Boss and the Summer Adventure Program.
- Commissioners continued assisting with the Rollin' Rec program at different parks throughout the community during the Spring and Summer sessions.

2. Community Outreach

- Look for ways to make the Commission more visible; to participate with local organizations and service clubs throughout the community; and to widen participation of teens.
 - Commissioners volunteered at the Tracy Earth Day 2023 event by leading Earth Day themed activities and assisted in promoting the event to other teens.
 - Commissioners provided feedback to City staff on marketing pieces for programs such as teen summer camps and teen nights at the Joe Wilson Pool.

YAC developed new goals and work plan for the 2024 calendar year on September 18, 2023, which include unmet objectives carried over from the year prior. The goals and objectives for 2024 are as follows:

1. Program Enhancement

- Look for ways to enhance Recreation Programs that will provide benefits to teens.
 - Offer one new teen event or program focusing on teen trends or issues (i.e., mental health, vaping, multicultural events, internships with local businesses)
 - Offer one new recreational teen event, program, or camp for high school aged teens (i.e., drive-in movie, teen festival, intercity tournament or game, all high school unity events)
 - Participate with the Lolly Hansen Senior Center to propose at least one new intergenerational program or event (i.e., Ping Pong tournament, dance, adopt a grandparent)
 - Support the Rollin' Rec Program

2. Community Outreach

- Look for ways to make the Commission more visible; to participate with local organizations and service clubs throughout the community; and to widen participation of teens.
 - Implement at least one new community service project (i.e., park clean-up, drive for local organization)
 - Support the Tracy Historical Museum
 - Work with Parks and Recreation staff to develop YAC social media posts.

FISCAL IMPACT

Staff costs related to the support of the Youth Advisory Commission are included in the Parks and Recreation Department General Fund budget.

CEQA DETERMINATION

This item is an informational item only and is therefore exempt from CEQA.

STRATEGIC PLAN

This agenda item relates to 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.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council receive the annual information report of the Youth Advisory Commission for the 2023 calendar year and projected goals for calendar year 2024.

Prepared by: Amanda Jensen, Recreation Coordinator

Reviewed by: Lauren Repetto, Recreation Services Supervisor
Jolene Jauregui, Interim Director of Parks and Recreation
Sara Cowell, Director of Finance
Bijal Patel, City Attorney
Brian MacDonald, Interim Assistant City Manager

Approved by: Midori Lichtwardt, City Manager

Attachments

Attachment A: Youth Advisory Commission Annual Report PowerPoint



YOUTH ADVISORY COMMISSION 2023 ANNUAL REPORT



PURPOSE OF THE COMMISSION

- The Youth Advisory Commission was established in 1998 with the purpose of involving local teens in the community
- Helps teens make a positive impact in the community through volunteer opportunities
- Offers teens safe and fun social activities
- Gives teens a voice in the local government



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YOUTH ADVISORY COMMISSION 2024 ANNUAL REPORT

- The Youth Advisory Commission currently has ten youth Commissioners
- Each Commissioner represents the local high schools:
 - Tracy High School (2 Commissioners)
 - West High School (3 Commissioners)
 - Kimball High School (2 Commissioners)
 - Millennium High School (2 Commissioners)
 - Tracy Charter High School (1 Commissioners)



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YOUTH ADVISORY COMMMISSION

GOALS 2023

1. Program Enhancement

- Look for ways to enhance Recreation Programs that will provide benefits to teens
 - *Offer one new teen event or program addressing relevant teen issues*
 - *Offer one new recreational teen event, program, or camp*
 - *Participate with the Lolly Hansen Senior Center to propose at least one new intergenerational program or event*
 - *Support the Rollin' Rec Program*

YOUTH ADVISORY COMMISSION GOALS 2023

2. Community Outreach

- Looks for ways to make the Commission more visible; to participate with local organizations and service clubs throughout the community; and to widen participation of teens
 - *Implement at least one new community service project*
 - *Support the Tracy Historical Museum*
 - *Work with Parks and Recreation staff to develop YAC social media posts*



YOUTH ADVISORY COMMISSION GOALS 2023

1. Look for ways to enhance Recreation
Programs that will provide benefits to teens.



YOUTH ADVISORY COMMISSION GOALS 2023

2. Looks for ways to make the Commission more visible; to participate with local organizations and service clubs throughout the community; and to widen participation of teens



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YOUTH ADVISORY COMMISSION GOALS 2024

1. Program Enhancement

- Look for ways to enhance Recreation Programs that will provide benefits to teens
 - *Offer one new teen event or program focusing on teen trends or issues (i.e. mental health, vaping, multicultural event, internships w/local businesses)*
 - *Offer one new recreational teen event, program, or camp for high school aged teens (i.e. drive-in movie, teen festival, intercity tournament or game, all high school unity event)*
 - *Participate with the Lolly Hansen Senior Center to propose at least one new intergenerational program or event (i.e. Ping Pong tournament, dance, adopt a grandparent)*
 - *Support the Rollin' Rec Program*

YOUTH ADVISORY COMMISSION GOALS 2024

2. Community Outreach

- Look for ways to make the Commission more visible; to participate with local organizations and service clubs throughout the community; and to widen participation of teens
 - *Implement at least one new community service project (i.e. park clean-up, drive for local organization)*
 - *Support the Tracy Historical Museum*
 - *Work with Parks and Recreation staff to develop YAC social media posts*



RECRUITMENT 2024

- Recruitment for 2024
 - Opens in January 2024
 - Recruiting up to (11) youth and (2) adult Commissioners



APPLICATIONS NOW OPEN

CITY OF TRACY
YOUTH ADVISORY COMMISSION

Applications due
April 26th

Apply at City Hall or Email caitlin.perkey@cityoftracy.org



Think Inside the 'Triangle'

Thank you for your time!



