

Tuesday, December 15, 2020, 7:00 P.M.

Tracy City Hall, 333 Civic Center Plaza, Tracy

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

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

**RESIDENTS ARE STRONGLY ENCOURAGED TO PARTICIPATE REMOTELY AT THE DECEMBER 15, 2020 MEETING**

**Remote Access to City of Tracy Council Meeting:**

*In accordance with the guidelines provided in Executive Order N-29-20 on social distancing measures, the City of Tracy will allow for remote participation at the upcoming City Council meeting on Tuesday, December 15, 2020.*

*As always, the public may view the City Council meetings live on the City of Tracy's website at [www.CityofTracy.org](http://www.CityofTracy.org) or on Channel 26. To view from the City's website, select "Watch Live Council Meetings" from the drop down menu "Select an Online Service" at the top of the City's homepage. You will be directed to the "Council Meeting Videos" page where you may select the video for the appropriate date under "Upcoming Events."*

*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:**

*Public comment, limited to 250 words or less, submitted via email **will be accepted for agenda items before the start of the Council meeting at 7:00 p.m.** Please send an email to [publiccomment@cityoftracy.org](mailto:publiccomment@cityoftracy.org) and identify the item you wish to comment on in your email's subject line.*

*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:*
  - **Phone** by dialing (209) 831-6010, or
  - **Online by visiting** <https://cityoftracyevents.webex.com> and using the following **Event Number:** 126 258 3817 and **Event Password:** TracyCC
  - ***If you would like to participate in the public comment anonymously***, you may submit your comment via phone or in WebEx by typing "Anonymous" when prompted to provide a First and Last Name and inserting [Anonymous@example.com](mailto:Anonymous@example.com) when prompted to provide an email address.

- **Protocols for submitting comments by phone:**
  - If you wish to discuss an item on the “Consent Calendar” identify the item when calling in. All requests to discuss an item on the “Consent Calendar” must be submitted before the Mayor announces that the time to submit such a request has expired.
  - Identify the item you wish to comment on to staff when calling in. Comments received by phone will be accepted for the “Items from the Audience/Public Comment” and “Regular Items” portions of the agenda.
  - Comments received by phone for the “Items from the Audience/Public Comment” portion of the agenda must be received by the time the Mayor opens that portion of the agenda for discussion.
  - Comments received by phone on each “Regular Item” will be accepted until the Mayor announces that public comment for that item is closed.
  
- **Protocols for commenting via WebEx:**
  - If you wish to comment on the “Consent Calendar”, “Items from the Audience/Public Comment” or “Regular Agenda” portions of the agenda:
    - Listen for the Mayor to open that portion of the agenda for discussion, then raise your hand to speak by clicking on the Hand icon on the Participants panel to the right of your screen.
    - If you no longer wish to comment, you may lower your hand by clicking on the Hand icon again.
  - Comments for the “Consent Calendar” “Items from the Agenda/Public Comment” or “Regular Agenda” portions of the agenda will be accepted until the public comment for that item is closed.
  
- **The total allotted time for public comment will be as follows:**
  - Consent Calendar: **10 minutes**
  - Items from the Audience: **15 minutes**
  - Regular Items: **10 minutes**

Comments received by [publiccomment@cityoftracy.org](mailto:publiccomment@cityoftracy.org), phone call, or on Webex outside of the comment periods outlined above will not be included in the record.

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

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

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

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

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

Full copies of the agenda are available on the City's website: [www.ci.tracy.ca.us](http://www.ci.tracy.ca.us)

CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
INVOCATION  
ROLL CALL

1. CONSENT CALENDAR

- 1.A. APPROVAL OF NOVEMBER 24, 2020 SPECIAL MEETING MINUTES AND DECEMBER 1, 2020 CLOSED SESSION AND REGULAR MEETING MINUTES
- 1.B. ADOPT RESOLUTION APPROVING THE CITY OF TRACY PUBLIC TRANSPORTATION AGENCY SAFETY PLAN AND AUTHORIZING THE PARKS & RECREATION DIRECTOR TO EXECUTE THE PUBLIC TRANSPORTATION AGENCY SAFETY PLAN
- 1.C. APPROVE THE FEE DEFERRAL AGREEMENT FOR DEFERRAL OF CERTAIN IMPACT FEES FOR THE TRACY DESALINATION PLANT, AND AUTHORIZE THE CITY CLERK TO FILE THE FEE DEFERRAL AGREEMENT WITH OFFICE OF THE SAN JOAQUIN COUNTY RECORDER
- 1.D. REJECT ALL BIDS FOR THE GRAND THEATRE CENTER FOR THE ARTS EXTERIOR IMPROVEMENTS (CIP 71111), AND AUTHORIZE CITY STAFF TO MODIFY AND RE-BID THE PROJECT

- 1.E. APPROVE SIDE LETTER OF AGREEMENT BETWEEN THE CITY OF TRACY AND THE TRACY MID-MANAGERS BARGAINING UNIT (TMMBU) CLARIFYING CONTRACT LANGUAGE IN PRIOR MEMORANDUM OF UNDERSTANDING
- 1.F. REJECT REQUEST TO FILE LATE CLAIM AND REJECT CLAIM FILED BY BENJAMIN DRAKE, ON BEHALF OF HIS CLIENT SOPHIA AMAYA
- 1.G. APPROVE THE ANNUAL REPORT ON DEVELOPMENT IMPACT FEE REVENUES, EXPENDITURES AND FINDINGS REGARDING UNEXPENDED FUNDS FOR FISCAL YEAR 2019-2020 IN ACCORDANCE WITH THE MITIGATION FEE ACT (AB 1600)
- 1.H. RECEIVE LIST OF PENDING REQUESTS FROM CITY COUNCIL
- 1.I. AUTHORIZE EXTENDING THE TERM OF THE \$2 MILLION LOAN TO THE WATER ENTERPRISE FUND FROM THE WASTEWATER ENTERPRISE FUND FOR AN ADDITIONAL FOUR YEARS, WITH PAYMENTS STARTING IN FY2021-22 IN THE AMOUNT OF \$500,000 PER FISCAL YEAR, WITH INTEREST AT THE LOCAL AGENCY INVESTMENT FUND (LAIF) RATE
2. ITEMS FROM THE AUDIENCE
3. REGULAR AGENDA
  - 3.A. ADOPT A RESOLUTION RECITING THE FACTS AND DECLARING THE RESULTS OF THE NOVEMBER 3, 2020 CITY OF TRACY GENERAL MUNICIPAL ELECTION
  - 3.B. OUTGOING COUNCIL MEMBER PRESENTATION AND UPDATE ON STRATEGIC PRIORITIES PRESENTATION
  - 3.C. ADMINISTER OATH OF OFFICE AND SEAT NEWLY ELECTED COUNCIL MEMBERS
  - 3.D. APPOINT MAYOR PRO TEMPORE
  - 3.E. DISCUSS CITY'S RESPONSE TO COVID-19 (VERBAL REPORT BY DR. MAGGIE PARK, SAN JOAQUIN PUBLIC HEALTH OFFICER)
  - 3.F. AUTHORIZE THE CITY MANAGER TO EXECUTE AGREEMENTS TO FACILITATE THE OPERATION OF A WARMING CENTER UP TO A CUMULATIVE AMOUNT OF \$250,000 AND PROVIDE DIRECTION ON A POTENTIAL LOCATION
  - 3.G. RECEIVE UPDATE ON THE NEW COVID STRATEGIES COMMITTEE AND CITY EFFORTS TO SUPPORT LOCAL BUSINESSES, AND CONSIDER APPROVAL OF A NEW CITY OF TRACY SMALL BUSINESS RELIEF GRANT PROGRAM, AND AUTHORIZE CITY MANAGER TO MAKE PROGRAM AMENDMENT AS NEEDED, AND IF APPROVED, APPROPRIATE \$500,000 FROM MEASURE V GENERAL FUND
  - 3.H. APPOINT A COUNCIL MEMBER AND ALTERNATE TO REPRESENT THE CITY OF TRACY ON THE SAN JOAQUIN COUNCIL OF GOVERNMENTS

3.I. ESTABLISH A 2021 CALENDAR OF REGULAR CITY COUNCIL MEETINGS AND WORKSHOPS

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

**November 24, 2020, 6:00 p.m.**

Tracy City Hall, 333 Civic Center Plaza, Tracy

Web Site: [www.ci.tracy.ca.us](http://www.ci.tracy.ca.us)

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

1. Mayor Rickman called the meeting to order at 6:01 p.m.
2. Roll call found Council Members Arriola, Vargas, and Mayor Rickman present. Council Member Ransom arrived at 6:02 p.m., and Mayor Pro Tem Young arrived at 6:03 p.m. after roll call.
3. ITEMS FROM THE AUDIENCE – Robert Tanner spoke about fireworks and campaign notices, and requested that City Council ban all fireworks, with exception to City sponsored fireworks.

Ramsey Abboushi shared his concerns regarding the effects fireworks have on his dog, campaign notices being political graffiti, and calling Police services twice in a grocery store parking lot and was told a report cannot be taken because it is private property.

4. DISCUSS COVID-19 STATE RESTRICTIONS ON BUSINESSES, PLACES OF WORSHIP, AND GATHERINGS, ALTERNATIVES TO COMPLIANCE INCLUDING DECLARING TRACY A SANCTUARY CITY FOR BUSINESSES AND CITY EFFORTS TO SUPPORT LOCAL BUSINESSES; AND PROVIDE DIRECTION TO STAFF

Leticia Ramirez, City Attorney, Andrew Malik, Assistant City Manager and Karin Schnaider, Finance Director provided the staff report.

Ubbo Coty, Patriot Coalition of American Citizens, shared his support for a sanctuary city and stated if small businesses are forced to close, the same should apply to big businesses.

Dotty Nygard, a nurse stated she is concerned about all our small businesses, but we must work together to come up with solutions. Ms. Nygard spoke about a shortage of nurses, keep current to what is most appropriate response, cannot ignore orders, and let our guard down until it is scientifically safe.

Sylvia Kruse, small business owner stated another shut down is not feasible for a small business to survive who have exhausted their options, simply unfair to allow big businesses to operate when small businesses are dying.

Mawata Kamara, registered ER and ICU nurse shared her concerns about the general public not being informed, political leaders making decisions based on the misinformation on how deadly this virus is, could potentially infect her family, and urged

Council to not make Tracy a sanctuary city, and go on lockdown and then re-open when it is safe.

Rachelle Cole spoke against unconstitutional orders put in place by Dr. Maggie Park, the Department of Health, and Governor, requested termination of the local health emergency, no legal grounds for the shutdown, issues with the current testing, and wearing of a mask is not a law and that it is unconstitutional.

Katherine Pacheco, registered Nurse, spoke about dealing with COVID patients, hospital bed shortages, risk of potentially infecting her children, health crisis, support for businesses, but becoming a sanctuary city will reduce their funding and potential help.

Nick Gohanson shared his concerns about destroying our economy, Council has no place to make people give up their constitutional right, and needs to do right for the City and the nation.

Alice English shared her support for the merchants and businesses stating people have the right to restaurants, and businesses have a right to stay open. Ms. English added Ripon and Atwater are on their own and asked Council to keep it open and to do the right thing for Tracy.

Mary Condon stated the City might lose funding, but in the long run is it going to pay off, when mental illness is at an all-time high. The people's voice is not being heard and suggested coming up with a solution that will help everyone.

David Kaiser thanked staff and Council for treating this with all the seriousness it deserves. We have to give our small business owners a chance to survive.

Dava Serbantes commented about elected officials not imposing in making decisions for individuals, let businesses open to allow for the economy of Tracy to continue, need churches open, community is informed and willing to take the risk, infringement on American rights and requested Council not go with the Governors methods.

Heather Smiddy stated the increasing numbers are not related to three industries involved in the purple tier status, gyms, restaurants and churches. Would like to see numbers for Tracy, funding from the state goes to the city not businesses and that it does not help the community as a whole. Ms. Smiddy added she is not asking for a handout by just asking to run their businesses.

Jennifer Strauss, new business owner in Tracy stated that people have the responsibility to take their own risk and have an understanding of their own health. Ms. Strauss indicated that gyms and places of worship help people feel better and supported a sanctuary city.

Robert Tanner shared concerns about losing State funding, asked if the City has that in its general fund to make up that deficit, does the state require the funds to be repaid, asked about Atwater and the other sanctuary city status and the number of cases, recoveries and deaths.

Melissa Whetsell spoke about Governor Newsom's tiered model for reopening being based on cases rather than deaths, referred to a resolution that was passed in Placer

County declaring an end to their local health emergency, Atwater declared sanctuary city, and encouraged Council to unite with San Bernardino County Board of Supervisors in a lawsuit against Governor Newsom.

Suzanna Diaz supported making Tracy a sanctuary city for businesses.

Scott Rasp urged Council to adopt a resolution to make Tracy a sanctuary city, and more local control.

Kris Cardosi spoke in favor of being a sanctuary city for all businesses, be the glue that allows mom and pop to stay open, keep mega corporations from taking the money out of the city, and be the beacon of hope to other cities and save the state from draconian measures.

Richard Ropiak supported a sanctuary city, encouraged Council to step away from the fear that the state is trying to put upon people, and trust and embrace the idea of liberty over fear.

Scott Jacobson stated decisions cannot be made for the local community based on state and national numbers only, look at local numbers and suggested Council reject the restrictions and take care of the Tracy residents.

Lea Austin expressed her concerns regarding Council considering defying public health orders and stated Council should not allow Tracy to defy science. Ms. Austin spoke about hospitals reaching a point where they do not have the capacity to respond to incoming COVID cases, other emergencies or other health needs, and requested Council not allow a sanctuary city.

Karen Moore stated she does not want small businesses to bear the brunt, but we are all bearing the brunt, and did not wish Tracy to be a sanctuary city.

Ramsey Abboushi was disturbed by defying state and mandates from experts, adding that if something was not right or unconstitutional, we have ability to go to court and seek an injunction against enforcement of order. Need to consider ways to slow down the spread, be neutral and not politicize this issue.

Sharon Losch shared her concerns about becoming a sanctuary city stating actions will have consequences to the rest of the public. Ms. Losch spoke about risk to employees, losing \$1.2 million CARES funding and requested not to become sanctuary city and focus attention on asking city, state, and county to do more for small businesses.

Dan Evans responded to previous comments, spoke about negative impacts of COVID not being the only thing that can hurt us, personal responsibility needs to be implemented, stop mandating others from having their own choice, majority of CARES funds do not go directly to businesses, and urged Council to vote for a sanctuary city.

Heather Stonehouse stated that we live in America, we live inside the triangle, so we should make our own decisions, did not agree with previous comments from nurses, added it will be a bleak Christmas if we are not a sanctuary city.



Robin Cole responded to previous comments, and stated she was not in support of becoming a sanctuary city, defying government rules and regulations is next door to anarchy, science should be followed, appreciates small business but that people do not have the freedom of taking risks that jeopardize other people. Encouraged Council to follow science and Dr. Parks recommendation.

Nick Mahedy referred to a petition with approximately 1,500 people signatures stating that is not the majority of the 90,000 population of Tracy, orders in place to protect us from ourselves, not harm us, and urged the Council to not vote for sanctuary city.

Kayla Swift compared it to drunk driving, you might not kill yourself but you might kill someone else, and shared the following: contracted COVID while bartending at a small business, financial struggles due to medical bills, should not have the freedom to endanger someone else, eating at restaurants may put others in danger, and there is no reason to declare sanctuary city and go against science.

William Muetzenburg voiced his opposition to the City becoming a sanctuary city stating it is about the community at large and limiting the spread and exposure as much as we can, need to look at making people comply with rules, and alternatives, get resources and prevent similar disasters in the future.

Adrienne Richardson, City Clerk announced that there was a petition that was submitted by Heather Smiddy to declare the City of Tracy a sanctuary city for business and contained approximately 1,905 signatures that was provided to Council. Ms. Richardson also read the following emails:

Melissa Whetsell urged Council to declare Tracy a sanctuary city for business and set a guiding example to cities that are considering that option.

Jason and Joan Fell stated Tracy businesses have met all requests from the State to adhere to regulations and will not survive without direct help from the City that benefits from the tax base these businesses provide. Asked why CARES money was not used to help businesses, supported becoming a sanctuary city if needed to stand up to unreasonable and illogical demands by the Governor.

Tiffany Heben asked Council to consider the implications of Tracy becoming a sanctuary city adding City officials have already avoided citing or prosecuting businesses that do not meet state and local COVID-19 requirements and have gone for the educational approach. Ms. Heben encouraged Council to continue exploring ways to help business address the struggles created by the pandemic.

Mike and Claudia Trotter requested Council consider whatever it takes to keep businesses open in Tracy. Have spent thousands reinventing their business to keep up with current tiers to follow state and County regulations. Believe it is up to the people to decide not Council or the Governor. Asked Council to fight for all families and business owners in Tracy.

Mayor Pro Tem Young called for a two-minute recess at 7:52 p.m.

Mayor Rickman reconvened the meeting at 7:55 p.m.

City Council questions and comments followed.

Council Member Arriola proposed a COVID support strategy committee so that the minute problems that individual business are facing and organizations and work with them specifically to see how we can come out of this, and have some of the businesses work with the city committee to find specific solutions to those problems and then if we have more opportunities we should then advocate to the Governor. Sanctuary city is too broad and ineffective and does not take consideration of the real public health crisis that we have. Council Member Vargas supported the proposal.

**ACTION:** Motion made by Council Member Arriola and seconded by Council Member Vargas for the formation of a COVID strategies committee.

Council discussion continued.

Sekou Millington, Police Chief responded to Council questions.

Council discussion continued.

**ACTION:** Motion made by Council Member Arriola and seconded by Council Member Vargas for the formation of a COVID strategies committee, to be a committee of staff and business stakeholders that would adopt a procedure for businesses to submit their specific challenges and to brainstorm with the committee for possible solutions. If it was within the City Manager's finance and administrative authority, she could do it, if it was over her authority it would return to Council during the COVID update.

City Council discussion continued.

**ACTION:** Motion made by Mayor Rickman and seconded by Mayor Pro Tem Young to declare that all small businesses are essential and the right to worship without government interference is essential, and staff to bring something back based on that.

Council Member Arriola called for the question on the Mayor's motion which was seconded by Council Member Ransom.

Roll call vote found Mayor Pro Tem Young and Mayor Rickman in favor of Mayor Rickman's motion. Council Members Arriola, Ransom and Vargas opposed. Motion failed.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Vargas to minimize the use of criminal enforcement as it relates to COVID-19 restrictions and the stay at home order and instead refer or facilitate direct contact from other agency's programs and resources.

Council Member Ransom asked to amend the motion to still work with the businesses so the City can try to still assist them. Council Member Arriola stated that is addressed in his previous motion.

Council comments continued.

Roll call vote found Council Members Arriola, Ransom and Vargas in favor; passed and so ordered. Mayor Pro Tem Young and Mayor Rickman opposed.

Council Member Arriola restated his previous motion.

**ACTION:** Motion made by Council Member Arriola and seconded by Council Member Vargas for the COVID strategies committee of staff and business stakeholders that would adopt a procedure for businesses to submit their specific challenges and to brainstorm with the committee for possible solutions. If it was within the City Manager's finance and administrative authority, she could do it, if it was over her authority it would return to Council during the COVID update. Roll call found Council Members Arriola, Ransom, Vargas and Mayor Pro Tem Young in favor; passed and so ordered. Mayor Rickman opposed.

**ACTION:** Motion was made by Mayor Rickman and seconded by Mayor Pro Tem Young to direct staff to gather information on possible litigation on an Amicus Brief as mentioned earlier.

Ms. Ramirez clarified whether Mayor Rickman was requesting that the City do this independently in terms of litigation or joining other public agencies. Mayor Rickman responded if someone has already started it that would be easier.

Ms. Ramirez confirmed that the Mayor was referring to the current case pending with the Supreme Court - Diocese of Brooklyn against the Governor of New York.

Roll call vote found Mayor Rickman and Mayor Pro Tem Young in favor of Mayor Rickman's motion. Council Members Arriola, Ransom and Vargas opposed. Motion failed.

5. COUNCIL ITEMS – Council Member Arriola wished everyone a happy Thanksgiving and thanked all those that participated.

Council Member Vargas appreciated everyone who participated in the meeting and wished everyone a happy and safe Thanksgiving.

Mayor Pro Tem Young wished everyone a happy Thanksgiving.

Council Member Ransom thanked the public for bringing their concerns to Council and hoped they understand that Council does its best to serve the entire community, and wished everyone a safe and happy Thanksgiving.

Mayor Rickman wished everyone a happy Thanksgiving.

6. ADJOURNMENT – Time: 9:26 p.m.

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

The above agenda was posted at the Tracy City Hall on November 23, 2020. The above are action minutes. A recording is available at the office of the City Clerk.

ATTEST:

\_\_\_\_\_  
Mayor

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

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

**December 1, 2020, 6:45 p.m.**

Tracy City Hall, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Rickman called the meeting to order at 6:46 p.m. for the purpose of a closed session to discuss the items outlined below.
2. ROLL CALL – Roll call found Council Members Ransom, Vargas, and Mayor Rickman present.
3. ITEMS FROM THE AUDIENCE – There was no public comment.
4. CLOSED SESSION
  - A. Real Property Negotiations (Gov. Code § 54956.8)

Property Location: 12501 W. Valpico Road Tracy CA  
(APNs 240-090-02)

Negotiators for the City: Robert Armijo, City Engineer  
Andrew Malik, Assistant City Manager  
Todd Amspoker Esg., Price, Postel, & Parma LLP  
Leticia Ramirez, City Attorney

Negotiating Parties: Ronnoco Properties of Tracy II., L.P

Under Negotiation: Price and Terms of Payment
5. RECESS TO CLOSED SESSION - Motion was made by Council Member Vargas and seconded by Council Member Ransom to recess the meeting to closed session at 6:46 p.m. Roll call vote found Council Members Vargas, Ransom and Mayor Rickman in favor; passed and so ordered. Council Member Arriola and Mayor Pro Tem Young absent.

Council Member Arriola arrived at 6:49 p.m. Mayor Pro Tem Young arrived at 6:50 p.m.
6. RECONVENE TO OPEN SESSION – The meeting reconvened to open session at 7:15 p.m.
7. REPORT OF FINAL ACTION – There was no report of final action.

8. ADJOURNMENT – Time: 7:15 p.m.

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

The agenda was posted at City Hall on November 25, 2020. The above are action minutes.

ATTEST:

\_\_\_\_\_  
Mayor

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

**December 1, 2020, 7:00 p.m.**

City Hall, 333 Civic Center Plaza, Tracy

Web Site: [www.ci.tracy.ca.us](http://www.ci.tracy.ca.us)

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

Mayor Rickman called the meeting to order at 7:15 p.m.

Mayor Rickman led the Pledge of Allegiance.

Pastor Doug Diestler, Mission City Church offered the invocation.

Roll call found Council Members Arriola, Ransom, Vargas, Mayor Pro Tem Young and Mayor Rickman present.

1. CONSENT CALENDAR – Motion was made by Mayor Pro Tem Young and seconded by Council Member Vargas to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
  - 1.A APPROVAL OF NOVEMBER 10, 2020 SPECIAL MEETING MINUTES, NOVEMBER 17, 2020, CLOSED SESSION AND REGULAR MEETING MINUTES – **Minutes were adopted.**
  - 1.B ADOPT THE SAN JOAQUIN CONTINUUM OF CARE AS THE PRIMARY ORGANIZATION THROUGH WHICH THE CITY OF TRACY WILL WORK TO DEVELOP SOLUTIONS TO HOMELESSNESS AND ACKNOWLEDGE AND SUPPORT THE PROGRAM ADMINISTRATOR FOR HOMELESS INITIATIVES POSITION AS THE HOMELESS COORDINATOR FOR SAN JOAQUIN COUNTY – **Resolution 2020-198** adopted the San Joaquin Continuum of Care as the primary organization through which the City will work with to develop homeless solutions.
  - 1.C APPROVAL OF REAL PROPERTY PURCHASE AGREEMENT BETWEEN THE CITY OF TRACY AND STANLEY BOERSMA AND GEURTJE J. BOERSMA, AND WAHID TADROS AND JULIE TADROS FOR THE EXPANSION OF DETENTION BASIN 2B LOCATED AT THE TERMINUS OF MISSION COURT NEAR VALPICO ROAD (APN 246-130-05), AND AUTHORIZE AN APPROPRIATION OF \$160,000 FROM PLAN C DRAINAGE FUND (F322) TO CIP 76066 – **Resolution 2020-199** approved the Real Property Purchase Agreement with Stanley and Geurtje Boersma, and Wahid and Julie Tadros for the expansion of Detention Basin 2B.
  - 1.D APPROVE AN INITIAL TWO-YEAR PROFESSIONAL SERVICES AGREEMENT WITH TERRACARE ASSOCIATES, NOT TO EXCEED \$900,000 ANNUALLY, FOR LANDSCAPE, PARK AND CHANNELWAY MAINTENANCE SERVICES FOR THE TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT AND COMMUNITY FACILITY DISTRICTS AND AUTHORIZE THE CITY

MANAGER TO EXECUTE ANY EXTENSIONS AND MAKE MINOR AMENDMENTS TO THE AGREEMENT – **Resolution 2020-200** approved the Professional Services Agreement with Terracare Associates.

2. ITEMS FROM THE AUDIENCE – Elisa Navarrete shared her concerns regarding closing down small businesses, and asked how the City is going to help small businesses if there is a shutdown.

Council Member Ransom clarified that the City is not shutting down businesses, it is State regulations and the City has no control over what the Governor and the State says.

Robert Tanner shared his concerns about fireworks in north Tracy on Saturday around 1:00 a.m. and stated he would like to see the City make all fireworks illegal, and the only fireworks allowed are those that are purchased by the City for the city display.

Sylvia Kruse encouraged Council to consider the possibility of following in the footsteps of the City of Atwater.

Courtney Barnes shared his concern regarding small businesses closing due to a shutdown.

Elias Avila spoke in support of making Tracy a sanctuary city for business.

Heather Smiddy shared her concerns about Council's previous actions regarding Tracy becoming a sanctuary city. Ms. Smiddy stated she had the Mayor of Atwater outside City Hall supporting their cause.

Leslie Wilkins stated she would like the possibility of Tracy being a sanctuary city to be voted on again.

Robert Staton stated all businesses are essential and spoke in support of Tracy becoming a sanctuary city.

Kathy Duran expressed her concerns about the Governor calling for a statewide lock down, and stated she wanted the City to become a sanctuary city of no shutdowns.

Steve Nahn spoke in support of the businesses downtown and asked who will fill the restaurants if they go out of business, and wanted Council to consider that the damage may be too much for our city to recover.

Gerald Jeffs stated the most disturbing comment from the last meeting is science is subjective. Mr. Jeffs added his expectations of all elected officials and community leaders is to come to meetings prepared, demonstrate knowledge of topic, and present intelligent arguments.

Dan Evans spoke about a directive from the community at the last meeting, third demonstration outside City Hall, and stated City Council members should vote for a sanctuary city.

Heather Stonehouse shared her concerns and questioned about how the City has spent the CARES Act funding.



Claudia commented about a lockdown and the color chart being unconstitutional stating the City should be standing up for its people, freedom and for America.

### 3. REGULAR AGENDA

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

Jenny Haruyama, City Manager provided an update and presentation on the City's response to COVID-19.

There was no public comment.

City Council comments and questions followed.

City Council accepted the report.

#### 3.B ADOPT A RESOLUTION OF NECESSITY AUTHORIZING THE INITIATION OF EMINENT DOMAIN PROCEEDINGS TO ACQUIRE REAL PROPERTY FOR THE CONSTRUCTION OF DETENTION BASIN 3A, AUTHORIZE THE DEPOSIT OF \$765,000 WITH THE STATE OF CALIFORNIA CONDEMNATION DEPOSIT FUND (RONNOCO PROPERTIES OF TRACY II, L.P., APN 240-090-02), AND APPROPRIATE THE FUNDS FROM ELLIS STORM DRAIN FUND (F332) AND PUBLIC BUILDINGS FUND (F334)

Robert Armijo, City Engineer provided the staff report and responded to City Council questions.

Todd Amspoker, Price, Postel & Parma LLP as outside Counsel for the City of Tracy, continued with the staff report and responded to City Council questions.

Greg O'Connor, representative for the O'Connor family spoke about the negotiation experience with the City and stated it is still their opinion that the law does not support the taking of property as it is favoring the developer over the property owner. Mr. O'Connor spoke about the detention basin being on the developer's property.

Mayor Rickman opened public hearing.

There was no public comment.

Mayor Rickman closed public hearing.

City Council questions and comments followed.

Harvey Oslick, Wood Rodgers provided information regarding an order of magnitude cost increase that is associated with mechanical systems.

City Council questions and comments continued.

**ACTION:** Motion was made by Mayor Pro Tem Young and seconded by Council Member Ransom to adopt **Resolution 2020-201**, a Resolution of Necessity authorizing the initiation of eminent domain proceedings to acquire real property for the construction of Detention Basin 3A pursuant to the City of Tracy's Citywide Storm Drainage Master Plan, authorizing the deposit of \$765,000 for Ronnoco Properties of Tracy II, L.P., APN 240-090-02, with the State of California Condemnation Deposit Fund, and authorizing the appropriation of funds from the Ellis Storm Drain Fund (F332), and Public Buildings Fund (F334). Roll call vote found Council Members Arriola, Ransom, Mayor Pro Tem Young and Mayor Rickman in favor; passed and so ordered. Council Member Vargas opposed.

Mayor Rickman called a recess at 10:04 p.m.

Mayor Rickman reconvened the meeting at 10:15 p.m.

3.C CONSIDER APPROVING A COMMUNITY WORKFORCE TRAINING AGREEMENT (PROJECT LABOR AGREEMENT) WITH SAN JOAQUIN BUILDING TRADES COUNCIL THAT WOULD APPLY TO CERTAIN CONSTRUCTION CONTRACTS AWARDED BY THE CITY AND A LOCAL HIRING POLICY TO BE INCLUDED IN ALL BID REQUESTS FOR CITY CONSTRUCTION CONTRACTS

Leticia Ramirez, City Attorney and Julian Gross, Esq. RPLG, provided the staff report and presentation.

Michael Mark, Financial Secretary/Treasurer of San Joaquin Building Trade responded to the staff report regarding negotiation of a Community Workforce and Training Agreement, and responded to questions.

Miles Ostraco, apprentice carpenter from ABC shared his work experience and concerns regarding the Project Labor Agreement, stating he will not be able to work in Tracy.

Eric Christen, Coalition for Fair Employment in Construction stated Carpenters will not sign the Project Labor Agreement (PLA), so the City will not have a PLA that covers a great deal of the work. Mr. Christen asked why Council is still considering the agreement and shared his concerns regarding the PLA.

Nicole Goehring, Associated Builders and Contractors shared her concerns regarding the agreement and not giving people the opportunity to work in Tracy. Ms. Goehring suggested dropping the agreement or allow core workers to be used, and asked if entering into the Project Labor Agreement needs to be done at this time.

Pete Butler, National Electrical Contractors Association of Northern California spoke in support of the Project Labor Agreement as presented by the building trades.

Dominque Mitchell, Associated Builders and Contractors Northern California shared concerns regarding the Project Labor Agreement and asked Council to reject the agreement.

Brian Gini, Collins Electric expressed support of the proposal in front of Council tonight.

Robert Kuks, Sheet Metal Workers Union Local 104 shared support of the Community Workforce Training Agreement and encouraged Council to approve the agreement.

Travis Dean Beckelman, ABC NorCal Trade Electrical Program requested Council remove the proposed language from the Project Labor Agreement.

William Rodriguez, ABC NorCal Trade Electrical Program requested Council remove the proposed language from the Project Labor Agreement.

Adrienne Richardson, City Clerk announced emails were received from Alexander Faasisila and Ryan Henderson, which exceeded the 250-word limit. Their comments shared support for the Community Workforce and Training Agreement.

Correspondence was also received from Tori Simpson from Modesto Executive Electric Inc. and Steve Growcock, Helix Electric, which exceeded the 250-word limit. Their correspondence shared their opposition to the Project Labor Agreement.

City Council questions and comments followed.

Ms. Ramirez summarized City Council's consensus: Keep the agreement as previously directed on November 17, 2020, (Council Member Vargas, Mayor Pro Tem Young and Mayor Rickman) to stay with the City's proposal/language and reject the items the Trade Council was asking for reconsideration. Staff to keep open lines of communication with the Trade Council.

Jenny Haruyama, City Manager also confirmed the following Council consensus: majority would like to adopt what is attached to the staff report and flexibility on the term.

**ACTION:** Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to adopt **Resolution 2020-202** approving a Community Workforce Training Agreement absent of the three provisions with the negotiations on the terms of time with the San Joaquin Building Trades Council that would apply to certain construction contracts awarded by the City. Roll call vote found Council Members Ransom, Vargas, Mayor Pro Tem Young and Mayor Rickman in favor; passed and so ordered. Council Member Arriola opposed.

**ACTION:** Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to adopt **Resolution 2020-203** approving a Local Hiring Policy for application to all construction projects awarded by the City. Roll call found all in favor; passed and so ordered.

Due to the late hour, Council tabled item 3.F. and item 5.

3.D APPROVING AN AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN JENNY HARUYAMA AND THE CITY OF TRACY RELATING TO

COMPENSATION AND BENEFITS TO AUTHORIZE COST OF LIVING  
ADJUSTMENTS PROVIDED TO EMPLOYEES COVERED BY THE  
DEPARTMENT HEAD COMPENSATION AND BENEFIT PLAN

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

There was no public comment.

City Council questions and comments followed.

**ACTION:** Motion was made by Council Member Ransom and seconded by Council Member Vargas to adopt **Resolution 2020-204** approving a retroactive amendment to the Employment Agreement between Jenny Haruyama and the City of Tracy relating to compensation and benefits to provide cost of living adjustments provided to employees covered by the Department Head Compensation and Benefit Plan earned on or after July 1, 2020. Roll call vote found Council Members Arriola, Ransom, Vargas and Mayor Pro Tem Young in favor; passed and so ordered. Mayor Rickman opposed.

3.E APPROVING AN AMENDMENT TO THE EMPLOYMENT AGREEMENT  
BETWEEN LETICIA RAMIREZ AND THE CITY OF TRACY RELATING TO  
COMPENSATION AND BENEFITS TO AUTHORIZE COST OF LIVING  
ADJUSTMENTS PROVIDED TO EMPLOYEES COVERED BY THE  
DEPARTMENT HEAD COMPENSATION AND BENEFIT PLAN

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

There was no public comment.

City Council questions and comments followed.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Ransom to adopt **Resolution 2020-205** approving a retroactive amendment to the Employment Agreement between Leticia Ramirez and the City of Tracy relating to compensation and benefits to provide cost of living adjustments provided to employees covered by the Department Head Compensation and Benefit Plan earned on or after July 1, 2020. Roll call vote found all in favor; passed and so ordered.

Mayor Pro Tem Young asked Council to reconsider the tabling of agenda item 3.F and hear the item. Council Member Vargas supported the request.

3.F DISCUSS AMENDING THE COUNCIL CODE OF CONDUCT TO ADDRESS  
CAMPAIGN ACTIVITIES AND PROVIDE DIRECTION TO STAFF

Leticia Ramirez, City Attorney, provided the staff report.

There was no public comment.

Council Member Ransom proposed including campaign activities in the Code of Conduct so a Council Member or Commissioner, if their campaign activity violates the fair campaigning that is provided when running for office, especially

since it speaks to what Council does here and how it impacts, as a grand jury report spoke about, our City business – to be able to use the same Code of Conduct that would be used if Council wanted to have any other investigations. To be able to have a remedy and a mitigation to that. Council Member Vargas seconded the request as long as there are consequences to that, put something in to make Council accountable. Council Member Ransom responded she would go with accountability that is in our current Code of Conduct, which includes censure of Council Members.

Council Member Arriola requested Council consider a remedy for violation of political sign regulations, as having rule without remedy is useless.

City Council questions and comments continued.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Ransom to hold official campaign representatives and official campaign activities equally liable for sitting Council Members and also to produce a remedy for violations of political sign regulations that are outside temporal limits and that are on City property.

Mayor Pro Tem Young suggested the sign portion be a separate motion.

**ACTION:** Alternate motion was made by Council Member Arriola and seconded by Council Member Ransom to hold official campaign representatives and official campaign activities equally liable for sitting Council Members. Roll call found all in favor; passed and so ordered.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Ransom to develop a remedy for violations of political sign regulations that are outside temporal limits and that are on City property within the Code of Conduct. Roll call found Council Members Arriola, Ransom, and Vargas in favor; passed and so ordered. Mayor Pro Tem Young and Mayor Rickman opposed.

4. ITEMS FROM THE AUDIENCE – None

5. STAFF ITEMS – Jenny Haruyama, City Manager provided an update on the following actions taken by the City Manager during the COVID emergency:

- Accept the Construction for the MacArthur Drive Widening and Reconstruction Project
- Approved OIA for Holly Commerce Center
- Accept the Construction of the Legacy Fields Sports Complex, Phase 1D Project
- Accepted the Tracy Airport precision approach path indicators which serve as a visual aid when landing an aircraft
- Accept Subdivision Improvements for Ellis Gardens Phase 2, Tract 3906
- Accept Subdivision Improvements for Brookview West, and assume responsibility for future maintenance and repair

6. COUNCIL ITEMS

Council Member Vargas requested staff to bring back the following:

- Creating policy to adopt open spaces when it comes to storm drains and parks.
- Policy to adopt water tanks and water towers to have uniformity on how they are built and consistency throughout the entire City.

Council Member Arriola seconded both requests.

Council Member Arriola wished Mayor Pro Tem Young a happy birthday, and happy Holidays and happy Hanukkah to all.

Council Member Ransom wished Mayor Pro Tem Young a happy belated birthday and a happy Hanukkah to those who celebrate. Council Member Ransom requested a list of unfinished Council items that were raised and have not yet made it up the ladder on the priority list, to be agendized for memorializing and to not lose sight of those items. Can be on consent. Council Member Vargas seconded the request.

Mayor Pro Tem Young wished everyone a happy Hanukkah and thanked everyone for sharing these last 4 to 8 years with her.

Mayor Rickman wished Mayor Pro Tem Young a happy birthday and spoke about 2,281 veterans getting wreaths, Tracy public cemetery will get a wreath for Wreaths Across America. Mayor Rickman thanked gold star mom Julia Conover and husband, gold star parents and volunteers, and everyone in the community for purchasing wreaths, and announced on December 19 residents can help to put out wreaths. Mayor Rickman wished his wife Karen a happy birthday.

7. ADJOURNMENT – Time: 12:58 a.m. Date: December 2, 2020

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

The above agenda was posted at the Tracy City Hall on November 25, 2020. The above are action minutes. A recording is available at the office of the City Clerk.

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Mayor

ATTEST:

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City Clerk

AGENDA ITEM 1.B

REQUEST

**ADOPT RESOLUTION APPROVING THE CITY OF TRACY PUBLIC  
TRANSPORTATION AGENCY SAFETY PLAN AND AUTHORIZING THE  
PARKS & RECREATION DIRECTOR TO EXECUTE THE PUBLIC  
TRANSPORTATION AGENCY SAFETY PLAN**

EXECUTIVE SUMMARY

The FTA requires that all transportation agencies create a Public Transportation Agency Safety Plan in accordance with 49 CFR Part 637. All agencies must certify their plans by December 31, 2020.

DISCUSSION

The City of Tracy's Public Transportation Agency Safety Plan (PTASP) is a requirement for Federal Transit Administration (FTA) funding and was developed in accordance with FTA's final rule for PTASPs, 49 CFR Part 637, as authorized by the Moving Ahead for Progress in the 21st Century Act. The final rule requires transit operators develop and implement a PTASP based on the Safety Management System (SMS) approach. The PTASP is required to be certified by City of Tracy by December 31, 2020.