Agenda Item 3.D

RECOMMENDATION

Staff Recommends that the City Council adopt a Resolution amending the Tracy Finance Committee Bylaws to change the meeting time and remove certain grant actions from the purview of the Committee.

EXECUTIVE SUMMARY

Staff recommends City Council amend the Tracy Finance Committee Bylaws to address changes to the regular meeting date to every fourth Tuesday, and remove the necessity for certain grant applications, appropriations, and approvals to be considered and recommended by the Finance Committee prior to City Council action, in order to improve efficiencies.

BACKGROUND AND LEGISLATIVE HISTORY

On May 19, 2020, the City Council adopted the FY 2020-21 Operating and Capital Budget and formed an ad-hoc subcommittee of the City Council to discuss the fiscal health of the City in light of the COVID-19 pandemic (Resolution 2020-067). The City Council approved the initial term of the ad-hoc subcommittee through December 31, 2021 (Resolution 2021-024) and a further extension through December 31, 2022 (Resolution 2021-189).

The Brown Act, as further interpreted by the California Attorney General, limits ad hoc subcommittees to be of finite duration (usually less than 12 months) and have jurisdiction over one-time or non-recurring matters.

On February 7, 2023, the City Council created the Tracy Finance Committee (Committee), a two-member Council standing committee (Resolution 2023-027). The committee is subject to the Brown Act and provides policy guidance as it relates to the development of a multi-year fiscal sustainability plan to address the City's fiscal health and long-term planning.

On May 16, 2023, The City Council adopted the Committee Bylaws (Resolution 2023-085).

The presently adopted Bylaws state that the Committee meets monthly, on the third Wednesday of the month at 7:00 p.m. On January 16, 2024, during the annual City Council appointment process, it was discovered that there is an ongoing scheduling conflict with the Committee's regular meeting date. Because of the scheduling conflict, the January 2024 meeting was held as a special meeting on Tuesday, January 23, 2024.

The presently adopted Bylaws do not expressly require Committee action prior to the application, acceptance, and/or appropriation of all grants. Certain grants are for small dollar amounts and require no matching funds to be dedicated by the City. To expedite treatment of such grants and to improve efficiencies, staff recommends that the City Council clarify in the Committee Bylaws that Committee consideration and recommendation are not required for grants that involve no matching requirement by the City.

ANALYSIS

Staff has reviewed the City Council appointments and City public meeting schedules and is recommending that the Committee Bylaws be amended to meet on the fourth Tuesday of the month at 7:00 p.m.

Upon review of the Committee Bylaws, Staff is also recommending a change to section A, related to grant application, appropriation, and approval, as discussed above.

FISCAL IMPACT

There is no fiscal impact associated with this action.

STRATEGIC PLAN

This agenda item supports the City's Governance Strategic Priority, with Goal 2: Ensure short and long-term fiscal health.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends that the City Council adopt a Resolution amending the Tracy Finance Committee Bylaws to change the meeting time and remove certain grant actions from the purview of the Committee.

Submitted by: Sara Cowell, Director of Finance

Reviewed by: Karin Schnaider, Assistant City Manager
Bijal Patel, City Attorney

Approved by: Midori Lichtwardt, City Manager

ATTACHMENTS

- A. Redline Finance Committee Bylaws
- B. Clean Finance Committee Bylaws

**BYLAWS OF THE
FINANCE COMMITTEE BYLAWS
CITY OF TRACY, CALIFORNIA**

WHEREAS, The City desires to form a standing committee of the Tracy City Council to continue the work begun by the previous Ad Hoc Fiscal Sustainability Subcommittee, to be named the Finance Committee (Committee); and

WHEREAS, Committees are essential to the effective operation of legislative bodies; and

WHEREAS, Committee membership enables members to develop specialized knowledge of the matters under their jurisdictions; and

WHEREAS, Committees monitor on-going governmental operations, identify issues suitable for legislative review, gather and evaluate information, and recommend courses of action for the Council; and

WHEREAS, the Finance Committee is authorized and directed to ascertain, study, and analyze all facts relating to any subjects or matters within their jurisdiction, and shall report to and submit recommendations to the City Council for action.

NOW, THEREFORE, these Bylaws govern the conduct of the Finance Committee meetings and the transaction of its affairs.

A. PURPOSE

1. The purpose of the Committee is to provide policy guidance as it relates to the development of a multi-year fiscal sustainability plan to address the City's fiscal health and long-term planning.
2. The Finance Committee shall have initial jurisdiction over any item assigned to it by the City Council as well as any items being advanced by the City Manager that implement or relate to the overall jurisdictional purpose of the Committee.
3. Approaches may include, but are not limited to, budget strategies and fiscal policies, related revenue enhancement, cost containment, and use of other revenue sources such as Measure V and/or General Fund Reserves, keeping in mind planned recreational amenities.
4. The Committee will aid the City Council in fulfilling its fiduciary responsibilities to oversee the financial activities and financial condition of the City of Tracy and its jurisdiction may include the review, discussion, and input on the following areas:
 - 4.1.1. Annual audits and compliance reporting
 - 4.1.2. Annual and quarterly budget updates, augmentations, and forecast
 - 4.1.3. Long-term planning, including but not limited to
 - 4.1.3.1. City revenues and expenses, including related fee and tax studies

- 4.1.3.2. Deferred maintenance and capital planning
- 4.1.3.3. Long-term liabilities, debt, and other finance planning

5. The Committee will not have jurisdiction to discuss any budget approaches that would require good faith bargaining with labor groups.

5.6. Requests for authority to apply for grants, including the appropriation of any awarded grants, are not required to be considered by the Finance Committee, as long as such grants approval do not include a fund matching requirement by the City.

B. Action by Subject Matter Committees -

The assigned subject matter Committee shall have initial jurisdiction over any item assigned to it by the City Council as well as any items being advanced by the City Manager that implement or relate to the overall jurisdictional purpose of such Committee and may take any of the following actions with respect to the assigned item:

The Committee may, by a vote of the consensus of the members present, decide to postpone, continue, or table an item on the agenda. On any item on an agenda, the Committee may allow for an informational presentation by City staff relating to the item. With respect to an action item, and after discussion and consideration of the item, the Committee may take one of the following actions:

1. Vote by consensus to approve the recommendation of staff or the originator of the proposed action item and forward the recommendation onto the full Council. The Committee may, as a condition of approval, request additional information to be presented for consideration when the full Council hears the item.
2. Fail to approve any recommended action, in which case the item shall not be forwarded to the full City Council; provided that the City Council shall have jurisdiction to place the item on the agenda for a future City Council meeting, in accordance with the requirements of the Meeting Protocols for agenda setting, if no action was taken on the item due to any one of the following reasons:
 - 2.1. Due to the cancellation of a Committee meeting or
 - 2.2. Due to lack of a quorum, or
 - 2.3. the Committee was not able to approve any recommended action
3. Propose by a consensus vote of those present one or more alternative recommendation(s) be forwarded to the full City Council for consideration and final action. The Committee may request additional information to be presented for consideration when the full Council hears the item.
4. Reject by a consensus vote, jurisdiction over the action item and refer the action item back to the City Council with a recommendation for reassignment to another appropriate subject-matter committee.
5. Request, by consensus vote, additional, specified information from staff or the originator of the proposed action item. The action item may be continued or rescheduled for further consideration at the soonest feasible date available, allowing

time for appropriate notice pursuant to the Meeting Protocols and the Brown Act.

6. With respect to an informational item, following discussion and consideration, Committee shall take one of the following actions:
 - 6.1. Receive the informational report by majority vote without forwarding the report to the full City Council;
 - 6.2. Receive the informational report and forward the report onto the full City Council by majority vote;
 - 6.3. Request by consensus vote from staff or the originator of the proposed informational item. The item may be continued or rescheduled for further consideration at the soonest feasible date available, allowing time for appropriate notice pursuant to the Meeting Protocols.

C. ROLE AND RESPONSIBILITIES

The role of the Finance Committee is to provide quarterly updates to the full City Council as part of the regular agenda, to inform City Council members and the public; and the multi-year fiscal sustainability plan will be presented to the City Council by the Finance Director for the body's review and approval.

D. MEMBERSHIP GUIDELINES

1. **Membership.** The Finance Committee shall consist of two (2) City Councilmembers.
2. **Term.** Each member shall serve a one-year term; selected as part of the City Council's annual appointment process outlined in the Council's Code of Conduct.
3. **Attendance.** If a member of the Finance Committee fails to attend four (4) regular meetings in any calendar year, his or her position on the Finance Committee shall automatically become vacant. For quorum confirmation, a member who is unable to attend a meeting shall inform the staff liaison designated by the relevant City Department at least 48 hours before the next meeting.

E. QUORUM

A quorum of the Finance Committee shall consist of a majority of the members (including any vacancies). A quorum must be present in order for the Finance Committee to hold a meeting.

Meetings of the Committees may be noticed as a Special Meeting of the City Council if a majority of the members of the Council plan to attend and participate as part of the Committee.

F. OFFICERS

1. The officers of the Finance Committee shall be:
 - 1.1. The Chairperson and
 - 1.2. The Vice-Chairperson.
2. The Chairperson shall:
 - 2.1. Preside at all regular and special meetings.
 - 2.2. Rule on all points of order and procedure during the meetings.

G. DUTIES OF THE COMMITTEE

1. Review, discuss, and provide direction to facilitate in the preparing and presenting of accurate, timely, and meaningful financial statements to the Council from City staff
2. Monitor the finances of the City
3. Develop an annual work plan and presentation to the City Council
4. Review and update from time to time, as necessary the financial policies
5. Be familiar with, approve, and review periodically the organization's annual budget; Ensuring that the financial elements of the City are in accord with the City Council's Strategic Priorities
6. Set long-range financial goals along with financial strategies to achieve them
7. Develop policies and plans for financial awareness in cooperation with other public and private agencies
8. Provide recommendations to the City Council on such matters that may be referred to the City Council by the community

H. MEETINGS

1. Regular meetings of the Finance Committee shall be held on the ~~4th^{3rd}~~ Tuesday ~~Thursday~~ Wednesday of each month and shall begin at 7:00 p.m.
2. If the scheduled date of a regular meeting conflicts with a holiday period, staff shall reschedule that meeting to be conducted within that month.
3. Any regular meeting may be adjourned, or any item on the agenda continued to the next or any subsequent regular meeting of the Finance Committee, by a majority of the quorum. If a meeting is adjourned or an item is continued to a special meeting to be held on a date other than a regular meeting date, the time, place, and date of such special meeting shall be specified in the motion for adjournment or continuance.
4. All meetings are subject to the Brown Act as set forth in Government Code Sections 54950 and following. Accordingly, all meetings shall be noticed and agendas for all meetings shall be prepared and distributed in accordance with the current City Council meeting procedures and the Brown Act.
5. All meetings shall be conducted in accordance with the current City Council meeting procedures.

I. FUNDING

Any funding necessary for operation of the Finance Committee shall be included in the City of Tracy budget, which shall be approved by the City Council.

J. ADMINISTRATIVE PROCEDURES AND POLICIES

City Boards and Committees shall follow all applicable City administrative policies and procedures.

K. STAFF LIAISON

The Finance Committee shall have a staff liaison designated by the relevant City Department. The staff liaison shall:

1. Receive and record all exhibits, petitions, documents, or other material presented to the Committee in support of, or in opposition to, any question before the Committee.
2. Sign all meetings minutes and resolutions upon approval.
3. Prepare and distribute agendas and agenda packets.