SMS is the formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of a transit agency's safety risk mitigation. SMS includes systematic procedures, practices, and policies and is meant to ensure a formalized, proactive, and data-driven approach to transit related safety risk management.

The plan includes overall safety policies to ensure that safety risk management is practiced, outlines responsibilities of key staff, and provides a methodology for safety risk assessment. In addition, the plan also outlines the promotion of safety practices, including safety performance targets, and ensures that channels are provided for safety hazard identification and reporting. Performance targets and hazard identification and reporting are focused on improving safety in the areas of accidents, injuries, and other safety events such as fire or hazardous material spills.

The City of Tracy is required to identify an Accountable Executive and Chief Safety Officer as part of its PTASP. The City's Parks & Recreation Director will be identified as Tracy's PTASP Accountable Executive, responsible for carrying out the Agency Safety Plan and ensuring effective implementation of the program throughout the City's transit system. The City's Transit Manager will be identified as Tracy's PTASP Chief Safety Officer, responsible for day-to-day implementation and operation of the City of Tracy's Transit SMS.

STRATEGIC PLAN

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

FISCAL IMPACT

Approval of the PTASP is required by FTA regulations and for continued FTA funding of transit services.

RECOMMENDATION

Staff recommends that the City Council adopt a resolution approving the City of Tracy Public Transportation Agency Safety Plan and authorizing the Parks & Recreation Director to execute the Public Transportation Agency Safety Plan.

Prepared by: Ed Lovell, Management Analyst II

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

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

Attachment A – City of Tracy Public Transportation Agency Safety Plan





# Public Transportation Agency Safety Plan

Adopted December 2020



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# 1. TRANSIT AGENCY INFORMATION

<b>Transit Agency</b>	<b>Name</b>		<b>Address</b>	
	City of Tracy		333 Civic Center Plaza, Tracy, CA 95376	
<b>Accountable Executive</b>	<b>Name</b>		<b>Title</b>	
	Brian MacDonald		Parks & Recreation Director	
<b>Chief Safety Officer</b>	<b>Name</b>		<b>Title</b>	
	Ed Lovell		Transit Manager	
<b>Mode(s) of Service Covered by This Plan:</b>			<b>List All FTA Funding Types (e.g., 5307, 5337, 5339):</b>	
Fixed Route Bus: Motorbus (MB)			5307, 5339	
Non-Fixed Route Bus: Demand Response (DR)			5307, 5339	
<b>Mode(s) of Service Provided by the CITY OF TRACY (Directly operated or contracted service)</b>				
Fixed Route: Motorbus (MB) – contracted service				
Non-Fixed Route: Demand Response (DR) – contracted service				
<b>Does the agency provide transit services on behalf of another transit agency or entity?</b>	<b>Yes</b>	<b>No</b>	<b>Description of Arrangement(s)</b>	
		X	N/A	
<b>Transit Agency(ies) or Entity(ies) for Which Service Is Provided</b>	<b>Name</b>		<b>Address</b>	
	N/A			
	N/A			

## Accountable Executive

City of Tracy’s Accountable Executive is the Parks & Recreation Director. The Parks & Recreation Director is the single, identifiable person who has ultimate responsibility for carrying out this Agency Safety Plan and the City of Tracy’s Transit Asset Management (TAM) Plan, and control or direction over the human and capital resources needed to develop and maintain both this Plan and the TAM Plan.

The Parks & Recreation Director is accountable for ensuring that the Agency’s Safety Management Systems (SMS) is effectively implemented throughout the Agency’s public transportation system. The Parks & Recreation Director is accountable for ensuring action is taken as necessary, to address substandard performance in the Agency’s SMS. The Parks & Recreation Director may delegate specific responsibilities, but the ultimate accountability for the Transit Agency’s safety performance cannot be delegated and always rests with the Parks & Recreation Director.

## Chief Safety Officer

The Parks & Recreation Director designates the Transit Manager as City of Tracy’s Chief Safety Officer who has the authority and responsibility for day-to-day implementation and operation of the Agency’s SMS. The Chief Safety Officer holds a direct line of reporting to the Accountable

Executive, as shown in the organization chart in **Appendix A**, and has a strong working relationship with the operations and asset management functions at City of Tracy.

## **2. PLAN DEVELOPMENT, APPROVAL, AND UPDATES**

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The City of Tracy developed the contents of this Public Transportation Agency Safety Plan (PTASP) to meet the requirements specified in 49 CFR Part 673. This Plan is based on the four (4) principles or pillars of the Safety Management System (SMS). SMS is defined as the formal, top-down, organization-wide, data-driven approach to managing safety risk and assuring the effectiveness of safety mitigations. It includes systematic policies, procedures, and practices for the management of safety risk. The four principles or pillars of SMS are: (1) Safety Management Policy; (2) Safety Risk Management; (3) Safety Assurance; and (4) Safety Promotion.

The Federal Transit Administration (FTA) will oversee compliance with the requirements of Part 673 through the existing Triennial Review Process.

### **Signature by the Accountable Executive**

---

The City of Tracy developed this plan. By signature below, the Accountable Executive confirms the development of this plan.

\_\_\_\_\_  
Brian MacDonald, Accountable Executive

\_\_\_\_\_  
Date Signed

### **Approval by Tracy City Council**

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The Tracy City Council approved this Plan during its December 15, 2020 City Council meeting, as documented in Resolution # 2020-XXX. Documentation of Council approval is found in **Appendix B**.

### **Certification of Compliance**

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Pursuant to 49 CFR Parts 673.13(a) and 673.13(b), City of Tracy certifies that it has established this Agency Safety Plan, meeting the requirements of 49 CFR Part 673 by December 31, 2020. FTA does not require this plan to be submitted to FTA. Instead, City of Tracy will certify that it has established this Safety Plan, which fulfills the requirements under Part 673. FTA annually amends and issues the list of Certifications and Assurances. City of Tracy will review such guidance for incorporation into the safety program as necessary.

## Plan Review & Updates

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City of Tracy updates this Safety Plan when information, processes or activities change within the Agency and/or when Part 673 undergoes significant changes, or annually, whichever comes sooner. As City of Tracy collects data through its Safety Risk Management and Safety Assurance processes, shared with the California Department of Transportation, Caltrans, and the local Metropolitan Planning Organization, San Joaquin Council of Governments (SJCOG). SJCOG and Caltrans will evaluate City of Tracy's Safety Performance Targets (SPTs) to determine whether they need to be changed, as well.

This Plan will be jointly reviewed and updated by the Chief Safety Officer and Safety Manager, with the assistance of subject matter experts, each **July**. The Accountable Executive will approve any changes, then forward on to the Tracy City Council for approval.

This Plan may need to be reviewed and updated more frequently based on the following:

- We determine our approach to mitigating safety deficiencies is ineffective;
- We make significant changes to service delivery;
- We introduce new processes or procedures that may impact safety;
- We change or re-prioritize resources available to support SMS;
- We significantly change our organizational structure.

A Record of Revisions that records the history of revisions made to the City of Tracy's PTASP is contained in **Appendix C** of this document. This document is located in the appendix to help preserve page numbering.

### 3. DEFINITIONS AND ACRONYMS

---

The following definitions may be used throughout this document, and correspond to the definitions provided in 49 CFR 673.5.

**Accident** means an “event”, as defined below, that involves any of the following:

1. A loss of life,
2. A report of a serious injury to a person,
3. A collision of public transportation vehicles,
4. A runaway train,
5. An evacuation for life safety reasons, or
6. Any derailment of a rail transit vehicle (any location, any time, any cause).

**Accountable Executive** means a single, identifiable individual who has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan (as defined below) of a public transportation agency; responsibility for carrying out the agency’s Transit Asset Management Plan (as defined below), and control or direction over the human and capital resources needed to develop and maintain both the agency’s Public Transportation Agency Safety Plan, in accordance with 49 U.S.C. 5329(d), and the agency’s Transit Asset Management Plan in accordance with 49 U.S.C. 5326.

**Chief Safety Officer** means an adequately trained individual who has responsibility for safety and reports directly to a transit agency’s chief executive officer, general manager, president, or equivalent officer. A Chief Safety Officer may not serve in other operational or maintenance capacities, unless the Chief Safety Officer is employed by a transit agency that is a small public transportation provider as defined in this part, or a public transportation provider that does not operate a rail fixed guideway public transportation system.

**Equivalent Authority** means an entity that carries out duties similar to that of a Board of Directors, for a recipient or subrecipient of FTA funds under 49 U.S.C. Chapter 53, including sufficient authority to review and approve a recipient or subrecipient’s Public Transportation Agency Safety Plan.

**Event** means an “accident”, as defined above, or “incident” or “occurrence” (each as defined below).

**FTA** means the Federal Transit Administration, an operating administration within the United States Department of Transportation.

**Hazard** means any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment (as defined below).

**Incident** means an “event” (as defined above), that involves any of the following:

1. A personal injury that is not a serious injury,
2. One or more injuries requiring medical transport, or

3. Damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of a transit agency.

**Investigation** means the process of determining the causal and contributing factors of an “accident”, “incident”, or “hazard” (each as defined here), for the purpose of preventing recurrence and mitigating risk.

**National Public Transportation Safety Plan** means the plan to improve the safety of all public transportation systems that receive federal financial assistance under 49 U.S.C. Chapter 53.

**Occurrence** means an “event” (as defined above), without any personal injury in which any damage to facilities, equipment, rolling stock, or infrastructure does not disrupt the operations of a transit agency.

**Operator** of a public transportation system means a provider of public transportation as defined under 49 U.S.C. 5302(14).

**Performance measure** means an expression based on a quantifiable indicator of performance or condition that is used to establish targets and to assess progress toward meeting the established targets.

**Performance target** means a quantifiable level of performance or condition, expressed as a value for the measure, to be achieved within a time period required by the Federal Transit Administration (FTA).

**Public Transportation Agency Safety Plan (PTASP)** means the documented comprehensive agency safety plan for a transit agency that is required by 49 U.S.C. 5329 and Part 673.

**Risk** means the composite of predicted severity and likelihood of the potential effect of a hazard.

**Risk mitigation** means a method or methods to eliminate or reduce the effects of hazards.

**Safety Assurance** means processes within a transit agency's Safety Management System that functions to ensure the implementation and effectiveness of safety risk mitigation, and to ensure that the transit agency meets or exceeds its safety objectives through the collection, analysis, and assessment of information.

**Safety Management Policy** means a transit agency’s documented commitment to safety, which defines the transit agency’s safety objectives and the accountabilities and responsibilities of its employees in regard to safety.

**Safety Management System (SMS)** means the formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of a transit agency’s safety risk mitigation. SMS includes systematic procedures, practices, and policies for managing risks and hazards.



**Safety Performance Target (SPT)** means a Performance Target related to safety management activities.

**Safety Promotion** means a combination of training and communication of safety information to support SMS as applied to the transit agency's public transportation system.

**Safety Risk Assessment (SRA)** means the formal activity whereby a transit agency determines Safety Risk Management priorities by establishing the significance or value of its safety risks.

**Safety Risk Management (SRM)** means a process within a transit agency's Public Transportation Agency Safety Plan for identifying hazards and analyzing, assessing, and mitigating safety risk.

**Serious injury** means any injury which:

1. Requires hospitalization for more than 48 hours, commencing within 7 days from the date of the injury was received;
2. Results in a fracture of any bone (except simple fractures of fingers, toes, or noses);
3. Causes severe hemorrhages, nerve, muscle, or tendon damage;
4. Involves any internal organ; or
5. Involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface.

**Small public transportation provider** means a recipient or subrecipient of Federal financial assistance under 49 U.S.C. 5307 that has one hundred (100) or fewer vehicles in peak revenue service and does not operate a rail fixed guideway public transportation system.

**State** means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

**State of Good Repair (SGR)** means the condition in which a capital asset is able to operate at a full level of performance.

**Transit Agency** means an operator of a public transportation system.

**Transit Asset Management Plan** means the strategic and systematic practice of procuring, operating, inspecting, maintaining, rehabilitating, and replacing transit capital assets to manage their performance, risks, and costs over their life cycles, for the purpose of providing safe, cost-effective, and reliable public transportation, as required by 49 U.S.C. 5326 and 49 CFR part 625.

**COMMONLY USED ACRONYMS:**

ADA	-	Americans with Disabilities Act of 1990
ASP	-	Agency Safety Plan (also referred to as a PTASP in Part 673)
CFR	-	Code of Federal Regulations
ESRP	-	Employee Safety Reporting Program
CSO	-	Chief Safety Officer
FTA	-	Federal Transit Administration
MAP-21	-	Moving Ahead for Progress in the 21st Century
MPO	-	Metropolitan Planning Organization
NTD	-	National Transit Database
Part 673	-	49 CFR Part 673 (Public Transportation Agency Safety Plan)
PTASP	-	Public Transportation Agency Safety Plan
SGR	-	State of Good Repair
SMS	-	Safety Management System
SOP	-	Standard Operating Procedure
SRM	-	Safety Risk Management
TAM	-	Transit Asset Management
U.S.C.	-	United States Code
VRM	-	Vehicle Revenue Miles

## 4. SAFETY PERFORMANCE TARGETS (SPTs)

As part of this Safety Plan, the City of Tracy has developed Safety Performance Targets (SPTs) that it will review and update annually. The specific safety performance targets are based on the safety performance measures established under the National Public Transportation Safety Plan. FTA has adopted four initial safety performance measures: (1) Fatalities, (2) Injuries, (3) Safety Events, and (4) System Reliability. The safety performance targets set by City of Tracy are based on the past five (5) calendar years of data. These targets for the year 2020 are expected to stay within +/- 1% of the previous five years' data pertaining to fatalities, injuries, safety events, and system reliability.

Mode of Transit Service	Fatalities (Total # of Reportable Fatalities)	Fatalities (Rate per 100K VRM)	Injuries (Total # of Reportable Injuries)	Injuries (Rate per 100K VRM)	Safety Events (Total # of Reportable Events)	Safety Events (Rate per 100K VRM)	System Reliability: Average Distance b/w Major Mechanical Failures (Failures / VRM)
Fixed Route Bus Mode (MB)	0	0	0	0	0	0	40,329
Demand Response/ADA Paratransit Mode (DR)	0	0	0	0	0	0	22,807

System Performance Measures are defined below. These definitions were obtained from the FTA “Safety Performance Targets” Webinar held February 4, 2020, and the *National Transit Database (NTD) Safety and Security Policy Manual* :

### **Reportable Fatalities**

**Death confirmed within 30 days of a safety event, excluding suicide, trespassers, illness, or natural causes.**

The City of Tracy has had zero reportable fatalities in the past five years.

### **Reportable Injuries**

**Harm to person that requires immediate medical attention away from the scene.**

The City of Tracy has had one injury meeting this definition in the past five years.

### **Reportable Safety Events**

**Collision, derailment, fire, hazardous material spill, or evacuation.**

Reportable collisions are defined as those that meet an injury, fatality, evacuation or property damage threshold. Injury and fatality thresholds are indicated above. Evacuation threshold is evacuation of a transit facility or vehicle for life-safety reasons, and property damage threshold is damage equal to or exceeding \$25,000.

Collisions may also:

- Involve transit revenue roadway vehicles and the towing away of any vehicles (transit or non-transit) from the scene.
- Include suicides or attempted suicides that involve contact with a transit vehicle; or
- Not involve a transit revenue vehicle but meet a threshold.

The City of Tracy has had zero transit system-related fires, hazardous material spills, or evacuations in the past five years.

The City of Tracy has had zero collisions meeting this definition in the past five years.

### **System Reliability**

**Major mechanical failure preventing a vehicle from completing or starting scheduled trip.**

The City of Tracy has an average of 40,329 vehicle revenue miles between major mechanical failures in fixed route.

The City of Tracy has an average of 22,807 vehicle revenue miles between major mechanical failures in Dial-A-Ride.

To calculate SPTs, the City of Tracy referred to system safety data, including:

- Near miss information
- Accident investigation reports (with causal factor analysis)
- Internal safety audits (or reviews)
- Injury reports
- Safety event reports (including accidents, incidents, and occurrences)
- System monitoring (including monthly reports, and testing and inspection records)

## **Safety Performance Target Coordination**

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FTA requires City of Tracy to coordinate with the State of California Department of Transportation (Caltrans) and the regional MPO, San Joaquin Council of Governments (SJCOG), in the selection of state and MPO safety performance targets, to the maximum extent practicable. Pursuant to 49 CFR Part 673.15(a), City of Tracy will make safety performance targets available to Caltrans and SJCOG to aid in the planning process upon certification of this plan.

Additionally, City of Tracy will transmit performance data against the safety performance targets to Caltrans and SJCOG on an annual basis.

## **5. OVERVIEW OF SAFETY MANAGEMENT POLICY (SMS)**

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SMS is a comprehensive, collaborative approach that brings management and labor together to build on the transit industry's existing safety foundation to control risk better, detect and correct safety problems earlier, share and analyze safety data more effectively, and measure safety performance more carefully. City of Tracy's SMS focuses on applying resources to risk and is based on ensuring that the City of Tracy has the organizational infrastructure to support decision-making at all levels regarding the assignment of resources. Some key parts of City of Tracy's SMS include:

- Defined roles and responsibilities;
- Strong executive safety leadership;
- Formal safety accountabilities and communication;
- Effective policies and procedures; and
- Active employee involvement

Furthermore, City of Tracy's SMS has four distinct components, which are discussed in subsequent sections to this Safety Plan:

- Safety Management Policy
- Safety Risk Management
- Safety Assurance
- Safety Promotion

## **6. SAFETY MANAGEMENT POLICY (SMP)**

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The first component of the City of Tracy's SMS is the Safety Management Policy, which is the foundation of the City of Tracy's safety management system. It clearly states the organization's safety objectives and sets forth the policies, procedures, and organizational structures necessary to accomplish the safety objectives. The Safety Management Policy clearly defines management and employee responsibilities for safety throughout the organization. It also ensures that management is actively engaged in the oversight of the system's safety performance by requiring regular review of the Safety Management Policy, budget and program by the designated Accountable Executive.

### **City of Tracy Safety Management Policy (SMP)**

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Safety is a core value at City of Tracy and managing safety is a core business function. City of Tracy will develop, implement, maintain, and continuously improve processes to ensure the safety of our customers, employees, and the public. City of Tracy's overall safety objective is to proactively manage safety hazards and their associated safety risk, with the intent to eliminate unacceptable safety risk in our transit operations.

City of Tracy will:

- Clearly, and continuously explain to all staff that everyone working within City of Tracy must take part and be responsible and accountable for the development and operation of the Safety Management System (SMS).
- Work continuously to minimize safety risks. Work to comply with and, wherever possible, exceed legislative and regulatory requirements and standards for passengers and employees.
- Work to ensure that all employees are provided appropriate safety information and training, are competent in safety matters, and assigned tasks commensurate with duties and skills.
- Reaffirm that responsibility for making our operations safer for everyone lies with all employees – from executive management to frontline employees. Each manager is responsible for implementing the SMS in their area of responsibility and will be held accountable to ensure that all reasonable steps are taken to perform activities established through the SMS.

City of Tracy established safety performance targets to help measure the overall effectiveness of our processes and ensure we meet our safety objectives. City of Tracy will keep employees informed about safety performance goals and objectives to ensure continuous safety improvement.

## **Safety Management Policy Communication**

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The Safety Management Policy is communicated throughout the Agency, to all employees, managers, and executives, as well as contractors, and to the Tracy City Council.

This is accomplished through various processes such as:

- Workshops/training sessions - Conducted for Senior Management, Directors, Managers, Supervisors. Once this Plan or any update to this Plan has been signed by the CEO/General Manager approved by the Board of Directors and certified by Caltrans it will become standard practice in perpetuity so that SMS becomes standard business practice. All Union representatives will be kept informed.
- New Hire Safety Orientation – All new employees regardless of their classifications will be trained about their roles and responsibilities pertaining to PTASP and the principles of SMS.
- Safety bulletins, email safety newsletter blasts to staff, toolbox/tailgate safety meetings and/or safety committee meetings

## **Employee Safety Reporting Program**

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City of Tracy implemented a process that allows employees [and contracted employees] to report safety conditions to senior management, protections for employees who report safety conditions to senior management. The purpose, description and protections for employees to report unsafe conditions and hazards are described in the Employee Safety Reporting Program as below:

### **Purpose:**

- a) To establish a system for City of Tracy employees to identify unsafe conditions or hazards at work and report them to their department management without fear of reprisal. However, disciplinary action could result if the condition reported reveals the employee willfully participated in or conducted an illegal act, gross negligence or deliberate or willful disregard of regulations or procedures, including reporting to work under the influence of controlled substances, physical assault of a coworker or passenger, theft of agency property, unreported safety events, unreported collisions, and unreported passenger injuries or fatalities.
- b) To provide guidelines for facilitating the timely correction of unsafe conditions or hazards by City of Tracy management.

### **Description:**

- a) This program provides a method for City of Tracy management to identify, evaluate, and correct or avoid unsafe conditions or hazards, procedural deficiencies, design inadequacies, equipment failures, or near misses that adversely affect the safety of employees.

Examples of voluntary safety reports include:

- Safety hazards in the operating environment (for example, county or city road conditions),
- Policies and procedures that are not working as intended (for example, insufficient time to complete pre-trip inspection),
- Events that senior managers might not otherwise know about (for example, near misses), and
- Information about why a safety event occurred (for example, radio communication challenges).

b) The program also involves recommending corrective actions and resolutions of identified unsafe conditions or hazards and/or near miss.

c) All employees have the obligation to report immediately any unsafe conditions or hazards and near miss to their immediate supervisor /department manager and may do so without fear of reprisal.

d) Unsafe conditions or hazards may also be identified as a result of occupational injury or illness investigations and/or by accident investigation.

e) Other means by which hazards may be identified are inspections/audits or observations made by the supervisors/management staff as referenced in agency's Safety Inspection Program.

f) Findings will be published immediately following mitigation actions. If employee identification is available, direct feedback regarding mitigation will be provided.

## **Non-Punitive Reporting Policy**

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City of Tracy is committed to the safest transit operating standards practicable. To achieve this, it is imperative that City of Tracy have uninhibited reporting of all safety events that may compromise safe operations. To this end, every employee is responsible for the communication of any information that may affect the integrity of transit safety. Such communication must be completely free of any form of reprisal.

City of Tracy will not take disciplinary action against any employee who discloses a safety event. This policy shall not apply to information received by City of Tracy from a source other than the employee, or that involves an illegal act, or a deliberate or willful disregard of rules, regulations, or agency policies or procedures.

City of Tracy's method of collection, recording, and disseminating information obtained from transit safety reports has been developed to protect, to the extent permissible by law, the identity of any employee who provides transit safety information.



## **SMS Authorities, Accountabilities, and Responsibilities**

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This Plan has assigned specific SMS authorities, accountabilities, and responsibilities to the designated Accountable Executive; Chief Safety Officer; Agency’s Leadership/Executive Management; and Key Staff/Employees as described below:

### **Accountable Executive**

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City of Tracy’s Accountable Executive is the Parks & Recreation Director. The Parks & Recreation Director is accountable for ensuring that the Agency’s SMS is effectively implemented throughout the Agency’s public transportation system. The Parks & Recreation Director is accountable for ensuring action is taken, as necessary, to address substandard performance in the Agency’s SMS. The Parks & Recreation Director may delegate specific responsibilities, but the ultimate accountability for the City of Tracy’s safety performance cannot be delegated and always rests with the Parks & Recreation Director. The Parks & Recreation Director is accountable for ensuring that the Agency’s SMS is effectively implemented, and that action is taken, as necessary, to address substandard performance in the Agency’s SMS. The Accountable Executive may delegate specific responsibilities, but not accountability for City of Tracy’s safety performance.

The Parks & Recreation Director roles include, but are not limited to:

- Decision-making about resources (e.g. people and funds) to support asset management, SMS activities, and capital investments;
- Signing SMS implementation planning documents;
- Endorsing SMS implementation team membership; and
- Ensuring safety concerns are considered and addressed in the agency’s ongoing budget planning process.
- Ensuring transparency in safety priorities: for the Board of Directors and for the employees.
- Establishing guidance on the level of safety risk acceptable to the agency.
- Assuring safety policy is appropriately communicated throughout the agency.
- Other duties as assigned/necessary.

### **Chief Safety Officer**

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The Chief Safety Officer has the authority and responsibility for day-to-day implementation and operation of the City of Tracy’s SMS.

Chief Safety Officer’s Roles include:

- Decision-making about resources (e.g., people and funds) to support asset management, SMS activities, and capital investments;
- Overseeing the safety risk management program by facilitating hazard identification, safety risk assessment, and the development and implementation of safety risk mitigations.
- Monitoring safety risk mitigation activities;
- Providing periodic reports on safety performance;
- Briefing the Accountable Executive and Tracy City Council on SMS implementation progress;
- Planning safety management training; and
- Developing and organizing annual audits/reviews of SMS processes and the Agency Safety Plan to ensure compliance with 49 CFR Part 673 requirements.
- Maintaining safety documentation.
- Other duties as assigned/necessary.

## Key Staff

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The Safety Manager, Contract General Manager, Contract Safety & Training Manager, Fleet Superintendent and Facilities Supervisor comprise Key Staff. Some of their responsibilities include:

- Day-to-day implementation of the Agency’s SMS throughout their department and the organization.
- Communicating safety accountability and responsibility from the frontline employees to the top of the organization.
- Ensuring employees are following their working rules and procedures, safety rules and regulations in performing their jobs, and their specific roles and responsibilities in the implementation of this Agency Safety Plan and the Agency’s SMS.
- Ensuring that employees comply with the safety reporting program and are reporting unsafe conditions and hazards to their department management; and making sure reported unsafe conditions and hazards are addressed in a timely manner.
- Ensuring that resources are sufficient to carry out employee training/certification and re-training as required by their job classifications.
- Ensuring safety of passengers, employees, and the public.
- Responding to customer complaints and expectations for frequency, reliability, and convenience of service.
- Replacing and maintaining aging facilities, equipment, and infrastructure.
- Meeting increasing demands for fixed route, commuter service and paratransit service.
- Developing and maintaining programs to gather pertinent data elements to develop safety performance reports and conduct useful statistical analyses to identify trends and system performance targets.
- Establishing clear lines of safety communication and holding accountability for safety performance.

- Assisting as subject matter experts in safety risk assessment and safety risk mitigation processes.

## **7. SAFETY RISK MANAGEMENT (SRM)**

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The second component of the City of Tracy’s SMS is Safety Risk Management, which includes processes and procedures to provide an understanding of the Agency’s operations and vehicle maintenance to allow individuals to identify hazards associated with those activities.

City of Tracy has implemented a Safety Risk Management process for all elements of its transportation system. The Safety Risk Management process includes the following activities:

- Safety hazard identification
- Safety risk assessment, and
- Safety risk mitigation.

### **Safety Hazard Identification**

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Hazard identification is the first step in the Safety Risk Management process and a key component. It involves these fundamental safety-related activities: Identifying safety hazards and their consequences; assessing the risks associated with the consequences of the hazards; and developing mitigations to reduce the potential consequences of the identified hazards.

The following is City of Tracy’s methods and processes to identify hazards. The Agency considers, as a source for hazard identification, data and information provided by an oversight authority and the FTA. Hazards are identified through a variety of sources, including:

- Employee safety reporting,
- Review of vehicle camera footage,
- Review of monthly performance data and safety performance targets,
- Observations from supervisors,
- Maintenance reports,
- Comments from customers, passengers, and third parties,
- Safety committee, driver and all-staff meetings,
- Results of audits and inspections of vehicles and facilities,
- Results of training assessments
- Investigations into safety events, incidents and occurrences, and
- Information from FTA and oversight authorities.

When a hazard has been identified, whatever the source, it is reported to the City of Tracy Chief Safety Officer, who enters it into the Hazard Log. The Chief Safety Officer also may enter hazards into this log based on reviews of operations and maintenance activities and procedures.

The Chief Safety Officer will investigate hazards to collect information and determine if hazards need to be entered into the safety risk assessment process. In following up on identified hazards, the Chief Safety Officer may:

- Reach out to the reporting party, if available, to gather all known information about the reported hazard,
- Conduct a walkthrough of the affected area, assessing the possible hazardous condition, generating visual documentation (photographs and/or video), and taking any measurements deemed necessary,
- Conduct interviews with employees in the area to gather potentially relevant information on the reported hazard,
- Review any documentation associated with the hazard (records, reports, procedures, inspections, technical documents, etc.),
- Contact other departments that may have association with or technical knowledge relevant to the reported hazard,
- Review any past reported hazards of a similar nature, and
- Evaluate tasks and/or processes associated with the reported hazard.

City of Tracy’s Chief Safety Officer will then prepare an agenda to discuss identified hazards and consequences with the Safety Committee during monthly meetings. This agenda may include additional background on the hazards and consequences, such as the results of trend analyses, vehicle camera footage, vendor documentation, reports and observations, or information supplied by FTA or other oversight authorities.

Any identified hazard that poses an immediate risk to transit operations, the health and safety of employees or the public, or equipment must immediately be brought to the attention of the Accountable Executive and placed through the Safety Risk Management process for safety risk assessment and mitigation. Otherwise, hazards will be prioritized for further Safety Risk Management activity.

## **Safety Risk Assessment**

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Safety risk assessment defines the level or degree of the safety risk by assessing the likelihood and severity of the consequences of hazards and prioritizes hazards based on the safety risk. The Chief Safety Officer, with assistance from key staff subject matter experts, is responsible for assessing identified hazards and ratings using the safety risk matrix below. Prioritizing safety risk provides the Accountable Executive with the information needed to make decisions about resource application.

The following matrix, adopted from the TSI Participation Guide – SMS Principles for Transit, facilitates the ranking of hazards based on their probability of occurrence and severity of their outcome.

Probability Levels			
Description	Level	Specific Individual Item	Fleet Inventory
Frequent	A	Likely to occur often in the life of an item.	Continuously experienced.
Probable	B	Will occur several times in the life of an item.	Will occur frequently.
Occasional	C	Likely to occur sometime in the life of an item.	Will occur several times.
Remote	D	Unlikely, but possible to occur in the life of an item.	Unlikely, but can reasonably be expected to occur.
Improbable	E	So unlikely, it can be assumed occurrence man not be experienced in the life of an item.	Unlikely to occur, but possible.
Eliminated	F	Incapable of occurrence. This level is used when potential hazards are identified and later eliminated.	Incapable of occurrence. This level is used when potential hazards are identified and later eliminated.

The measuring goes from A to F with A being frequent or likely to occur frequently and E being improbable or expected that this event will most likely never occur. The designation F is used when potential hazards are identified and later eliminated.

Severity Levels		
Description	Level	Mishap Result Criteria
Catastrophic	1	Could Result in one or more of the following: death, permanent total disability, irreversible significant environmental impact, or monetary loss equal to or exceeding \$10M
Critical	2	Could result in one or more of the following: permanent partial disability, injuries or occupational illness that may result in hospitalization of at least three personnel, reversible significant environmental impact, or monetary loss equal to or exceeding \$1M but less than \$10M
Marginal	3	Could result in one or more of the following: injuries or occupational illness resulting in one or more lost work day(s), reversible moderate environmental impact, or monetary loss equal to or exceeding \$100k but less than \$1M
Negligible	4	Could result in one or more of the following: injuries or occupational illness not resulting in lost work day, minimum environmental impact. Or monetary loss less than \$100k.

The Safety Risk Severity Table presents a typical safety risk. It includes four categories to denote the level of severity of the occurrence of a consequence, the meaning of each category, and the assignment of a value to each category using numbers. In this table, 1 is considered catastrophic meaning possible deaths and equipment destroyed and 4 is considered negligible or of little consequence with two levels in between.

Safety Risk Probability and Safety Risk Severity are combined into the Safety Risk Index Ranking to help prioritize safety risks according to the table below.

Safety Risk Assessment Matrix				
Severity → Probability ↓	Catastrophic 1	Critical 2	Marginal 3	Negligible 4
A-Frequent	1A	2A	3A	4A
B- Probable	1B	2B	3B	4B
C-Occasional	1C	2C	3C	4C
D- Remote	1D	2D	3D	4D
E- Improbable	1E	2E	3E	4E
F- Eliminated				
Safety Risk Index Ranking				
1A, 1B, 1C, 2A, 2B	High	Unacceptable		
1D, 2C, 3A, 3B	Serious	Undesirable - With management decision required		
1E, 2D, 2E, 3C, 3D, 3E, 4A, 4B,	Medium	Acceptable - with review by management		
4C, 4D, 4E	Low	Acceptable - without review		

The Chief Safety Officer documents recommendations regarding hazard rating and mitigation options and reports this information to the Accountable Executive.

## Safety Risk Mitigation

The Chief Safety Officer, assisted by Key Staff subject matter experts, reviews current safety risk mitigations and establish procedures to 1) eliminate; 2) mitigate; 3) accept specific risks. Prioritization of safety remediation measures is based on risk analysis and a course of action acceptable to City of Tracy management.

The safety risk must be mitigated if ranked as Unacceptable (High- Red). Those safety risks that have been mitigated, even those mitigated risks shown as Acceptable status (Low -Green) undergo regular and consistent monitoring to ensure the mitigation strategy is effective.

Key strategies to minimize the types of risks that potentially exist include:

- Development and deployment of policies and procedures that address known hazards and risks,
- Discussion of other actions, strategies and procedures that might help safeguard against unknown/unforeseen risks,
- Training of drivers and other agency staff on all safety policies and procedures,
- Training of drivers and other agency staff on methodologies for handling emergencies, and
- Training of drivers and staff on proper and effective use of emergency equipment and communication technologies and protocol.

Safety risk mitigations are tracked and updated in the Hazard Log by the Chief Safety Officer.

## 8. SAFETY ASSURANCE

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The third component of the Agency's SMS is Safety Assurance, which ensures the performance and effectiveness of safety risk controls established under safety risk management. Safety assurance also helps ensure that the organization meets or exceeds its safety objectives through the collection, analysis, and assessment of data regarding the organization's performance. Safety assurance includes inspection activities to support oversight and performance monitoring.

The City of Tracy monitors its operations and maintenance protocols and procedures, and any safety risk mitigations to ensure that it is implementing them as planned. Furthermore, the Agency investigates safety events and any reports of non-compliance with applicable regulations, standards, and legal authority. Finally, the Agency continually monitors information reported to it through any internal safety reporting programs, including the employee safety reporting program.

Some of the key elements of City of Tracy's Safety Performance Monitoring and Measurement are shown below:

### **Safety Performance Monitoring and Measurement**

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As part of the Safety Assurance Process, City of Tracy:

- **Monitors the system for compliance with, and sufficiency of, the Agency's procedures for operations and maintenance through:**
  - Safety audits,
  - Informal inspections,
  - Regular review of on-board camera footage to assess drivers and specific incidents,
  - Safety surveys,
  - Employee Safety Reporting Program (ESRP),
  - Investigation of safety occurrences,
  - Safety review prior to the launch or modification of any facet of service,
  - Daily data gathering and monitoring of data relating to the delivery of service,
  - Regular vehicle inspections and preventative maintenance, and
  - Continuous feedback loop between leadership and all levels of the agency.
  
- **Monitors its operations to identify any safety risk mitigations that may be ineffective, inappropriate, or were not implemented as intended through:**
  - Reviewing results from accident, incident, and occurrence investigations,
  - Monitoring employee safety reporting,
  - Reviewing results of internal safety audits and inspections, and
  - Analyzing operational and safety data to identify emerging safety concerns.

- **Conducts investigations of safety events to identify causal factors:**

City of Tracy maintains documented procedures for conducting safety investigations of events (accidents, incidents, and occurrences, as defined by FTA) to find causal and contributing factors and review the existing mitigations in place at the time of the event. These procedures also reflect all traffic safety reporting and investigation requirements established by California Department of Motor Vehicles.

The Chief Safety Officer maintains all documentation of City of Tracy's investigation policies, processes, forms, checklists, activities, and results. After an incident, an investigation report is prepared and reviewed by the Chief Safety Officer, Safety Manager, and contract staff General Manager and Safety and Training manager to determine:

- If the accident was preventable or non-preventable
- Personnel require discipline or retraining
- The causal factor(s) indicate(s) that a safety hazard contributed to or was present during the event; and
- If the accident appears to involve underlying organizational causal factors beyond just individual employee behavior.

- **Monitors information reported through any internal safety reporting programs:**

- The Chief Safety Officer routinely reviews safety data captured in employee safety reports, safety meeting minutes, customer complaints, and other safety communication channels. When necessary, the Chief Safety Officer ensures that the issues and concerns are investigated or analyzed through the safety risk assessment process.
- The Chief Safety Officer also reviews the results of internal and external reviews, including audits and assessments, with findings affecting safety performance, compliance with operations and maintenance procedures, or the effectiveness of safety risk mitigations. The Chief Safety Officer discusses relevant safety issues and concerns with the Accountable Executive and executive management and documents the results of these reviews in the Hazard Log.

In the event of a fatality, the City of Tracy complies with all FTA drug and alcohol requirements. In California, every driver involved in an accident that results in death, injury, or property damage over \$1000, effective January 1, 2017, must report the accident on a Report of Traffic Accident Occurring in California (SR 1) form to DMV. The report forms are available at [www.dmv.ca.gov](http://www.dmv.ca.gov), by calling 1-800-777-0133, and at CHP and DMV offices. Also, under California Vehicle Code §16002(b) the driver of a vehicle that is owned or operated by a publicly owned or operated transit system, or that is operated under contract with a publicly owned or operated transit system, and that is used to provide regularly scheduled transportation to the general public or for other official business of the system shall, within 10 days of the occurrence of the accident, report to the transit system any accident of a type otherwise required to be reported pursuant to subdivision (a) of Section 16000. The City of Tracy requires driver notification to the City of Tracy immediately and maintains records of any report filed pursuant to this paragraph.



## 9. SAFETY PROMOTION

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The fourth component of the Agency’s SMS is Safety Promotion, which includes a combination of training and communication of safety information to employees to enhance the Agency’s safety performance. Safety Promotion sets the tone for the SMS and helps City of Tracy to establish and maintain a robust safety culture. Safety Promotion has two-components: (1) Safety Communication; and (2) Competencies and Training.

City of Tracy believes safety promotion is critical to the success of an SMS by ensuring that the entire organization fully understands and trusts its safety policies, procedures, and structure. Further, safety promotion involves establishing an organizational and workplace culture that recognizes safety as a core value, training employees in safety principles, and allowing open communications of safety issues.

### Safety Communication & Safety Culture

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Positive safety culture must be generated from the top. The actions, attitudes, and decisions at the policy-making level must demonstrate a genuine commitment to safety. Safety must be recognized as the responsibility of each employee, with the ultimate responsibility for safety resting with Executive Management. Employees must trust that they will have management support for decisions made in the interest of safety, while also recognizing that intentional breaches of safety will not be tolerated.

The primary goal of safety promotion at City of Tracy is to develop a positive safety culture that allows the SMS to succeed. A positive safety culture is defined as one which is:

**A. An Informed Culture**

- Employees understand the hazards and risks involved in their areas of operation
- Employees are provided with the necessary knowledge, training and resources
- Employees work continuously to identify and overcome threats to safety

**B. A Just Culture**

- Employees know and agree on what is acceptable and unacceptable behavior
- Human errors must be understood, but negligence and willful violations cannot be tolerated

**C. A Reporting Culture**

- Employees are encouraged to voice safety concerns and to share critical safety information without the threat of punitive action
- When safety concerns are reported, they are analyzed, and appropriate action is taken

**D. A Learning Culture**

- Learning is valued as a lifetime process beyond basic-skills training

- Employees are encouraged to develop and apply their own skills and knowledge to enhance safety
- Employees are updated on safety issues by management, and safety reports are fed back to staff so that everyone learns the pertinent lessons

City of Tracy communicates safety and safety performance information throughout the organization that, at a minimum, conveys information on hazards and safety risks relevant to employees' roles and responsibilities and informs employees of safety actions taken in response to reports submitted through an employee safety reporting program.

Ongoing safety communication is critical and City of Tracy ensures communication occurs up, down, and across all levels of the organization. Any lessons learned are communicated to all concerned. Management commitment to address safety concerns and hazards is communicated on a regular basis. Management encourages and motivates employees to communicate openly, authentically, and without concern for reprisal; ensures employees are aware of SMS principles and understand their safety-related roles and responsibilities; conveys safety critical information such as accident data, injuries, and reported safety concerns and hazards and their resolutions to employees. City of Tracy's tools to support safety communication include:

- Safety bulletins
- Safety notices
- Posters
- CDs or Thumb drives or online safety video access
- Newsletters
- Briefings or Toolbox talks
- Seminars and workshops
- New employee training and refresher training
- Intranet or social media
- Safety Committee Meetings

Safety promotion activities and processes include the following:

- Monthly Transit Operations Contractor Safety meetings and postings for drivers
- Safety bulletin boards

## **Competencies & Training**

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Executive Management ensures that all employees attend the training provided to understand their specific roles and responsibilities for the implementation of SMS. City of Tracy provides SMS training in the following areas:

### **All Employees:**

- Understanding of Safety Performance Targets
- Understanding of fundamental principles of SMS
- Understanding of Safety Reporting Program – Reporting unsafe conditions and hazards/near misses
- Understanding of their individual roles and responsibilities under SMS

## **Managers and Supervisors**

- Understanding of Safety Risk Management
- Understanding of Safety Assurance
- Understanding of Safety Promotion
- Understanding of their individual roles and responsibilities for SMS

## **Executive Management:**

- Understanding of management commitment to and support of all SMS activities.

All employees are required to acquire the competencies and knowledge for the consistent application of their skills as they relate to safety performance objectives. City of Tracy dedicates resources to conduct effective safety-related skill training. The scope of the safety training is appropriate to each employee's individual safety-related job responsibilities and their role in SMS. Components of City of Tracy's skill-related training include:

- Conducting training needs analyses to ensure that the right information is being taught to the right employees using the most efficient training methods.
- Communicating purpose, objectives, and outcome.
- Ensuring relevant content by directly linking training to the trainee's job experiences so trainees are more motivated to learn.
- Using active hands-on demonstrations and practice to demonstrate skills that are being taught and provide opportunities for trainees to practice skills.
- Providing regular feedback during hands-on practice and exercises.
- Reinforcing training concepts in the post-training work environment by giving employees opportunities to perform what they've learned.

City of Tracy's comprehensive safety training program applies to all City of Tracy employees and contract staff directly responsible for safety, including:

- Bus vehicle operators,
- Dispatchers,
- Maintenance technicians,
- Managers and supervisors,
- Agency Leadership and Executive Management,
- Chief Safety Officer, and
- Accountable Executive.

City of Tracy dedicates resources to conduct a comprehensive safety training program, as well as training on SMS roles and responsibilities. The scope of the safety training, including annual refresher training, is appropriate to each employee's individual safety-related job responsibilities and their role in the SMS.

Basic training requirements for City of Tracy employees, including frequencies and refresher training, are documented in City of Tracy's Safety Training Matrix and the City of Tracy Employee Handbook. Operations safety-related skill training includes the following:

- New-hire bus vehicle operator classroom and hands-on skill training,
- Bus vehicle operator refresher training,
- Bus vehicle operator retraining (recertification or return to work),
- Classroom and on-the-job training for dispatchers,
- Classroom and on-the-job training for operations supervisors and managers, and
- Accident investigation training for operations supervisors and managers. Vehicle maintenance safety-related skill training includes the following:
  - Ongoing vehicle maintenance technician skill training,
  - Ongoing skill training for vehicle maintenance supervisors,
  - Accident investigation training for vehicle maintenance supervisors,
  - Ongoing hazardous material training for vehicle maintenance technicians and supervisors, and
  - Training provided by vendors.

City of Tracy's Accountable Executive and Agency Leadership and Executive Management team must complete FTA's SMS Awareness online training.

City of Tracy conducts refresher training **quarterly** during employee safety meetings.

## 10. DOCUMENTATION

---

Pursuant to 49 CFR Part 673.31, City of Tracy maintains records related to this Safety Plan and Safety Management System (SMS) implementation for a minimum of three years. These documents include but are not limited to:

- The implementation of the SMS
- The programs, policies and procedures used to carry out this Agency Safety Plan
- The results from SMS processes and activities

City of Tracy will make these documents available to FTA Region 9, Caltrans, and other Federal and state agencies upon request.

# APPENDICES

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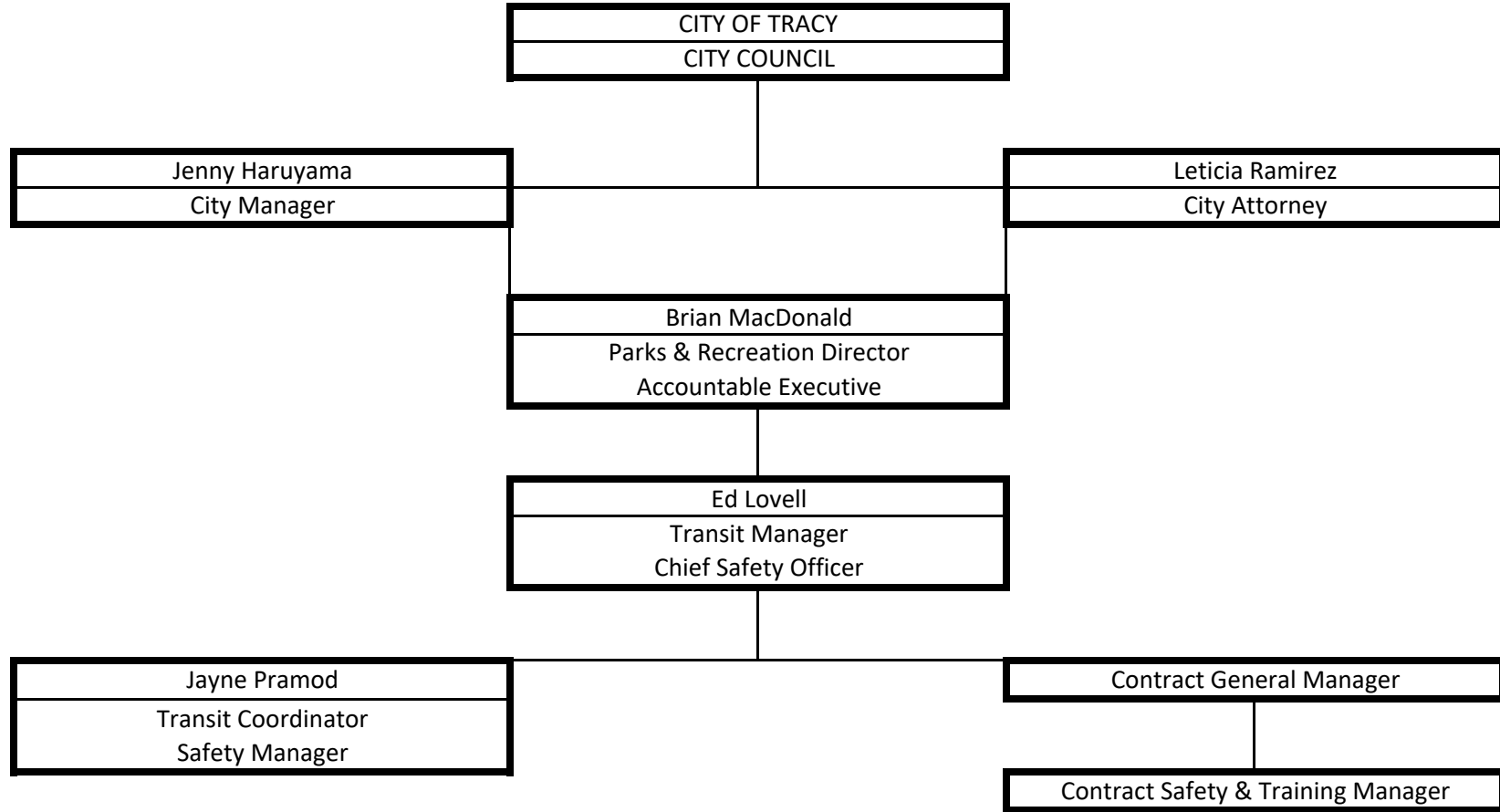
Appendix A – Staff Safety Roles Organizational Chart

Appendix B – Documentation of City Council PTASP Approval

Appendix C – Record of Revisions

**APPENDIX A**

**CITY OF TRACY  
PTASP PROGRAM  
ORGANIZATIONAL CHART**



**APPENDIX B**

**DOCUMENTATION OF CITY COUNCIL PTASP APPROVAL**

[INSERT SIGNED RESO HERE]





RESOLUTION 2020-\_\_\_\_\_

APPROVING THE CITY OF TRACY PUBLIC TRANSPORTATION AGENCY SAFETY PLAN AND AUTHORIZING THE PARKS & RECREATION DIRECTOR TO EXECUTE THE PUBLIC TRANSPORTATION AGENCY SAFETY PLAN

WHEREAS, The City of Tracy’s Public Transportation Agency Safety Plan (PTASP) is a requirement for Federal Transit Administration (FTA) funding and was developed in accordance with FTA’s final rule for PTASPs, 49 CFR Part 637, as authorized by the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21), and

WHEREAS, The final rule requires transit operators develop and implement a PTASP based on the Safety Management System (SMS) approach, and

WHEREAS, SMS is the formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of a transit agency’s safety risk mitigation, including systematic procedures, practices, and policies and is meant to ensure a formalized, proactive, and data-driven approach to safety risk management, and

WHEREAS, The City’s Parks & Recreation Director will be identified as Tracy’s PTASP Accountable Executive, responsible for carrying out the Agency Safety Plan and ensuring effective implementation of the program throughout the City’s transit system and the City’s Transit Manager will be identified as Tracy’s PTASP Chief Safety Officer, responsible for day-to-day implementation and operation of the City of Tracy’s SMS, and

WHEREAS, Staff recommends approving the City of Tracy PTASP and authorizing the Parks & Recreation Director to execute the PTASP;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tracy does hereby approve the City of Tracy Public Transportation Agency Safety Plan and authorizes the Parks & Recreation Director to execute the Public Transportation Agency Safety Plan.

\* \* \* \* \*

The foregoing Resolution 2020-\_\_\_\_\_ was adopted by the Tracy City Council on the 15<sup>th</sup> day of December, 2020, by the following vote:

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

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

AGENDA ITEM 1.C

REQUEST

**APPROVE THE FEE DEFERRAL AGREEMENT FOR DEFERRAL OF CERTAIN IMPACT FEES FOR THE TRACY DESALINATION PLANT, AND AUTHORIZE THE CITY CLERK TO FILE THE FEE DEFERRAL AGREEMENT WITH OFFICE OF THE SAN JOAQUIN COUNTY RECORDER**

EXECUTIVE SUMMARY

The Desalination Plant has paid all of the impact fees associated with their project except for the wastewater fees. Tracy Renewable Energy, LLC requested that the City review these fees because the project does not intend to connect to the wastewater/sewer system. Based on that request, staff has prepared a Fee Deferral Agreement to defer the payment of wastewater fees until the project connects to City sewer services.

DISCUSSION

On June 26, 2019, the Development Services Director reviewed and approved the Development Review Application Number D19-0003 for construction of the Tracy Desalination Plant, a development consisting of a desalination plant that will desalinate treated effluent generated by the City's Wastewater Treatment Plant (WWTP), the desalinated effluent will then be blended back into the WWTP's remaining effluent to reduce the salinity levels of the City's effluent that is discharged into the Sacramento San Joaquin Delta in compliance with State standards for water quality discharges to the Delta.

The Developer paid all development impact fees associated with this project except for the wastewater fees due to discussions with staff. The project will not be connecting to City sewage and requested that they defer the wastewater impact fees until the time that they do connect to the City's wastewater system. According to the Tracy Municipal Code section 5.24.210, "Duty to connect premises producing wastewater to the City's sewer system," the project can continue to use the current septic/sewer system on site since they are not within 200 feet of a connection to the City's sewer system.

Under the terms of the Fee Deferral Agreement, if the property connects to City sewer, they will be required to pay the wastewater fees in place at that time. This agreement will be recorded against the property so these fees will not be missed in the future.

The City Attorney's Office has reviewed the Fee Deferral Agreement, and the Developer has executed the Agreement.

FISCAL IMPACT

Development Impact Fees in the amount of \$675,632.40 have been paid for the Desalination Plant, based on the Development Impact Fee estimate provided by the

City. Any future connection to City sewer, within the Desalination Plant will be subject to the City's applicable Development Impact Fees then in effect.

### STRATEGIC PLAN

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

### RECOMMENDATION

Staff recommends that City Council, by resolution, approve the Fee Deferral Agreement for deferral of certain impact fees for the Tracy Desalination Plant, and authorize the City Clerk to file the Agreement with the Office of the San Joaquin County Recorder.

Prepared by: Veronica Child, Management Analyst II

Reviewed by: Robert Armijo, PE, City Engineer / Assistant Director of Development Services  
Karin Schnaider, Finance Director  
Andrew Malik, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

### ATTACHMENTS

Attachment A – Fee Deferral Agreement

Recording Requested By

City of Tracy  
Development & Engineering Services  
333 Civic Center Plaza  
Tracy, CA 95376

And When Recorded Mail To:

City of Tracy  
Office of the City Clerk  
333 Civic Center Plaza  
Tracy, CA 95376  
Attn: Nora Pimentel

---

SPACE ABOVE THIS LINE FOR RECORDER'S INFORMATION

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**CITY OF TRACY  
WASTEWATER FEE DEFERRAL AGREEMENT  
TRACY DESALINATION AND GREEN ENERGY PROJECT**

This **WASTEWATER FEE DEFERRAL AGREEMENT** (hereinafter "**Agreement**") is made and entered into by and between the **CITY OF TRACY**, a municipal corporation ("**City**"), and **TRACY RENEWABLE ENERGY, LLC.**, a California corporation ("**Developer**"). City and Developer each may be referred to herein as a "**Party**" and together may be referred to as the "**Parties.**"

**RECITALS**

- A.** Developer is the developer, owner, and operator of the Tracy Desalination and Green Energy Project (the "**Project**"), located on approximately five (5) acres at 9251 W. Arbor Avenue in the City of Tracy (the "**Property**"), more fully described in Exhibit A hereto.
- B.** The Parties anticipate that the Project will desalinate treated effluent generated by the City's Wastewater Treatment Plant ("**WWTP**"), which desalinated effluent will then be blended back into the WWTP's remaining effluent to reduce the salinity levels of the City's effluent that is discharged into the Sacramento San Joaquin Delta in compliance with State standards for water quality discharges to the Delta.
- C.** Under Title 13 of the City of Tracy Municipal Code ("**Code**"), the Project is required to pay certain fees ("**Wastewater Fees**") to enable the City to fund the construction, operation and maintenance of its wastewater collection, conveyance and treatment facilities and systems (collectively, the "**Wastewater System**").
- D.** Developer has requested that its obligation to pay Wastewater Fees be deferred until such time as the Project commences operation, at which time it would begin to use and impose a burden on the Wastewater System.

**CITY OF TRACY – WASTEWATER FEE DEFERRAL AGREEMENT  
TRACY DESALINATION AND GREEN ENERGY PROJECT  
Page 2 of 6**

E. The City and Developer hereby intend to ensure that Developer fully mitigates the wastewater impacts expected from development of the Project, and also ensure that such impacts are mitigated at the time the Project begins to use and impose a burden on the Wastewater System.

**NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:**

**1. DETERMINATION OF AND TIME FOR PAYMENT OF WASTEWATER FEES.**

Developer shall make full and complete payment to City of all applicable Wastewater Fees, the amount of which shall be determined by the City Engineer, prior to any discharge of wastewater from the Project or the Property to the City's Wastewater System. If Developer fails to comply with its payment obligations under this Agreement, City may, in its sole and exclusive discretion, revoke the Project's Development Review Permit (Application No. D19-0003), terminate wastewater service to the Project and/or the Property, and take any other remedies available under law.

**2. RECORDING OF AGREEMENT.** This Agreement shall be recorded in the records of the County Recorder of the County of San Joaquin.

**3. OBLIGATIONS RUN WITH THE LAND.** All obligations and provisions of this Agreement shall run with the Property, as more fully described in Exhibit "A", and shall bind the Owner and its successors and assigns in the Property.

**4. NOTICES.**

4.1 Notices in writing. All notices, demands, or other communications that this Agreement contemplates, authorizes or requires shall be in writing and shall be personally delivered and electronically mailed to the respective party as follows:

City: City of Tracy  
Attn: City Engineer  
333 Civic Center Plaza  
Tracy, CA 95376  
Tel: (209) 831-6400

Developer: Tracy Renewable Energy,  
LLC  
Attn: Frank Schubert  
PO Box 583  
Tracy, CA 95378  
Tel: 831-224-2513  
therub9@aol.com

4.2 Deemed Received. Communications shall be deemed to have been given and received when actual receipt at the email address designated above occurs.

**CITY OF TRACY – WASTEWATER FEE DEFERRAL AGREEMENT  
TRACY DESALINATION AND GREEN ENERGY PROJECT  
Page 3 of 6**

5. **MODIFICATIONS.** This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by all of the Parties.
6. **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.
7. **SEVERABILITY.** In the event any 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 full force and effect.
8. **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.
9. **INDEMNIFICATION.** Developer and its successors-in-interest, as applicable, shall indemnify, defend and hold harmless the City (including its elected officials, officers, agents and employees) from and against any and all claims, demands, liabilities, costs and expenses (including court costs and attorney's fees) relating directly or indirectly to the execution, approval and performance of this Agreement by the parties and/or their successors-in-interest.
10. **ENTIRE AGREEMENT.** This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the parties concerning its subject matter, and supersedes all prior negotiations, representations, or agreements relating thereto.
11. **SIGNATURES.** The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the Developer and the City. This Agreement shall inure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

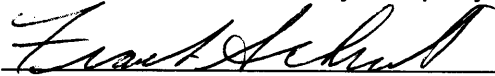
[Signatures on following page]

**CITY OF TRACY – WASTEWATER FEE DEFERRAL AGREEMENT  
TRACY DESALINATION AND GREEN ENERGY PROJECT  
Page 4 of 6**

IN WITNESS WHEREOF the parties do hereby agree to the full performance of the terms set forth herein.

CITY OF TRACY,  
a municipal corporation

DEVELOPER:  
Tracy Renewable Energy, LLC  
a California limited liability company



\_\_\_\_\_  
By: Robert Rickman  
Title: MAYOR  
Date: \_\_\_\_\_

\_\_\_\_\_  
By: Frank Schubert  
Title: CEO  
Date: 11/10/2020

**Attest:**

\_\_\_\_\_  
By: Adrienne Richardson  
Title: CITY CLERK  
Date: \_\_\_\_\_

**Approved as to Form:**

\_\_\_\_\_  
By: Leticia Ramirez  
Title: CITY ATTORNEY  
Date: \_\_\_\_\_



**CITY OF TRACY – WASTEWATER FEE DEFERRAL AGREEMENT  
TRACY DESALINATION AND GREEN ENERGY PROJECT  
Page 5 of 6**

**EXHIBIT A  
LEGAL DESCRIPTION OF PROPERTY  
APN 212-160-11 (Portion)**

ALL THAT CERTAIN REAL PROPERTY BEING A PORTION OF BLOCK 2 AS SHOWN ON THE MAP OF "TRACY GARDEN FARMS", FILED FOR RECORD IN BOOK 8 OF MAPS AND PLATS, PAGE 1, SAN JOAQUIN COUNTY RECORDS, ALSO BEING A PORTION OF THE 23.301 ACRE PARCEL DESCRIBED IN THE NOTICE OF LOT LINE ADJUSTMENT RECORDED AS DOCUMENT NO. 2003-053869, SAN JOAQUIN COUNTY RECORDS, SITUATE IN THE CITY OF TRACY, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF THE ABOVE SAID 23.301 ACRE PARCEL, SAID NORTHWEST CORNER ALSO LYING ON THE CENTERLINE OF HOLLY DRIVE; THENCE ALONG THE NORTH LINE OF SAID 23.301 ACRE PARCEL NORTH 89° 45' 34" EAST, A DISTANCE OF 25.00 FEET TO THE POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF HOLLY DRIVE AND THE **TRUE POINT OF BEGINNING** OF THIS DESCRIPTION; THENCE CONTINUING ALONG THE NORTH LINE OF SAID 23.301 ACRE PARCEL NORTH 89° 45' 34" EAST, A DISTANCE OF 568.45 FEET TO THE NORTHEAST CORNER OF SAID 23.301 ACRE PARCEL; THENCE ALONG THE EAST LINE OF SAID 23.301 ACRE PARCEL AND THE SOUTHERLY EXTENSION THEREOF SOUTH 00° 14' 26" EAST, A DISTANCE OF 358.18 FEET; THENCE NORTH 89°23'36" WEST, A DISTANCE OF 568.43 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID HOLLY DRIVE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE NORTH 0°14'47" WEST, A DISTANCE OF 361.81 FEET TO THE **POINT OF BEGINNING**.

**CONTAINING** 4.698 ACRES, MORE OR LESS.

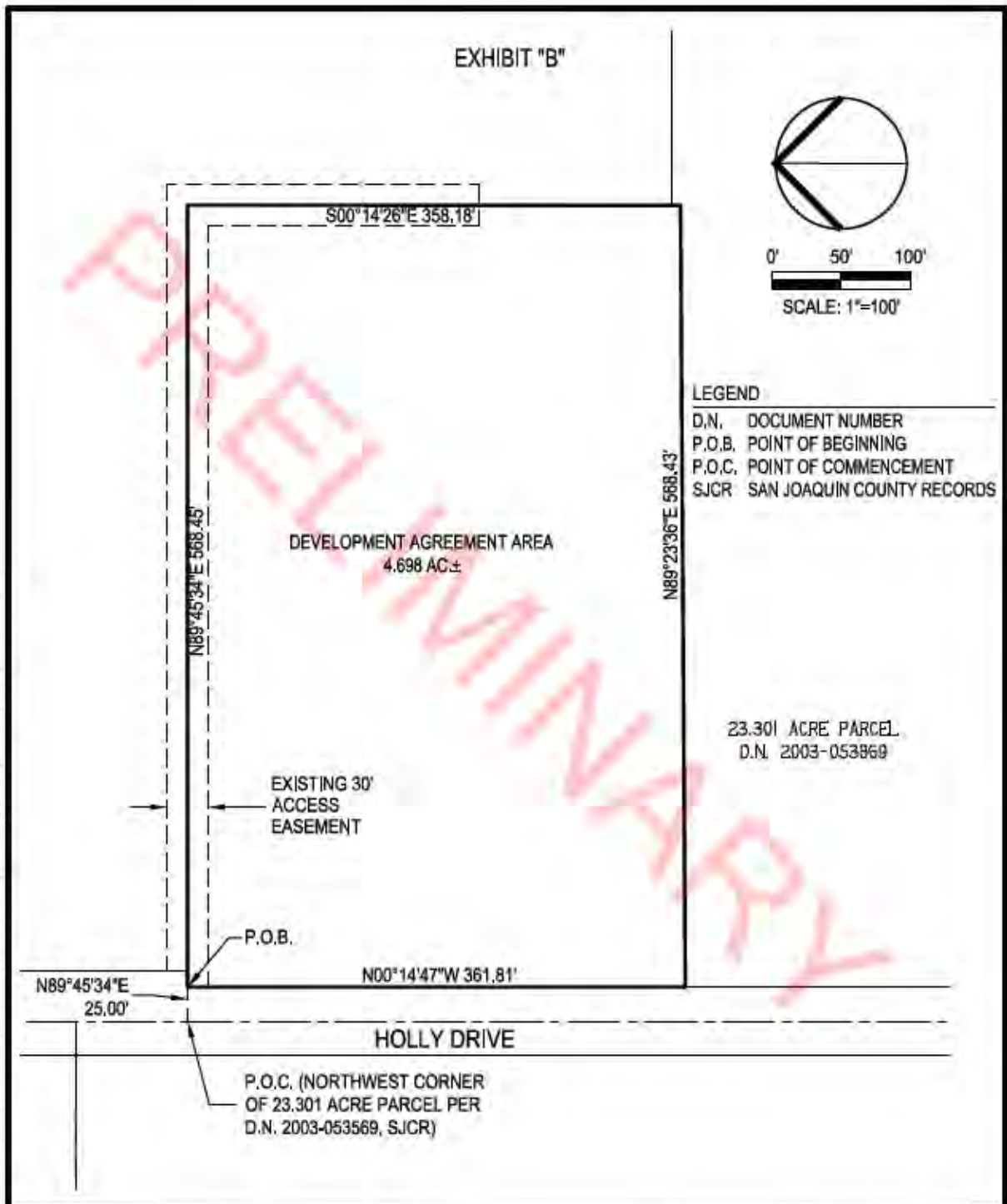
**SUBJECT TO** ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS' ACT.

---

KEVIN J. GENASCI, PLS 8660  
OCTOBER 21, 2020

**CITY OF TRACY – WASTEWATER FEE DEFERRAL AGREEMENT  
 TRACY DESALINATION AND GREEN ENERGY PROJECT  
 Page 6 of 6**



F:\Projects\19301 Tracy Desalination Plant\Working Documents\Survey Office\Legal Descriptions\19301\_Dev Agreement Desc.dwg  
 10/21/20

DATE	10/21/20
DESIGN	KJG
DRAWN	ALB
JOB NO.	19301



## SIEGFRIED

8428 Brockside Road, Stockton, California 95219  
 209-943-2021 www.siegfriedeng.com Fax: 209-949-0914

- CIVIL
- STRUCTURAL
- LANDSCAPE ARCHITECTURE
- SURVEYING
- PLANNING
- ATHLETIC FACILITY DESIGN

SCALE:	AS SHOWN
SHEET	1
	OF: 1

RESOLUTION 2020-\_\_\_\_\_

APPROVING THE FEE DEFERRAL AGREEMENT FOR DEFERRAL OF CERTAIN IMPACT FEES FOR THE TRACY DESALINATION PLANT, AND AUTHORIZES CITY CLERK TO FILE THE FEE DEFERRAL AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER

WHEREAS, Development Review Application No. D19-0003 for construction of the Tracy Desalination Plant was approved by the Development Service Director on June 26, 2019, and

WHEREAS, Prior to issuance of the building permit for construction of the Desalination Plant, the developer paid all of the estimated Development Impact Fees for the Project, except for the wastewater fees, in the amount of \$675,632.40, and

WHEREAS, The Developer requested to defer payment of the wastewater impact fees to such time as the Developer (or their successors-in-interest), connects to City sewer services, and

WHEREAS, The City Attorney has reviewed the Fee Deferral Agreement, and Developer has executed the Agreement;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves the Fee Deferral Agreement for deferral of certain impact fees for the Tracy Desalination Plant, and authorizes the City Clerk to file the Fee Deferral Agreement with the Office of the San Joaquin County Recorder.

\*\*\*\*\*

The foregoing Resolution 2020-\_\_\_\_\_ was passed and adopted by the Tracy City Council on the 15<sup>th</sup> day of December 2020, by the following vote:

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

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

AGENDA ITEM 1.D

REQUEST

**REJECT ALL BIDS FOR THE GRAND THEATRE CENTER FOR THE ARTS EXTERIOR IMPROVEMENTS (CIP 71111), AND AUTHORIZE CITY STAFF TO MODIFY AND RE-BID THE PROJECT**

EXECUTIVE SUMMARY

Request City Council reject all bids and authorize City staff to modify and re-bid the Project.

DISCUSSION

On February 18, 2020, Council approved the CIP 71111 Grand Theatre Center for Performing Arts Exterior Repair Project, with an appropriation of \$355,000, as part of the Mid-Year Budget Update, amending the 2019-2020 Budget with Resolution No. 2020-032.

The project plans and specifications were prepared by a consultant. The project was advertised for competitive bids on September 18<sup>th</sup> and 25<sup>th</sup>, 2020. The following bid was received and publicly opened on October 13, 2020.

Contractor	Bid Amount
• Diede Construction	\$714,900

The bid exceeds the available funding. Staff believes that the required items of work were not adequately quantified and described in the project bid documents. Section 20166 of the Public Contract Code authorizes City Council, in its discretion, to reject any bids received. Staff further believes that it is in the best interest of the City to reject all bids, modify the project bid documents and then re-bid the project.

STRATEGIC PLAN

This agenda item is a routine operational item and is not related to the City Council's seven Strategic Plans.

FISCAL IMPACT

Funding for the project (CIP 71111) was approved as part of the FY 19-20 budget in the amount of \$355,000, from Fund 615, Building Maintenance.

RECOMMENDATION

Staff recommends that City Council, by resolution, reject all bids for the Grand Theatre Center for the Arts Exterior Repair Project (CIP 71111), and authorize City staff to modify and re-bid the project.

Agenda Item 1.D  
December 15, 2020  
Page 2

Prepared by: Ilene Macintire, PE, Senior Civil Engineer

Reviewed by: Robert Armijo, PE, City Engineer / Assistant Development Services Director  
Karin Schnaider, Finance Director  
Andrew Malik, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

RESOLUTION 2020-\_\_\_\_\_

REJECTING ALL BIDS FOR THE GRAND THEATRE CENTER FOR THE ARTS EXTERIOR IMPROVEMENTS (CIP 71111) AND AUTHORIZING CITY STAFF TO MODIFY AND RE-BID THE PROJECT

WHEREAS, On February 18, 2020, Council approved the CIP 71111 Grand Theatre Center for Performing Arts Exterior Repair Project, with an appropriation of \$355,000, as part of the Mid-Year Budget Update, amending the 2019-2020 Budget with Resolution No. 2020-032, and

WHEREAS, The project was advertised for competitive bids on September 18, and 25, 2020, and one bid was received on October 13, 2020 as follows:

Diede Construction	\$714,900
--------------------	-----------

WHEREAS, The bid substantially exceeds available funds, and

WHEREAS, Section 20166 of the Public Contract Code authorizes City Council, in its discretion, to reject any bids received, and

WHEREAS, The City staff believes that modifying the plans to better quantify the required items of work may yield lower bids, and

WHEREAS, It is in the City's best interest to reject all bids and re-bid the project;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby rejects all bids for the Grand Theatre Center for the Arts Exterior Improvements (CIP 71111) and authorizes City staff to modify and re-bid the project.

\*\*\*\*\*

The foregoing Resolution 2020-\_\_\_\_\_ was passed and adopted by the Tracy City Council on the 15<sup>th</sup> day of December 2020, by the following vote:

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

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

AGENDA ITEM 1.E

REQUEST

**APPROVE SIDE LETTER OF AGREEMENT BETWEEN THE CITY OF TRACY AND THE TRACY MID-MANAGERS BARGAINING UNIT (TMMBU) CLARIFYING CONTRACT LANGUAGE IN PRIOR MEMORANDUM OF UNDERSTANDING**

EXECUTIVE SUMMARY

Staff requests approval of a side letter agreement with Tracy Mid-Managers Bargaining Unit to include omitted language in the prior Memoranda of Understanding (MOU) effective July 1, 2015 through June 30, 2018.

The side letter clarifies that the uniform allowance benefit is also provided for the Crime Scene Unit (CSU) Supervisor and the Animal Services (AS) Manager. These positions received an annual uniform allowance but the language was omitted from the MOU. CalPERS requires that this language be added to the MOU to validate the payments.

DISCUSSION

The TMMBU includes the positions of CSU Supervisor and AS Manager. Both positions are required to wear uniforms; however, the MOU in effect during the period July 1, 2015 through June 30, 2018 omitted the provision for payment of a uniform allowance for these positions. Under CalPERS rules, uniform allowance is a statutory item of special compensation and must be reported to CalPERS. This item was paid and reported properly; however, during a recent Compensation Review, CalPERS determined that this must also be included in the MOU.

The position of CSU Supervisor was created in April of 2016, after the start date of this MOU. The existing MOU effective since July 1, 2018 includes this omitted language. The attached side letter agreement includes the appropriate language to satisfy the CalPERS requirements (Exhibit A) and memorializes the City's past practice.

STRATEGIC PLAN

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

FISCAL IMPACT

There is no fiscal impact, as this is solely a technical correction memorializing past practice.

RECOMMENDATION

Staff recommends that City Council approve, by resolution, the side letter agreement with Tracy Mid-Managers Bargaining Unit to clarify contract language, and authorize the City Manager to execute the agreement.

Prepared by: Robert Harmon, Senior Accountant

Reviewed by: Kimberly Murdaugh, Human Resources Director  
Karin Schnaider, Finance Director  
Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

Exhibit A – Side Letter of Agreement between the City of Tracy and the Tracy Mid-Managers Bargaining Unit (TMMBU)



EXHIBIT 'A'

**SIDE LETTER OF AGREEMENT BETWEEN THE CITY OF TRACY AND  
TRACY MID-MANAGERS Payroll  
UNIFORM ALLOWANCE**

The City of Tracy and Tracy Mid-Managers Bargaining Unit (TMMBU) agree to enter into this side letter to add section 6.6 to the Memorandum of Understanding (the "MOU"), in effect July 1, 2015 through June 30, 2018. The added language in this section of the MOU shall read as follows:

6.6 Uniforms and Uniform Allowances

Employees in the following positions are required to wear uniforms on the job, and the City shall provide uniform allowances in the following amounts to employees in the listed positions:

- Crime Scene Unit Supervisor and Animal Services Supervisor: six hundred ten dollars (\$610) per year,

Uniform allowances shall be paid on the regular payday for the pay period that includes June 30.

The City will comply with CalPERS requirements for reporting uniform allowances and the value of uniforms provided. Under current law and related CalPERS rules and regulations, the value of provided uniforms and uniform allowances are reportable to CalPERS only for classic employees.

FOR THE City of Tracy

Jenny Haruyama

Digitally signed by Jenny Haruyama  
Date: 2020.09.15 08:52:08 -07'00'

Date: \_\_\_\_\_  
Jennifer D. Haruyama  
City Manager

FOR THE Tracy Mid-Managers Bargaining Unit



Date: 9/1/2020  
Barbara Harb  
President of TMMBU

RESOLUTION 2020-\_\_\_\_\_

APPROVING SIDE LETTER OF AGREEMENT BETWEEN THE CITY OF TRACY AND THE TRACY MID-MANAGERS BARGAINING UNIT (TMMBU) CLARIFYING CONTRACT LANGUAGE IN PRIOR MEMORANDUM OF UNDERSTANDING

WHEREAS, The City desires to include language in the Memorandum of Understanding for the Tracy Mid-Managers Bargaining Unit (TMMBU) to clarify that the annual uniform allowance benefit is also provided for the Crime Scene Unit Supervisor and the Animal Services Manager positions, and

WHEREAS, The City has met and conferred with TMMBU regarding the contents of the side letters;

NOW, THEREFORE, BE IT RESOLVED, That City Council of the City of Tracy hereby approves the Side Letter of Agreement attached as Exhibit A between the City of Tracy and the Tracy Mid-Managers Bargaining Unit and authorizes the City Manager to execute the agreement.

\* \* \* \* \*

The foregoing Resolution 2020-\_\_\_\_\_ was adopted by the Tracy City Council on the 15<sup>th</sup> day of December, 2020 by the following vote:

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

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

AGENDA ITEM 1.F

REQUEST

**REJECT REQUEST TO FILE LATE CLAIM AND REJECT CLAIM FILED BY  
BENJAMIN DRAKE, ON BEHALF OF HIS CLIENT SOPHIA AMAYA**

EXECUTIVE SUMMARY

Benjamin Drake filed a claim against the City of Tracy, on behalf of his client Sophia Amaya ("Claimant"), for bodily injury allegedly caused by a motor vehicle accident involving a City employee. The claim was denied as untimely. Thereafter, Claimant requested the City's permission to file a late claim. Staff recommends the City Council reject the request to file a late claim, thereby rejecting the claim itself.

DISCUSSION

Under the Government Claims Act, individuals seeking money or damages against the City must generally file an administrative claim with the City before filing any court action. Claims for damages arising from personal injury or property damage are required to be submitted to the City within six (6) months from the date the event giving rise to the claim occurred. Other types of claims are required to be submitted within one (1) year. Claims not submitted within the required time are generally barred. However, the claimant may also request permission from the City to file a claim late. The City may choose to grant or deny the request, but the City must grant this request if the claim was not presented in a timely fashion due to mistake and the late claim will not prejudice the City's defense of the claim.

The City has forty-five (45) days to respond once receiving a claim. If the City does not respond within that time, the claim is deemed rejected. Once the City takes action on a claim, or the claim is deemed rejected, the claimant may file a lawsuit in superior court if he or she is not satisfied with the City's actions. The City Council has previously delegated authority to the City Manager to take certain actions regarding the handling of claims (Attachment A). However, the City Council is the only entity that can grant a claimant leave or permission to file a late claim.

Claimant submitted a claim to the City on September 30, 2020 alleging that a City employee caused bodily injury to her during a motor vehicle accident on March 3, 2020. Because the claim was submitted more than six (6) months after the accident occurred, it was rejected as untimely on November 10, 2020. Thereafter, Claimant filed a request to submit an untimely claim and explained that the claim was filed late because of a delay in working with the Claimant's insurance company and determining that the City of Tracy was the registered owner of the vehicle that imposed damages.

Staff recommends that City Council reject the Claimant's request to file a late claim and reject the claim itself. If City Council follows staff's recommendation, the Claimant will still have the option to file a lawsuit against the City for damages.

STRATEGIC PLAN

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

FISCAL IMPACT

There is no direct fiscal impact of adopting a resolution to reject the claim.

RECOMMENDATION

Staff recommends that the City Council adopt the resolution rejecting the request to file a late claim filed by Benjamin Drake, on behalf of his client Sophia Amaya and reject the claim.

Prepared by: Leticia Ramirez, City Attorney

Reviewed by: Kimberly Murdaugh, Human Resources Director  
Karin Schnaider, Finance Director  
Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENT

A – Council Policy Authorizing the Delegation of Authority to Allow, Compromise, Reject or Settle Claims Against, or on Behalf of the City

RESOLUTION 2001-382

AUTHORIZING THE DELEGATION OF AUTHORITY  
TO ALLOW, COMPROMISE, REJECT OR SETTLE CLAIMS  
AGAINST, OR ON BEHALF OF, THE CITY

WHEREAS, various California Government Code sections (hereinafter Government Code) allow the City Council to delegate the authority to allow, compromise or settle certain claims against, or on behalf of, the City; and

WHEREAS, the effective administration of the risk management program would be facilitated by the delegation of the authority to allow, compromise, reject, or settle claims against the City subject to certain restrictions; and

WHEREAS, a delegation of authority is authorized pursuant to Tracy Municipal Code section 1.24.030.

NOW, THEREFORE, BE IT RESOLVED, by the Tracy City Council as follows:


1. Resolution No. 92-124 is hereby repealed and Council Policy D-8 is rescinded.
2. A. Claims
  - (i) Pursuant to Government Code section 910.8 the City Manager of the City of Tracy, or his designee, is hereby designated as the person who is authorized on behalf of the City Council to determine the sufficiency of claims that are filed against the City of Tracy, and if in his/her judgment such claims are insufficient he/she is further authorized to give written notice to the claimant of the insufficiency pursuant to Government Code.
  - (ii) Pursuant to Government Code section 911.3, the City Manager of the City of Tracy, or his designee, is designated as the person who is authorized on behalf of the City Council of the City of Tracy to determine if claims filed against the City of Tracy have been filed in a timely fashion, and if not, to give the notice required by Government Code Section 911.3 regarding the failure to file a claim in a timely fashion.
  - (iii) The provisions of Government Code section 911.6 shall govern the procedure for late claims.
  - (iv) For the purposes of this delegation, "claims" shall include liability claims, subrogation claims, and worker's compensation claims.
- B. Settlement
  - (i) Pursuant to Government Code section 935.4 the City Manager of the City of Tracy, or his designee, is authorized to settle, compromise and/or release claims which, in the determination of the city, do not exceed \$5,000 per occurrence.