L. ADOPTION

This document, as adopted by City Council, on ~~May 16~~~~March 7~~, 2023, by Resolution ~~2023-085~~~~2023-027~~ and amended by City Council on February 6, 2024, by Resolution ~~2024-xxx~~, and shall serve as the Bylaws for the Finance Committee.

**BYLAWS OF THE
 FINANCE COMMITTEE BYLAWS
 CITY OF TRACY, CALIFORNIA**

WHEREAS, The City desires to form a standing committee of the Tracy City Council to continue the work begun by the previous Ad Hoc Fiscal Sustainability Subcommittee, to be named the Finance Committee (Committee); and

WHEREAS, Committees are essential to the effective operation of legislative bodies; and

WHEREAS, Committee membership enables members to develop specialized knowledge of the matters under their jurisdictions; and

WHEREAS, Committees monitor on-going governmental operations, identify issues suitable for legislative review, gather and evaluate information, and recommend courses of action for the Council; and

WHEREAS, the Finance Committee is authorized and directed to ascertain, study, and analyze all facts relating to any subjects or matters within their jurisdiction, and shall report to and submit recommendations to the City Council for action.

NOW, THEREFORE, these Bylaws govern the conduct of the Finance Committee meetings and the transaction of its affairs.

A. PURPOSE

1. The purpose of the Committee is to provide policy guidance as it relates to the development of a multi-year fiscal sustainability plan to address the City's fiscal health and long-term planning.
2. The Finance Committee shall have initial jurisdiction over any item assigned to it by the City Council as well as any items being advanced by the City Manager that implement or relate to the overall jurisdictional purpose of the Committee.
3. Approaches may include, but are not limited to, budget strategies and fiscal policies, related revenue enhancement, cost containment, and use of other revenue sources such as Measure V and/or General Fund Reserves, keeping in mind planned recreational amenities.
4. The Committee will aid the City Council in fulfilling its fiduciary responsibilities to oversee the financial activities and financial condition of the City of Tracy and its jurisdiction may include the review, discussion, and input on the following areas:
 - 4.1.1. Annual audits and compliance reporting
 - 4.1.2. Annual and quarterly budget updates, augmentations, and forecast
 - 4.1.3. Long-term planning, including but not limited to
 - 4.1.3.1. City revenues and expenses, including related fee and tax studies

- 4.1.3.2. Deferred maintenance and capital planning
 - 4.1.3.3. Long-term liabilities, debt, and other finance planning
5. The Committee will not have jurisdiction to discuss any budget approaches that would require good faith bargaining with labor groups.
 6. Requests for authority to apply for grants as well as City acceptance of grants, including the appropriation of any awarded grants, are not required to be considered by the Finance Committee, as long as such grants do not include a fund matching requirement by the City.

B. Action by Subject Matter Committees -

The assigned subject matter Committee shall have initial jurisdiction over any item assigned to it by the City Council as well as any items being advanced by the City Manager that implement or relate to the overall jurisdictional purpose of such Committee and may take any of the following actions with respect to the assigned item:

The Committee may, by a vote of the consensus of the members present, decide to postpone, continue, or table an item on the agenda. On any item on an agenda, the Committee may allow for an informational presentation by City staff relating to the item. With respect to an action item, and after discussion and consideration of the item, the Committee may take one of the following actions:

1. Vote by consensus to approve the recommendation of staff or the originator of the proposed action item and forward the recommendation onto the full Council. The Committee may, as a condition of approval, request additional information to be presented for consideration when the full Council hears the item.
2. Fail to approve any recommended action, in which case the item shall not be forwarded to the full City Council; provided that the City Council shall have jurisdiction to place the item on the agenda for a future City Council meeting, in accordance with the requirements of the Meeting Protocols for agenda setting, if no action was taken on the item due to any one of the following reasons:
 - 2.1. Due to the cancellation of a Committee meeting or
 - 2.2. Due to lack of a quorum, or
 - 2.3. the Committee was not able to approve any recommended action
3. Propose by a consensus vote of those present one or more alternative recommendation(s) be forwarded to the full City Council for consideration and final action. The Committee may request additional information to be presented for consideration when the full Council hears the item.
4. Reject by a consensus vote, jurisdiction over the action item and refer the action item back to the City Council with a recommendation for reassignment to another appropriate subject-matter committee.
5. Request, by consensus vote, additional, specified information from staff or the originator of the proposed action item. The action item may be continued or rescheduled for further consideration at the soonest feasible date available, allowing time for appropriate notice pursuant to the Meeting Protocols and the Brown Act.

6. With respect to an informational item, following discussion and consideration, Committee shall take one of the following actions:
 - 6.1. Receive the informational report by majority vote without forwarding the report to the full City Council;
 - 6.2. Receive the informational report and forward the report onto the full City Council by majority vote;
 - 6.3. Request by consensus vote from staff or the originator of the proposed informational item. The item may be continued or rescheduled for further consideration at the soonest feasible date available, allowing time for appropriate notice pursuant to the Meeting Protocols.

C. ROLE AND RESPONSIBILITIES

The role of the Finance Committee is to provide quarterly updates to the full City Council as part of the regular agenda, to inform City Council members and the public; and the multi-year fiscal sustainability plan will be presented to the City Council by the Finance Director for the body's review and approval.

D. MEMBERSHIP GUIDELINES

1. **Membership.** The Finance Committee shall consist of two (2) City Councilmembers.
2. **Term.** Each member shall serve a one-year term; selected as part of the City Council's annual appointment process outlined in the Council's Code of Conduct.
3. **Attendance.** If a member of the Finance Committee fails to attend four (4) regular meetings in any calendar year, his or her position on the Finance Committee shall automatically become vacant. For quorum confirmation, a member who is unable to attend a meeting shall inform the staff liaison designated by the relevant City Department at least 48 hours before the next meeting.

E. QUORUM

A quorum of the Finance Committee shall consist of a majority of the members (including any vacancies). A quorum must be present in order for the Finance Committee to hold a meeting.

Meetings of the Committees may be noticed as a Special Meeting of the City Council if a majority of the members of the Council plan to attend and participate as part of the Committee.

F. OFFICERS

1. The officers of the Finance Committee shall be:

- 1.1. The Chairperson and
- 1.2. The Vice-Chairperson.
2. The Chairperson shall:
 - 2.1. Preside at all regular and special meetings.
 - 2.2. Rule on all points of order and procedure during the meetings.

G. DUTIES OF THE COMMITTEE

1. Review, discuss, and provide direction to facilitate in the preparing and presenting of accurate, timely, and meaningful financial statements to the Council from City staff
2. Monitor the finances of the City
3. Develop an annual work plan and presentation to the City Council
4. Review and update from time to time, as necessary the financial policies
5. Be familiar with, approve, and review periodically the organization's annual budget; Ensuring that the financial elements of the City are in accord with the City Council's Strategic Priorities
6. Set long-range financial goals along with financial strategies to achieve them
7. Develop policies and plans for financial awareness in cooperation with other public and private agencies
8. Provide recommendations to the City Council on such matters that may be referred to the City Council by the community

H. MEETINGS

1. Regular meetings of the Finance Committee shall be held on the 4th Tuesday of each month and shall begin at 7:00 p.m.
2. If the scheduled date of a regular meeting conflicts with a holiday period, staff shall reschedule that meeting to be conducted within that month.
3. Any regular meeting may be adjourned, or any item on the agenda continued to the next or any subsequent regular meeting of the Finance Committee, by a majority of the quorum. If a meeting is adjourned or an item is continued to a special meeting to be held on a date other than a regular meeting date, the time, place, and date of such special meeting shall be specified in the motion for adjournment or continuance.
4. All meetings are subject to the Brown Act as set forth in Government Code Sections 54950 and following. Accordingly, all meetings shall be noticed and agendas for all meetings shall be prepared and distributed in accordance with the current City Council meeting procedures and the Brown Act.
5. All meetings shall be conducted in accordance with the current City Council meeting procedures.

I. FUNDING

Any funding necessary for operation of the Finance Committee shall be included in the

City of Tracy budget, which shall be approved by the City Council.

J. ADMINISTRATIVE PROCEDURES AND POLICIES

City Boards and Committees shall follow all applicable City administrative policies and procedures.

K. STAFF LIAISON

The Finance Committee shall have a staff liaison designated by the relevant City Department. The staff liaison shall:

1. Receive and record all exhibits, petitions, documents, or other material presented to the Committee in support of, or in opposition to, any question before the Committee.
2. Sign all meetings minutes and resolutions upon approval.
3. Prepare and distribute agendas and agenda packets.

L. ADOPTION

This document, as adopted by City Council, on May 16, 2023, by Resolution 2023-085 and amended by City Council on February 6, 2024, by Resolution 2024-xxx, and shall serve as the Bylaws for the Finance Committee.

TRACY CITY COUNCIL

RESOLUTION NO. _____

AMENDING THE TRACY FINANCE COMMITTEE BYLAWS TO CHANGE THE MEETING TIME AND REMOVE CERTAIN GRANT ACTIONS FROM THE PURVIEW OF THE COMMITTEE.

WHEREAS, The Tracy Municipal Code allows the City Council to establish advisory, ad hoc, and standing committees, to address an explicit purpose; and

WHEREAS, The City Council adopted Resolution 2023-027 on February 7, 2023 that established the Tracy Finance Committee (Committee) as a two-member Council standing committee subject to the Brown Act; and

WHEREAS, The scope of the Committee is to provide policy guidance as it relates to the development of a multi-year fiscal sustainability plan to address the City's fiscal health and long-term planning; and

WHEREAS, The Committee Bylaws were adopted by the City Council on May 16, 2023 pursuant to Resolution 2023-085; and

WHEREAS, The City seeks to make amendments to the Committee Bylaws; and

WHEREAS, The Committee Bylaws state the committee regularly meets on the third Wednesday of the month at 7:00 p.m., and the Committee's currently scheduled regular meeting dates were found to have an ongoing scheduling conflict; and

WHEREAS, The City desires to amend Section H (1) of the Committee bylaws to move the Committee regular meeting date from every third Wednesday, to every fourth Thursday at 7:00 p.m. as follows, (deletions indicated by ~~strike through~~, additions indicated by double-underline):

"H. MEETINGS

1. Regular meetings of the Finance Committee shall be held on the 4th ~~3rd~~ Tuesday ~~Wednesday~~ of each month and shall begin at 7:00 p.m."

and,

WHEREAS, the time-sensitive demands of grant processing necessitate expedited approval; and

WHEREAS, the City desires to further amend Section A of the Committee bylaws to clarify that certain grant applications, appropriations, and acceptances do not require Committee

consideration and recommendation, as follows (deletions indicated by ~~striketrough~~, additions indicated by double-underline):