- (ii) Pursuant to Government Code section 935.4 the City Manager is authorized to settle claims which, in the determination of the city, are between \$5,001 and \$25,000.
- (iii) Settlement of claims in excess of \$25,001 must be presented to the City Council for authorization.
- (iv) Judicial orders and judgments, including orders of the Worker's Compensation Appeals Board, shall not be considered settlements and City Council authorization to pay such orders or judgments shall not be required.

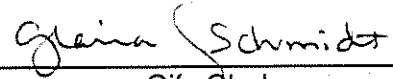
\* \* \* \* \*

The foregoing Resolution 2001-382 was adopted by the Tracy City Council on the 16<sup>th</sup> day of October, 2001, by the following vote:

AYES:	COUNCIL MEMBERS:	HUFFMAN, TOLBERT, TUCKER, BILBREY
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	IVES
ABSTAIN:	COUNCIL MEMBERS:	NONE

  
\_\_\_\_\_  
Mayor

ATTEST:

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

RESOLUTION 2020-\_\_\_\_\_

REJECTING LEAVE TO FILE LATE CLAIM AND REJECTING CLAIM FILED BY BENJAMIN DRAKE ON BEHALF OF HIS CLIENT, SOPHIA AMAYA

WHEREAS, Benjamin Drake Esq. submitted a claim to the City of Tracy on behalf of his client, Sophia Amaya, on September 30, 2020 alleging that a City employee caused her bodily injury as a result of a motor vehicle accident on March 2, 2020, and

WHEREAS, The City rejected the claim as untimely on November 10, 2020, and

WHEREAS, Claimant submitted a request for leave to present a late claim which was received by the City on September 30, 2020, and

WHEREAS, The City Council desires to reject Claimant’s request for leave to present a late claim;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby declares as follows:

1. The above Recitals are true and correct and incorporated herein by reference.
2. The request for leave to present a late claim submitted by Benjamin Drake on behalf of his client, Sophia Amaya, to the City on September 30, 2020 is rejected.
3. The claim filed by Benjamin Drake on behalf of his client, Sophia Amaya, on September 30, 2020 is rejected.
4. The City Manager and City Attorney are authorized and directed to take any actions necessary to carry out the intent of this Resolution and notify claimant of the same.

\* \* \* \* \*

The foregoing Resolution 2020-\_\_\_\_\_ was passed and adopted by the Tracy City Council on the 15th day of December, 2020, by the following vote:

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

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

AGENDA ITEM 1.G

REQUEST

**APPROVE THE ANNUAL REPORT ON DEVELOPMENT IMPACT FEE REVENUES, EXPENDITURES AND FINDINGS REGARDING UNEXPENDED FUNDS FOR FISCAL YEAR 2019-2020 IN ACCORDANCE WITH THE MITIGATION FEE ACT (AB 1600)**

EXECUTIVE SUMMARY

Development impact fees are established by the City and imposed upon development projects for the purpose of mitigating the impact that the development projects have upon the City's ability to provide specified public facilities. Development impact fees are one time fees that are generally collected at building permit issuance. The fees vary based on the fee area that projects are located in and the development type. The development impact fee studies identify the projects that are eligible for funding from each fund and the fees must be spent on the projects for which the fees were intended. The City is required by state law to issue an annual fiscal report identifying the information required identified in Government Code Section 66006(b)(1).

The City maintains 43 different development impact fee funds, with combined collected revenues of \$31,433,057 (including interest), in Fiscal Year 2019-2020. Development impact capital expenditures for Fiscal Year 2019-2020 totaled \$7,301,604. For Council consideration is the resolution approving the annual report on development impact fee revenues and expenditures and the findings as to the unexpended development impact fees.

DISCUSSION

The Mitigation Fee Act, commonly referred to as AB 1600 and codified as Government Code sections 66000-66006, imposes requirements for the collection and expenditure of development impact fees. Section 66006(b)(1) requires the City to prepare and make available to the public information for each separate account or fund, including:

- (a) a brief description of the fee;
- (b) the amount of the fee;
- (c) the beginning and ending balance;
- (d) the amount of the fees collected and interest earned;
- (e) an identification of each public improvement on which fees were expended, the amount of expenditures on each improvement including the total percentage of the cost that was funded with fees;
- (f) an identification of an approximate date by which the construction of the public improvement will begin if the city determines sufficient funds have been collected;
- (g) a description of each interfund transfer or loan, including the public improvements on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest; and
- (h) the amount of refunds made, if any.



The report must be made available to the public within 180 days after the end of each fiscal year.

Historically, the City has complied with this requirement through the City Council's acceptance of the Development Impact Fee Annual Report containing the required information and adopting a resolution confirming acceptance of the report. This report and the information attached to the proposed Resolution satisfy the statutory requirements for the account of development impact fees.

### STRATEGIC PLAN

The agenda item is mandated by state law and relates to the City Council's Strategic Plans regarding collecting Impact Fees from development and constructing necessary infrastructure with those funds.

### FISCAL IMPACT

The costs of these projects are reflected in the CIP Project list as identified in Exhibit C of this report.

### RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution approving the annual report on development impact fee revenues, expenditures and findings as to unexpended funds for Fiscal Year 2019-2020.

Prepared by: Veronica Child, Management Analyst II  
Alison Bouley, Harris and Associates

Reviewed by: Robert Armijo, PE, City Engineer / Assistant Director of Development Services  
Karin Schnaider, Finance Director  
Andrew Malik, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

### ATTACHMENTS

- Exhibit A - Summary of Fund Balances, Fees Collected, Interest Earned and Project Expenditures
- Exhibit B - Brief Description of Fees and Amounts of Fees  
(Including Exhibits B-1 through B-16)
- Exhibit C - Fee-funded Capital Improvement Projects
- Exhibit D - Report of Findings for Development Fee Funds

EXHIBIT A  
Fund Balances, Fees Collected, Interest Earned, and Project Expenditures  
for Fiscal Year Ended June 30, 2020  
(Government Code Subsection 66006(b)(1)(C) and (D))

New Rev Total (E-H)	Fund	Fund Description	Beginning Fund Balance 07/01/19	Capital Development Fees Collected <sup>1</sup>	Interest / Investment Earnings <sup>2</sup>	Fiscal Agent Earnings <sup>3</sup>	Other Revenues <sup>4</sup>	CIP Expenditures <sup>5</sup>	Project Reimbs &/or Interfund Transfers <sup>6</sup>	Other Expenditures <sup>7</sup>	Ending Fund Balance 06/30/20
\$ 865,991	311	Infill, Parks	\$ 2,433,646	\$ 811,533	\$ 54,458	\$ -	\$ -	\$ (1,000,000)	\$ -	\$ -	\$ 2,299,636
\$ 34,164	312	Infill, Strm Drn	(46,554)	34,164	-	-	-	(23,034)	-	-	\$(35,424)
\$ 326,824	313	Infill, Arterials	711,456	302,544	24,280	-	-	(18,329)	-	-	\$ 1,019,951
\$ 588,605	314	Infill, Bldg & Eqpt	1,073,897	550,096	38,509	-	-	-	-	-	\$ 1,662,502
\$ -	315	Infill, Prgrm Mgmt	1,231	-	-	-	-	-	-	-	\$ 1,231
\$ 2,185	316	Infill, Parking	88,812	-	2,185	-	-	-	-	-	\$ 90,997
\$ 79,413	321	Plan C, Parks	3,111,383	36,114	43,299	-	-	(1,753,483)	-	-	\$ 1,437,313
\$ 226,481	322	Plan C, Strm Drn	7,076,302	50,584	175,897	-	-	-	-	-	\$ 7,302,783
\$ 130,766	323	Plan C, Arterials	3,712,583	38,273	92,493	-	-	(19,917)	-	-	\$ 3,823,432
\$ 195,425	324	Plan C, Gen Fac	6,578,359	32,758	162,667	-	-	-	-	-	\$ 6,773,784
\$ 202,145	325	Plan C, Utilities	4,937,728	78,194	123,951	-	-	-	-	-	\$ 5,139,873
\$ 135,940	331	Ellis Area Traffic	1,183,876	104,371	31,569	-	-	-	-	-	\$ 1,319,817
\$ 277,942	332	Ellis Area Drainage	1,272,144	241,195	36,747	-	-	(3,304)	-	-	\$ 1,546,782
\$ 280,268	333	Ellis Area Parks	4,621	273,939	6,329	-	-	-	-	-	\$ 284,889
\$ 213,007	334	Ellis Area Public Bldgs	1,126,016	181,157	31,850	-	-	(150)	-	-	\$ 1,338,872
\$ (389)	335	Ellis Area Water	24,332	-	(389)	-	-	-	-	-	\$ 23,943
\$ 144,075	336	Ellis Area Recycled Water	32,462	138,198	5,877	-	-	(138,198)	-	-	\$ 38,339
\$ 492,971	337	Ellis Area Wastewater	1,987,028	434,120	58,851	-	-	-	-	-	\$ 2,479,998
\$ 176,709	345	RSP, Prgrm Mgt	2,999,673	-	70,413	-	106,296	(212,752)	-	(56,296)	\$ 2,907,334
\$ 3,209,418	350	NEI Storm Drain	7,197,683	-	(5,558)	-	3,214,976	-	-	(7,994,287)	\$ 2,412,814
\$ 295,683	351	NEI, Ph 1	11,325,084	-	295,683	-	-	-	-	-	\$ 11,620,767
\$ 719,771	352	S MacArthur Area	11,021,397	436,280	283,491	-	-	-	-	(2,657)	\$ 11,738,511
\$ 296,872	353	I-205 Corridor	11,148,221	-	296,872	-	-	-	-	(5,285)	\$ 11,439,808
\$ 417,498	354	ISP, South	2,602,577	351,820	65,678	-	-	(527,729)	-	(1,438)	\$ 2,490,908
\$ 154,500	355	Presidio	5,452,253	-	154,472	28	-	-	-	(2,790)	\$ 5,603,963
\$ 51,511	356	Gateway	2,105,561	-	51,511	-	-	(14,308)	-	-	\$ 2,142,764
\$ 441,555	357	NEI, Ph 2	(2,381,600)	441,555	-	-	-	(234,429)	-	-	\$(2,174,474)
\$ 10,749	358	Ellis Area Prgrm Mgmt	62,843	-	10,749	-	-	-	-	(21,339)	\$ 52,253
\$ 674,385	360	TIMP, Pub Safety Comm	-	-	-	-	674,385	-	-	-	\$ 674,385
\$ 1,419,285	361	TIMP, Parks	6,141,550	1,244,781	174,504	-	-	(121,191)	-	-	\$ 7,439,644
\$ 329,593	362	TIMP, Strm Drn	941,257	303,623	25,970	-	-	(142,736)	-	-	\$ 1,128,114
\$ 1,708,035	363	TIMP, Traffic	8,538,590	1,488,909	219,126	-	-	(1,667,156)	-	-	\$ 8,579,469
\$ 4,734,699	364	TIMP, Wastewater	19,461,669	4,483,310	251,389	-	-	(335,600)	(16,485,726)	-	\$ 7,375,041
\$ 1,912,369	365	TIMP, Water	6,216,479	1,664,882	247,487	-	-	(284,085)	-	-	\$ 7,844,762
\$ 1,260,682	366	TIMP, Public Fac	762,641	1,225,909	34,773	-	-	(495,411)	-	-	\$ 1,527,911
\$ 389,494	367	TIMP, Public Safety PD	1,688,282	361,195	28,299	-	-	(30,687)	(1,226,075)	-	\$ 821,013
\$ 973,796	368	TIMP, Recycled Water	39,080	953,450	20,346	-	-	-	(2,000,457)	-	\$(987,581)
\$ 551,691	369	TIMP, Public Safety Fire	-	-	-	-	551,691	-	-	-	\$ 551,691
\$ 929,648	391	Urban Mgt Plan-PM	4,609,490	770,465	159,183	-	-	(279,106)	-	(518,146)	\$ 4,741,886
\$ 634,403	511	Infill, Water	-	634,403	-	-	-	-	(634,403)	-	\$ -
\$ 1,307,072	521	Infill, Wastewater	-	1,307,072	-	-	-	-	(1,307,072)	-	\$ -
\$ 2,189,971	808	Reg Transp Imp	9,938,126	2,189,971	-	-	-	-	-	(1,708,337)	\$ 10,419,760
\$ 408,963	N/A	Ag Mit Fees	-	408,963	-	-	-	-	-	(408,963)	\$ -
\$ 2,038,894	N/A	County Facilities Fees	-	2,038,894	-	-	-	-	-	(2,038,894)	\$ -
\$ -	N/A	Habitat Mitigation Fees	-	-	-	-	-	-	-	-	\$ -
\$ 31,433,057		TOTALS	\$ 145,180,178	\$ 23,612,721	\$ 3,272,961	\$ 28	\$ 4,547,348	\$ (7,301,604)	\$ (21,653,734)	\$(12,758,432)	\$ 134,899,465

**Footnotes:**

- <sup>1</sup> No Capital Development Fees collected were refunded in FY18-19
- <sup>2</sup> Investment Earnings total includes cash-fair market value offsets.
- <sup>3</sup> Fiscal Agent Earnings are cash reserves held by bond Trustees.
- <sup>4</sup> Other Revenues: FD345 Refund of purchase deposit Schulte Rd RESO 12-227, FD345 Tracy Mall Partners Loan, FD350 Bond Proceeds (NEI Land Purchase), FD360 & FD369 Transfers in from FD367 New TIMP PS Funds Created
- <sup>5</sup> Capital Improvement Project (CIP) Expenditures: See Exhibit C for more detail;
- <sup>6</sup> FD364 Transfer out to WW CIP's 74083 & 74107, FD367 Transfers out to FD360 & FD369 (New TIMP Public Safety), FD368 Transfer out to CIP 74091
- <sup>7</sup> Other Expenditures: FD345 Tracy Mall Partners Loan, FD350 NEI Land Purchase Future Dentention Basin

**EXHIBIT B**  
**Brief Descriptions of Fees and Amounts of Fees**  
**For Fiscal Year Ended June 30, 2019**  
(Government Code §66006(b)(1)(A) and (B).)

Fund	Fund Description	Finance and Implementation Plan (FIP) Fee Descriptions	Resolution Number	Tracy Municipal Code §	Residential Fees Per Dwelling Unit (Except as indicated)			Non-Residential Fees Per Gross Acre (Except as indicated)				
					SFDU	2 - 4	≥ 5	Institution	Industrial	Office	Storage	Retail
311	<sup>1</sup> Infill Area, Parks	Mini/Neighborhood and Community Parks	2012-060	13.12.010	\$5,429.00	\$4,524.00	\$3,619.00	N/A	N/A	N/A	N/A	N/A
312	<sup>1</sup> Infill Area, Strm Dm	Storm Drainage	2012-060	13.04.010	\$1,429.00	\$949.00	\$850.00	N/A	\$22,141	\$22,141	N/A	\$22,141
313	<sup>1</sup> Infill Area, Arterials	Traffic Safety, Streets & Highways	2012-060	13.04.010	\$2,700.00	\$1,296.00	\$1,296.00	N/A	\$25,781	\$35,230	N/A	\$50,834
314	<sup>1a, 18</sup> Infill Area, Pub Bldgs	General Government & Public Safety Facilities	2014-158	13.04.010	\$3,335.81	\$2,490.48	\$2,480.21	N/A	\$162.85 <sup>1a</sup>	\$815.25 <sup>1a</sup>	N/A	\$489.55 <sup>1a</sup>
513	<sup>1</sup> Infill Area, Water	Water Supply, Treatment, Storage and Distribution	2012-060	13.04.010	\$5,850.00	\$4,212.00	\$2,984.00	N/A	\$18,251.00	\$18,251.00	N/A	\$24,334.00
523	<sup>1</sup> Infill Area, Wastewater	Wastewater Treatment and Conveyance	2012-060	13.04.010	Exh B-1	Exh B-1	Exh B-1	Exh B-1	Exh B-1	Exh B-1	N/A	Exh B-1
316	<sup>2</sup> Infill Area, Downtown Imprvs Parking	Downtown Incentive Area Parking Fee	2015-168	10.08.3470	N/A	N/A	N/A	N/A	N/A	Exh B-2	N/A	Exh B-2
321	<sup>3</sup> Plan C Area, Parks	Mini/Neighborhood and Community Parks	2007-133	13.12.010	Exh B-3	Exh B-3	Exh B-3	Exh B-3	Exh B-3	Exh B-3	N/A	Exh B-3
322	<sup>3</sup> Plan C Area, Strm Dm	Storm Drainage	2007-133	13.04.010	Exh B-3	Exh B-3	Exh B-3	Exh B-3	Exh B-3	Exh B-3	N/A	Exh B-3
323	<sup>3,17</sup> Plan C Area, Arterials	Traffic Safety, Streets & Highways	2014-070	13.04.010	Exh B-3	Exh B-3	Exh B-3	Exh B-3	Exh B-3	Exh B-3	N/A	Exh B-3
324	<sup>18</sup> Plan C Area, General Facilities	General Government & Public Safety Facilities	2014-158	13.04.010	\$5,661.81	\$5,649.48	\$2,589.21	N/A	N/A	N/A	N/A	\$10,903.55
325	<sup>3</sup> Plan C Area, Utilities - Water	Water Supply, Treatment, Storage and Conveyance	2007-133	13.04.010	Exh B-3	Exh B-3	Exh B-3	Exh B-3	Exh B-3	Exh B-3	N/A	Exh B-3
325	<sup>3</sup> Plan C Area, Utilities - Wastewater	Wastewater Treatment and Conveyance	2007-133	13.04.010	Exh B-3	Exh B-3	Exh B-3	Exh B-3	Exh B-3	Exh B-3	N/A	Exh B-3
341	<sup>4</sup> Residential Specific Plan Area, Parks	Mini/Neighborhood and Community Parks	2003-266	13.12.010	Exh B-4	Exh B-4	Exh B-4	N/A	N/A	N/A	N/A	N/A
342	<sup>4</sup> Residential Specific Plan Area, Strm Dm	Storm Drainage	2003-266	13.20.010	Exh B-4	Exh B-4	Exh B-4	Exh B-4	Exh B-4	Exh B-4	N/A	Exh B-4
344	<sup>4</sup> Residential Specific Plan Area, Pub Bldgs	General Government & Public Safety Facilities	2003-266	13.20.010	Exh B-4	Exh B-4	Exh B-4	Exh B-4	Exh B-4	Exh B-4	N/A	Exh B-4
351	<sup>5</sup> Northeast Industrial Area, Ph 1, Arterials	Traffic Safety, Streets & Highways	2012-077	13.04.010	N/A	N/A	N/A	N/A	Exh B-5	N/A	N/A	N/A
351	<sup>5, 21</sup> Northeast Industrial Area, Ph 1, Strm Dm	Storm Drainage	2018-204	13.04.010	N/A	N/A	N/A	N/A	Exh B-5	N/A	N/A	N/A
351	Northeast Industrial Area, Ph 1, Water	Water Supply, Treatment, Storage and Distribution	2008-065	13.04.010	N/A	N/A	N/A	N/A	\$5,228.00	N/A	N/A	N/A
351	<sup>5</sup> Northeast Industrial Area, Ph 1, Wastewater	Wastewater Treatment and Conveyance	2008-065	13.04.010	N/A	N/A	N/A	N/A	Exh B-5	N/A	N/A	N/A
351	<sup>18</sup> Northeast Industrial Area, Ph 1, Pub Bldgs	General Government & Public Safety Facilities	2014-158	13.04.010	N/A	N/A	N/A	N/A	\$3,708.19	N/A	N/A	N/A
352	<sup>6</sup> South MacArthur Plan Area, Arterials	Traffic Safety, Streets & Highways	2011-227	13.04.010	Exh B-6	Exh B-6	Exh B-6	N/A	N/A	N/A	N/A	N/A
352	<sup>6</sup> South MacArthur Plan Area, Strm Dm	Storm Drainage	2005-253	13.04.010	Exh B-6	Exh B-6	Exh B-6	N/A	N/A	N/A	N/A	N/A
352	<sup>6</sup> South MacArthur Plan Area, Parks	Mini/Neighborhood and Community Parks	2005-253	13.12.010	Exh B-6	Exh B-6	Exh B-6	N/A	N/A	N/A	N/A	N/A
352	<sup>6</sup> South MacArthur Plan Area, Water	Water Supply, Treatment, Storage and Distribution	2005-253	13.04.010	\$4,646.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A
352	<sup>6</sup> South MacArthur Plan Area, Wastewater	Wastewater Treatment and Conveyance	2005-253	13.04.010	Exh B-6	Exh B-6	Exh B-6	N/A	N/A	N/A	N/A	N/A
352	<sup>18</sup> South MacArthur Plan Area, Pub Bldgs	General Government & Public Safety Facilities	2014-158	13.04.010	\$3,322.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A
354	Industrial Specific Plan South Area, Arterials	Traffic Safety, Streets & Highways	2009-048	13.04.010	\$6,645.00	\$3,189.00	\$3,189.00	N/A	\$74,620.00	\$86,714.00	N/A	\$125,120.00
354	<sup>7</sup> Industrial Specific Plan South Area, Strm Dm	Storm Drainage	2009-048	13.04.010	Exh B-7	Exh B-7	Exh B-7	N/A	Exh B-7	Exh B-7	N/A	Exh B-7
354	Industrial Specific Plan South Area, Parks	Mini/Neighborhood and Community Parks	2009-048	13.12.010	\$7,309.00	\$6,091.00	\$4,872.00	N/A	N/A	N/A	N/A	N/A
354	<sup>18</sup> Industrial Specific Plan South Area, Pub Bldgs	General Government & Public Safety Facilities	2014-158	13.04.010	\$2,779.81	\$2,315.48	\$1,853.21	N/A	\$4,318.19	\$18,371.37	N/A	\$17,968.55
354	Industrial Specific Plan South Area, Water	Water Supply, Treatment, Storage and Distribution	2009-048	13.04.010	\$4,613.00	\$3,829.00	\$3,091.00	N/A	\$8,448.00	\$8,448.00	N/A	\$8,448.00
354	<sup>7</sup> Industrial Specific Plan South Area, Wastewater	Wastewater Treatment and Conveyance	2009-048	13.04.010	Exh B-7	Exh B-7	Exh B-7	N/A	Exh B-7	Exh B-7	N/A	Exh B-7
355	<sup>8</sup> Presidio Area, Arterials	Traffic Safety, Streets & Highways	2001-351	13.04.010	\$6,736.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A
355	Presidio Area, Arterials-Regional Fee	Regional Traffic Fee	2000-265	13.04.010	\$1,500.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A
355	<sup>8</sup> Presidio Area, Strm Dm	Storm Drainage	2000-265	13.04.010	Exh B-8	Exh B-8	Exh B-8	Exh B-8	Exh B-8	Exh B-8	N/A	Exh B-8
355	<sup>18</sup> Presidio Area, Pub Bldgs	General Government & Public Safety Facilities	2000-265	13.04.010	\$1,620.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A
355	<sup>8</sup> Presidio Area, Water	Water Supply, Treatment, Storage and Distribution	2001-351	13.04.010	\$555.75	N/A	N/A	N/A	N/A	N/A	N/A	N/A
355	Presidio Area, Wastewater	Wastewater Treatment and Conveyance	2000-265	13.04.010	\$1,105.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A

**EXHIBIT B**  
**Brief Descriptions of Fees and Amounts of Fees**  
**For Fiscal Year Ended June 30, 2019**  
(Government Code §66006(b)(1)(A) and (B).)

Fund	Fund Description	Finance and Implementation Plan (FIP) Fee Descriptions	Resolution Number	Tracy Municipal Code §	Residential Fees Per Dwelling Unit (Except as indicated)			Non-Residential Fees Per Gross Acre (Except as indicated)				
					SFDU	2 - 4	≥ 5	Institution	Industrial	Office	Storage	Retail
356	<sup>9,17</sup> Tracy Gateway Area, Arterials	Traffic Safety, Streets & Highways	2011-227	13.04.010	N/A	N/A	N/A	Exh B-9	Exh B-9	Exh B-9	N/A	Exh B-9
356	<sup>9</sup> Tracy Gateway Area, Strm Dm	Storm Drainage	2007-175	13.04.010	N/A	N/A	N/A	Exh B-9	Exh B-9	Exh B-9	N/A	Exh B-9
356	<sup>9,18</sup> Tracy Gateway Area, Pub Bldgs	General Government & Public Safety Facilities	2014-158	13.04.010	N/A	N/A	N/A	Exh B-9	Exh B-9	Exh B-9	N/A	Exh B-9
356	<sup>9</sup> Tracy Gateway Area, Water	Water Supply, Treatment, Storage and Distribution	2007-175	13.04.010	N/A	N/A	N/A	Exh B-9	Exh B-9	Exh B-9	N/A	Exh B-9
356	<sup>9</sup> Tracy Gateway Area, Wastewater	Wastewater Treatment and Conveyance	2007-175	13.04.010	N/A	N/A	N/A	Exh B-9	Exh B-9	Exh B-9	N/A	Exh B-9
357	<sup>10,17</sup> Northeast Industrial Area, Ph 2, Arterials	Traffic Safety, Streets & Highways	2012-077	13.04.010	N/A	N/A	N/A	N/A	Exh B-10	N/A	N/A	N/A
357	<sup>10,21</sup> Northeast Industrial Area, Ph 2, Strm Dm	Storm Drainage	2018-204	13.04.010	N/A	N/A	N/A	N/A	Exh B-10	N/A	N/A	N/A
357	Northeast Industrial Area, Ph 2, Water	Water Supply, Treatment, Storage and Distribution	2008-010	13.04.010	N/A	N/A	N/A	N/A	\$17,639.00	N/A	N/A	N/A
357	<sup>10</sup> Northeast Industrial Area, Ph 2, Wastewater	Wastewater Treatment and Conveyance	2008-010	13.04.010	N/A	N/A	N/A	N/A	Exh B-10	N/A	N/A	N/A
357	<sup>18</sup> Northeast Industrial Area, Ph 2, Pub Bldgs	General Government & Public Safety Facilities	2014-158	13.04.010	N/A	N/A	N/A	N/A	\$2,953.19	N/A	N/A	N/A
353	<sup>11</sup> I-205 Corridor Area, Arterials	Traffic Safety, Streets & Highways	2007-136	13.04.010	11	11	11	11	11	11	N/A	11
353	<sup>11</sup> I-205 Corridor Area, Strm Dm	Storm Drainage	2007-136	13.04.010	11	11	11	11	11	11	N/A	11
353	<sup>11</sup> I-205 Corridor Area, Parks	Mini/Neighborhood and Community Parks	2007-136	13.12.010	11	11	11	11	11	11	N/A	11
353	<sup>11,18</sup> I-205 Corridor Area, Pub Bldgs	General Government & Public Safety Facilities	2014-158	13.04.010	11	11	11	11	11	11	N/A	11
353	<sup>11</sup> I-205 Corridor Area, Water	Water Supply, Treatment, Storage and Distribution	2007-136	13.04.010	11	11	11	11	11	11	N/A	11
353	<sup>11</sup> I-205 Corridor Area, Sewer Treatment	Wastewater Treatment and Conveyance	2007-136	13.04.010	11	11	11	11	11	11	N/A	11
391	<sup>12</sup> Habitat Mitigation Fees	Multi-Species Habitat Conservation & Open Space	2017-222	13.04.010	Exh B-12	Exh B-12	Exh B-12	Exh B-12	Exh B-12	Exh B-12	N/A	Exh B-12
207	<sup>13</sup> Agricultural Mitigation Fees	Agricultural Land Mitigation/Farmland Preservation	2005-278	13.28.010	Exh B-13	Exh B-13	Exh B-13	Exh B-13	Exh B-13	Exh B-13	N/A	Exh B-13
391	<sup>14</sup> County Facilities Fees (CFF)	San Joaquin County Public Facilities	2005-142	13.24.010	Exh B-14	Exh B-14	Exh B-14	Exh B-14	Exh B-14	Exh B-14	N/A	Exh B-14
808	<sup>15</sup> Regional Transportation Fees (RTIF)	Regional Transportation Impact Fees (RTIF)	Ord 1087	13.32.010	Exh B-15	Exh B-15	Exh B-15	Exh B-15	Exh B-15	Exh B-15	N/A	Exh B-15
391	<sup>16</sup> Infill Area, Prgm Mgmt	Specific Plan Area Program Management	2012-060	13.04.010	16	16	16	16	16	16	16	16
391	<sup>16</sup> Plan C Area, Prgm Mgmt	Specific Plan Area Program Management	2007-133	13.04.010	16	16	16	16	16	16	16	16
391	<sup>16</sup> Residential Specific Plan Area, Prgm Mgmt	Specific Plan Area Program Management	2003-266	13.04.010	16	16	16	16	16	16	16	16
391	<sup>16</sup> Northeast Industrial Area, Ph 1, Prgm Mgmt	Specific Plan Area Program Management	2008-065	13.04.010	16	16	16	16	16	16	16	16
391	<sup>16</sup> South MacArthur Plan Area, Prgm Mgmt	Specific Plan Area Program Management	2005-253	13.04.010	16	16	16	16	16	16	16	16
353	<sup>16</sup> I-205 Corridor Area, Prgm Mgmt	Specific Plan Area Program Management	2007-136	13.04.010	16	16	16	16	16	16	16	16
391	<sup>16</sup> Industrial Specific Plan South Area, Prgm Mgmt	Specific Plan Area Program Management	2009-048	13.04.010	16	16	16	16	16	16	16	16
391	<sup>16</sup> Presidio Area, Prgm Mgmt	Specific Plan Area Program Management	2000-265	13.04.010	16	16	16	16	16	16	16	16
391	<sup>16</sup> Tracy Gateway Area, Prgm Mgmt	Specific Plan Area Program Management	2007-175	13.04.010	16	16	16	16	16	16	16	16
391	<sup>16</sup> Northeast Industrial Area, Ph 2, Prgm Mgmt	Specific Plan Area Program Management	2008-010	13.04.010	16	16	16	16	16	16	16	16
391	<sup>16</sup> Ellis Program Area, Prgm Mgmt	Specific Plan Area Program Management	2013-136	13.04.010	16	16	16	16	16	16	16	16
391	<sup>16</sup> Citywide Master Plan Prgm Area, Prgm Mgmt	Specific Plan Area Program Management	2014-10	13.04.010	16	16	16	16	16	16	16	16
333	<sup>19</sup> Ellis Program Area	Parks and Recreation	2013-136	13.04.010	\$ 8,128.00	\$ 6,651.00	\$ 5,419.00	N/A	N/A	N/A	N/A	N/A
332	<sup>19</sup> Ellis Program Area	Storm Drainage	2013-136	13.04.010	\$ 1,797.00	\$ 981.00	\$ 2,229.00	N/A	N/A	N/A	\$ 6,691.00	\$ 23,836.00
331	<sup>19</sup> Ellis Program Area	Traffic	2013-136	13.04.010	\$ 2,693.00	\$ 2,693.00	\$ 1,293.00	N/A	N/A	N/A	\$ 2,693.00	\$ 42,825.00
331	<sup>19</sup> Ellis Program Area	County Traffic	2013-136	13.04.010	\$ 1,500.00	\$ 1,500.00	\$ 720.00	N/A	N/A	N/A	\$ -	\$ -
334	<sup>18</sup> Ellis Program Area	Public Buildings	2014-158	13.04.010	\$ 3,479.00	\$ 2,846.00	\$ 2,319.00	N/A	N/A	N/A	\$ 2,369.00	\$ 2,369.00
335	<sup>19</sup> Ellis Program Area	Water Supply, Treatment, Storage and Distribution	2013-136	13.04.010	\$ 7,058.00	\$ 6,070.00	\$ 4,094.00	N/A	N/A	N/A	\$ 39,736.00	\$ 39,736.00
337	<sup>19</sup> Ellis Program Area	Wastewater Treatment and Conveyance	2013-136	13.04.010	\$ 8,337.00	\$ 6,753.00	\$ 5,586.00	N/A	N/A	N/A	\$ 3,168.00	\$ 43,352.00
336	<sup>19</sup> Ellis Program Area	Recycled Water	2013-136	13.04.010	\$ 2,654.00	\$ 2,282.00	\$ 1,539.00	N/A	N/A	N/A	\$ 14,942.00	\$ 14,942.00

**EXHIBIT B**  
**Brief Descriptions of Fees and Amounts of Fees**  
**For Fiscal Year Ended June 30, 2019**  
(Government Code §66006(b)(1)(A) and (B).)

Fund	Fund Description	Finance and Implementation Plan (FIP) Fee Descriptions	Resolution Number	Tracy Municipal Code §	Residential Fees Per Dwelling Unit (Except as indicated)			Non-Residential Fees Per Gross Acre (Except as indicated)				
					SFDU	2 - 4	≥ 5	Institution	Industrial	Office	Storage	Retail
361	<sup>21, 23</sup> Citywide Master Plan Fees	Parks	2014-10	13.04.010	\$ 8,565.00	\$ 7,008.00	\$ 5,710.00	N/A	N/A	N/A	N/A	N/A
362	<sup>1, 22, 25</sup> Citywide Master Plan Fees	Storm Drainage	2014-10	13.04.010	Exh B-16	Exh B-16	Exh B-16	Exh B-16	Exh B-16	Exh B-16	N/A	Exh B-16
363	<sup>21, 23</sup> Citywide Master Plan Fees	Transportation	2014-10	13.04.010	\$ 5,878.00	\$ 3,586.00	\$ 3,586.00	N/A	\$ 81,874.00	\$ 143,177.00	N/A	\$ 179,500.00
367	<sup>18, 23</sup> Citywide Master Plan Fees (EFFECTIVE 7/1/2019 - 11/30/2019)	Public Safety Facilities	2014-158	13.04.010	\$ 1,529.00	\$ 1,250.00	\$ 1,019.00	N/A	\$154.40 <sup>20</sup>	\$771.92 <sup>20</sup>	N/A	\$463.16 <sup>20</sup>
360	<sup>24</sup> Citywide Master Plan Fees (EFFECTIVE 12/1/2019-6/30/2020)	Public Safety Facilities - Fire	2019-196	13.04.010	\$ 640.00	\$ 524.00	\$ 427.00	N/A	\$64.64 <sup>20</sup>	\$323.22 <sup>20</sup>	N/A	\$193.93 <sup>20</sup>
367	<sup>24</sup> Citywide Master Plan Fees (EFFECTIVE 12/1/2019-6/30/2020)	Public Safety Facilities - Police	2019-196	13.04.010	\$ 776.00	\$ 634.00	\$ 517.00	N/A	\$78.34 <sup>20</sup>	\$391.66 <sup>20</sup>	N/A	\$235.00 <sup>20</sup>
369	<sup>24</sup> Citywide Master Plan Fees (EFFECTIVE 12/1/2019-6/30/2020)	Public Safety Facilities - Communication Facilities	2019-196	13.04.010	\$ 262.00	\$ 215.00	\$ 175.00	N/A	\$26.48 <sup>20</sup>	\$132.42 <sup>20</sup>	N/A	\$79.45 <sup>20</sup>
391	<sup>24</sup> Citywide Master Plan Fees (EFFECTIVE 12/1/2019-6/30/2020)	Public Safety Program Management	2019-196	13.04.010	\$ 84.00	\$ 69.00	\$ 56.00	N/A	\$8.47 <sup>20</sup>	\$42.37 <sup>20</sup>	N/A	\$25.42 <sup>20</sup>
366	<sup>21, 23</sup> Citywide Master Plan Fees	Public Facilities	2014-10	13.04.010	\$ 3,347.00	\$ 2,738.00	\$ 2,231.00	N/A	\$28.98 <sup>20</sup>	\$144.86 <sup>20</sup>	N/A	\$86.91 <sup>20</sup>
365	<sup>21, 23</sup> Citywide Master Plan Fees	Water Supply, Treatment, Storage and Distribution	2014-10	13.04.010	\$ 10,590.00	\$ 7,625.00	\$ 5,400.00	N/A	\$ 33,039.00	\$ 33,039.00	N/A	\$ 44,053.00
364	<sup>21, 23</sup> Citywide Master Plan Fees	Wastewater Treatment and Conveyance (East Conveyance)	2014-10	13.04.010	\$ 10,350.00	\$ 8,468.00	\$ 6,900.00	N/A	\$ 41,399.00	\$ 44,691.00	N/A	\$ 44,691.00
364	<sup>21, 23</sup> Citywide Master Plan Fees	Wastewater Treatment and Conveyance (West Conveyance)	2014-10	13.04.010	\$ 9,448.00	\$ 7,731.00	\$ 6,299.00	N/A	\$ 37,795.00	\$ 40,801.00	N/A	\$ 40,801.00
368	<sup>21, 23</sup> Citywide Master Plan Fees	Recycled Water	2014-10	13.04.010	\$ 3,008.00	\$ 2,587.00	\$ 1,745.00	N/A	\$ 13,806.00	\$ 13,806.00	N/A	\$ 16,934.00
391	<sup>21, 23</sup> Citywide Master Plan Fees	Program Management	2014-10	13.04.010	<sup>16</sup>	<sup>16</sup>	<sup>16</sup>	<sup>16</sup>	<sup>16</sup>	<sup>16</sup>	N/A	<sup>16</sup>
391	<sup>26</sup> Northeast Industrial Future Area	Water Conveyance	2019-211	13.04.010	N/A	N/A	N/A	N/A	\$ 284.95	N/A	N/A	N/A
391	<sup>26</sup> Northeast Industrial Future Area	Wastewater Conveyance	2019-211	13.04.010	N/A	N/A	N/A	N/A	\$ 8,362.40	N/A	N/A	N/A
391	<sup>26</sup> Northeast Industrial Future Area	Program Management	2019-211	13.04.010	N/A	N/A	N/A	N/A	\$ 432.37	N/A	N/A	N/A

**Footnotes:**

- 1 Infill Area - Parks, Storm Drain, Arterials, Water and Program Management fees adopted April 2012. Wastewater fees: See Exhibit B-1; Public Building Fee Updated 9/16/14.
- 1a Infill Area - Pub Bldgs fees for non-residential development are per 1,000 Sq Ft of building area; Public Building Fees Updated 9/16/14.
- 2 Infill Area - Downtown Improvements is for a Downtown Incentive Area Parking Fee. Fee was updated and adopted on 10/6/16. See Exhibit B-2 for fee schedule.
- 3 Plan C Area - Parks, Storm Drain, Water and Wastewater fees: See Exhibit B-3, Adopted 6/19/07. Arterials fees: See Exhibit B-3.
- 4 Residential Specific Plan Area - Arterial fees were no longer applicable after the July 2003 FIP Update.
- 5 Northeast Industrial Area, Ph 1 - Arterials, Storm Drain and Wastewater fees: See Exhibit B-5; Roadway Fees update adopted 5/1/12. Storm Drainage Fees update adopted 10/2/18 by Resolution 2018-204 and updated on 7/1/19.
- 6 South MacArthur Plan Area - Arterials, Storm Drain, Parks and Wastewater fees: See Exhibit B-6; Roadway Fee Update adopted 12/6/11 by Resolution Number 2011-227.
- 7 Industrial Specific Plan South Area - Storm Drain and Wastewater fees: See Exhibit B-7.
- 8 Presidio Area - Water and Arterial Fees updated October 2, 2001 by Resolution 2001-351. Storm Drain fees: See Exhibit B-8.
- 9 Tracy Gateway Area - Golf Course, Golf Course Club House and Golf Maintenance Facilities fees were spread to other Phase 1 land uses: See Exhibit B-9; Roadway Fee Update adopted 12/6/11 by Resolution Number 2011-227.
- 10 Northeast Industrial Area, Ph 2 - Arterials, Storm Drain and Wastewater fees: See Exhibit B-10; Roadway Fees update adopted 5/1/12. Storm Drainage Fees update adopted 10/2/18 by Resolution 2018-204 and updated on 7/1/19.
- 11 I-205 Corridor Area - Obligations vary between parcels: See Exhibit B-17 (Exhibit E titled "Current Approved Finance Plans, June 2007").
- 12 Habitat Mitigation fees are collected to mitigate loss of multi-species habitat. Fees are paid to San Joaquin Council of Governments (SJCOG). See Exhibit B-12.
- 13 Agricultural Mitigation fees are collected to mitigate loss of farmland and open spaces. See Exhibit B-13.
- 14 County Facilities Fees are collected to offset costs associated with County capital facilities. Fees are paid to San Joaquin County. See Exhibit B-14.
- 15 Regional Transportation Impact Fees are collected to finance the regional transportation capital projects. See Exhibit B-15.
- 16 Program Management fees are 5% of Construction Costs.
- 17 As amended on 4/4/14 by Resolution 2014-070.
- 18 As amended on 9/16/14 by Resolution 2014-158.
- 19 Adopted by Resolution Number 2013-136 on 8/20/13.
- 20 Citywide Master Plan Fees - Public Safety and Public Facilities Fees for non-residential development are per 1,000 Sq Ft of building area.
- 21 Adopted by Resolution Number 2014-10 on 1/7/14. Storm Drainage fees: see Exh B-16.
- 22 Citywide Master Plan Storm Drainage Fees: Northeast Industrial Area and Eastside Industrial Fees adopted on 10/2/18 by Resolution 2018-204 and updated on 7/1/2019.
- 23 Citywide Master Plan Fees updated on 7/1/2018 by the City and updated on 7/1/2019.
- 24 Updated Public Safety Impact Fees for Fire, Police, Communication Facilities, and Program Management adopted on 10/1/19 by Resolution 2019-196.
- 25 Updated Lammers and Mountain House Watershed Storm Drainage Fees adopted on 11/5/19 by Resolution No. 2019-217.
- 26 Northeast Industrial Area Future Phases Water, Wastewater and Program Management Fees adopted on 11/5/19 by Resolution 2019-211.