“A. PURPOSE

1. The purpose of the Committee is to provide policy guidance as it relates to the development of a multi-year fiscal sustainability plan to address the City’s fiscal health and long-term planning.
2. The Finance Committee shall have initial jurisdiction over any item assigned to it by the City Council as well as any items being advanced by the City Manager that implement or relate to the overall jurisdictional purpose of the Committee.
3. Approaches may include, but are not limited to, budget strategies and fiscal policies, related revenue enhancement, cost containment, and use of other revenue sources such as Measure V and/or General Fund Reserves, keeping in mind planned recreational amenities.
4. The Committee will aid the City Council in fulfilling its fiduciary responsibilities to oversee the financial activities and financial condition of the City of Tracy and its jurisdiction may include the review, discussion, and input on the following areas:
 - 4.1.1. Annual audits and compliance reporting
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 - 4.1.3. Long-term planning, including but not limited to
 - 4.1.3.1. City revenues and expenses, including related fee and tax studies
 - 4.1.3.2. Deferred maintenance and capital planning
 - 4.1.3.3. Long-term liabilities, debt, and other finance planning
5. The Committee will not have jurisdiction to discuss any budget approaches that would require good faith bargaining with labor groups.
6. Requests for authority to apply for grants as well as City acceptance of grants, including the appropriation of any awarded grants, are not required to be considered by the Finance Committee, as long as such grants do not include a fund matching requirement by the City.”

and,

NOW, THEREFORE, BE IT

RESOLVED: The City Council of the City of Tracy hereby finds and determines that the foregoing recitals are true and correct and are hereby incorporated as findings and determinations of the City; and be it further

RESOLVED: That The City Council hereby adopts the amended Tracy Finance Committee Bylaws set forth in Attachment 1 as the Bylaws of the Tracy Finance Committee; and be it further

RESOLVED: To the extent that the Committee Bylaws conflict with the City Council’s meeting protocols and rules of procedure, the latter shall prevail; and be it further

RESOLVED: That the City Attorney, solely, shall have the authority to interpret and render a final determination, in the event of ambiguity, the Committee Bylaws; and be it further

RESOLVED: That the actions contained herein do not constitute a “project” under the California Environmental Quality Act.

* * * * *

The foregoing Resolution 2024-_____ was adopted by the Tracy City Council on the 6th day of February, 2024, 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

ATTACHMENTS:

Attachment 1 – Amendment to Finance Committee Bylaws

**BYLAWS OF THE
 FINANCE COMMITTEE BYLAWS
 CITY OF TRACY, CALIFORNIA**

WHEREAS, The City desires to form a standing committee of the Tracy City Council to continue the work begun by the previous Ad Hoc Fiscal Sustainability Subcommittee, to be named the Finance Committee (Committee); and

WHEREAS, Committees are essential to the effective operation of legislative bodies; and

WHEREAS, Committee membership enables members to develop specialized knowledge of the matters under their jurisdictions; and

WHEREAS, Committees monitor on-going governmental operations, identify issues suitable for legislative review, gather and evaluate information, and recommend courses of action for the Council; and

WHEREAS, the Finance Committee is authorized and directed to ascertain, study, and analyze all facts relating to any subjects or matters within their jurisdiction, and shall report to and submit recommendations to the City Council for action.

NOW, THEREFORE, these Bylaws govern the conduct of the Finance Committee meetings and the transaction of its affairs.

A. PURPOSE

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The assigned subject matter Committee shall have initial jurisdiction over any item assigned to it by the City Council as well as any items being advanced by the City Manager that implement or relate to the overall jurisdictional purpose of such Committee and may take any of the following actions with respect to the assigned item:

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1. Vote by consensus to approve the recommendation of staff or the originator of the proposed action item and forward the recommendation onto the full Council. The Committee may, as a condition of approval, request additional information to be presented for consideration when the full Council hears the item.
2. Fail to approve any recommended action, in which case the item shall not be forwarded to the full City Council; provided that the City Council shall have jurisdiction to place the item on the agenda for a future City Council meeting, in accordance with the requirements of the Meeting Protocols for agenda setting, if no action was taken on the item due to any one of the following reasons:
 - 2.1. Due to the cancellation of a Committee meeting or
 - 2.2. Due to lack of a quorum, or
 - 2.3. the Committee was not able to approve any recommended action
3. Propose by a consensus vote of those present one or more alternative recommendation(s) be forwarded to the full City Council for consideration and final action. The Committee may request additional information to be presented for consideration when the full Council hears the item.
4. Reject by a consensus vote, jurisdiction over the action item and refer the action item back to the City Council with a recommendation for reassignment to another appropriate subject-matter committee.
5. Request, by consensus vote, additional, specified information from staff or the originator of the proposed action item. The action item may be continued or rescheduled for further consideration at the soonest feasible date available, allowing time for appropriate notice pursuant to the Meeting Protocols and the Brown Act.

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 - 6.1. Receive the informational report by majority vote without forwarding the report to the full City Council;
 - 6.2. Receive the informational report and forward the report onto the full City Council by majority vote;
 - 6.3. Request by consensus vote from staff or the originator of the proposed informational item. The item may be continued or rescheduled for further consideration at the soonest feasible date available, allowing time for appropriate notice pursuant to the Meeting Protocols.

C. ROLE AND RESPONSIBILITIES

The role of the Finance Committee is to provide quarterly updates to the full City Council as part of the regular agenda, to inform City Council members and the public; and the multi-year fiscal sustainability plan will be presented to the City Council by the Finance Director for the body's review and approval.

D. MEMBERSHIP GUIDELINES

1. **Membership.** The Finance Committee shall consist of two (2) City Councilmembers.
2. **Term.** Each member shall serve a one-year term; selected as part of the City Council's annual appointment process outlined in the Council's Code of Conduct.
3. **Attendance.** If a member of the Finance Committee fails to attend four (4) regular meetings in any calendar year, his or her position on the Finance Committee shall automatically become vacant. For quorum confirmation, a member who is unable to attend a meeting shall inform the staff liaison designated by the relevant City Department at least 48 hours before the next meeting.

E. QUORUM

A quorum of the Finance Committee shall consist of a majority of the members (including any vacancies). A quorum must be present in order for the Finance Committee to hold a meeting.