**EXHIBITS B-1 THROUGH B-17  
SUPPLEMENTAL DATA TO EXHIBIT B  
Amounts and Descriptions of Fees  
For Fiscal Year Ended June 30, 2019  
(Government Code §66006(b)(1)(A) and (B).)**

**EXHIBIT B-1: INFILL AREA - WATER, WASTEWATER, STORM DRAINAGE FEES**

Public Facilities	Residential Fees Per Unit			Non-Residential Fee Per Gross Acre			
	SFD	2 - 4	≥ 5	Industrial	Institutional	Office	Retail
	WW Conveyance-Corral Hollow Sewer	\$9,394.00	\$7,609.00	\$6,294.00	\$37,576.00	\$37,576.00	\$40,394.00
WW Conveyance-Eastside Sewer	\$9,293.00	\$7,527.00	\$6,226.00	\$37,172.00	\$37,172.00	\$39,960.00	\$48,324.00
WW Conveyance-City Core Sewer	\$10,125.00	\$8,201.00	\$6,784.00	\$40,500.00	\$40,500.00	\$43,538.00	\$52,650.00
WW Conveyance-MacArthur	\$9,816.00	\$7,951.00	\$6,577.00	\$39,264.00	\$39,264.00	\$42,209.00	\$51,043.00

**EXHIBIT B-2: INFILL AREA - DOWNTOWN INCENTIVE AREA PARKING FEE**

Parking Fee	\$0
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**EXHIBIT B-3: PLAN C AREA - WATER, WASTEWATER, ROADWAYS, STORM DRAINAGE, PARKS**

Public Facilities	Residential Fees Per Unit			Non-Residential (Edgewood Subd Only) Fee Per Gross Acre			
	SFD	2 - 4	≥ 5	Industrial	Institutional	Office	Retail
	Mini/Neighborhood Parks	\$4,693.00	\$3,911.00	\$3,129.00	N/A	N/A	N/A
Community Parks	\$1,549.00	\$1,290.00	\$1,032.00	N/A	N/A	N/A	N/A
Storm Drainage-Upgrade-Byron Zone	\$3,953.00	\$2,451.00	\$2,010.00	N/A	N/A	N/A	N/A
Storm Drainage-Upgrade-Purple Zone	\$6,642.00	\$4,117.00	\$3,375.00	N/A	N/A	N/A	N/A
Storm Drainage-Upgrade-Yellow Zone	\$5,392.00	\$3,343.00	\$2,742.00	N/A	N/A	N/A	N/A
Storm Drainage-Upgrade-Orange Zone	\$4,146.00	\$2,571.00	\$2,109.00	N/A	N/A	N/A	\$52,575.00
Storm Drainage-Upgrade-Blue Zone	\$6,593.00	\$4,087.00	\$4,193.00	N/A	N/A	N/A	N/A
Storm Drainage-Upgrade-Pink Zone	\$4,876.00	\$3,024.00	\$2,486.00	N/A	N/A	N/A	N/A
Storm Dm-Subdrains-Byron Zn-Huntington Park	\$138.00	N/A	N/A	N/A	N/A	N/A	N/A
Storm Dm-Subdrains-Byron Zone-Lyon Crossroads	\$281.00	N/A	N/A	N/A	N/A	N/A	N/A
Storm Dm-Subdrains-Byron Zone-San Marco	\$346.00	N/A	N/A	N/A	N/A	N/A	N/A
Storm Dm-Subdrains-Byron Zone-Westgate	\$334.00	N/A	\$97.00	N/A	N/A	N/A	N/A
Arterials-Upgrade-Northwest	\$9,717.00	\$4,626.00	\$4,626.00	N/A	N/A	N/A	N/A
Arterials-Upgrade-Southwest	\$4,413.00	\$2,103.00	\$2,103.00	N/A	N/A	N/A	\$68,894.00
Arterials-Upgrade-Southeast	\$6,615.00	\$3,150.00	\$3,150.00	N/A	N/A	N/A	N/A
Water Supply-Edgewood	\$1,363.00	\$1,131.00	\$913.00	N/A	N/A	N/A	\$982.00
Water SSJID-Edgewood	\$746.00	\$621.00	\$497.00	N/A	N/A	N/A	\$1,123.00
Wastewater Conveyance	\$328.00	\$272.00	\$220.00	N/A	N/A	N/A	\$1,749.00
Wastewater Collection-Corral Hollow	\$774.00	\$645.00	\$516.00	N/A	N/A	N/A	\$3,546.00
Wastewater Collection-East Side	\$570.00	\$475.00	\$379.00	N/A	N/A	N/A	\$2,610.00
WW Treatment Plant Expansion	\$12,807.00	\$10,677.00	\$8,539.00	N/A	N/A	N/A	\$29,280.00

**EXHIBIT B-4: RESIDENTIAL SPECIFIC PLAN AREA - STORM DRAINAGE, PUBLIC BUILDINGS, PARKS**

Public Facilities	Fees based on number of Project Equivalent Consumer Units	
	All Residential Projects	All Non-Residential Projects
	Parks	\$523
Storm Drainage	\$9,105	\$9,105
Public Buildings	\$19,672	N/A

**EXHIBIT B-5: NORTHEAST INDUSTRIAL AREA, PH 1 - WASTEWATER, ARTERIALS, STORM DRAINAGE**

Public Facilities	Residential Fees Per Unit			Non-Residential (Industrial Only) Fee Per Gross Acre			
	SFD	2 - 4	≥ 5	Industrial	Institutional	Office	Retail
	Arterials Upgrades	N/A	N/A	N/A	\$65,609.00	N/A	N/A
Arterials CFD 89-1 Reimb	N/A	N/A	N/A	\$382.00	N/A	N/A	N/A
Arterials RSP Reimb	N/A	N/A	N/A	\$1,484.00	N/A	N/A	N/A
Storm Drainage - Watershed	N/A	N/A	N/A	\$31,821.00	N/A	N/A	N/A
Storm Drainage - Eastside Channel Fee	N/A	N/A	N/A	\$4,019.00	N/A	N/A	N/A
Wastewater Conveyance Upgrade	N/A	N/A	N/A	\$8,428.00	N/A	N/A	N/A
Wastewater Treatment Plant Upgrade	N/A	N/A	N/A	\$28,617.00	N/A	N/A	N/A
Wastewater CFD 89-1 Reimb	N/A	N/A	N/A	\$1,405.00	N/A	N/A	N/A

**EXHIBITS B-1 THROUGH B-17  
SUPPLEMENTAL DATA TO EXHIBIT B  
Amounts and Descriptions of Fees  
For Fiscal Year Ended June 30, 2019  
(Government Code §66006(b)(1)(A) and (B).)**

**EXHIBIT B-6: SOUTH MACARTHUR PLAN AREA - ALL FEES**

Public Facilities (Residential Projects Only)	Yosemite Vista Subdivision			Elissagaray Ranch Subdivision		
	Fees Per Unit			Fees Per Unit		
	SFD	2 - 4	≥ 5	SFD	2 - 4	≥ 5
Arterials - Upgrades	\$7,858.00	N/A	N/A	\$7,858.00	N/A	N/A
Arterials - CFD 89-1 Reimb	\$89.00	N/A	N/A	\$89.00	N/A	N/A
Arterials - RSP Reimb	\$664.00	N/A	N/A	\$664.00	N/A	N/A
Storm Drainage - Upgrade	\$3,855.00	N/A	N/A	\$3,855.00	N/A	N/A
Mini/Neighborhood and Community Parks	\$5,636.00	N/A	N/A	\$5,636.00	N/A	N/A
Wastewater-Eastside Sewer System Connection	\$543.00	N/A	N/A	\$27.00	N/A	N/A
Wastewater-Gravity Sewer Improvements	\$406.00	N/A	N/A	\$58.00	N/A	N/A
Wastewater Treatment Plant Upgrade	\$10,436.00	N/A	N/A	\$7,405.00	N/A	N/A

**EXHIBIT B-7: INDUSTRIAL SPECIFIC PLAN SOUTH AREA - STORM DRAINAGE, WASTEWATER**

Public Facilities	Residential			Non-Residential			
	Fees Per Unit			Fee Per Gross Acre			
	SFD	2 - 4	≥ 5	Industrial	Institutional	Office	Retail
Storm Drainage - Upgrades - Zone 1	\$3,654.00	\$2,265.00	\$1,847.00	\$46,037.00	N/A	\$46,037.00	\$46,037.00
Storm Drainage - Westside Outfall - Zone 1	\$449.00	\$220.00	\$227.00	\$5,662.00	N/A	\$5,662.00	\$5,662.00
Storm Drainage - Upgrades - Zone 2	\$1,311.00	\$642.00	\$526.00	\$16,519.00	N/A	\$16,519.00	\$16,519.00
Storm Drainage - Westside Outfall - Zone 2	\$449.00	\$220.00	\$227.00	\$5,662.00	N/A	\$5,662.00	\$5,662.00
Wastewater Treatment Plant Upgrade	\$1,943.00	\$1,620.00	\$1,295.00	\$10,356.00	N/A	\$8,938.00	\$8,938.00
Wastewater - Sewer Collection Conveyance	\$3,237.00	\$2,676.00	\$2,158.00	\$1,995.00	N/A	\$1,995.00	\$1,995.00
Wastewater - Cheng Diversion Reimb	\$208.00	\$173.00	\$139.00	\$1,108.00	N/A	\$970.00	\$970.00

**EXHIBIT B-8: PRESIDIO AREA - STORM DRAINAGE**

Public Facilities Single Family Dwelling Units	Residential Only			Non-Residential			
	Fees Per Unit			Fee Per Gross Acre			
	Pink Zone	Purple Zone	Yellow Zone	Industrial	Institutional	Office	Retail
Storm Drainage - Westside Channel Reimb	\$963	N/A	N/A	N/A	N/A	N/A	N/A
Storm Drainage - Upgrades	N/A	\$336.00	\$691.00	N/A	N/A	N/A	N/A
Storm Drainage - RSP Reimb	N/A	\$1,153.00	\$1,112.00	N/A	N/A	N/A	N/A

**EXHIBIT B-9: TRACY GATEWAY AREA - ALL FEES**

Public Facilities	Residential			Non-Residential			
	Fees Per Unit			Fee Per Gross Acre			
	SFD	2 - 4	≥ 5	Retail	Ofc w/o Def	Ofc w/ Def	Hotel (200 Room)
Arterials - Streets & Highways	N/A	N/A	N/A	\$36,952.00	\$25,610.00	\$1,626.00	\$34,606.00
Storm Drainage	N/A	N/A	N/A	\$9,549.00	\$9,549.00	\$4,350.00	\$5,199.00
Public Buildings	N/A	N/A	N/A	\$7,385.00	\$17,806.00	\$17,806.00	\$15,307.00
Water & Non-Potable Water	N/A	N/A	N/A	\$80,459.00	\$116,237.00	\$72,302.00	\$352,851.00
Wastewater-Conveyance & WRF	N/A	N/A	N/A	\$28,176.00	\$40,706.00	\$1,106.00	\$123,567.00

**EXHIBIT B-10: NORTHEAST INDUSTRIAL AREA, PH 2 - WASTEWATER, ARTERIALS, STORM DRAINAGE**

Public Facilities	Residential			Non-Residential (Industrial Only)			
	Fees Per Unit			Fee Per Gross Acre			
	SFD	2 - 4	≥ 5	Industrial	Institutional	Office	Retail
Arterials - Upgrades	N/A	N/A	N/A	\$44,059.00	N/A	N/A	N/A
Arterials - RSP Reimb	N/A	N/A	N/A	\$416.00	N/A	N/A	N/A
Arterials - Traffic Signals	N/A	N/A	N/A	\$1,412.00	N/A	N/A	N/A
Arterials - Land/Easement Acquisitions	N/A	N/A	N/A	\$18,721.00	N/A	N/A	N/A
Storm Drainage - Watershed	N/A	N/A	N/A	\$31,821.00	N/A	N/A	N/A
Storm Drainage - Eastside Channel Fee	N/A	N/A	N/A	\$4,019.00	N/A	N/A	N/A
Wastewater - Collections System Improvements	N/A	N/A	N/A	\$16,494.00	N/A	N/A	N/A
Wastewater - Treatment Plant Upgrade	N/A	N/A	N/A	\$16,786.00	N/A	N/A	N/A
Wastewater - CFD 89-1 Reimb	N/A	N/A	N/A	\$1,431.00	N/A	N/A	N/A

**EXHIBITS B-1 THROUGH B-17  
SUPPLEMENTAL DATA TO EXHIBIT B  
Amounts and Descriptions of Fees  
For Fiscal Year Ended June 30, 2019  
(Government Code §66006(b)(1)(A) and (B).)**

**EXHIBIT B-12: HABITAT MITIGATION FEES**

Land Use	Multi-Purpose Open Space	Natural and Agricultural Lands	Vernal Pool - Uplands	Vernal Pool - Wetted
Fee Per Gross Acre (EFFECTIVE 1/1/19-12/31/19)	\$6,700	\$13,399	\$54,576	\$101,033
Fee Per Gross Acre (EFFECTIVE 1/5/20-12/31/20)	\$6,412	\$12,822	\$52,833	\$100,788

**EXHIBIT B-13: AGRICULTURAL MITIGATION FEES**

Description	Fee Per Gross Acre
Agricultural Mitigation-Ag Land Purchase (EFFECTIVE 3/1/19-2/28/20)	\$2,906.23
Agricultural Mitigation-Ag Land Purchase (EFFECTIVE 3/1/20-2/28/21)	\$2,977.52

**EXHIBIT B-14: COUNTY FACILITIES FEES (EFFECTIVE 7/1/19 to 6/30/20)**

Fee Category	Fee Per Dwelling Unit			Fee Per Building Square Foot		
	SFDU	2 - 4	≥ 5	Industrial	Office	Retail
County Facilities Fee	\$ 2,585.00	\$ 1,918.00	\$ 1,918.00	\$ 0.11	\$ 0.64	\$ 0.43

**EXHIBIT B-15: REGIONAL TRANSPORTATION IMPACT FEES (EFFECTIVE 7/1/19 to 6/30/20)**

Fee Category	Fee Per Dwelling Unit			Fee Per Building Square Foot			
	SFDU	2 - 4	≥ 5	Warehouse	Industrial	Office	Retail
Regional Transportation Impact Fee	\$ 3,510.92	\$ 2,106.55	\$ 2,106.55	\$ 0.44	\$ 1.06	\$ 1.76	\$ 1.40

**EXHIBIT B-16: CITYWIDE MASTERPLANS- STORM DRAINAGE (EFFECTIVE 7/1/19 to 6/30/20)**

Fee Category	Residential Fees Per Unit			Non-Residential (Industrial Only) Fee Per Gross Acre			
	SFD	2 - 4	≥ 5	Industrial	Institutional	Office	Retail
Public Facilities							
Storm Drainage - Keenan	\$ 2,427.00	\$ 1,639.00	\$ 1,465.00	N/A	N/A	N/A	N/A
Storm Drainage - Westside Residential	\$ 5,180.00	\$ 3,470.00	\$ 3,096.00	N/A	N/A	N/A	N/A
Storm Drainage - NW WSO	N/A	N/A	N/A	\$ 18,569.00	N/A	\$ 18,569.00	\$ 18,569.00
Storm Drainage - Larch Clover	N/A	N/A	N/A	N/A	N/A	N/A	\$ 11,396
Storm Drainage - Eastside Industrial	N/A	N/A	N/A	\$ 44,781.00	N/A	N/A	\$ 44,781.00
Storm Drainage - Northeast Industrial Area	\$ 2,115.00	\$ 1,306.00	\$ 1,203.00	\$ 35,840.00	N/A	\$ 35,840.00	\$ 35,840.00
Storm Drainage - South MacArthur & Rocha	\$ 5,065.00	\$ 3,368.00	\$ 3,014.00	N/A	N/A	N/A	\$ 92,367.00
Storm Drainage - Mtn. House (EFFECTIVE 7/1/2019 - 12/4/2019)	N/A	N/A	N/A	\$ 17,901.00	N/A	\$ 17,901.00	\$ 17,901.00
Storm Drainage - Mtn. House (EFFECTIVE 12/5/2019 - 6/30/2020)	N/A	N/A	N/A	\$ 18,324.00	N/A	\$ 18,324.00	\$ 18,324.00
Storm Drainage - Lammers Watershed (EFFECTIVE 7/1/2019 - 12/4/2019)	\$ 1,478.00	\$ 984.00	\$ 880.00	\$ 26,993.00	N/A	\$ 26,993.00	\$ 26,993.00
Storm Drainage - Lammers Watershed (EFFECTIVE 12/5/2019 - 6/30/2020)	\$ 1,529.00	\$ 1,017.00	\$ 911.00	\$ 27,922.00	N/A	\$ 27,922.00	\$ 27,922.00
Storm Drainage - Kagehiro & West Larch Clover	\$ 603.00	\$ 425.00	\$ 379.00	N/A	N/A	N/A	N/A



**EXHIBITS B-1 THROUGH B-17**  
**SUPPLEMENTAL DATA TO EXHIBIT B**  
**Amounts and Descriptions of Fees**  
**For Fiscal Year Ended June 30, 2019**  
(Government Code §66006(b)(1)(A) and (B).)

**EXHIBIT B-17: I-205 AREA - ROAD, WATER, WASTEWATER, ROADWAYS, STORM DRAINAGE, PARKS**

	Total	Total	Total	Total	Total	Total	Total	Total	Total
	PCL GL-2B (7)	PCL GL-6	PCL GL-8	PCL GL-15 1(A)	PCL GL-15-1(B)	PCL GL-16	PCL GL-24c	PCL M1	PCL M2
	(SC)	(GC)	(FC)	(GC)	(GC)	(SC)	(GC)	(LI)	(LI)
<b>Cost Allocations</b>									
1. Road Circulation	\$889,337	\$68,349	\$226,508	\$136,699	\$182,265	\$254,905	\$2,415,008	\$0	\$0
2. Freeway Interchange	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
3. Signals	\$46,764	\$3,594	\$11,910	\$7,188	\$9,584	\$13,404	\$126,987	\$0	\$0
3a. Intersection Mitigation	\$80,876	\$6,216	\$20,598	\$12,431	\$16,575	\$23,181	\$219,619	\$0	\$0
<b>4. Sub-Total Road Costs</b>	<b>\$1,016,976</b>	<b>\$78,159</b>	<b>\$259,017</b>	<b>\$156,318</b>	<b>\$208,424</b>	<b>\$291,490</b>	<b>\$2,761,615</b>	<b>\$0</b>	<b>\$0</b>
5A. Sanitary Sewer Treatment	\$184,868	\$10,125	\$66,181	\$20,250	\$26,999	\$52,988	\$357,743	\$151,113	\$419,976
5B. Sanitary Sewer Collection	\$37,261	\$2,041	\$13,339	\$4,081	\$5,442	\$10,680	\$72,104	\$0	\$0
6A. Water Distribution (on-site)	\$26,813	\$1,518	\$8,421	\$3,037	\$4,049	\$7,685	\$53,653	\$0	\$0
6B. Water Distribution (off-site)	\$237,559	\$13,454	\$74,607	\$26,908	\$35,877	\$68,090	\$475,367	\$186,111	\$517,243
6C. Water Supply (9)	-\$134,513	-\$7,618	-\$42,245	-\$15,236	-\$20,315	-\$38,555	-\$269,167	-\$105,381	-\$292,878
6D. Water Treatment / Storage	\$273,603	\$15,495	\$85,927	\$30,990	\$41,320	\$78,421	\$547,493	\$214,349	\$595,722
7. Storm Drains	\$5,456	\$347	\$811	\$695	\$927	\$1,564	\$12,278	\$0	\$0
8. Irrigation (NBID)	\$43,426	\$2,766	\$6,454	\$5,532	\$7,376	\$12,447	\$97,731	\$0	\$0
9. Entries & Gateways (1)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
10. I-205 Mini Parks	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
11. Downtown Assistance	\$6,314	\$402	\$938	\$804	\$1,072	\$1,810	\$14,209	\$5,161	\$14,343
12. Park & Ride	\$9,445	\$602	\$1,404	\$1,203	\$1,604	\$2,707	\$21,257	\$0	\$0
13. Air Quality	\$538	\$34	\$80	\$69	\$91	\$154	\$1,210	\$440	\$1,222
14. Swainson Hawk	\$18,442	\$1,175	\$2,741	\$2,349	\$3,132	\$5,286	\$41,504	\$15,075	\$41,896
15A. Fire / Public Works Capital	\$102,856	\$6,551	\$15,286	\$13,103	\$17,470	\$29,481	\$231,481	\$84,075	\$233,664
15B. Agricultural Conversion Fee	\$1,758	\$112	\$261	\$224	\$299	\$504	\$3,957	\$1,437	\$3,994
16A. Park Land	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
16B. Park Land Credit	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
16C. Park Construction	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
17A. Master Landscape Plan	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
17B. Master Landscape Plan Credit	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
18. Public Buildings	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
19. RSP Storm Drain Fee	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
20. I-205 Entry	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
21. AD 84-1 Sewer Collection Fee (2)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
22. AD 87-3 Water Distribution Fee (2)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
23. Communication Tower (10)	\$ 2,529.72	\$ 161.13	\$ 375.97	\$ 322.26	\$ 429.68	\$ 725.08	\$ 5,693.20	\$ 1,148.79	\$ -
<b>24. TOTAL DISTRICT DIRECT COSTS</b>	<b>\$1,833,330</b>	<b>\$125,324</b>	<b>\$493,598</b>	<b>\$250,649</b>	<b>\$334,198</b>	<b>\$525,477</b>	<b>\$4,428,128</b>	<b>\$553,527</b>	<b>\$1,535,182</b>
25. Contingency (15%)*	\$278,608	\$18,726	\$76,627	\$37,453	\$49,937	\$79,856	\$661,665	\$95,347	\$264,991
26. Design & Construction Fees (15%)*	\$278,608	\$18,726	\$76,627	\$37,453	\$49,937	\$79,856	\$661,665	\$95,347	\$264,991
<b>27. TOTAL CONST., DESIGN &amp; CONTING **</b>	<b>\$2,390,545</b>	<b>\$162,777</b>	<b>\$646,852</b>	<b>\$325,554</b>	<b>\$434,072</b>	<b>\$685,188</b>	<b>\$5,751,459</b>	<b>\$744,222</b>	<b>\$2,065,164</b>
28. Credit from CFD 91-1 Overlap (3)	-\$30,359								
29. Soundwall - Corral Hollow Rd @ Greenleaf	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
30. Program Management	\$78,045	\$4,971	\$11,599	\$9,942	\$13,256	\$22,370	\$175,643	\$63,795	\$177,300
31. Credit for Land Dedication for well (8)									
<b>32. TOTAL NET COST</b>	<b>\$2,438,231</b>	<b>\$167,748</b>	<b>\$658,451</b>	<b>\$335,496</b>	<b>\$447,328</b>	<b>\$707,558</b>	<b>\$5,927,101</b>	<b>\$808,016</b>	<b>\$2,242,463</b>
<b>33. TOTAL COST/NET ACRE</b>	<b>\$258,836</b>	<b>\$279,580</b>	<b>\$470,322</b>	<b>\$279,580</b>	<b>\$279,580</b>	<b>\$262,058</b>	<b>\$279,580</b>	<b>\$104,937</b>	<b>\$104,788</b>
<b>34. TOTAL COST/SQ. FT. OF LAND</b>	<b>\$5.94</b>	<b>\$6.42</b>	<b>\$10.80</b>	<b>\$6.42</b>	<b>\$6.42</b>	<b>\$6.02</b>	<b>\$6.42</b>	<b>\$2.41</b>	<b>\$2.41</b>

\* Fee on construction items only (1,3,5A-6B,6D,7,8,10,12,15A).  
\*\* Includes no District formation or Bond financing costs.  
(1) Item 9 funds transferred to water treatment / storage per City Council direction.  
(2) AD 84-1 & 87-3 are for sewer collection fees and water distribution fees and does not include wastewater or water treatment cost participation.  
(3) Credit from CFD 91-1 overlap.  
(4) GL-5B is the remnant of GL-5, GL-11, and Old Naglee Road.  
(5) GL-27 is the remnant from the following parcels: GL-5, GL-6, GL-7, GL-9, GL-10 & GL-11.  
(6) M-1 & M-2 Net Area was calculated to be approximately 55 percent of gross area due to parcels within flood plain.  
(7) GL-2b has a finance plan that is subject to update with the latest spreadsheet. Parcel E (3.64 acres) has pulled a permit and was removed from the spread.  
(8) \$146,780 will be paid to the redevelopment agency for the cost of the land that was used for the well near the corner of Grant Line and Naglee Road (part of GL-27).  
(9) These numbers are negative due to a change between spreadsheet #42 and #43 where project funds from CIP 7514 in Water Supply were shifted to CIP 7533 under Water Distribution off-site and 7532 under Water Treatment/Storage. Remaining parcels therefore are receiving a "credit" for excess money in water supply but are paying more towards Water Distribution off-site and Water Treatment/Storage.  
(10) Communication tower based on building SF. Costs shown here are costs assumed per acre based on estimated FAR. Fee is \$20.55 per 1000 sf of building for commercial/retail, \$34.25 for office, and \$6.85 per 1000 sf of light industrial sf of building.

**EXHIBIT C**  
**Summary of Expenses Anticipated Construction Dates**  
**for Fiscal Year Ended June 30, 2019**  
(Government Code §66006(b)(1)(C) and (D).)

Funding Source	Project Number	Project Title	Project Budget
Program Management	71107	Public Facilities Master Plan Update	\$ 498,984.00
Program Management	71108	Public Safety Master Plan Update	\$ 419,783.00
TIMP Public Safety	71110	Police Department Gun Range	\$ 162,095.00
TIMP Traffic	73148	BW: DMC & Mt House Pkwy	\$ 86,712.00
Arterials Plan "C"	72068	TS: Lammers/West Schulte	\$ 423,853.00
TIMP Traffic	72068	TS: Lammers/West Schulte	\$ 751,582.00
Industrial SP, South	72074	IS Imp: Tracy & Valpico	\$ 21,521.00
Industrial SP, South	72095	TS: CHR & Valpico	\$ 277,448.00
Ellis Area Traffic	72104	Intersection Improvements - Corral Hollow & Linne	\$ 300,000.00
Tracy Gateway Area	73084	IC Impvts:I205 & Lammers	\$ 276,802.00
Arterials Plan "C"	73103	Awid: CHR:, 11th to Schulte	\$ 549,636.00
TIMP Traffic	73109	IC: I205 & Paradise	\$ 375,904.00
Industrial SP, South	73126	AW-MacA Dr, Schulte to Valp	\$ 245,890.00
Infill Arterials	73126	AW-MacA Dr, Schulte to Valp	\$ 158,268.00
TIMP Traffic	73144	AW: Cor Hol Rd, Linne to Old Schult	\$ 1,680,635.00
Reg Transport Impact	73146	I-205/Mountain House Overcrossing	\$ 127,114.00
Reg Transport Impact	73147	OC Upgrade-I205 & Mt House Pkwy	\$ 1,486,298.00
TIMP Traffic	73147	OC Upgrade-I205 & Mt House Pkwy	\$ 805,723.00
TIMP Traffic	73149	BW: DMC & Old Schulte Rd	\$ 91,959.00
TIMP Traffic	73150	BW-DM Canal & Old Schulte	\$ 76,388.00
TIMP Traffic	73161	Widening - Corral Hollow I580/Linne	\$ 500,000.00
Program Management	73173	Transportation Master Plan	\$ 200,055.00
TIMP Traffic	73173	Transportation Master Plan	\$ 373,326.00
Industrial SP, South	74084	WW Lines Upgrade, East Side	\$ 721,013.00
TIMP Wastewater	74159	Wastewater Master Plan	\$ 386,501.00
TIMP Water	75159	Water Master Plan	\$ 385,786.00
TIMP Water	75160	Water Lines Lammers Rd	\$ 2,358,725.00
Plan C Drainage	76059	Dng Imp: SoMacAr, Ph 2	\$ 54,000.00
South MacArthur PA	76059	Dng Imp: SoMacAr, Ph 2	\$ 446,699.00
Industrial SP, South	76066	Detention Basin 2B-Blue Zone	\$ 1,205,402.00
Infill Drainage	76066	Detention Basin 2B-Blue Zone	\$ 143,862.00
Plan C Drainage	76066	Detention Basin 2B-Blue Zone	\$ 213,915.00
Program Management	76086	Storm Drain Master Plan	\$ 29,097.00
TIMP Drainage	76086	Storm Drain Master Plan	\$ -
Gen Fac Plan "C"	78054	Aquatics Center	\$ 1,645,946.00
Industrial SP, South	78054	Aquatics Center	\$ 231,500.00
Presidio Area	78054	Aquatics Center	\$ 114,700.00
Plan C Parks	78164	Legacy Field Site Phase 1D	\$ 255,775.00
Infill Parks	78170	Gretchen Tally Park Phase III	\$ 2,000,000.00
TIMP Parks	78170	Gretchen Tally Park Phase III	\$ 485,581.00
Program Management	78179	Parks Master Plan	\$ 31,856.00
TIMP Parks	78179	Parks Master Plan	\$ 181,650.00
<b>TOTAL:</b>			<b>\$ 20,781,984.00</b>

**EXHIBIT C**  
**Summary of Expenses Anticipated Construction Dates**  
**for Fiscal Year Ended June 30, 2019**  
(Government Code §66006(b)(1)(C) and (D).)

**INFILL AREA, PARK FEE - FUND 311**

Funding Source	Project Number	Project Title	Project Remaining Cost
Infill	78PP-066	Infill 2.66 acres of community park	\$ 376,550.00
Infill	78PP-123	Infill 7.99 acres of neighborhood park	\$ 3,995,000.00
<b>TOTAL:</b>			<b>\$ 4,371,550.00</b>

**INFILL AREA, STORM DRAINAGE FEE - FUND 312**

Funding Source	Project Number	Project Title	Project Remaining Cost
Infill	76PP-073	Detention Basin 12	\$ 408,750.00
Infill	76PP-074	Lowell Detention Basin	\$ 800,500.00
Infill	76PP-075	Storm Drain Improvement - 18" & 24" (Tracy Blvd and 12th St)	\$ 1,196,250.00
Infill	76PP-XXX	Larch Road Pump Station Upgrade	\$ 145,000.00
<b>TOTAL:</b>			<b>\$ 2,550,500.00</b>

**INFILL AREA, ARTERIALS FEE - FUND 313**

Funding Source	Project Number	Project Title	Project Remaining Cost
Infill	72094	Tracy Boulevard / Gandy Dancer Traffic Signal	\$ 250,000.00
Infill	73126	MacArthur Drive: Schulte Road to Valpico Road Phase II	\$ 51,962.98
Infill	72PP-056	Chrisman Road / Valpico Road Traffic Signal	\$ 250,000.00
Infill	72PP-064	Grant Line Road / Lincoln Boulevard re-stripe	\$ 6,857.00
Infill	72PP-094	Eleventh Street / Lincoln Boulevard	\$ 791,329.00
Infill	73PP-042	Grant Line Road upgrade: Lincoln d to Tracy Boulevard	\$ 503,567.00
Infill	73PP-071	MacArthur Drive: Larch to I-205 WB Ramps	\$ 1,552,964.00
<b>TOTAL:</b>			<b>\$ 3,406,679.98</b>

**INFILL AREA, PUBLIC BUILDINGS AND EQUIPMENT FEE - FUND 314**

Funding Source	Project Number	Project Title	Project Remaining Cost
Infill	78088	Fair share of the library facilities expansion	\$ 584,971.00
Infill	71PP-052	Public Safety Facilities	\$ 1,311,189.00
Infill	71PP-072	City Hall & Public Works Facility Expansion, Phase 2	\$ 1,585,652.00
<b>TOTAL:</b>			<b>\$ 3,481,812.00</b>

**INFILL AREA, PROGRAM MANAGEMENT FEE - FUND 315**

Funding Source	Project Number	Project Title	Project Remaining Cost
Infill	79PP-XXX	Infill - Program Management	\$ 250,000.00
<b>TOTAL:</b>			<b>\$ 250,000.00</b>

**INFILL AREA, WATER FEE - FUND 513**

Funding Source	Project Number	Project Title	Project Remaining Cost
Infill	75085	Water Transmission Line 20 in (Lammers Rd between Jackson Ave. and Redbridge Rd.)	\$ 79,750.00
Infill	75PP-095	Emergency Storage - Back-Up Generators	\$ 555,350.00
Infill	75PP-099	Groundwater Conjunctive Use Study	\$ 66,000.00
Infill	75PP-XXX	Linne Road Reservoir and Booster Pump Station	\$ 1,099,100.00
<b>TOTAL:</b>			<b>\$ 1,800,200.00</b>

**EXHIBIT C**  
**Summary of Expenses Anticipated Construction Dates**  
**for Fiscal Year Ended June 30, 2019**  
(Government Code §66006(b)(1)(C) and (D).)

**INFILL AREA, WASTEWATER FEE - FUND 523**

Funding Source	Project Number	Project Title	Project Remaining Cost
Infill	74084	East Side Sewer Upgrades	\$ 2,320,012.00
Infill	74PP-114	Corral Hollow Sewer Upgrades	\$ 363,357.00
Infill	74PP-XXX	Contribution to NEI Improvements	\$ 860,713.00
Infill	74PP-XXX	City Core Sewer Upgrades	\$ 625,212.00
<b>TOTAL:</b>			<b>\$ 4,169,294.00</b>

**PLAN C, PARKS FEE - FUND 321**

Funding Source	Project Number	Project Title	Project Remaining Cost
Plan C	78069	Community Park-Phase 2, Youth Sports Facility	\$ 1,356,467.47
<b>TOTAL:</b>			<b>\$ 1,356,467.47</b>

**PLAN C, STORM DRAINAGE FEE - FUND 322**

Funding Source	Project Number	Project Title	Project Remaining Cost
Plan C	76066	Detention Basin 2B (Zone 1)	\$ 163,095.03
Plan C	76PP-027	48" Storm Drain	\$ 178,500.00
Plan C	76PP-028	Storm Drainage for San Marco / Gabriel Estates Development	\$ 187,900.00
Plan C	76PP-029	42" Storm Drain	\$ 212,900.00
Plan C	76PP-030	36" Storm Drain	\$ 142,500.00
Plan C	76PP-031	60" Storm Drain Outfall	\$ 79,100.00
Plan C	76PP-032	54" Storm Drain Outfall	\$ 114,700.00
Plan C	76PP-033	48" Storm Drain Outfall	\$ 115,100.00
Plan C	76PP-034	24" Storm Drain Outfall	\$ 67,800.00
Plan C	76PP-035	Storm Drainage for Eastlake Development	\$ 1,131,200.00
<b>TOTAL:</b>			<b>\$ 2,392,795.03</b>

**PLAN C, ARTERIALS FEE - FUND 323**

Funding Source	Project Number	Project Title	Project Remaining Cost
Plan C	72014	Update existing traffic improvements at MacArthur Dr. & Pescadero. Add RT and TL on NB and SB lane. Accommodate changes in MacArthur Dr due to widening of I-205 to 6 lanes.	\$ 594,100.00
Plan C	73103	Widen Corral Hollow Road: 11th Street to Schulte Road	\$ 1,642,947.51
<b>TOTAL:</b>			<b>\$ 2,237,047.51</b>

**PLAN C, GENERAL FACILITIES FEE - FUND 324**

Funding Source	Project Number	Project Title	Project Remaining Cost
Plan C	71020	Fire Station #97 - Valpico Rd & Tracy Blvd	\$ 1,211,693.49
Plan C	71035	City Hall Vehicles	\$ 29,811.61
Plan C	78054	Fair share of the new Ellis Aquatic Center	\$ 1,751,409.56
Plan C	78088	Fair share of the library facilities expansion	\$ 1,306,900.00
<b>TOTAL:</b>			<b>\$ 4,299,814.66</b>

**PLAN C, UTILITIES FEE - FUND 325**

Funding Source	Project Number	Project Title	Project Remaining Cost
Plan C	74049	WWTP Expansion - Phase 1B	\$ 1,478,708.09
Plan C	REIMB	Reimbursement to AD 84-1	\$ 1,468,300.00
Plan C	REIMB	Upgrade to Hansen Sewer- Reimbursement to Hansen Sewer - CFD 98-1	\$ 512,000.00
Plan C	REIMB	Upgrade to Hansen Sewer - Reimbursement to Hansen Sewer - Dev. Agreement	\$ 397,500.00
<b>TOTAL:</b>			<b>\$ 3,856,508.09</b>

**EXHIBIT C**  
**Summary of Expenses Anticipated Construction Dates**  
**for Fiscal Year Ended June 30, 2019**  
(Government Code §66006(b)(1)(C) and (D).)