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F. OFFICERS

1. The officers of the Finance Committee shall be:

- 1.1. The Chairperson and
- 1.2. The Vice-Chairperson.
2. The Chairperson shall:
 - 2.1. Preside at all regular and special meetings.
 - 2.2. Rule on all points of order and procedure during the meetings.

G. DUTIES OF THE COMMITTEE

1. Review, discuss, and provide direction to facilitate in the preparing and presenting of accurate, timely, and meaningful financial statements to the Council from City staff
2. Monitor the finances of the City
3. Develop an annual work plan and presentation to the City Council
4. Review and update from time to time, as necessary the financial policies
5. Be familiar with, approve, and review periodically the organization's annual budget; Ensuring that the financial elements of the City are in accord with the City Council's Strategic Priorities
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H. MEETINGS

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3. Any regular meeting may be adjourned, or any item on the agenda continued to the next or any subsequent regular meeting of the Finance Committee, by a majority of the quorum. If a meeting is adjourned or an item is continued to a special meeting to be held on a date other than a regular meeting date, the time, place, and date of such special meeting shall be specified in the motion for adjournment or continuance.
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I. FUNDING

Any funding necessary for operation of the Finance Committee shall be included in the

City of Tracy budget, which shall be approved by the City Council.

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City Boards and Committees shall follow all applicable City administrative policies and procedures.

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The Finance Committee shall have a staff liaison designated by the relevant City Department. The staff liaison shall:

1. Receive and record all exhibits, petitions, documents, or other material presented to the Committee in support of, or in opposition to, any question before the Committee.
2. Sign all meetings minutes and resolutions upon approval.
3. Prepare and distribute agendas and agenda packets.

L. ADOPTION

This document, as adopted by City Council, on May 16, 2023, by Resolution 2023-085 and amended by City Council on February 6, 2024, by Resolution 2024-xxx, and shall serve as the Bylaws for the Finance Committee.

Agenda Item 3.E

RECOMMENDATION

Staff recommends that the Mayor appoint, subject to City Council approval, by motion, Scott Arbogast, Linda Jimenez, and Matthew Shrout to serve on the City of Tracy's Parks and Community Services Commission, for term beginning February 7, 2024 and ending January 31, 2028.

EXECUTIVE SUMMARY

On January 31, 2024, the terms expired for three (3) current City of Tracy Parks and Community Services Commissioners. The Council Selection Subcommittee recommends the Mayor appoint the above-named individuals, subject to City Council approval, to serve as the new Commissioners.

BACKGROUND AND LEGISLATIVE HISTORY

On January 31, 2024, three (3) current City of Tracy representatives on the Tracy Parks and Community Services Commissioners terms expired.

In anticipation of the need for replacement, a recruitment was opened on December 28, 2023 and ended January 18, 2024, during which time, seven (7) applications were received. On January 16, 2024, a Council subcommittee consisting of Mayor Young and Councilmember Arriola was appointed to interview the applicants for the City of Tracy Parks and Community Services Commission.

ANALYSIS

The City of Tracy is a general law city with a directly-elected mayor. Government Code section 40605, states that "[a directly-elected] mayor, with the approval of the City Council, shall make all appointments to boards, commissions, and committees unless otherwise specifically provided by statute." The Attorney General has specifically opined that this appointment power includes appointments to all boards, commissions, and committees of a city (e.g., the Planning Commission, Parks and Community Services Commission, Arts Commission, Environmental Sustainability Commission, Subcommittees, etc.) as well as all regional boards, commissions, and committees, unless otherwise specified in various state statutes.

The City's appointment process for City committees and commissions is reflected primarily in the *Council Policy Establishing a Selection Process for Appointments to City Advisory Bodies* (see Attachment A, Appointment Policy). As the Appointment Policy does not fully conform to State law, staff will be returning to the City Council on February 20th to rescind a portion or all of it.

The status of the Appointment Policy does not affect the appointments on the Parks and Community Services Commission, as the process is being implemented consistent with the State law. On January 16, 2024, a Council subcommittee consisting of Mayor Young and Councilmember Arriola was formed. This subcommittee was formed based on appointments recommended by the Mayor and included the Mayor. The subcommittee interviewed the seven (7) applicants for the City of Tracy Parks and Community Services Commission. The

subcommittee recommends that the Council establish an eligibility list that will be used to fill vacancies that occur in the following twelve (12) months. Based on the interviews, the subcommittee recommends that the Mayor consider Scott Arbogast, Linda Jimenez, and Matthew Shrout for appointment for the expired terms and Glen Joseph was selected to be placed on the eligibility list.

In accordance with the Government Code section 40605, the Mayor's power to appoint is not unilateral, as all proposed appointments must be approved by a majority vote of the City Council. Should the City Council not approve a proposed appointment, the Mayor would need to propose another candidate and such process would continue until an appointment occurs. Any vacancies on the Commission would continue until filled in accordance with this process. Importantly, the Mayor's power of appointment is mandatory, and it must be exercised until vacancies are filled.

PUBLIC OUTREACH/ INTEREST

Notification of Parks and Community Services Commission recruitment has been posted on the City's Social Media pages, Tracy Press, the City's website, and Channel 26.

STRATEGIC PLAN

This item is a routine operational item and does not relate to any of the Council's strategic plans.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the Mayor appoint, subject to City Council approval, by motion, Scott Arbogast, Linda Jimenez, and Matthew Shrout to serve on the City of Tracy's Parks and Community Services Commission, for term beginning February 7, 2024 and ending January 31, 2028.