**NORTH EAST INDUSTRIAL AREA, PHASE 1 FEE - FUND 351**

Funding Source	Project Number	Project Title	Project Remaining Cost
NEI Phase 1	74049	WWTP Expansion - Phase 1B	\$ 7,504,451.57
NEI Phase 1	71PP-060	Police Facility Expansion for Additional Officers	\$ 64,246.00
<b>TOTAL:</b>			<b>\$ 7,568,697.57</b>

**SOUTH MACARTHUR PLAN AREA FEE - FUND 352**

Funding Source	Project Number	Project Title	Project Remaining Cost
SMPA	71020	Fire Station #97 - Valpico Rd & Tracy Blvd	\$ 284,000.00
SMPA	71035	City Hall Vehicles	\$ 7,000.00
SMPA	72062	MacArthur Drive / I-205 Interchange	\$ 1,081,000.00
SMPA	73158	Aqueduct Crossing for Corral Hollow Road	\$ 260,594.50
SMPA	74049	WWTP Expansion - Phase 1B	\$ 112,644.92
SMPA	78054	Fair share of the new Ellis Aquatic Center	\$ 144,000.00
SMPA	78088	Fair share of the library facilities expansion	\$ 146,000.00
SMPA	71PP-035	Police Radio Repeater & Tower	\$ 19,000.00
SMPA	72PP-030	Corral Hollow Road / I-580 EB and WB	\$ 278,000.00
SMPA	73PP-041	Widen MacArthur Drive: 11th Street to Schulte Road	\$ 130,000.00
SMPA	73PP-042	Widen Grant Line Road: Corral Hollow Road to Tracy Boulevard	\$ 161,000.00
SMPA	73PP-043	Widen Grant Line Road: Byron Road to Street "A"	\$ 86,000.00
SMPA	73PP-044	Widen 11th Street: MacArthur Drive to Chrisman Road	\$ 232,000.00
SMPA	73PP-047	Lammers Road: 11th Street to Linne Road	\$ 441,000.00
SMPA	73PP-048	Widen Schulte Road: New Alignment west of Lammers	\$ 112,000.00
SMPA	73PP-049	Schulte Road: Construct from Lammers to Presidio N/S arterial	\$ 168,000.00
SMPA	73PP-050	Widen Schulte Road: Presidio N/S arterial to Sycamore Parkway	\$ 205,000.00
SMPA	73PP-051	Widen Valpico Road: Lammers Road to Corral Hollow	\$ 323,000.00
SMPA	73PP-095	Construct Presidio N/S Arterial - Greystone Drive to Schulte Road, Phase 2	\$ 157,727.00
SMPA	REIMB	Reimbursement to AD 84-1	\$ 326,343.00
SMPA	75PP-099	Groundwater Conjunctive Use Study	\$ 54,300.00
SMPA	76PP-039	Drainage Improvements (South MacArthur)	\$ 6,499,930.59
<b>TOTAL:</b>			<b>\$ 11,228,540.01</b>

**INDUSTRIAL SPECIFIC PLAN SOUTH AREA FEE - FUND 354**

Funding Source	Project Number	Project Title	Project Remaining Cost
ISP South	71020	Fire Station #97 - Valpico Rd & Tracy Blvd	\$ 1,348,500.00
ISP South	71035	City Hall Vehicles	\$ 17,000.00
ISP South	72074	Traffic Signal at Tracy Blvd./Valpico Road	\$ 727,109.36
ISP South	72082	Valpico Road / Sycamore Parkway	\$ 298,453.14
ISP South	72095	Corral Hollow Road / Valpico Road	\$ 558,136.50
ISP South	73061	Valpico Road Extension: Pebblebrook to MacArthur Drive	\$ 2,175,350.65
ISP South	73095	Valpico Road: Tracy Boulevard to 500' East of Pebblebrook Drive	\$ 8,666,700.00
ISP South	73126	MacArthur Drive: Schulte Road to Valpico Road Phase II	\$ 2,215,697.05
ISP South	74049	WWTP Expansion - Phase 1B	\$ 2,352,200.00
ISP South	74084	East Side Sewer Upgrades	\$ 2,095,162.40
ISP South	76066	Detention Basin 2B (Zone 1)	\$ 628,335.00
ISP South	78054	Fair share of the new Ellis Aquatic Center	\$ 240,032.03
ISP South	78088	Fair share of the library facilities expansion	\$ 255,618.53
ISP South	71PP-060	Police Facility Expansion for Additional Officers	\$ 376,300.00
ISP South	REIMB	Cheng Diversion Reimbursement	\$ 341,200.00
ISP South	75PP-099	Groundwater Conjunctive Use Study	\$ 20,000.00
ISP South	75PP-XXX	Linne Road Reservoir and Booster Pump Station	\$ 800,800.00
ISP South	75PP-XXX	Supply Transfer with Storage in Semi Tropic Water Bank	\$ 287,000.00
ISP South	75PP-XXX	John Jones Water Treatment Plant Expansion	\$ 1,068,200.00
ISP South	76PP-024	Pump Station & Force Main Det 2B (Zone 1) (was 76PP-047)	\$ 489,355.00
ISP South	76PP-048	Drainage Improvements (Zone 1), 24", 30", 36", 42", and bore and jack.	\$ 796,505.00
ISP South	78PP-XXX	ISP South 4.61 acre neighborhood park	\$ 2,570,920.80
<b>TOTAL:</b>			<b>\$ 28,328,575.46</b>

**EXHIBIT C**  
**Summary of Expenses Anticipated Construction Dates**  
**for Fiscal Year Ended June 30, 2019**  
(Government Code §66006(b)(1)(C) and (D).)

**PRESIDIO AREA FEE - FUND 355**

Funding Source	Project Number	Project Title	Project Remaining Cost
Presidio	71035	City Hall Vehicles	\$ 5,840.00
Presidio	72062	MacArthur Drive / I-205 Interchange	\$ 867,073.00
Presidio	74049	WWTP Expansion - Phase 1B	\$ 55,050.00
Presidio	78054	Fair share of the new Ellis Aquatic Center	\$ 118,998.00
Presidio	78088	Fair share of the library facilities expansion	\$ 115,693.00
Presidio	72PP-030	Corral Hollow Road / I-580 EB and WB	\$ 222,770.00
Presidio	72PP-XXX	Regional Impact Fee	\$ 825,000.00
Presidio	73PP-040	Corral Hollow Road: I-205 to Larch-Clover	\$ 47,659.00
Presidio	73PP-041	MacArthur Drive: 11th Street to Schulte Road	\$ 103,846.00
Presidio	73PP-042	Grant Line Road: Corral Hollow Road to Tracy Boulevard	\$ 128,470.00
Presidio	73PP-043	Grant Line Road: Byron Road to Street "A"	\$ 69,096.00
Presidio	73PP-044	Widen 11th Street: MacArthur Drive to Chrisman Road	\$ 185,569.00
Presidio	73PP-046	Corral Hollow Road: Old Schulte to I-580	\$ 522,969.00
Presidio	73PP-047	Lammers Road: 11th Street to Linne Road	\$ 352,506.00
Presidio	73PP-048	Schulte Road: New Alignment west of Lammers	\$ 89,711.00
Presidio	73PP-049	Schulte Road: Construct from Lammers to Presidio N/S arterial	\$ 134,004.00
Presidio	73PP-050	Schulte Road: Presidio N/S arterial to Sycamore Parkway	\$ 164,155.00
Presidio	73PP-051	Valpico Road: Lammers Road to Corral Hollow	\$ 257,919.00
Presidio	73PP-054	Aqueduct Crossing for Corral Hollow Road	\$ 211,287.00
Presidio	REIMB	Reimbursement to Byron Road Sewer	\$ 43,890.00
Presidio	REIMB	Reimbursement to Hansen Sewer	\$ 607,750.00
Presidio	76PP-XXX	Presidio's share of Purple Zone Drainage Improvements	\$ 160,812.00
Presidio	76PP-XXX	Presidio's share of Yellow Zone Drainage Improvements	\$ 48,681.00
Presidio	REIMB	Reimbursement to Westside Outfall	\$ 529,650.00
<b>TOTAL:</b>			<b>\$ 5,868,398.00</b>

**TRACY GATEWAY AREA, WATER FEE - FUND 356**

Funding Source	Project Number	Project Title	Project Remaining Cost
Tracy Gateway	75085	Prv Valve Lammers Road Between Zones 1 & 2	\$ 277,200.00
Tracy Gateway	75085	In tract Program Water Transmission Lines	\$ 701,429.00
Tracy Gateway	75085	Water Transmission Line- Zone 1 (Lammers & 11th)	\$ 3,528,000.00
Tracy Gateway	75085	Water Transmission Line- Zone 2 (Lammers Road)	\$ 1,029,000.00
<b>TOTAL:</b>			<b>\$ 5,535,629.00</b>

**NORTH EAST INDUSTRIAL AREA FEE - FUND 357**

Funding Source	Project Number	Project Title	Project Remaining Cost
NEI Phase 2	72062	MacArthur Drive / I-205 Interchange	\$ 14,439,587.72
NEI Phase 2	73090	Acquire ROW for Chrisman Road Extension: I-205 to Grant Line Road	\$ 3,938,792.90
NEI Phase 2	73PP-055	Acquire ROW for MacArthur Drive: I-205 to Pescadero Ave	\$ 312,212.00
NEI Phase 2	73PP-055	MacArthur Drive: I-205 to Pescadero Ave	\$ 846,065.86
NEI Phase 2	73PP-093	Pescadero Avenue Widening: MacArthur Road to Paradise Road	\$ 2,196,910.00
NEI Phase 2	74PP-032	WWTP Expansion - Phase 2	\$ 513,993.93
NEI Phase 2	74PP-XXX	Acquire Easement	\$ 222,176.00
<b>TOTAL:</b>			<b>\$ 22,469,738.41</b>

**EXHIBIT C**  
**Summary of Expenses Anticipated Construction Dates**  
**for Fiscal Year Ended June 30, 2019**  
(Government Code §66006(b)(1)(C) and (D).)

**I-205 CORRIDOR AREA FEE - FUND 353**

Funding Source	Project Number	Project Title	Project Remaining Cost
I-205	72014	MacArthur Drive & Pescadero / MacArthur Dr & I-205	\$ 261,219.00
I-205	73035	Grant Line Road: I-205 to Lammers	\$ 2,768,885.28
I-205	73057	Street "C" east/west: Naglee Road to Corral Hollow Road	\$ 2,050,198.04
I-205	74049	WWTP Expansion - Phase 1B	\$ 1,265,639.00
I-205	72PP-028	Grant Line Road / Power Road (Street "A")	\$ 356,548.00
I-205	72PP-081	Grant Line Road / Lammers Road	\$ 35,155.98
I-205	72PP-082	Grant Line Road / Naglee Road / I-205 WB ramps	\$ 20,802.37
I-205	72PP-084	I-205 EB Ramps / Grant Line Road	\$ 382,644.98
I-205	72PP-087	Corral Hollow Road / Eleventh Street	\$ 12,660.07
I-205	72PP-089	Auto Plaza Drive / Corral Hollow Road	\$ 95,960.13
I-205	75PP-861	Reimbursement to King & Lyon & Safeway	\$ 650,800.00
I-205	78PP-128	Swainson Hawk (I-205 program area)	\$ 669,573.00
I-205	REIMB	Reimbursement to Sewer Fund 420 (#7420)	\$ 496,000.00
I-205	REIMB	Reimbursement to AD 84-1 (#7420)	\$ 837,300.00
I-205	79PP-020	Agricultural Conversion Fee	\$ 83,870.00
I-205	92PP-863/72PP-029	Naglee Road / Auto Plaza Drive	\$ 316,507.19
I-205	9600-365	NBID Irrigation Relocation/Improvements	\$ 1,245,272.00
<b>TOTAL:</b>			<b>\$ 11,549,035.04</b>

**ELLIS PROGRAM AREA, PARKS AND RECREATION FEE - FUND 333**

Funding Source	Project Number	Project Title	Project Remaining Cost
Ellis	78PP-XXX	Neighborhood Park	\$ 12,163,874.00
Ellis	78PP-XXX	Community Park	\$ 3,496,900.00
<b>TOTAL:</b>			<b>\$ 15,660,774.00</b>

**ELLIS PROGRAM AREA, STORM DRAINAGE FEE - FUND 332**

Funding Source	Project Number	Project Title	Project Remaining Cost
Ellis	76PP-XXX	Detention Basin 3A (36 AF plus 36 AF add'l excavation)	\$ 1,786,707.00
Ellis	76PP-XXX	Detention Basin SL (17 AF plus 8 AF add'l excavation)	\$ 683,083.00
Ellis	76PP-XXX	6,100 LF of 12" SD including 100 LF of Jack and Bore under RR from DET SL	\$ 422,026.00
Ellis	76PP-XXX	4,200 LF of 18" SD including 100 LF Jack and Bore under RR from DET 3A North	\$ 455,587.00
Ellis	76PP-XXX	200 LF of 48" SD to DET 3A	\$ 58,211.00
Ellis	76PP-XXX	Dewatering	\$ 166,316.00
Ellis	76PP-XXX	UPTC/WPRR Crossing Agreements	\$ 8,316.00
Ellis	76PP-XXX	WSID Crossing Agreement	\$ 4,158.00
<b>TOTAL:</b>			<b>\$ 3,584,404.00</b>

**EXHIBIT C**  
**Summary of Expenses Anticipated Construction Dates**  
**for Fiscal Year Ended June 30, 2019**  
(Government Code §66006(b)(1)(C) and (D).)

**ELLIS PROGRAM AREA, TRAFFIC FEE - FUND 331**

Funding Source	Project Number	Project Title	Project Remaining Cost
Ellis	72038	Tracy Blvd/Valpico Rd - Widen EB approach to add 1 thru lane, widen WB approach to provide 1 LT, 2 thru and 1 RT lane, Widen NB approach to provide 1 LT, 2 Thru, and 1 RT lane, Widen SB approach to provide 2 LT, 1 thru, and 1 RT lane. Modify Signal.	\$ 59,513.00
Ellis	72068	Lammers Rd./Schulte Rd. - Signalize. Widen EB approach to provide 1 LT and 1 TR lane, add WB approach to 1 LT and 1 TR lane, widen NB approach to add 1 thru lane and 1 TR lane, widen SB approach to add 1 TL and 1 Thru lane.	\$ 700,036.00
Ellis	72024 & 72056	Lammers Road/Eleventh St - Total Intersections:	\$ 8,214.00
Ellis	72095	Corral Hollow/Valpico Rd - Signalize & widen SB approach to provide 1 TL and 1 TR Lane	\$ 419,462.00
Ellis	72104	Corral Hollow/ Linne Rd - Signalize. Convert intersection to T with no EB Approach, widen WB approach to add 1 LT and 1 TR lane, widen NB approach to provide 2 Thru lanes and 1 RT lane, Widen SB approach to provide 1 LT and 2 Thru lanes.	\$ 430,686.00
Ellis	73093	11th Street - Widen to 6 lanes	\$ 458,425.00
Ellis	73095	Valpico Road - Rural to 4 lane Arterial	\$ 153,468.00
Ellis	73144	Corral Hollow Road - 2 lanes to 4 lane arterial	\$ 448,022.00
Ellis	73144	Corral Hollow Road - Rural to 4 lane arterial	\$ 692,144.00
Ellis	73161	Corral Hollow Road - Rural to 4 lane Arterial	\$ 851,677.00
Ellis	73170	MacArthur Drive - 2 lanes to 4 lane arterial	\$ 74,927.00
Ellis	72PP-021	Widen NB approach to provide 2 LT, 3 Thru, and RT lane, Widen SB approach to provide 2 LT, 3 Thru, and 1 RT lane. Convert EB RT from permitted to free, modify signal and adjust phasing.	\$ 174,603.00
Ellis	72PP-030	Corral Hollow/I-580 EB - Signalize. Widen EB approach to provide 1 LT and 1 TR lane. Widen NB approach to provide 1 thru lane and 1 RT lane, Widen SB approach to provide 1 LT lane and 2 Thru lanes.	\$ 54,556.00
Ellis	72PP-030	to add 1 Thru lane, widen SB approach to provide 2 thru lanes and 1 RT lane.	\$ 60,618.00
Ellis	72PP-054	Tracy Blvd/Linne Rd - Signalize. Widen EB approach to provide 2 LT and 3 Thru Lanes, Widen WB approach to provide 1 TL and 1 TR lane, Widen SB approach to provide 1 LT, 2 Thru, and 1 RT lane.	\$ 183,647.00
Ellis	72PP-056	Chrisman/Valpico - Re-stripe to modify NB approach to provide 1 LT and 1 thru lane. Re-stripe to modify SB approach to provide 1 Thur and 1 RT.	\$ 1,186.00
Ellis	72PP-XXX	Widen NB approach to add 1 thru Lane, Widen SB approach to add 1 thru lane, Convert EB and WB RT lanes from permitted to free. Modify Signal.	\$ 125,168.00
Ellis	72PP-XXX	Signalize. Widen EB approach to provide 1 LT, 1 Thru and 1 TR lanes, widen WB approach to provide 1 TL and 1 TR lane.	\$ 255,615.00
Ellis	72PP-XXX	Modify NB approach to add 1 Thru lane.	\$ 384,536.00
Ellis	72PP-XXX	Lammers Rd./Valpico - Signalize, Widen WB approach to provide 1 LT and 1 RT lane, Widen NB approach to add 2 thru lanes, widen SB approach to provide 1 SB LT and 3 thru lanes.	\$ 325,649.00
Ellis	72PP-XXX	Chrisman/Linne - Widen EB approach to provide 1 TL and 1 TR lane, widen SB approach to provide 1 TL and 1 TR lane.	\$ 46,370.00
Ellis	72PP-XXX	Chrisman/11th - Convert SB RT from permitted + overlap phasing to permitted.	\$ 525.00
Ellis	72PP-XXX	Lammers/I-580 EB - Intersection Improvements	\$ 197,979.00
Ellis	72PP-XXX	Lammers/I-580 WB - Intersection Improvements	\$ 344,921.00
Ellis	72PP-XXX	Patterson Pass/I-580 EB - Signalize. Widen EB approach to provide 1 LT and 1 TR lane, Widen NB approach to provide 1 Thru and 1 RT lane, Widen SB approach to provide 2 LT and 1 Thru lane	\$ 24,247.00
Ellis	72PP-XXX	Patterson Pass/I-580 WB - Signalize. Widen WB approach to provide 1 TL and 1 RT lane. Widen SB approach to provide 1 thru lane and 1 RT lane.	\$ 59,279.00
Ellis	73PP-047	Lammers Road - 2 lane rural to 4 lane parkway	\$ 1,350,278.00
Ellis	73PP-XXX	Valpico Road - Rural to 4 lane Arterial	\$ 462,281.00
Ellis	73PP-XXX	Schulte Road - New 6 lane roadway	\$ 1,691,533.00
Ellis	73PP-XXX	Grant Line Road - Widen to 6 lanes	\$ 428,553.00
Ellis	73PP-XXX	Lammers Road - New 6 lanes expressway	\$ 466,011.00
Ellis	73PP-XXX	Lammers Road - 2 lane rural to 4 lane parkway	\$ 890,562.00
Ellis	73PP-XXX	Lammers Road - 2 lane rural to 4 lane parkway	\$ 908,003.00
Ellis	73PP-XXX	Corral Hollow - Rural to 4 lane arterial	\$ 421,523.00
<b>TOTAL:</b>			<b>\$ 13,154,217.00</b>



**EXHIBIT C**  
**Summary of Expenses Anticipated Construction Dates**  
**for Fiscal Year Ended June 30, 2019**  
(Government Code §66006(b)(1)(C) and (D).)

**ELLIS PROGRAM AREA, PUBLIC BUILDINGS FEE - FUND 334**

Funding Source	Project Number	Project Title	Project Remaining Cost
Ellis	71PP-XXX	City Hall & Public Work Facilities	\$ 2,557,783.80
Ellis	71PP-XXX	Community Center	\$ 1,251,508.72
Ellis	71PP-XXX	Library	\$ 1,159,826.36
Ellis	71PP-XXX	Public Safety Facilities	\$ 1,818,154.22
<b>TOTAL:</b>			<b>\$ 6,787,273.10</b>

**ELLIS PROGRAM AREA, WATER SUPPLY, TREATMENT AND CONVEYANCE FEE - FUND 335**

Funding Source	Project Number	Project Title	Project Remaining Cost
Ellis	75118	Clearwell at JJWTP 2.0 MG	\$ 2,863,000.00
Ellis	75PP-109	John Jones Water Treatment Plant Expansion 15.0 mgd	\$ 6,769,000.00
Ellis	75PP-XXX	City - Side Booster Pump Station Pressure Zone 3 - 6.48 MGD (JJWTP)	\$ 960,400.00
Ellis	75PP-XXX	Long-term Emergency Groundwater Storage 2,500 gpm	\$ 926,800.00
Ellis	75PP-XXX	Land Acquisition	\$ 46,000.00
Ellis	75PP-XXX	Water Transmission Line 12" (ESP backbone Phase 1)	\$ 947,800.00
Ellis	75PP-XXX	Water Transmission Line 12" (ESP backbone Buildout)	\$ 476,000.00
Ellis	75PP-XXX	Water Transmission Line 12"( ESP Backbone - Phase 1 to Valpico Rd)	\$ 284,200.00
Ellis	75PP-XXX	Water Transmission Line 24"( JJTP Clearwell to PBS3)	\$ 6,800.00
Ellis	75PP-XXX	Water Transmission Line 20"(ESP-JJWTP BPS3 to Corral Hollow Rd and Linne Rd. Phase 1)	\$ 1,542,800.00
Ellis	75PP-XXX	Water Transmission Line 20"(Corral Hollow Rd and Linne Rd to Middlefield Rd. - buildout)	\$ 1,318,800.00
Ellis	75PP-XXX	Water Transmission Line 18"(ESP Corral Hollow Rd and Linne Rd to Middlefield Rd - buildout)	\$ 109,200.00
Ellis	75PP-XXX	Water Transmission Line 18"(ESP-Linne Rd. to Corral hollow Rd. Phase 1 - PZ2 Bypass)	\$ 18,200.00
Ellis	75PP-XXX	Water Transmission Line 16"(from existing Clearwell No. 2 to English Oaks)	\$ 918,400.00
Ellis	75PP-XXX	Water Transmission 20" Jack and Bore under Delta Mendota Canal	\$ 238,000.00
Ellis	75PP-XXX	Water Transmission 20" Jack and Bore (CH and Linne under Railroad)	\$ 130,200.00
Ellis	75PP-XXX	Water Transmission Line 12" (Whirlaway Ln. to Linne Rd.)	\$ 61,600.00
Ellis	75PP-XXX	12" Jack and Bore (SW Portion of Plan C under RR to Linne Rd.)	\$ 53,000.00
Ellis	75PP-XXX	Water Valve - 18" Check Valve Connection at Middlefield Dr.	\$ 43,400.00
Ellis	75PP-XXX	Connection at Middlefield Drive 12" Diameter bypass PZ2 on Corral Hollow, Jack and Bore (SW portion of the Plan C under Corral Hollow	\$ 21,400.00
Ellis	75PP-XXX	Pressure Reducing Valve ESP - Phase 1 to Valpico Rd (12-inch Diameter)	\$ 53,200.00
<b>TOTAL:</b>			<b>\$ 17,788,200.00</b>

**ELLIS PROGRAM AREA, WASTEWATER TREATMENT AND CONVEYANCE FEE - FUND 337**

Funding Source	Project Number	Project Title	Project Remaining Cost
Ellis	74PP-XXX	Corral Hollow Sewer System Improvement	\$ 2,843,123.00
Ellis	74PP-XXX	Tracy WWTP Expansion Fee	\$ 12,385,752.00
<b>TOTAL:</b>			<b>\$ 15,228,875.00</b>

**ELLIS PROGRAM AREA, RECYCLED WATER FEE - FUND 336**

Funding Source	Project Number	Project Title	Project Remaining Cost
Ellis	75PP-XXX	Citywide Recycled Water Contribution	\$ 5,825,339.00
<b>TOTAL:</b>			<b>\$ 5,825,339.00</b>

**EXHIBIT C**  
**Summary of Expenses Anticipated Construction Dates**  
**for Fiscal Year Ended June 30, 2019**  
(Government Code §66006(b)(1)(C) and (D).)

**NORTHEAST INDUSTRIAL SHED & EAST SIDE INDUSTRIAL SHED, STORM DRAINAGE FEE - FUND 350**

Funding Source	Project Number	Project Title	Project Remaining Cost
NEI - Storm Drainage	76PP-XXX	DET NEI (128 AF, plus 22 AF add'l excavation)	\$ 3,360,000.00
NEI - Storm Drainage	76PP-XXX	DET 16 (38 AF, plus 10 AF add'l excavation)	\$ 1,075,200.00
NEI - Storm Drainage	76PP-XXX	DET E55 (49 AF, plus 15 AF add'l excavation)	\$ 1,433,600.00
NEI - Storm Drainage	76PP-XXX	DET NEI Pump Station (16.0 cfs capacity)	\$ 2,100,000.00
NEI - Storm Drainage	76PP-XXX	DET 16 Pump Station (1.0 cfs capacity)	\$ 490,000.00
NEI - Storm Drainage	76PP-XXX	10" SDFM (Outfall DET 16 to DET NEI)	\$ 350,000.00
NEI - Storm Drainage	76PP-XXX	24" SDFM (Outfall DET NEI to Eastside Channel)	\$ 861,000.00
NEI - Storm Drainage	76PP-XXX	18" SD (DET 55 to Grant Line Road)	\$ 378,000.00
NEI - Storm Drainage	76PP-XXX	18" SD (Bore & Jack, Crossing of UPRR North of DET E55)	\$ 168,000.00
NEI - Storm Drainage	76PP-XXX	30" SD (South Side of Home Depot, deep trenching required)	\$ 277,200.00
NEI - Storm Drainage	76PP-XXX	36" SD (South Side of Home Depot, deep trenching required)	\$ 462,000.00
NEI - Storm Drainage	76PP-XXX	36" SD (South Side of I-205, Paradise Road to DET 16)	\$ 714,000.00
NEI - Storm Drainage	76PP-XXX	36" SD (Chrisman Road, South of UPRR)	\$ 1,176,000.00
NEI - Storm Drainage	76PP-XXX	48" SD (South Side of UPRR, Chrisman to DET E55)	\$ 1,176,000.00
NEI - Storm Drainage	76PP-XXX	54" SD (Pescadero Ave., East Side Home Depot to DET NEI)	\$ 945,000.00
NEI - Storm Drainage	76PP-XXX	60" SD (Chrisman Road, Paradise Road to Grant Line Road)	\$ 1,001,000.00
NEI - Storm Drainage	76PP-XXX	Dewatering	\$ 2,100,000.00
NEI - Storm Drainage	76PP-XXX	Access Roadways (30"/36" SDs South Side Home Depot)	\$ 203,280.00
NEI - Storm Drainage	76PP-XXX	UPTC Crossing Agreement	\$ 7,000.00
NEI - Storm Drainage	76PP-XXX	Land Acquisition - DET NEI 33 AC	\$ 4,950,000.00
NEI - Storm Drainage	76PP-XXX	Land Acquisition - DET NEI (possible future expansion) 7 AC	\$ 1,050,000.00
NEI - Storm Drainage	76PP-XXX	Land Acquisition - DET 16 12 AC	\$ 1,800,000.00
NEI - Storm Drainage	76PP-XXX	Land Acquisition - DET E55 12 AC	\$ 1,800,000.00
NEI - Storm Drainage	76PP-XXX	10" SDFM/36" SD Easement (Paradise Rd to DET 16) 0.7 SC	\$ 35,000.00
NEI - Storm Drainage	76PP-XXX	18" SD Easement (DET E55 to Grant Line Rd) 1.2 AC	\$ 60,000.00
NEI - Storm Drainage	76PP-XXX	30" SD Easement (South Side Home Depot) 0.3 AC	\$ 15,000.00
NEI - Storm Drainage	76PP-XXX	36" SD Easement (South Side Home Dept) 0.3 AC	\$ 15,000.00
New East Side Industrial	76PP-XXX	DET 13 Expansion (4 add'l AF, plus AF add'l excavation)	\$ 112,000.00
New East Side Industrial	76PP-XXX	DET 14 (16 AF, plus 6 AF add'l excavation)	\$ 492,800.00
New East Side Industrial	76PP-XXX	DET 15 (13 AF, plus 5 AF add'l excavation)	\$ 403,200.00
New East Side Industrial	76PP-XXX	DET 14 Pump Station (1.0 cfs capacity)	\$ 490,000.00
New East Side Industrial	76PP-XXX	DET 15 Pump Station (1.0 cfs capacity)	\$ 490,000.00
New East Side Industrial	76PP-XXX	10" SDFM (Arbor Ave., DET 15 to Existing Stub at DET 13)	\$ 980,000.00
New East Side Industrial	76PP-XXX	Dewatering	\$ 1,400,000.00
New East Side Industrial	76PP-XXX	Land Acquisition - DET 13 Expansion 2.2 AC	\$ 330,000.00
New East Side Industrial	76PP-XXX	Land Acquisition - DET 14 7 AC	\$ 1,050,000.00
New East Side Industrial	76PP-XXX	Land Acquisition - DET 15 6 AC	\$ 900,000.00
<b>TOTAL:</b>			<b>\$ 34,650,280.00</b>

**PROGRAM MANAGEMENT FEE - FUND 391**

Funding Source	Project Number	Project Title	Project Remaining Cost
Plan C	79PP-XXX	Plan C - Program Management	\$ 250,000.00
NEI Phase 1	79PP-XXX	NEI Phase 1 - Program Management	\$ 250,000.00
NEI Phase 2	79PP-XXX	NEI Phase 2 - Program Management	\$ 250,000.00
ISP South	79PP-XXX	ISP South - Program Management	\$ 250,000.00
I-205	79PP-XXX	I-205 - Program Management	\$ 100,000.00
Ellis	79PP-XXX	Ellis - Program Management	\$ 250,000.00
SMPA	79PP-XXX	SMPA - Program Management	\$ 100,000.00
Presidio	79PP-XXX	Presidio - Program Management	\$ 100,000.00
<b>TOTAL:</b>			<b>\$ 1,550,000.00</b>

**CITYWIDE PUBLIC SAFETY, TOWER FEES <sup>1</sup>**

Funding Source	Project Number	Project Title	Project Remaining Cost
Multiple Fee Program <sup>1</sup>	71PP-XXX	Public Safety - Radio communications tower and equipment	\$ 3,905,000.00
<b>TOTAL:</b>			<b>\$ 3,905,000.00</b>

<sup>1</sup> The Citywide Safety Master Plan, Tower Fees was adopted by Resolution 2014-158 on September 2014 and will be funded by North East Industrial Area Phase 1, North East Industrial Area Phase 2, Plan C Development Area, Gateway Phase 1, Infill, Ellis, I-205, ISP South, and South MacArthur Planning Area development areas.

**EXHIBIT D**  
**Report of Findings for Development Fee Funds**  
**Collected for the Fiscal Year Ended June 30, 2019**  
(Government Code §66001(d).)

**INFILL AREA, PARK FEE- FUND 311**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Infill April 2012 Update Finance and Implementation Plan and dated April 3, 2012, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 311.

**INFILL AREA, STORM DRAINAGE FEE - FUND 312**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Infill April 2012 Update Finance and Implementation Plan and dated April 3, 2012, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 312.

**INFILL AREA, ARTERIALS FEE - FUND 313**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Infill April 2012 Update Finance and Implementation Plan and dated April 3, 2012, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 313.

**INFILL AREA, PUBLIC BUILDINGS AND EQUIPMENT FEE - FUND 314**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Infill April 2012 Update Finance and Implementation Plan and dated April 3, 2012, (2) in the latest Public Safety Development Impact Fee Update adopted on September 16, 2014 by Resolution 2014-158 and (3) in the City's Capital Improvement Plan and Exhibit C, Fund 314.

**INFILL AREA, DOWNTOWN IMPROVEMENTS PARKING FEE - FUND 316**

In conjunction with the adoption of Tracy Municipal Code chapter 6.20 regarding the Downtown Incentive Program, and TMC section 10.08.3470(d)(3), regarding off-street parking requirements within the Downtown Incentive Area, development impact fees were established to offset a portion of the City's costs in upgrading parking and streetscape improvements in the Downtown Incentive Area. To spur revitalization of the Downtown, the Downtown Improvements Parking Fee has been updated to \$0 and adopted on October 6, 2015 and ending October 6, 2020 with a check-in point with City Council at 3 years, by Resolution 2015-168.

**INFILL AREA, WATER FEE - FUND 513**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Infill April 2012 Update Finance and Implementation Plan and dated April 3, 2012, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 513.

**INFILL AREA, WASTEWATER FEE - FUND 523**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Infill April 2012 Update Finance and Implementation Plan and dated April 3, 2012, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 523.

**INFILL AREA, PROGRAM MANAGEMENT FEE - FUND 315**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Infill April 2012 Update Finance and Implementation Plan and dated April 3, 2012, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 315.

**PLAN C AREA, PARKS FEE - FUND 321**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Plan C June 2007 Update Finance and Implementation Plan and dated June 19, 2007, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 321.

**EXHIBIT D**  
**Report of Findings for Development Fee Funds**  
**Collected for the Fiscal Year Ended June 30, 2019**  
(Government Code §66001(d).)

**PLAN C AREA, STORM DRAINAGE FEE - FUND 322**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Plan C June 2007 Update Finance and Implementation Plan and dated June 19, 2007, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 322.

**PLAN C AREA, ARTERIALS FEE - FUND 323**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Plan C June 2007 Update Finance and Implementation Plan and dated June 19, 2007, and (2) in the latest Roadway Development Impact Fee Update adopted on May 6, 2014 and adopted by Resolution 2014-070, and (3) in the City's Capital Improvement Plan and Exhibit C, Fund 323.

**PLAN C AREA, GENERAL FACILITIES FEE - FUND 324**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Plan C June 2007 Update Finance and Implementation Plan and dated June 19, 2007, (2) in the latest Public Safety Development Impact Fee Update adopted on September 16, 2014 by Resolution 2014-158, and (3) in the City's Capital Improvement Plan and Exhibit C, Fund 324.

**PLAN C AREA, UTILITIES FEE - FUND 325**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Plan C June 2007 Update Finance and Implementation Plan and dated June 19, 2007, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 325.

**PLAN C AREA, PROGRAM MANAGEMENT FEE - FUND 391**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Plan C June 2007 Update Finance and Implementation Plan and dated June 19, 2007, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 391.

**RESIDENTIAL SPECIFIC PLAN AREA, PROGRAM MANAGEMENT FEE - FUND 391**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Residential Specific Plan (RSP) 2003 Update Finance and Implementation Plan and dated July 15, 2003, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 391.

**NORTHEAST INDUSTRIAL AREA, PHASE 1, ARTERIALS FEE - FUND 351**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Northeast Industrial Area - Phase 1 Update Finance and Implementation Plan and dated April, 15 2008, (2) the latest Roadway Development Impact Fee Update adopted on May 1, 2012 by Resolution 2012-077, and (3) in the City's Capital Improvement Plan and Exhibit C, Fund 351.

**NORTHEAST INDUSTRIAL AREA, PHASE 1, STORM DRAINAGE FEE - FUND 351**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Northeast Industrial Area - Phase 1 Update Finance and Implementation Plan and dated April 15, 2008, and (2) in the latest storm drainage impact fee study, Storm Drainage Northeast Industrial Area (NEI) Fee and Eastside Industrial Fee Update adopted on October 2, 2018 by Resolution 2018-204 and the latest annual update on July 1 2019, and (3) in the City's Capital Improvement Plan and Exhibit C, Fund 351.

**EXHIBIT D**  
**Report of Findings for Development Fee Funds**  
**Collected for the Fiscal Year Ended June 30, 2019**  
(Government Code §66001(d).)

**NORTHEAST INDUSTRIAL AREA, PHASE 1, WATER FEE - FUND 351**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Northeast Industrial Area - Phase 1 Update Finance and Implementation Plan and dated April 15, 2008, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 351.

**NORTHEAST INDUSTRIAL AREA, PHASE 1, WASTEWATER FEE - FUND 351**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Northeast Industrial Area - Phase 1 Update Finance and Implementation Plan and dated April 15, 2008, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 351.

**NORTHEAST INDUSTRIAL AREA, PHASE 1, PUBLIC BUILDINGS FEE - FUND 351**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Northeast Industrial Area - Phase 1 Update Finance and Implementation Plan and dated April 15, 2008, (2) in the latest Public Safety Development Impact Fee Update adopted on September 16, 2014 by Resolution 2014-158, and (3) in the City's Capital Improvement Plan and Exhibit C, Fund 351.

**NORTHEAST INDUSTRIAL AREA, PHASE 1, PROGRAM MANAGEMENT FEE - FUND 391**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Northeast Industrial Area - Phase 1 Update Finance and Implementation Plan and dated April 15, 2008, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 391.

**SOUTH MACARTHUR PLAN AREA, ARTERIALS FEE - FUND 352**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called South MacArthur Plan Area Finance and Implementation Plan 2005 Update and dated September 20, 2005, and (2) in the latest Roadway Development Impact Fee update adopted on December 6, 2011 by Resolution 2011-227, and (3) in the City's Capital Improvement Plan and Exhibit C, Fund 352.

**SOUTH MACARTHUR PLAN AREA, STORM DRAINAGE FEE - FUND 352**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called South MacArthur Plan Area Finance and Implementation Plan 2005 Update and dated September 20, 2005, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 352.

**SOUTH MACARTHUR PLAN AREA, PARKS FEE - FUND 352**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called South MacArthur Plan Area Finance and Implementation Plan 2005 Update and dated September 20, 2005, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 352.

**SOUTH MACARTHUR PLAN AREA, WATER FEE - FUND 352**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called South MacArthur Plan Area Finance and Implementation Plan 2005 Update and dated September 20, 2005, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 352.

**EXHIBIT D**  
**Report of Findings for Development Fee Funds**  
**Collected for the Fiscal Year Ended June 30, 2019**  
(Government Code §66001(d).)

**SOUTH MACARTHUR PLAN AREA, WASTEWATER FEE - FUND 352**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called South MacArthur Plan Area Finance and Implementation Plan 2005 Update and dated September 20, 2005, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 352.

**SOUTH MACARTHUR PLAN AREA, PUBLIC BUILDINGS AND SERVICES FEE - FUND 352**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called South MacArthur Plan Area Finance and Implementation Plan 2005 Update and dated September 20, 2005, (2) in the latest Public Safety Development Impact Fee Update adopted on September 16, 2014 by Resolution 2014-158, and (3) in the City's Capital Improvement Plan and Exhibit C, Fund 352.

**SOUTH MACARTHUR PLAN AREA, PROGRAM MANAGEMENT FEE - FUND 391**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called South MacArthur Plan Area Finance and Implementation Plan 2005 Update and dated September 20, 2005, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 391.

**INDUSTRIAL SPECIFIC PLAN SOUTH AREA, ARTERIALS FEE - FUND 354**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Updated ISP South Finance and Implementation Plan and dated March 17, 2009, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 354.

**INDUSTRIAL SPECIFIC PLAN SOUTH AREA, STORM DRAINAGE FEE - FUND 354**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Updated ISP South Finance and Implementation Plan and dated March 17, 2009, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 354.

**INDUSTRIAL SPECIFIC PLAN SOUTH AREA, PARKS FEE - FUND 354**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Updated ISP South Finance and Implementation Plan and dated March 17, 2009, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 354.

**INDUSTRIAL SPECIFIC PLAN SOUTH AREA, PUBLIC BUILDINGS FEE - FUND 354**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Updated ISP South Finance and Implementation Plan and dated March 17, 2009, and (2) in the latest Public Safety Development Impact Fee Update adopted on September 16, 2014 by Resolution 2014-158, and (3) in the City's Capital Improvement Plan and Exhibit C, Fund 354.

**INDUSTRIAL SPECIFIC PLAN SOUTH AREA, WATER FEE - FUND 354**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Updated ISP South Finance and Implementation Plan and dated March 17, 2009, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 354.

**INDUSTRIAL SPECIFIC PLAN SOUTH AREA, WASTEWATER FEE - FUND 354**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Updated ISP South Finance and Implementation Plan and dated March 17, 2009, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 354.

**EXHIBIT D**  
**Report of Findings for Development Fee Funds**  
**Collected for the Fiscal Year Ended June 30, 2019**  
(Government Code §66001(d).)

**INDUSTRIAL SPECIFIC PLAN SOUTH AREA, PROGRAM MANAGEMENT FEE - FUND 391**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Updated ISP South Finance and Implementation Plan and dated March 17, 2009, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 391.

**PRESIDIO AREA, ARTERIALS FEE - FUND 355**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Presidio Planning Area Finance and Implementation Plan and dated June 30, 2000, and (2) the latest Roadway Development Impact Fee Update adopted on October 2, 2001 by Resolution 2001-351, and (3) in the City's Capital Improvement Plan and Exhibit C, Fund 355.

**PRESIDIO AREA, ARTERIALS - REGIONAL FEE - FUND 355**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Presidio Planning Area Finance and Implementation Plan and dated June 30, 2000, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 355.

**PRESIDIO AREA, STORM DRAINAGE FEE - FUND 355**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Presidio Planning Area Finance and Implementation Plan and dated June 30, 2000, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 355.

**PRESIDIO AREA, PUBLIC BUILDINGS FEE - FUND 355**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Presidio Planning Area Finance and Implementation Plan and dated June 30, 2000, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 355.

**PRESIDIO AREA, WATER FEE - FUND 355**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Presidio Planning Area Finance and Implementation Plan and dated June 30, 2000, and (2) the latest Water Fee Update adopted on October 2, 2001 by Resolution 2001-351, and (3) in the City's Capital Improvement Plan and Exhibit C, Fund 355.

**PRESIDIO AREA, WASTEWATER FEE - FUND 355**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Presidio Planning Area Finance and Implementation Plan and dated June 30, 2000, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 355.

**PRESIDIO AREA, PROGRAM MANAGEMENT FEE - FUND 391**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Presidio Planning Area Finance and Implementation Plan and dated June 30, 2000, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 391.

**TRACY GATEWAY AREA, ARTERIALS FEE - FUND 356**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Tracy Gateway Project Infrastructure Cost Obligations and Phase 1 Finance and Implementation Plan Update and dated July 17, 2007, and (2) in the latest Roadway Development Impact Fee Update adopted on December 6, 2011 by Resolution 2011-227, and (3) in the City's Capital Improvement Plan and Exhibit C, Fund 356.

**EXHIBIT D**  
**Report of Findings for Development Fee Funds**  
**Collected for the Fiscal Year Ended June 30, 2019**  
(Government Code §66001(d).)

**TRACY GATEWAY AREA, STORM DRAINAGE FEE - FUND 356**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Tracy Gateway Project Infrastructure Cost Obligations and Phase 1 Finance and Implementation Plan Update and dated July 17, 2007, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 356.

**TRACY GATEWAY AREA, PUBLIC BUILDINGS FEE - FUND 356**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Tracy Gateway Project Infrastructure Cost Obligations and Phase 1 Finance and Implementation Plan Update and dated July 17, 2007, (2) in the latest Public Safety Development Impact Fee Update adopted on September 16, 2014 by Resolution 2014-158, and (3) in the City's Capital Improvement Plan and Exhibit C, Fund 356.

**TRACY GATEWAY AREA, WATER FEE - FUND 356**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Tracy Gateway Project Infrastructure Cost Obligations and Phase 1 Finance and Implementation Plan Update and dated July 17, 2007, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 356.

**TRACY GATEWAY AREA, WASTEWATER FEE - FUND 356**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Tracy Gateway Project Infrastructure Cost Obligations and Phase 1 Finance and Implementation Plan Update and dated July 17, 2007, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 356.

**TRACY GATEWAY AREA, PROGRAM MANAGEMENT FEE - FUND 356**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Tracy Gateway Project Infrastructure Cost Obligations and Phase 1 Finance and Implementation Plan Update and dated July 17, 2007, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 356.

**NORTHEAST INDUSTRIAL AREA, PHASE 2, ARTERIALS FEE - FUND 357**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Northeast Industrial Area - Phase 2 Finance and Implementation Plan and dated January 15, 2008, (2) in the arterial fees adopted on May 1, 2012, and (3) in the City's Capital Improvement Plan and Exhibit C, Fund 357.

**NORTHEAST INDUSTRIAL AREA, PHASE 2, STORM DRAINAGE FEE - FUND 357**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Northeast Industrial Area - Phase 2 Finance and Implementation Plan and dated January 15, 2008, and (2) in the latest storm drainage impact fee study, Storm Drainage Northeast Industrial Area (NEI) Fee and Eastside Industrial Fee Update adopted on October 2, 2018 by Resolution 2018-204 and the latest annual update on July 1 2019, and (3) in the City's Capital Improvement Plan and Exhibit C, Fund 351.



**EXHIBIT D**  
**Report of Findings for Development Fee Funds**  
**Collected for the Fiscal Year Ended June 30, 2019**  
(Government Code §66001(d).)

**NORTHEAST INDUSTRIAL AREA, PHASE 2, WATER FEE - FUND 357**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Northeast Industrial Area - Phase 2 Finance and Implementation Plan and dated January 15, 2008, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 357.

**NORTHEAST INDUSTRIAL AREA, PHASE 2, WASTEWATER FEE - FUND 357**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Northeast Industrial Area - Phase 2 Finance and Implementation Plan and dated January 15, 2008, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 357.

**NORTHEAST INDUSTRIAL AREA, PHASE 2, PUBLIC BUILDINGS FEE - FUND 357**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Northeast Industrial Area - Phase 2 Finance and Implementation Plan and dated January 15, 2008, and (2) in the latest Public Safety Development Impact Fee Update adopted on September 16, 2014 by Resolution 2014-158, and (3) in the City's Capital Improvement Plan and Exhibit C, Fund 357.

**NORTHEAST INDUSTRIAL AREA, PHASE 2, PROGRAM MANAGEMENT FEE - FUND 391**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Northeast Industrial Area - Phase 2 Finance and Implementation Plan and dated January 15, 2008, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 391.

**NORTHEAST INDUSTRIAL AREA, FUTURE PHASE, WATER FEE - FUND 391**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest technical memorandum, called City of Tracy's Northeast Industrial Area Future Phases Water and Wastewater Development Impact Fee Technical Memorandum and dated September 4, 2019, and adopted on November 5, 2019 through Resolution No. 2019-211, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 391.

**NORTHEAST INDUSTRIAL AREA, FUTURE PHASE, WASTE WATER FEE - FUND 391**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest technical memorandum, called City of Tracy's Northeast Industrial Area Future Phases Water and Wastewater Development Impact Fee Technical Memorandum and dated September 4, 2019, and adopted on November 5, 2019 through Resolution No. 2019-211, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 391.

**NORTHEAST INDUSTRIAL AREA, FUTURE PHASE, PROGRAM MANAGEMENT - FUND 391**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest technical memorandum, called City of Tracy's Northeast Industrial Area Future Phases Water and Wastewater Development Impact Fee Technical Memorandum and dated September 4, 2019, and adopted on November 5, 2019 through Resolution No. 2019-211, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 391.

**I-205 CORRIDOR AREA, ARTERIALS FEE - FUND 353**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest Cost Allocation Distribution Spreadsheet, called I-205 Corridor Specific Plan Spreadsheet #47 and dated June 19, 2007, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 353.

**I-205 CORRIDOR AREA, STORM DRAINAGE FEE - FUND 353**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest Cost Allocation Distribution Spreadsheet, called I-205 Corridor Specific Plan Spreadsheet #47 and dated June 19, 2007, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 353.

**EXHIBIT D**  
**Report of Findings for Development Fee Funds**  
**Collected for the Fiscal Year Ended June 30, 2019**  
(Government Code §66001(d).)

**I-205 CORRIDOR AREA, PARKS FEE - FUND 353**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest Cost Allocation Distribution Spreadsheet, called I-205 Corridor Specific Plan Spreadsheet #47 and dated June 19, 2007, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 353.

**I-205 CORRIDOR AREA, PUBLIC BUILDINGS FEE - FUND 353**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest Cost Allocation Distribution Spreadsheet, called I-205 Corridor Specific Plan Spreadsheet #47 and dated June 19, 2007, (2) in the latest Public Safety Development Impact Fee Update adopted on September 16, 2014 by Resolution 2014-158, and (3) in the City's Capital Improvement Plan and Exhibit C, Fund 353.

**I-205 CORRIDOR AREA, WATER FEE - FUND 353**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest Cost Allocation Distribution Spreadsheet, called I-205 Corridor Specific Plan Spreadsheet #47 and dated June 19, 2007, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 353.

**I-205 CORRIDOR AREA, SEWER TREATMENT FEE - FUND 353**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest Cost Allocation Distribution Spreadsheet, called I-205 Corridor Specific Plan Spreadsheet #47 and dated June 19, 2007, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 353.

**I-205 CORRIDOR AREA, PROGRAM MANAGEMENT FEE - FUND 353**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest Cost Allocation Distribution Spreadsheet, called I-205 Corridor Specific Plan Spreadsheet #47 and dated June 19, 2007, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 353.

**HABITAT MITIGATION FEES - FUND 391**

The purpose of the fee is to mitigate the cumulative impacts to threatened, endangered, rare, and unlisted SJMSCP covered species and other wildlife and other impacts to recreation, agriculture, scenic values, and other beneficial open space uses of new development on undeveloped lands. The relationship between the fee and the purpose for which the fee is imposed is set forth in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan prepared by San Joaquin Council of Governments (SJCOG) on July 25, 2001 and updated in 2011 and 2016. The fees are updated annually. The fees collected are remitted to SJCOG pursuant to the Plan.

**AGRICULTURAL MITIGATION FEES - FUND 207**

The purpose of the fee is to mitigate the loss of productive agricultural lands converted for urban uses within the City by permanently protecting agricultural lands planned for agricultural use and by working with farmers who voluntarily wish to sell or restrict their land in exchange for fair compensation. The relationship between the fee and the purpose is set forth in Tracy Municipal Code Chapter 13.28 and in the South San Joaquin County Farmland Conversion Fee Nexus Study, dated July 18, 2005 and prepared by ESA, including any amendments to it. The fees are updated annually. Pursuant to Tracy Municipal Code section 13.28.080(b) and an agreement entered into, the monies in the fund are forwarded to the Central Valley Farmland Trust, Inc., a California non-profit public benefit corporation, a qualified entry under Chapter 13.28.

**COUNTY FACILITIES FEE - FUND 391**

The purpose of the fee is to finance the construction of region-serving capital facilities located throughout San Joaquin County to reduce the impacts caused by future development in San Joaquin County. The funds derived from County Facilities Fees will be used to finance the facilities identified in the San Joaquin Countywide Capital Facilities Fees Nexus Report dated October 12, 2017 and prepared by Economic & Planning Systems, Inc. Pursuant to Tracy Municipal Code Chapter 13.24.020(b) and an agreement entered into, the monies in the fund are remitted to the County of San Joaquin, who is responsible for administering the fee funds and constructing the capital facilities.

**EXHIBIT D**  
**Report of Findings for Development Fee Funds**  
**Collected for the Fiscal Year Ended June 30, 2019**  
(Government Code §66001(d).)

**REGIONAL TRANSPORTATION IMPACT FEE - FUND 808**

The purpose of the fee is to finance the construction of transportation and transit improvements that help mitigate impacts to the San Joaquin County regional transportation network. Pursuant to Tracy Municipal Code Chapter 13.32.020(b)(2), the fees collected shall be used to finance Regional Transportation Impact Fee capital projects identified in the San Joaquin County Regional Transportation Impact Fee Technical Report dated October 2015 and adopted in April 2015, prepared by the San Joaquin Council of Governments (SJCOG). The fees are updated annually. The monies in the fund are remitted to SJCOG, who has the responsibility as the region's designated Metropolitan Planning Organization and through its powers as specified in its joint powers agreement to maintain and improve the Regional Transportation Network, as per the Regional Transportation Impact Fee Operating Agreement, dated October 27, 2005.

**ELLIS PROGRAM AREA PARKS AND RECREATION FEE - FUND 333**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Ellis Program Area Finance and Implementation Plan and dated August 20, 2013, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 333.

**ELLIS PROGRAM AREA STORM DRAINAGE FEE - FUND 332**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Ellis Program Area Finance and Implementation Plan and dated August 20, 2013, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 332.

**ELLIS PROGRAM AREA TRAFFIC FEE - FUND 331**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Ellis Program Area Finance and Implementation Plan and dated August 20, 2013, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 331.

**ELLIS PROGRAM AREA PUBLIC BUILDINGS FEE - FUND 334**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Ellis Program Area Finance and Implementation Plan and dated August 20, 2013, and (2) in the latest Public Safety Development Fee Update on September 16, 2014 by Resolution 2014-158, and (3) in the City's Capital Improvement Plan and Exhibit C, Fund 334.

**ELLIS PROGRAM AREA WATER SUPPLY, TREATMENT, STORAGE AND DISTRIBUTION FEE - FUND 335**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Ellis Program Area Finance and Implementation Plan and dated August 20, 2013, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 335.

**ELLIS PROGRAM AREA WASTEWATER TREATMENT AND CONVEYANCE FEE - FUND 337**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Ellis Program Area Finance and Implementation Plan and dated August 20, 2013, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 337.

**ELLIS PROGRAM AREA RECYCLED WATER FEE - FUND 336**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Ellis Program Area Finance and Implementation Plan and dated August 20, 2013, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 336.

**ELLIS PROGRAM AREA PROGRAM MANAGEMENT FEE - FUND 391**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Ellis Program Area Finance and Implementation Plan and dated August 20, 2013, and (2) in the City's Capital Improvement Plan and Exhibit C, Fund 391.

**EXHIBIT D**  
**Report of Findings for Development Fee Funds**  
**Collected for the Fiscal Year Ended June 30, 2019**  
(Government Code §66001(d).)

**CITYWIDE MASTER PLAN PARKS FEE - FUND 361**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the Parks AB1600 Development Impact Fee Technical Memo dated May 2013 and adopted on January 7, 2014, and (2) Citywide Master Plan Parks Fee update on July 1, 2018 and the latest annual update on July 1, 2019, and (3) in the City's Capital Improvement Plan and Exhibit C, Fund 361.

**CITYWIDE MASTER PLAN STORM DRAINAGE FEE - FUND 362**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the Citywide Storm Drainage Master Plan Impact Fee Analysis dated November 2013 and adopted on January 7, 2014, and (2) in the latest Citywide Master Plan Storm Drainage Fee update on July 1, 2018 and the latest update on July 1, 2019, and (3) in the latest impact fee study, Storm Drainage Northeast Industrial Area (NEI) Fee and Eastside Industrial Fee Update adopted on October 2, 2018 by Resolution 2018-204 and the latest annual update on July 1, 2019, and (4) in the latest impact fee study, Lammers and Mountain House Watershed Storm Drainage Fees adopted on November 5, 2019 through Resolution No. 2019-217, and (5) in the City's Capital Improvement Plan and Exhibit C, Fund 362.

**CITYWIDE MASTER PLAN TRANSPORTATION FEE - FUND 363**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the Citywide Roadway and Transportation Master Plan Traffic Impact Fee Analysis dated November 2013 and adopted on January 7, 2014, and (2) Citywide Master Plan Transportation Fee update on July 1, 2018 and the latest annual update on July 1, 2019, and (3) in the City's Capital Improvement Plan and Exhibit C, Fund 363.

**CITYWIDE MASTER PLAN PUBLIC SAFETY FACILITIES FEE - FUND 360, 367, and 369**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the Public Safety AB1600 Development impact Fee Technical Memo dated May 2013 and adopted on January 7, 2014, and (2) in the latest Public Safety Development Fee Update on September 16, 2014 by Resolution 2014-158, (3) Citywide Master Plan Public Safety Facilities Fee update on July 1, 2018 and the latest update on July 1, 2019, and (4) in the latest fee update, called Public Safety Impact Fee Update dated August 2019 and adopted on October 1, 2019 through Resolution No. 2019-196, and (5) in the City's Capital Improvement Plan and Exhibit C, Fund 360, 367, and 369.

**CITYWIDE MASTER PLAN PUBLIC FACILITIES FEE - FUND 366**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the Public Facilities AB1600 Development impact Fee Technical Memo dated May 2013 and adopted on January 7, 2014, and (2) Citywide Master Plan Public Facilities Fee update on July 1, 2018 and the latest annual update on July 1, 2019, and (3) in the City's Capital Improvement Plan and Exhibit C, Fund 366.

**CITYWIDE MASTER PLAN WATER SUPPLY, TREATMENT, STORAGE AND DISTRIBUTION - FUND 365**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the Citywide Water System Master Plan - Tier 1 Development Impact Fee Analysis For the Backbone Buildout Potable and Recycled Water System dated August 28, 2013 and adopted on January 7, 2014, and (2) Citywide Master Plan Water Supply, Treatment, Storage, and Distribution Fee update on July 1, 2018 and the latest annual update on July 1, 2019, and (3) in the City's Capital Improvement Plan and Exhibit C, Fund 365.

**CITYWIDE MASTER PLAN WASTEWATER TREATMENT AND CONVEYANCE - FUND 364**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the Tracy Wastewater Conveyance and Treatment Development Impact Fee Study dated January 2013 and adopted on January 7, 2014, (2) in the latest Citywide Master Plan Wastewater Treatment and Conveyance Fee update on July 1, 2018 and the latest annual update on July 1, 2019, and (3) in the City's Capital Improvement Plan and Exhibit C, Fund 364.

**CITYWIDE MASTER PLAN RECYCLED WATER - FUND 368**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the Citywide Water System Master Plan - Tier 1 Development Impact Fee Analysis For the Backbone Buildout Potable and Recycled Water System dated August 28, 2013 and adopted on January 7, 2014, and (2) Citywide Master Plan Recycled Water Fee update on July 1, 2018 and the latest annual update on July 1, 2019, and (3) in the City's Capital Improvement Plan and Exhibit C, Fund 368.

**CITYWIDE MASTER PLAN PROGRAM MANAGEMENT - FUND 391**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the various AB1600 fee studies adopted on January 7, 2014, and (2) Citywide Master Plan Program Management Fee update on July 1, 2018 and the latest annual update on July 1, 2019, and (3) in the City's Capital Improvement Plan and Exhibit C, Fund 391.

RESOLUTION 2020-\_\_\_\_\_

APPROVING THE ANNUAL REPORT ON DEVELOPMENT IMPACT FEE REVENUES, EXPENDITURES AND FINDINGS REGARDING UNEXPENDED FUNDS FOR FISCAL YEAR 2019-2020 IN ACCORDANCE WITH THE MITIGATION FEE ACT (AB 1600)

WHEREAS, The Mitigation Fee Act, enacted by Assembly Bill 1600 (AB 1600) in 1987 and codified as Government Code sections 66000-66006 imposes requirements for the collection and expenditure of development impact fees, and

WHEREAS, Pursuant to Government Code section 66006(b), the City of Tracy must issue an annual report relating to the development impact fees it imposes, and

WHEREAS, Pursuant to Government Code section 66001(d), the City must make certain findings, at least every five years with respect to that portion of each development fee account remaining unexpended, and

WHEREAS, Pursuant to Government Code section 66006(b)(2), notice of the City Council meeting at which this report was considered was mailed at least 15 days before the meeting to interested parties who requested notice;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby resolves, declares, determines, and orders as follows:

1. Annual Report of Development Impact Fees. The City Council approves the attached annual report of development impact fee revenues and expenditures for the fiscal year ending June 30, 2020, as set forth in Exhibits A, B and C.
2. Findings. The City Council here adopts the findings contained in the attached report of findings for the fiscal year ending June 30, 2020, as set forth in Exhibit D.

\* \* \* \* \*

The foregoing Resolution 2020-\_\_\_\_\_ was adopted by the Tracy City Council on the 15<sup>th</sup> day of December, 2020, by the following vote:

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

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

AGENDA ITEM 1.H

REQUEST

**RECEIVE LIST OF PENDING REQUESTS FROM CITY COUNCIL**

EXECUTIVE SUMMARY

Council Member Ransom, seconded by Council Member Vargas, requested to place an item on the Consent Agenda listing pending requests made by Council Members during City Council meetings.

DISCUSSION

At the December 1, 2020, City Council meeting, Council Member Ransom, seconded by Council Member Vargas, requested an agenda item listing pending requests from City Council be placed on the consent agenda for the next Council meeting.

Per Section 4.3.1 of the City of Tracy - Council Meeting Protocols and Rules of Procedures, Council Members wishing to have a matter discussed by the City Council may request that it be placed on a future City Council agenda during the Council meeting under "Council Items and Comment." Under this portion of the agenda, two Council Members may request staff to provide information, perform studies, or undertake other action. If the requested action is routine in nature, the City Manager will direct staff to proceed. However, if the request cannot be accomplished within the approved budget or City Council priorities, or if it will involve substantial staff resources, the City Manager will report to the City Council at a subsequent City Council meeting and request further direction. At that time, the consensus of a majority of the City Council will be required to proceed.

Below is a list of Council requests made during the Council Items and Comments portion of Tracy City Council meetings:



**COUNCIL FOLLOW-UP REQUESTS  
(Updated 12-01-2020)**

Requestor	Council Meeting Date	Action Requested	Status
Ransom & Vargas	11/7/17 & 6/4/19	Hazardous Mitigation Plan approval (General Plan Amendment)  Continuity of Business Preparations	County training forthcoming  Tentatively scheduled for 1/19/21

Agenda Item 1.H  
 December 15, 2020  
 Page 2

Ransom/ Vargas	02/05/19	Provide details of all Memorandum of Understandings with non-employee related organizations (not developer) the City has and what is entailed. What is financial commitment, staff time, what are we giving to all various organizations.	Memo sent to Council in April 2020. Staff report scheduled for April 2021.
Vargas/ Rickman	06/04/19	Review of the park naming policy.	Staff Report – Tentatively scheduled for 1/19/21
Ransom/ Young	06/04/19	Propose amendment to City regulations to allow limited electronic reader boards.	1 <sup>st</sup> Quarter 2021 I-205 Specific Plan Amendment –additional funding appropriated in November. CEQA published end of Jan. 2021
Arriola/ Vargas	07/07/20	Return to Council with an equity commission concept for consideration and direction.  Return to Council with an update on an Equity Action Plan development process.	Jan 2021 - Staff Report
Vargas/ Arriola	7/28/20	Agendize discussion regarding a citywide policy to have an affordable housing component for any future developments to apply to have a percentage of affordable housing.(Inclusionary Housing) To include recommendations from the 2/14/20 Workforce and Affordable Housing Agenda Item. Such as GMO, Impact Fees, and Zoning	1 <sup>st</sup> Quarter 2021 - Include discussion of Inclusionary Housing as part of the Workforce and Affordable Housing Recommendations to come back to Council
Young/ Ransom	8/18/20	Staff to bring back an item about Legacy Fields use, operations, and history and revisit the scope of Multi-Gen	Special Meeting - Feb 2
Arriola/ Vargas	10/06/20	Bring back item related to the following: 1. Planning of completion of phase 1 and its entirety of Legacy Fields How the remainder of phase 1 can be phased for purposes of budgetary allocations.	
Vargas/ Rickman	9/1/20	Council speaking time limits	Staff Report - Jan – March timeframe
Young/ Ransom	8/4/20	Evaluate the role, make up, validity and necessity of each of the City's Boards and Commissions.	Staff Report - Tentatively scheduled for 1/19/21
Young/ Vargas	10/6/20	2. Look at each Board and Commission's functions, relevance, annual reports.	
Vargas/ Arriola	10/6/20	Discussion on ban of fireworks in the City of Tracy	Staff Report -Tentatively scheduled for 1/19/21 meeting
	10/20/20	Shared mobility device scooter Ordinance	Jan 2021
Vargas/ Arriola	11/10/20	Civil Search Program – Community Emergency Response Team. Item to create an ad hoc committee to educate people about disasters.	Early 2021 Staff Report
Vargas/ Arriola	11/10/20	Staff to follow up with the Fire Department to see what they are working on to be able to assist buildings of 100 ft.	Summer 2021 - Staff will with Fire Dept. as part of the Public Safety Master Plan updates

			currently underway as to address this future concern
Vargas/ Arriola	11/17/20	Agenda item to discussion and provide policy direction about Development Agreements Negotiations.	Spring 2021 Staff Report. Will be tied to Budget discussion
Ransom/ Vargas	11/17/20	Special Meeting/Workshop to provide Update on Fire JPA	Late Winter 2021
Vargas/ Arriola	12/01/20	Create policy to adopt open spaces when it comes to storm drains and parks	Summer 2021 - Staff Report - Will be analyzed as part of Storm Drain Master Plan update currently underway
Vargas/ Arriola	12/01/20	Policy to adopt water tanks and water towers to have uniformity on how they are built and consistency throughout the entire City.	Summer 2021 - Staff Report Will be analyzed and reviewed as part of the Water Master Plan update currently underway.

FISCAL IMPACT

None.

STRATEGIC PLAN

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

RECOMMENDATION

Staff recommends Council receive the list of open Council requests.

Prepared by: Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager



AGENDA ITEM 1.I

REQUEST

**AUTHORIZE EXTENDING THE TERM OF THE \$2 MILLION LOAN TO THE WATER ENTERPRISE FUND FROM THE WASTEWATER ENTERPRISE FUND FOR AN ADDITIONAL FOUR YEARS, WITH PAYMENTS STARTING IN FY2021-22 IN THE AMOUNT OF \$500,000 PER FISCAL YEAR, WITH INTEREST AT THE LOCAL AGENCY INVESTMENT FUND (LAIF) RATE**

EXECUTIVE SUMMARY

On November 15, 2016, City Council authorized a \$2 million loan to the Water Enterprise Fund from the Wastewater Enterprise Fund for a period of two years, ending Fiscal Year 2019, in order to maintain adequate reserves in the Water Enterprise Fund. On October 17, 2017, City Council authorized extending the term of the loan from two to four years as repayment would adversely affect the financial reserve in the Water Enterprise Fund.

Currently the Water Enterprise Fund does not possess adequate reserves to fully repay the loan. Staff recommends extending the term of the loan by an additional four years, with annual payments of \$500,000 starting in Fiscal Year 2021/2022, to maintain a financial reserve in the Water Enterprise Fund.

DISCUSSION

Water rates are established to fund operating expenses, capital costs for maintenance and replacement of existing water infrastructure, debt payments, and to maintain an adequate reserve for any emergency in order to continue providing uninterrupted water service. Water rates were last adjusted in 2008 and 2018. Over the last ten years, water consumption patterns were drastically reduced due to a statewide drought and water restrictions. These consumption patterns have become the new-normal with customers continuing to adopt and practice strong water conservation habits, however; lower consumption results in lower Water Fund revenues. At the same time, the water distribution network is aging fast; needing funds for capital improvements. Over time, the Water Fund reserves have been significantly reduced and have not fully recovered.

Good utility fiscal management practices call for a reserve fund to address variability in revenue and expenses. A fund reserve is also prudent to address unanticipated costs that may occur from unforeseen facility failures or a natural disaster. A target amount for such a reserve is six-months of operating expenses.

To maintain adequate reserves in the Water Enterprise Fund, on November 15, 2016, City Council authorized a two-year loan in the amount of \$2 million from the Wastewater Enterprise Fund. The loan was to be repaid in November 2018 (Fiscal Year Ending 2019). At the September 5<sup>th</sup> City Council workshop, staff presented a Water Rate Study and recommended an increase in water rates.

City Council authorized staff to proceed with the rate increase in accordance with the requirements of Proposition 218. As part of the rate study, it was recommended to extend the loan another two years to 2021. However, even with the rate increase, the revenues coming in and the expenses going out have not been sufficiently restored to the Water Fund reserves. Staff recommends that the loan terms be further extended an additional four years (ending Fiscal Year 2024/25), with annual payments of \$500,000 beginning in Fiscal Year 2021/22.

### STRATEGIC PLAN

This item is in accordance with Goal 3, Objective 1 of City Council's Governance Strategy:

- Objective 1) Develop cost containment and revenue enhancement strategies for consideration as part of the FY 2020/21 budget development process

### FISCAL IMPACT

The Water Fund requires an extension to the original loan terms, with annual payments of \$500,000 starting in Fiscal Year 2021/2022, so that it may maintain adequate cash flow to meet the needs of the utilities. The Water Fund will repay both principal and interest to the Wastewater fund with interest set at the Local Agency Investment Fund (LAIF). The Wastewater Enterprise Fund has adequate reserves to extend the loan repayment to Fiscal Year Ending 2025.

### RECOMMENDATION

Staff recommends that City Council approve, by resolution, extending the term of the \$2 million loan to the Water Enterprise Fund from the Wastewater Enterprise Fund for an additional four years, with annual payments of \$500,000 beginning in Fiscal Year 2021/2022 with interest at the Local Agency Investment Fund (LAIF) rate.

Prepared by: Felicia Galindo, Senior Accountant

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

Approved by: Jenny Haruyama, City Manager

RESOLUTION 2020-\_\_\_\_\_

AUTHORIZING EXTENDING THE TERM OF THE \$2 MILLION LOAN TO THE WATER ENTERPRISE FUND FROM THE WASTEWATER ENTERPRISE FUND FOR AN ADDITIONAL FOUR YEARS, WITH PAYMENTS STARTING IN FY2021-22 IN THE AMOUNT OF \$500,000 PER FISCAL YEAR, WITH INTEREST AT THE LOCAL AGENCY INVESTMENT FUND (LAIF) RATE

WHEREAS, To maintain an adequate reserve in the Water Enterprise Fund, on November 15, 2016, City Council authorized a \$2 million loan to the Water Enterprise Fund from the Wastewater Enterprise Fund in order to maintain an adequate reserve, and

WHEREAS, In order to keep sufficient reserves in the Water Enterprise Fund, on October 17, 2017, City Council authorized an increase to the term of existing loan from two (2) years to four (4) years, and

WHEREAS, Current analysis has determined that reserves are still not adequate, and Staff recommends an additional extension of four (4) years to the term with annual payments of \$500,000 to begin in Fiscal Year 2021/22;

NOW, THEREFORE, BE IT RESOLVED, That City Council of the City of Tracy hereby authorize extending the term of the \$2 million loan to the Water Enterprise Fund from the Wastewater Enterprise Fund for an additional four years, with annual payments of \$500,000 beginning in Fiscal Year 2021/2022, with interest at the Local Agency Investment Fund (LAIF) rate.

\*\*\*\*\*

The foregoing Resolution 2020-\_\_\_\_\_ was adopted by the Tracy City Council on the 15<sup>th</sup> day of December, 2020 by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

AGENDA ITEM 3.A

REQUEST

**ADOPT A RESOLUTION RECITING THE FACTS AND DECLARING THE RESULTS OF THE NOVEMBER 3, 2020 CITY OF TRACY GENERAL MUNICIPAL ELECTION**

EXECUTIVE SUMMARY

A General Municipal Election was held on November 3, 2020. The San Joaquin County Registrar of Voters Office has certified the results. The Election Code requires that the City Council adopt a resolution reciting the results of the election and other matters, as provided by law.

DISCUSSION

A General Municipal Election was held in the City on Tuesday, November 3, 2020. Pursuant to Resolution No. 2020-078 (Attachment A), adopted by Council on May 19, 2020, Resolution No. 2018-079 (Attachment B), adopted by Council on May 19, 2020, and Resolution No. 2020-138 (Attachment C), adopted by Council on July 28, 2020. The Registrar of Voters for San Joaquin County has canvassed the returns of the election and certified the results per Elections Code section 10264:

- The names of the persons voted for at the election for Mayor were Dan Tavares Arriola, Jennifer Bilbrey, Jass Sangha, Abdul Wahid, and Nancy D. Young.
- The names of the persons voted for at the election for Member of the City Council were Ameni Alexander, Mateo Bedolla, Eleassia Davis, Cliff Hudson, Jaime A. Medina, William Muetzenberg, Elizabeth Ortiz, and Amrik Wander.
- The name of the person voted for at the election for Treasurer was Raymond McCray.

The two Measures voted upon at the election was as follows:

- Measure W - Shall the City of Tracy adopt an ordinance imposing a general tax on cannabis businesses, including hemp, not to exceed \$12.00 per canopy square foot for cultivation (adjusted for inflation), 6% of gross receipts for retail, and 4% for all other businesses; estimated to generate \$350,000 to \$700,000 annually for Tracy until voters change or repeal it, to fund core City services such as public safety, public works, parks, and community services? – Yes/No

- Measure Y - Shall the City of Tracy adopt an ordinance exempting development projects in transit oriented development areas near commuter rail (e.g. ValleyLink) that designate at least 10% of dwelling units for rent or sale as affordable workforce housing based on the City of Tracy's area median income (adjusted for household size) from the City's Growth Management Ordinance, with the exemption limited to 2,200 units per transit oriented development area, to preserve and maintain community character? – Yes/No

The number of precincts and the number of votes casts in the City for each of the persons named above for the respective offices for which the persons were candidates, and Measure W and Measure Y are included in the certified results (Attachment D).

The proposed resolution declares the following election results:

- Nancy D. Young was elected as Mayor for the full term of two years;
- Eleassia Davis was elected as Member of the City Council for the full term of four years;
- Mateo Bedolla was elected as Member of the City Council to serve a term of four years;
- Raymond McCray was elected as Treasurer for the full term of four years;
- Measure W passed; and
- Measure Y did not pass.

#### FISCAL IMPACT

The actual cost of the election is unknown at this time. Based on past practice, the County will provide a full accounting and invoice to the City by January 2021 and the City of Tracy will reimburse the County for its services. The City budgeted \$135,000 in the FY 2020/21 budget.

#### RECOMMENDATION

That the City Council, pursuant to the Elections Code, adopt a resolution reciting the facts of the General Municipal Election held on November 3, 2020, declaring the results and other matters as provided by law.

Prepared by: Adrienne Richardson, City Clerk

Reviewed by: Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

#### ATTACHMENTS:

Attachment A – Tracy City Council Resolution 2020-078

Attachment B – Tracy City Council Resolution 2020-079

Attachment C – Tracy City Council Resolution 2020-138

Attachment D – San Joaquin County Registrar of Voters Certification of Results of the City of Tracy General Election held on November 3, 2020

Attachment E – Final Official Precinct Results for City of Tracy

## RESOLUTION 2020-078

CALLING AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2020 FOR THE ELECTION OF CERTAIN OFFICERS AND CONSIDERATION OF LOCAL BALLOT MEASURE(S), AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN ORDER THE CONSOLIDATION OF SAID ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE

WHEREAS, Under the provisions of state law relating to general law cities, a general municipal election shall be held on November 3, 2020, for the election of municipal officers and consideration of local ballot measure(s) that are consistent with the California Constitution and state law, and

WHEREAS, The City of Tracy is a duly organized general law city, and

WHEREAS, It is desirable that the City of Tracy's General Municipal Election be consolidated with the Statewide General Election to be held on the same date and that within the City the precincts, polling places and election officers of the two elections be the same, and that the County Elections Department of the County of San Joaquin canvass the returns of the General Municipal Election, and that the election be held in all respects as if it were only one election.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TRACY AS FOLLOWS:

**Section 1.** Pursuant to the requirements of the laws of the State of California relating to general law cities there is called and ordered to be held in the City of Tracy, California, on Tuesday, November 3, 2020, a General Municipal Election for the purpose of electing a Mayor for the full term of two years commencing December 2020 and expiring November 2022 and two members of the City Council for the full term of four years commencing December 2020 and expiring November 2024.

**Section 2.** Pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of San Joaquin is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 3, 2020, for the purpose of the electing City's officers as stated above and to consider any local ballot measure(s) meeting the requirements set forth in the California Constitution and applicable state law.

**Section 3.** The Board of Supervisors is requested to issue instructions to the San Joaquin County Registrar of Voters to take any and all steps necessary to hold the consolidated election which shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The City Council acknowledges that the consolidated election will be held and conducted in the manner prescribed in Section 10418 of the Elections Code.

**Section 4.** The San Joaquin County Registrar of Voters is specifically requested to be authorized to canvass the returns of the General Municipal Election.

**Section 5.** That the Board of Supervisors authorize and direct the Registrar of Voters to provide all necessary election services in order to properly and lawfully conduct said election, including precinct workers and the procurement and furnishing of all official ballots, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election. This request is made pursuant to Section 10002 of the Elections Code.

**Section 6.** The City of Tracy recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for those costs.

**Section 7.** That the City Clerk is authorized, instructed and directed to coordinate with the San Joaquin County Registrar of Voters as necessary in order to properly and lawfully conduct the election.

**Section 8.** The polls for the election shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed, except as provided in Section 10242, except as provided in Section 14401, of the Elections Code of the State of California.

**Section 9.** Notice of the time and place of holding the election is given and the City Clerk and San Joaquin County Registrar of Voters are authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

**Section 10.** In all particulars not recited in this Resolution, the elections shall be held and conducted as provided by law for holding municipal elections.

**Section 11.** That the City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

**Section 12.** The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the San Joaquin County Registrar of Voters.

\*\*\*\*\*

The foregoing Resolution 2020- 078 was passed and adopted by the Tracy City Council on the 19th day of May, 2020, by the following vote:

AYES: COUNCIL MEMBERS: ARRIOLA, RANSOM, VARGAS, YOUNG, RICKMAN

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: NONE

  
MAYOR

ATTEST:  
  
CITY CLERK

RESOLUTION NO. 2020-079

ORDERING THE CITY CLERK TO SUBMIT A MEASURE TO THE  
VOTERS TO ADOPT AN ORDINANCE IMPOSING A CANNABIS  
BUSINESS TAX ON COMMERCIAL CANNABIS AND HEMP ACTIVITIES  
IN TRACY TO FUND CORE CITY SERVICES AT THE GENERAL  
MUNICIPAL ELECTION ON NOVEMBER 3, 2020

WHEREAS, On November 8, 2016, California voters approved the Control, Regulate and Tax Adult Use of Cannabis Act (AUMA), which legalized the possession, use, and cultivation of non-medical cannabis for those who are 21 years of age or older and established a state system to regulate commercial cannabis activity; and

WHEREAS, On June 27, 2017, Governor Jerry Brown signed into law Senate Bill 94, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), which repealed the Medical Cannabis Regulation and Safety Act (MCRSA), incorporated certain licensing provisions from MCRSA, and created a single regulatory scheme for both medicinal and adult-use cannabis; and

WHEREAS, Subject to certain exceptions, MAUCRSA generally establishes a comprehensive system to legalize, control, and regulate the cultivation, processing, manufacture, distribution, testing, and sale of cannabis, including cannabis products, and to tax the commercial growth and retail sale of cannabis; and

WHEREAS, On December 3, 2019, the City Council adopted Ordinance No. 1277 adding Chapter 6.36 to the Tracy Municipal Code to permit certain commercial cannabis businesses within the boundaries of City of Tracy, and create a local application process for the issuance of cannabis business permits for those uses; and

WHEREAS, The City Council desires to place before the voters a ballot measure to enact an ordinance allowing the City Council to implement an excise tax on cannabis and hemp businesses within the City; and

WHEREAS, Revenues from a cannabis business tax would be for general revenue purposes and would go into the City's general fund and could be used for any legitimate government purpose; and

WHEREAS, At the meeting of the City Council of the City of Tracy on today's date, the Council adopted a resolution calling for and giving notice of a General Municipal Election to be held on November 3, 2020 and requesting that the Board of Supervisors of the County of San Joaquin consolidate said election with the Statewide General Election to be held that day, and

WHEREAS, Pursuant to Section 9222 of California Elections Code, the City Council is authorized to place measures on the ballot to be considered at a general municipal election, and

WHEREAS, Article XIIC, section 2(b) of the California Constitution requires that any general tax for unrestricted general revenue purposes must be submitted to and approved by a majority vote of the voters voting on the issue of imposing any general tax; and

WHEREAS, A substantial portion of the City's General Fund is used for public safety purposes and the City Council has determined that a cannabis business tax is an effective way



of offsetting the impact of commercial cannabis on core City services such as public safety, public works, parks, and community services; and

WHEREAS, The City of Tracy is dedicated to protecting the public safety, health and quality of life of Tracy residents; and

WHEREAS, The Measure will help maintain and enhance core City services such as public safety (police, fire, and code enforcement), public works (street and sidewalk repair, parks and public landscaping maintenance and improvements), park (recreation, aquatics, and sports programming), and community services (youth and senior services, homeless and housing programs); and

WHEREAS, The proposed Cannabis Business Tax Ordinance attached hereto as Exhibit "A" and incorporated herein by reference ("Ordinance") would impose a general tax on businesses engaged in commercial cannabis (marijuana) or hemp activity in Tracy ("General Tax"), and

WHEREAS, If approved by the voters, the revenue from the General Tax will be used to fund core City services, and

WHEREAS, The City Council desires to submit the General Tax to the qualified voters of the City at the next General Municipal Election to be held on Tuesday, November 3, 2020.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TRACY AS FOLLOWS:**

**Section 1. Recitals.** The City Council hereby finds and determines that the foregoing recitals are true and correct.

**Section 2. Election.** The City Council hereby orders the City Clerk to submit the General Tax as proposed in the attached Ordinance to the voters at the General Municipal Election to be held on November 3, 2020.