Prepared by: Necy Lopez, Deputy City Clerk

Reviewed by: Adrienne Richardson, City Clerk
Brian MacDonald, Assistant City Manager
Bijal Patel, City Attorney

Approved by: Midori Lichtwardt, City Manager

ATTACHMENTS

Attachment A – Council Policy Establishing a Selection Process for Appointments to City Advisory Bodies

RESOLUTION 2021-200

ADOPTING A COUNCIL POLICY ESTABLISHING A SELECTION PROCESS FOR APPOINTMENTS TO CITY ADVISORY BODIES AND REPEALING RESOLUTION NO. 2021-131

WHEREAS, On September 7, 2021, the Tracy City Council adopted Resolution 2021-131 establishing a policy for the selection process for appointments to City advisory Bodies and repealing Resolution 2020-009;

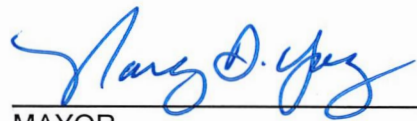
WHEREAS, The current policy states that Council shall appoint two Council Members to serve on a subcommittee to review applications, interview applicants and recommend a candidate for appointment to the board, commission or committee, and

WHEREAS, Council wishes to amend the language of Section 2 (D)(1) to state that Council shall appoint two members *and an alternate* to serve on a subcommittee to review applications, interview applicants and recommend a candidate for appointment to the board, commission or committee.

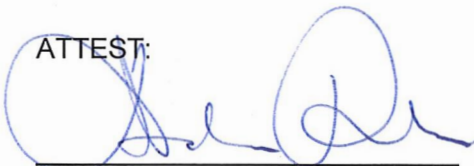
NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Tracy hereby adopts the Council Policy Establishing a Selection Process for Appointments to City Advisory Bodies, attached as Exhibit A, and thereby repeals and supersedes Resolution No. 2021-131.

The foregoing Resolution 2021-200 was passed and adopted by the Tracy City Council on the 21st day of December, 2021, by the following vote:

- AYES: COUNCIL MEMBERS: ARRIOLA, BEDOLLA, DAVIS, VARGAS, YOUNG
- NOES: COUNCIL MEMBERS: NONE
- ABSENT: COUNCIL MEMBERS: NONE
- ABSTAIN: COUNCIL MEMBERS: NONE



 MAYOR

ATTEST:


 CITY CLERK

**COUNCIL POLICY ESTABLISHING A SELECTION PROCESS FOR APPOINTMENTS TO
CITY ADVISORY BODIES
(Exhibit "A" to Resolution No. 2021-200)**

SECTION 1: PURPOSE

To establish a selection process for appointments to City advisory bodies including defining residency requirements, in accordance with Government Code sections 54970 et seq.

SECTION 2: SELECTION PROCESS FOR APPOINTEE BODIES

- A. On or before December 31st of each year, the City Clerk shall prepare an appointment list of all regular and ongoing boards, commissions and committees that are appointed by the City Council of the City of Tracy. The list shall contain the following information:
1. A list of all appointee terms which will expire during the next calendar year, with the name of the incumbent appointee, the date of the appointment, the date the term expires and the necessary qualifications for the position.
 2. A list of all boards, commissions and committees whose members serve at the pleasure of the Council and the necessary qualifications of each position.
 3. The list of appointments shall be made available to the public for a reasonable fee that shall not exceed actual cost of production. The Tracy Public Library shall receive a copy of the list.
- B. Whenever a vacancy occurs in any board, commission or committee, whether due to expiration of an appointee's term, resignation, death, termination or other causes, a special notice shall be posted in the office of the City Clerk, The Tracy Public Library, the City website, and in other places as directed within twenty (20) days after the vacancy occurs. Final appointment to the board, commission or committee shall not be made by the City Council for at least ten (10) working days after the posting of the notice in the Clerk's office. If Council finds an emergency exists, the Council may fill the unscheduled vacancy immediately.
- C. Appointments shall be made for the remainder of the term created by the vacancy except as follows:
1. If appointee will fill an un-expired term with six months or less remaining, the appointment shall be deemed to be for the new term.
 2. If the vacancy is filled by an emergency appointment the appointee shall serve only on an acting basis until the final appointment is made pursuant to section 2.
- D. The Council shall use the following selection process to provide an equal opportunity for appointment to a board, commission or committee:

1. Council shall appoint two Council members and an alternate to serve on a subcommittee to review applications, interview applicants and recommend a candidate for appointment to the board, commission or committee.
 2. If the Council subcommittee determines there are multiple qualified candidates, the subcommittee may recommend the Council establish an eligibility list that will be used to fill vacancies that occur in the following twelve (12) months.
 3. At the Council subcommittee's discretion, the chair (or designee) of the board, committee or commission for which a member will be appointed, can participate in the interviews.
- E. An individual already serving on a City of Tracy board, committee or commission may not be appointed to serve on an additional City of Tracy board, committee, or commission concurrently.

SECTION 3: DEFINITION OF RESIDENCY REQUIREMENTS

- A. The following definitions shall be used to determine whether residency requirements are met for boards and commissions to which the Tracy City Council appoints members:
1. Tracy Planning Area means the geographical area defined in the City of Tracy General Plan and any amendments thereto.
 2. City of Tracy means within the city limits of the City of Tracy.
 3. Citizen means a resident of the City of Tracy.
 4. Tracy School District means the geographical area served by the Tracy Unified School District.
 5. Sphere of Influence shall be the geographical area approved by the Local Agency Formation Commission (LAFCo) of San Joaquin County and any amendments thereto.
- B. Residency, as defined above and as set forth in the applicable bylaws for each board or commission, shall be verified annually by the City Clerk. The residency must be verifiable by any of the following means:
1. Voter registration,
 2. Current California Driver's License or Identification,
 3. Utility bill information (phone, water, cable, etc.),
 4. Federal or State tax returns.

C. Members of boards or commissions shall notify the City Clerk in writing within thirty (30) days of any change in residency. If the change in residency results in the board member or commissioner no longer meeting the residency requirements, the member shall tender their resignation to the City Clerk who shall forward it to the City Council.