**Section 3. Rate and Method.** The type, rate, and method of collection of the tax are set forth in the Ordinance. The cumulative amount of the tax shall not exceed 15% of the gross receipts of cannabis businesses in the City.

**Section 4. Ballot Label.** The ballot label for the proposed General Tax shall be submitted for a "Yes" or "No" vote as follows:

Shall the City adopt an ordinance imposing a general tax on cannabis businesses, including hemp, not to exceed \$12.00 per canopy square foot for cultivation (adjusted for inflation), 6% of gross receipts for retail, and 4% for all other businesses; estimated to generate \$350,000 to \$700,000 annually for Tracy until voters change or repeal it, to fund core City services such as public safety, public works, parks, and community services?	YES	
	NO	

**Section 5. Full Text.** The full text of the Ordinance, which is attached as Exhibit "A" shall be printed in the sample ballot/voter information pamphlet for the November 3, 2020 election.

**Section 6. Approval.** Pursuant to Section 2(b) of Article XIII C of the California Constitution, this measure requires approval by a majority vote (50% plus 1) of those casting ballots on the measure.


**Section 7. Filing with County.** The City Clerk shall file a certified copy of this Resolution with the Board of Supervisors and County Elections Department of the County of San Joaquin.


**Section 8. CEQA.** The approval of this Resolution is exempt from the California Environmental Quality Act ("CEQA"; Public Resources Code Sections 21000, et seq, and 14 Cal. Code Reg. Sections 15000 et seq "CEQA Guidelines"). The general tax to be submitted to the voters will be used to fund core City services such as public safety, public works, parks, and community services; it is not a commitment to any particular action. As such, under CEQA Guidelines Section 15378 (b)(4), the proposed tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue generated by the tax were used for a purpose that would have such an effect, the City of Tracy would undertake the required CEQA review for that particular project. Therefore, pursuant to CEQA Guideline Section 15060 CEQA analysis is not required.

**Section 9. Effective Date.** This Resolution shall be effective immediately upon adoption by a majority vote of the City Council.

The foregoing Resolution 2020-079 was adopted by the Tracy City Council on the 19th day of May, 2020, by the following vote:

AYES: COUNCIL MEMBERS: ARRIOLA, RANSOM, VARGAS, YOUNG, RICKMAN  
NOES: COUNCIL MEMBERS: NONE  
ABSENT: COUNCIL MEMBERS: NONE  
ABSTAIN: COUNCIL MEMBERS: NONE

  
MAYOR

ATTEST:  
  
CITY CLERK

**RESOLUTION NO. 2020-138**

**ORDERING THE CITY CLERK TO SUBMIT A MEASURE TO THE VOTERS AT THE GENERAL MUNICIPAL ELECTION ON NOVEMBER 3, 2020 TO APPROVE AN ORDINANCE EXEMPTING TRANSIT-ORIENTED DEVELOPMENT THAT INCLUDES WORKFORCE HOUSING FROM THE CITY'S GROWTH MANAGEMENT ORDINANCE (CHAPTER 10.12 OF THE TRACY MUNICIPAL CODE); AND PROVIDING FOR SUBMITTAL OF BALLOT ARGUMENTS AND REBUTTALS, AUTHORIZING THE SUBMISSION OF AN ARGUMENT IN FAVOR OF THE BALLOT ON BEHALF OF THE CITY COUNCIL, AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE**

WHEREAS, On May 19, 2020 the City Council of the City of Tracy adopted Resolution No. 2020-078 calling for and giving notice of a General Municipal Election to be held on November 3, 2020 and requesting that the Board of Supervisors of the County of San Joaquin consolidate said election with the Statewide General Election to be held that day, and

WHEREAS, Pursuant to Section 9222 of California Elections Code, the City Council is authorized to place measures on the ballot to be considered at a General Municipal Election, and

WHEREAS, The Tracy City Council adopted the Residential Growth Management Plan, codified in Chapter 10.12 of the Tracy Municipal Code and commonly referred to as the "Growth Management Ordinance" ("GMO"), in 1987 to regulate the rate of residential growth in accordance with the availability of required infrastructure and public services, and

WHEREAS, The GMO was amended in 2001 by Measure A, a voter initiative which restricts the number of housing units that can be constructed in Tracy every year to a maximum of 750 housing units, with an average of 600 units over specified periods of time, as codified in Article 4 "Annual Limits" of the Chapter 10.12 of the TMC, and

WHEREAS, The proposed Workforce Housing and Transit Oriented Development Ordinance attached hereto as Exhibit "A" and incorporated herein by reference ("Ordinance") would amend the GMO to (a) designate residential dwelling units that meet certain affordability criteria as "workforce dwelling units"; and (b) exempt from the GMO and its annual limits on residential development any development project located in a Transit Oriented Development ("TOD") area established by a City Council-approved Zoning Ordinance amendment that reserves, for a period of twenty (20) years, a minimum of 10% of its dwelling units as "workforce dwelling units", and

WHEREAS, "Workforce dwelling units" that are rental units must be affordable to households with a gross household income of 80% to 100% of the City of Tracy area median income (as adjusted for household size) and those that are for sale must be affordable to households with a gross household income of 100% to 120% of the City of Tracy area median income (as adjusted for household size) as determined by the most recent American Community Survey completed by the United States Census Bureau, and

WHEREAS, The proposed exemption would be limited to 2,200 residential dwelling units in each TOD area, and

WHEREAS, In order to take effect, the Ordinance must be approved by a majority (50% plus 1) of the votes cast on the proposed ballot measure ("Measure"), and

WHEREAS, California Elections Code sections 9281 through 9287 establish procedures for filing arguments in favor of and against a ballot measure, and filing rebuttal arguments, including a procedure by which members of the City Council may be authorized by the City Council to submit ballot arguments; and

WHEREAS, California Elections Code section 9280 authorizes the filing by the City Attorney of an impartial analysis regarding ballot measures proposed by cities; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TRACY AS FOLLOWS:

**Section 1. Recitals.** The City Council hereby finds and determines that the foregoing recitals are true and correct.

**Section 2. Election.** The City Council hereby orders the City Clerk to submit the Measure as proposed in the attached Ordinance to the voters at the General Municipal Election to be held on November 3, 2020.

**Section 3. Ballot Label.** The ballot label for the proposed Measure shall be submitted for a "Yes" or "No" vote as follows:

Shall the City of Tracy adopt an ordinance exempting development projects in transit oriented development areas near commuter rail (e.g. ValleyLink) that designate at least 10% of dwelling units for rent or sale as affordable workforce housing based on the City of Tracy's area median income (adjusted for household size) from the City's Growth Management Ordinance, with the exemption limited to 2,200 units per transit oriented development area, to preserve and maintain community character?	YES	
	NO	

**Section 4. Full Text.** The full text of the Ordinance, which is attached as Exhibit "A" shall be printed in the sample ballot/voter information pamphlet for the November 3, 2020 election.

**Section 5. Approval.** This measure requires approval by a majority vote (50% plus 1) of those casting ballots on the Measure.

**Section 6. Filing with County.** The City Clerk shall file a certified copy of this Resolution with the Board of Supervisors and County Elections Department of the County of San Joaquin.

**Section 7. Submission of Arguments For and Against.** In accordance with California Elections Code sections 9282 and 9283, arguments submitted for or against the Measure shall not exceed 300 words in length, and shall be enclosed with each voter information guide and may be signed by more than five persons. However, only the first five persons to sign will be printed with the Measure.

(a) In accordance with California Elections Code section 9282, the following headings, as appropriate, shall precede the arguments' wording, but shall not be counted in the 300 word maximum: "Argument Against Measure \_\_\_\_" or "Argument For Measure \_\_\_\_" (the blank spaces being filled only with the letter or number, if any, designating the measure).

(b) In accordance with California Elections Code section 9283, printed arguments submitted to voters in accordance with California Elections Code section 9282 shall be filed with the City Clerk, accompanied by the printed name(s) and signature(s) of the author(s) submitting it or, if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers. Arguments are due in the office of the City Clerk by the date established by the County Registrar of Voters.

(c) The City Council hereby authorizes the submission of an argument in favor of the Measure set forth in this Resolution on behalf of the City Council to be signed by the full Council.

(d) Pursuant to California Elections Code section 9285, when the City Clerk has selected the arguments for and against the Measure that will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the Measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument that it seeks to rebut.

Rebuttal arguments shall not exceed 250 words and may be signed by more than five persons. However, only the first five persons to sign will be printed with the Measure. The persons that sign the rebuttal arguments may be different persons than the persons that signed the direct arguments.

The last day for submittal to the City Clerk of rebuttal arguments for or against the Measure shall be the deadline established by the County Registrar of Voters.

**Section 8. Impartial Analysis and Argument.** The City Attorney is directed to prepare an impartial analysis of the measure in accordance with Elections Code 9280, and file the analysis with the City Clerk by the date established by the County Elections Department.

**Section 9. CEQA.** The approval of this resolution and, if adopted, the adoption of the Measure, are exempt from the requirements of the California Environmental Quality Act ("CEQA"; Public Resources Code Sections 21000, et seq, and 14 Cal. Code Reg. Sections 15000 et seq "CEQA Guidelines") for the following reasons:

(a) The Measure is not a "project" under CEQA because it does not meet the criteria for a "project" set forth under Public Resources Code section 21065 or Section 15378(a) of the CEQA Guidelines.

(b) It can be seen with certainty that there is no possibility that this resolution and the Measure (if approved by the electorate) may have a significant effect on the environment, because:

(i) the effect of the resolution is limited to submitting to the electorate of the City of Tracy a proposal to amend a measure that was previously approved by the electorate, thereby providing the electorate with the opportunity to approve or disapprove such

amendment without approving, supporting, or subsidizing any permit, license entitlement or other activity that might lead to a direct or indirect change in the physical environment;

(ii) the effect of the Measure, if approved by the electorate, would not constitute an activity that meets the criteria of Public Resources Code section 21065 or Section 15376(a) of the CEQA Guidelines; and

(iii) the effect of the Measure, if approved by the electorate, would be limited to amending Chapter 10.12 of the City of Tracy Municipal Code to establish categories of housing and future zoning which may or may not be implemented in the future by the City of Tracy, and if implemented in the future, such implementation would be subject to the requirements of CEQA and the CEQA Guidelines.

**Section 10. Effective Date.** This Resolution shall be effective immediately upon adoption by a majority vote of the City Council.

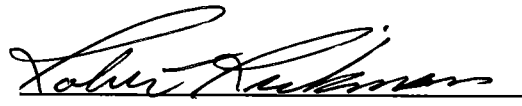
The foregoing Resolution was adopted by the Tracy City Council on the 28th day of July, 2020, by the following vote:

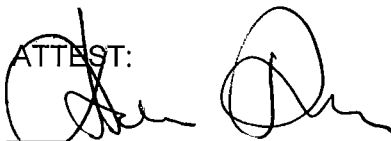
AYES: COUNCIL MEMBERS: ARRIOLA, RANSOM, VARGAS, YOUNG

NOES: COUNCIL MEMBERS: RICKMAN

ABSENT: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: NONE

  
MAYOR

ATTEST:   
CITY CLERK

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF TRACY AMENDING CHAPTER 10.12 OF THE TRACY MUNICIPAL CODE TO EXEMPT TRANSIT-ORIENTED DEVELOPMENT THAT INCLUDES WORKFORCE HOUSING FROM THE CITY'S GROWTH MANAGEMENT ORDINANCE (CHAPTER 10.12 OF THE TRACY MUNICIPAL CODE)

WHEREAS, Since the beginning of 2018, the Tri-Valley San Joaquin Valley Regional Rail Authority (the "Rail Authority") has been working on plans for a commuter rail service, known as the Valley Link, which would connect passengers from Lathrop to the Bay Area Rapid Transit system in Dublin, and

WHEREAS, One component of the Valley Link project is to promote and encourage the development of Transit Oriented Development ("TOD") projects and programs in the cities along the anticipated Valley Link rail line, which include the City of Tracy, and

WHEREAS, In anticipation of the Valley Link project, on April 2, 2019, the City Council gave direction to City staff to pursue a TOD study for the downtown Tracy area, and

WHEREAS, On June 18, 2019, the City Council approved a Professional Services Agreement with DeNovo Planning Group to assist the City in preparing a TOD study and gave direction to City staff to work with stakeholders and the community to develop a downtown TOD district in and around the existing Tracy Transit Station, and

WHEREAS, In October of 2019, the Rail Authority published its final feasibility report for the Valley Link project, which identified three planned future Valley Link rail stations in Tracy and Tracy's Sphere of Influence; and

WHEREAS, Between June 2019 and February 2020, the City began implementing a phased process for the preparation of the TOD study, which was designed to identify key concepts and a TOD district boundary, and held several community workshops to obtain community input on the TOD study, and

WHEREAS, On February 26, 2020, City staff presented the Downtown TOD study to the City's Planning Commission, which expressed unanimous support for the study moving forward, and

WHEREAS, On April 7, 2020, the City Council directed staff to explore the feasibility of a ballot measure that would amend the City's Growth Management Ordinance ("GMO") to facilitate new housing in the future TOD area, and

WHEREAS, On July 21, 2020, the City Council received staff's update on the Downtown TOD study and the feasibility of placing a ballot measure on the November 2020 ballot that would establish an exemption from GMO requirements for certain types of housing projects in future TOD areas, and directed staff to proceed with preparing the ballot measure, and

WHEREAS, The City's GMO was first adopted by the Tracy City Council in 1987 and codified as Chapter 10.12 of the Tracy Municipal Code ("TMC") to regulate the rate of residential growth in accordance with the availability of required infrastructure and public services, and

WHEREAS, The GMO was amended in 2001 by Measure A, a voter initiative, to restrict the number of housing units that can be constructed in Tracy every year to a maximum of 750 housing units, with an average of 600 units over specified periods of time, as codified in Article 4 "Annual Limits" of Chapter 10.12 of the TMC, and

WHEREAS, This ordinance would exempt from the requirements of the GMO development projects in future TOD areas that include a minimum of ten percent (10%) of dwelling units that are affordable for rent to households with incomes of 80% to 100% of the City of Tracy area median income (adjusted for households size) or for sale to households with incomes of 100% to 120% of the City of Tracy area median income (adjusted for households size), and

WHEREAS, Development projects with 9 or fewer dwelling units would be eligible for the Workforce housing exemption upon payment of an in-lieu fee (subject to an annual adjustment), established by Council resolution, and

WHEREAS, The ordinance would also make minor changes to the definition of a Residential Growth Allotment ("RGA") and the language in Section 10.12.060 of TMC, and

WHEREAS, The proposed exemption would promote and encourage the development of vibrant, pedestrian-oriented, mixed-use communities in the Downtown area, consistent with the City's General Plan and draft Downtown Specific Plan, and in the areas surrounding the two other Valley Link stations planned for the Tracy area and reduce automobile congestion and greenhouse gases, and

WHEREAS, The proposed exemption would encourage and facilitate the development of housing units affordable to residents of varying income levels and provide opportunities to Tracy residents to obtain housing in future TOD areas, and

WHEREAS, The housing units constructed under the Workforce exemption would be required to comply with all City development policies including the requirement to mitigate their impacts through the payment of fees and/or construction of necessary infrastructure, and

WHEREAS, Facilitating housing opportunities for residents of varying income levels will help preserve the unique character of the Tracy community and ensure that Tracy remains a place where all residents can prosper as they live, work and play in Tracy.

**THE PEOPLE OF THE CITY OF TRACY DO ORDAIN AS FOLLOWS:**

**SECTION 1. Recitals.** The People of the City of Tracy find that all of the above Recitals are true and correct and incorporated herein by reference.

**SECTION 2. Authority.** The City Council and the Voters of the City of Tracy enact this



ordinance in accordance with the authority granted to cities by Article XI, Section 7 of the Constitution of the State of California.

SECTION 3. Amendments to Tracy Municipal Code. Sections 10.12.030 and 10.12.060 of Chapter 10.12 of the City of Tracy Municipal Code, titled "Residential Growth Management Plan," are hereby amended as shown in Attachment A hereto.

SECTION 4. Effective Date. Pursuant to the California Elections Code 9217, if the requisite number of qualified voters voting in the election on Measure "\_\_\_\_" vote in favor of the adoption of such measure, this ordinance shall be deemed valid and binding and shall be considered adopted upon the date that the vote is declared by the City Council, and shall go into effect ten (10) days after that date.

SECTION 5. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance. The People of the City of Tracy hereby declare that they would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

SECTION 6. Certification/Summary. Following the City Clerk's certification that the citizens of Tracy have approved this Ordinance, the Mayor shall sign this Ordinance and the City Clerk shall cause the same to be entered in the book or original ordinance of said City; and shall cause the same, or a summary thereof, to be published as required by law.

PASSED, APPROVED, and ADOPTED by the People of the City of Tracy this 3<sup>rd</sup> day of November, 2020 by a vote of \_\_\_\_\_.

**ATTACHMENT A TO ORDINANCE NO. \_\_\_\_\_**

***New Language is Underlined and Language to be Deleted is in Strikethrough***

Chapter 10.12 - RESIDENTIAL GROWTH MANAGEMENT PLAN

Article 1. - General Provision

10.12.010 - Authority and reference to chapter.

This chapter 10.12 of the Tracy Municipal Code may be referred to as the "Growth Management Ordinance" or "GMO", and is adopted pursuant to article XI, sections 7 and 9 of the California Constitution.

10.12.020 - Purpose.

The purpose and intent of this chapter is to:

- (a) Achieve a steady and orderly rate of annual residential growth in the City, and to encourage diverse housing opportunities for the region in which the City is situated, and to balance these needs with the City's obligation to provide public facilities and services to the City's residents with available fiscal resources; and
- (b) Regulate the timing and annual amount of new development projects, so that necessary and sufficient public facilities and services are provided, and so that new development projects will not diminish the City's level of service standards; and
- (c) Encourage concentric growth of the City by promoting efficient residential development patterns and orderly expansion of residential areas to maximize the use of existing public services and infrastructure; and
- (d) Encourage development which will efficiently utilize existing and planned future, public facilities; and
- (e) Encourage a balance of housing types in the City which will accommodate a variety of persons, including affordable housing projects which will accommodate persons of very low, low, and moderate income, and persons on limited or fixed incomes; and
- (f) Implement and augment the City policies related to the regulation of new development as set forth in the general plan, specific plans, City ordinances and resolutions, master plans, finance and implementation plans and design documents.

10.12.021 - Exemption for certain active adult residential uses.

- (a) Residential development on property that has obtained active adult residential allotments pursuant to Chapter 10.18 of the Municipal Code is unlike typical residential property in important ways. The senior housing development on such property generates fewer vehicular trips resulting in improved air quality over typical residential subdivisions, imposes fewer burdens on local public school systems and public services, creates lower demand for athletic fields, and has lower water and sewer demands. Such AAR communities are also recognized as providing a new source of skilled and experienced volunteers for civic organizations and nonprofits, as well as supporting local businesses and creating additional community benefits such as parks and other recreational amenities.
- (b) For these reasons, the development of property that has been allocated "Active Adult Residential Allotments" through a ballot measure (in accordance with the Elections Code, including without limitation, sections 9214, 9215, 9222) are not subject to this GMO or the GMO Guidelines and shall not require any residential growth allotment under the GMO. In addition, new AAR units constructed with active adult residential allotments shall not be counted against the annual residential growth allotment allotments under this chapter. Finally, the term "residential building permits" as set forth in section 10.12.110 of this chapter shall be construed as meaning only residential building permits for residential units which have not been allotted active adult residential allotments through the initiative process and Chapter 10.18 of the Tracy Municipal Code.

ATTACHMENT A TO ORDINANCE NO. \_\_\_\_\_

***New Language is Underlined and Language to be Deleted is in Strikethrough***

10.12.030 - Definitions.

Unless otherwise provided in this chapter, the definitions set forth in chapter 10.08 (Zoning Regulations), chapter 12.08 (Subdivision Ordinance), title 9 (Building Regulations), and title 13 (Impact Fee Ordinance) of this Code shall apply to this chapter. In the event that the definitions or provisions of the Zoning Regulations, the Subdivision Ordinance, the Impact Fee Ordinance, or any other provisions of this Code conflict with any provisions of this chapter, then this chapter shall control to the extent necessary to administer and effectuate the purpose of this chapter. As used in this chapter:

"*Affordable dwelling unit*" means either a "moderate income dwelling unit", or a "low income dwelling unit", or a "very low income dwelling unit", as defined by the State Department of Housing and Community Development. In general, an affordable dwelling unit means a dwelling unit for rent or sale with a rental rate or consumer purchase cost which enables persons to rent or purchase that dwelling unit, if their gross household income is within the following percentages of the San Joaquin County area median income (as adjusted for family size):

- (a) For a moderate-income dwelling unit, more than eighty percent (80%), but not more than 120%;
- (b) For a low-income dwelling unit, more than fifty percent (50%), but not more than eighty percent (80%); and
- (c) For a very low-income dwelling unit, not more than fifty percent (50%).

"*Applicant*" means "developer", as defined below.

"*Board*" means "Growth Management Board".

"*Developer*" means a person, or other legal entity, who applies to the City to divide or cause to be divided real property into a development project, or who applies to the City to improve (into a development project) any existing parcel of real property.

"*Development project*" means any project undertaken for the purpose of development, as defined in the Subdivision Map Act (Government Code § 66410 et seq.), and shall specifically include any tentative parcel map, tentative subdivision map, final parcel map, final subdivision map, preliminary development plan, final development plan or building permit.

"*Growth Management Board*" or "*Board*" means the Board as established and defined by section 10.12.040.

"*Public facilities and services*" is as described in this chapter and the GMO guidelines.

"*Reasonable certainty*" means that the applicant has provided documentation, to the satisfaction of the Board, which establishes that the financing necessary for the public facilities and services required to serve the development project is secured, and is described in a finance and implementation plan, approved by the City Council, which feasibly provides the required public facilities and services in a timely manner. In analyzing "reasonable certainty", the Board shall consider:

- (a) The availability of capacity in public facilities;
- (b) The availability of financing for the public facilities which will serve the applicant's development project, including an analysis of financing from the applicant and financing which will come from other development projects which benefit from the public facilities; and
- (c) The anticipated date of completion of construction of the permanent public facilities which will serve the applicant's development project.

"*RGA*" means "residential growth allotment", and is an allotment made by the City in accordance with this chapter which must be obtained by a developer (by allocation ~~or conveyance~~) before each residential building permit is issued by the City, unless the subdivider obtains an exemption in accordance with this chapter. One RGA is required for each dwelling unit to be constructed.

"*Transit Oriented Development Area*" or "*TOD Area*" means an area designated by the City Council pursuant to an amendment to Title 10 of the Tracy Municipal Code as a Transit Oriented Development Area that includes an existing or proposed commuter rail station.

ATTACHMENT A TO ORDINANCE NO. \_\_\_\_\_

***New Language is Underlined and Language to be Deleted is in Strikethrough***

"Workforce dwelling unit" means a dwelling unit with a rental rate or consumer purchase cost which enables persons to rent that dwelling unit if their gross household income is 80% to 100% of the City of Tracy area median income (as adjusted for household size) or purchase that dwelling unit, if their gross household income is 100% to 120% of the City of Tracy area median income (as adjusted for household size) in accordance with the most recent American Community Survey completed by the United States Census Bureau.

10.12.040 - Establishment of the Growth Management Board.

The Growth Management Board ("Board") is hereby established in order to manage and enforce the requirements of this chapter. All decisions of the Board shall be made by the City Manager in consultation with appropriate department heads, particularly including the Development and Engineering Services Director and the Public Works Director, or their respective designees. The Board may meet as necessary to implement the GMO and GMO guidelines.

10.12.050 - GMO guidelines.

The City Council shall adopt GMO guidelines, in order to implement the requirements of this chapter. In the event that the provisions of this chapter conflict with any provisions of the GMO guidelines, then this chapter shall control.

10.12.060 - Exemptions.

A project shall be exempt from further compliance with this chapter if the developer includes (in addition to the requirements of this chapter and the GMO guidelines) documentation, to the satisfaction of the Development and Engineering Services Director, which establishes that the development project which is the subject of the application meets the requirements of one of the following subsections:

- (a) *Remodel; minor addition; conversion.* The development project is a rehabilitation or remodeling of, or a minor addition to, an existing structure, or a conversion of apartments to condominiums; or
- (b) *Replacement.* The development is replacing legally established dwelling units that have been demolished and do not exceed the number of legally established dwelling units demolished. Where the number of new dwelling units exceeds the number of legally established dwelling units demolished, an allocation of RGAs must be obtained for the additional dwelling units; or
- (c) *Model homes.* To the extent the development project includes "model homes" (structures used as an advertisement for housing sales and not used as dwellings), the model homes shall not be required to obtain an allocation of RGAs; provided, however;
  - (1) The number of model homes shall be limited to the lesser of twenty (20) percent of the total dwelling units identified in the application, or seven dwelling units per project;
  - (2) Prior to the issuance of each building permit, the subdivider shall pay all required fees, including impact fees required by title 13 of this Code; and
  - (3) Model homes may be converted and occupied as dwellings only after RGAs are allocated for each dwelling unit as required by this chapter; or
- (d) *Four units or fewer on a single lot.* The development project is either a four-plex or lesser number of dwelling units on a single existing lot; provided, however;
  - (1) The dwellings are not part of a larger eligible parcel that will result in more than four dwelling units at build-out of the project;
  - (2) The exemption is limited to no more than a total of four such dwelling units per subdivider per calendar year; and

**ATTACHMENT A TO ORDINANCE NO. \_\_\_\_**

***New Language is Underlined and Language to be Deleted is in Strikethrough***

- (3) Prior to the issuance of each building permit, the subdivider shall pay all required fees, including impact fees required by title 13 of this Code.
- (e) *Accessory dwelling unit.* The development is a secondary residential unit.
- (f) Workforce Housing Projects in Transit Oriented Development Areas. The project is in a TOD Area and at least ten (10%) of the dwelling units are designated as Workforce dwelling units as detailed below:

	<u>Workforce Dwelling Units For Sale</u>	<u>Workforce Dwelling Units Rental</u>
<u>Low (80% Tracy AMI)</u>	=	<u>Minimum of 5% of dwelling units shall be Low Income.</u>
<u>Median (100% Tracy AMI)</u>	<u>Minimum of 5% of dwelling units shall be Median Income.</u>	<u>Minimum of 5% of dwelling units shall be Median Income.</u>
<u>Moderate Income (120% Tracy AMI)</u>	<u>Minimum of 5% of dwelling units shall be Moderate Income.</u>	=

A maximum of 2,200 dwelling units per TOD Area shall be exempt from the GMO under this exemption. Documentation demonstrating that a dwelling unit constitutes a "Workforce dwelling unit" and will maintain such status for a minimum of twenty years must be submitted prior to building permit issuance. Projects with 9 or fewer dwelling units will be eligible for this exemption upon payment of an in-lieu fee (subject to annual inflationary adjustments) established by Council resolution. Any dwelling unit in a Workforce Housing Project in a TOD Area that qualifies for another exemption contained in Chapter 10.12 shall not count towards the 2,200 maximum.

10.12.065 - Compliance with the regional housing needs assessment.

- (a) *Authority.* This section is enacted under the authority of and is intended to comply with and implement Government Code section 65584.
- (b) *RHNA.* The State Department of Housing and Community Development requires that each city adopt a housing element as part of its general plan. That Department also establishes a "Regional Housing Needs Allocation" (RHNA) for all cities, setting forth the target number of dwelling units to be constructed during any planning period. (The "planning period" is defined in each housing element. The planning period in effect at the time this code amendment was adopted is July 1, 2009 through December 31, 2015.) The RHNA housing unit allocations are established by income categories: very low-, low-, moderate, and above-moderate-income.
- (c) *Requirement.* Notwithstanding other provisions of this chapter, in any calendar year, once RGAs have been allocated or building permits have been issued for the number of residential units permitted by this chapter, the City shall continue to issue building permits for residential dwelling units if they are necessary to achieve the RHNA goals in a particular income category (during each planning period). The number of building permits may not exceed the RHNA goals in each income category. Any building permits issued in accordance with this provision shall not require an RGA.
- (d) *Purpose of calculating averages.* For the sole purpose of calculating the RGA and building permit averages contained in sections 10.12.100 and 10.12.110, any building permits issued under the authority of this section shall be treated as if an RGA and a building permit were issued under the GMO.

Article 2. – Applications

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***New Language is Underlined and Language to be Deleted is in Strikethrough***

10.12.070 - Application requirements for RGAs.

No RGA shall be allocated by the City unless the developer submits an application in accordance with the requirements of this chapter and the requirements of the GMO guidelines.

10.12.080 - Affordable housing project exceptions.

An application for an RGA shall be considered an affordable housing project exception if the application includes (in addition to the application requirements of this chapter and the GMO guidelines) documentation, to the satisfaction of the Board, which establishes that the housing unit which is the subject of the application meets the following requirements:

- (a) The housing unit meets the income level requirements for low, very low, or moderate income levels, as defined by section 10.12.030.
- (b) The housing unit is formally dedicated to provide affordable dwelling units in accordance with a locally recognized program.
- (c) The applicant provides documentation that the requirements of this section will be met and maintained for a minimum of ten years.

Article 3. - Allocations; Development Agreements

10.12.090 - Allocations; development agreements.

- (a) RGAs shall be allocated in accordance with this chapter and the GMO guidelines. Notice shall be given to each applicant of the availability of the annual report.
- (b) At a minimum, the terms of any development agreement providing for an allocation of RGAs, shall identify: (1) the timing of the applicant's obligation to comply with the requirements set forth in GMO; (2) the timing and amount of RGA allocations (not to exceed a maximum of 225 RGAs per calendar year, as set forth in GMO subsection 10.12.100(c)); and (3) remedies for default, including the time after which RGAs shall be invalid as described in the GMO guidelines.
- (c) Unless specifically modified by a development agreement identified in subsection 10.12.090(b), above, each applicant shall comply with all requirements set forth in the GMO and the GMO guidelines. A development agreement may only modify the requirements of the GMO related to: (1) the timing requirements for applications for RGAs; and (2) the time after which RGAs will be deemed invalid (as identified in the GMO guidelines).
- (d) The number of RGA allocations per application shall not exceed: (1) the number requested in the application; and (2) the number which can be reasonably anticipated to be used by the applicant based on development project approvals (such as general plan, specific plan, tentative map, final map or development plan). The Board has the discretion to award all of the RGAs that are available in that allocation cycle, or fewer, based on the applications received and the criteria as established in the GMO guidelines.

Article 4. - Annual limits

10.12.100 - Residential growth allotments (as set forth in Measure A adopted by voters November 2000).

- (a) The City shall not allocate RGAs in any calendar year in excess of either of the following: (1) an average of 600 RGAs per year calculated pursuant to subsection 10.12.100(b); and (2) a maximum of 750 RGAs per year calculated pursuant to subsection 10.12.100(c).

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*New Language is Underlined and Language to be Deleted is in Strikethrough*

- (b) The average number of RGAs per year shall be calculated as follows: (1) the total sum of RGAs allocated by the City from January 1, 2000, through the calendar year of the allocation; (2) less the sum of RGAs which are invalid, as defined in the GMO guidelines; (3) less the sum of RGAs allocated for affordable housing project exceptions; and (4) divided by the number of years which have passed from January 1, 2000, to the year of the allocation, inclusive.
- (c) The maximum number of RGAs per year shall equal the total sum of RGAs allocated by the City for the calendar year of the allocation, including a maximum of 150 RGAs allocated for affordable housing project exceptions, and including a maximum of 225 RGAs allocated to development projects with which the City has entered into a development agreement providing for an allocation of RGAs (as identified in the GMO guidelines). The City shall not allocate more than 150 RGAs in any calendar year for affordable housing project exceptions. The City shall not allocate more than 225 RGAs in any calendar year to development projects with which the City has entered into a development agreement providing for an allocation of RGAs (as identified in the GMO guidelines). The annual limit of 225 RGAs for development agreement shall include the sum of all RGAs allocated to all development agreements in any calendar year. The City shall not allocate more than 750 RGAs in any calendar year.
- (d) To the extent that RGAs have not been allocated in any calendar year for affordable housing project, the City shall reserve, until the first Friday in July of each year: 150 RGAs for affordable housing projects.

10.12.110 - Residential building permits (as set forth in Measure A adopted by voters November 2000).

- (a) The City shall not issue residential building permits in any calendar year in excess of either of the following: (1) an average of 600 residential building permits per year calculated pursuant to subsection 10.12.100(b); and (2) a maximum of 750 residential building permits per year calculated pursuant to subsection 10.12.100(c).
- (b) The average number of residential building permits per year shall be calculated as follows: (1) the total sum of residential building permits allocated by the City from January 1, 2000, through the calendar year of the allocation; (2) less the sum of residential building permits which expired prior to completion of construction; (3) less the sum of residential building permits allocated for affordable housing project exceptions; (4) less the sum of residential building permits exempt from this chapter; and (5) divided by the number of years which have passed from January 1, 2000, to the year of the allocation, inclusive.
- (c) The maximum number of residential building permits per year shall be calculated as follows: (1) the total sum of residential building permits allocated by the City for the calendar year of the allocation; and (2) less the sum of residential building permits exempt from this chapter.
- (d) Applications for residential building permits will be evaluated (and, for each approved application, will be issued) by the City in the order they are received.

Article 5. - Appeals

10.12.120 - Appeals.

Any applicant dissatisfied with any decision made pursuant to this chapter, by the Development and Engineering Services Director or the Board, may submit a written appeal to the City Clerk in accordance with chapter 1.12 of this Code. All decisions of the City Council are final.

SAN JOAQUIN COUNTY REGISTRAR OF VOTERS  
 CERTIFICATION OF RESULTS OF THE  
 CITY OF TRACY GENERAL ELECTION  
 HELD ON TUESDAY, NOVEMBER 3, 2020

I, Melinda Dubroff, Registrar of Voters for the County of San Joaquin, State of California, do hereby certify that this office has completed the canvass of the City of Tracy Presidential General Election, held on Tuesday, November 3, 2020 and that the following are the results of said election:

<b>City of Tracy Mayor</b>		
<b>Number of Positions to be filled:</b>		<b>1</b>
<b>Total Votes</b>	<b>36,253</b>	<b>100.00%</b>
Jennifer Bilbrey	2,849	7.86%
Dan Tavares Arriola	10,745	29.64%
Jass Sangha	8,360	23.06%
Nancy D. Young	12,635	34.85%
Abdul Wahid	1,578	4.35%
Uncertified Write-In	86	0.24%
<b>City of Tracy Member, City Council (District at Large)</b>		
<b>Number of Positions to be filled:</b>		<b>2</b>
<b>Total Votes</b>	<b>59,828</b>	<b>100.00%</b>
Mateo Bedolla	9,456	15.81%
Ameni Alexander	6,278	10.49%
Cliff Hudson	7,253	12.12%
Elizabeth A. Ortiz	4,645	7.76%
Jaime A. Medina	7,772	12.99%
William Muetzenberg	6,432	10.75%
Eleassia Davis	9,855	16.47%
Amrik Wander	8,040	13.44%
Uncertified Write-In	97	0.16%
<b>City of Tracy Member, City Treasurer</b>		
<b>Number of Positions to be filled:</b>	<b>1</b>	
<b>Total Votes</b>	<b>29,785</b>	<b>100.00%</b>
Raymond McCray	29,312	98.41%
Uncertified Write-In	473	1.59%

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 3<sup>rd</sup> day of December, 2020.



  
 \_\_\_\_\_  
 Melinda Dubroff  
 San Joaquin County Registrar of Voters



# CERTIFICATE OF THE ELECTIONS OFFICIAL

In the Matter of the CANVASS OF VOTES CAST )  
at the PRESIDENTIAL GENERAL ELECTION )  
held on Tuesday, November 3, 2020 )

I, **MELINDA DUBROFF**, Registrar of Voters of the County of San Joaquin, State of California hereby certify;

**THAT** an election was held within the boundaries of the County of San Joaquin on Tuesday, November 3, 2020, for the purpose of submitting Measure Y to the qualified electors; and I caused to have processed and recorded the votes from the canvass of all ballots cast at said election within the boundaries of the City of Tracy.

**I HEREBY FURTHER CERTIFY** that the record of votes cast at said election is set forth in Exhibit "A" attached hereto and incorporated herein by reference as though fully set forth at length.

**IN WITNESS WHEREOF**, I hereunto affix my hand and seal this 3<sup>rd</sup> Day of December, 2020, and file this date with the City of Tracy, City Clerk.

  
**MELINDA DUBROFF**  
Registrar of Voters

# CERTIFICATE OF THE ELECTIONS OFFICIAL

In the Matter of the CANVASS OF VOTES CAST )  
at the PRESIDENTIAL GENERAL ELECTION )  
held on Tuesday, November 3, 2020 )

I, **MELINDA DUBROFF**, Registrar of Voters of the County of San Joaquin, State of California hereby certify;

**THAT** an election was held within the boundaries of the County of San Joaquin on Tuesday, November 3, 2020, for the purpose of submitting Measure W to the qualified electors; and I caused to have processed and recorded the votes from the canvass of all ballots cast at said election within the boundaries of the City of Tracy.

**I HEREBY FURTHER CERTIFY** that the record of votes cast at said election is set forth in Exhibit "A" attached hereto and incorporated herein by reference as though fully set forth at length.

**IN WITNESS WHEREOF**, I hereunto affix my hand and seal this 3<sup>rd</sup> Day of December, 2020, and file this date with the City of Tracy, City Clerk.

  
**MELINDA DUBROFF**  
Registrar of Voters

# EXHIBIT

A

**Final Official Results  
Cumulative Report**

OFFICIAL GENERAL 2020

Run Time 7:55 PM  
Run Date 12/03/2020

**COUNTY OF SAN JOAQUIN**

**PRESIDENTIAL GENERAL ELECTION**

11/3/2020  
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**Official Results**

Registered Voters  
292818 of 365839 = 80.04%

Precincts Reporting  
207 of 207 = 100.00%

**CITY OF LODI MEMBER, CITY COUNCIL DISTRICT 5 - Vote for One (1)**

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
3	3	100.00%	5,613	6,797	82.58%

Choice	Party	Vote Center		Vote by Mail		Election Day		Provisional		Total	
MIKEY HOTH		71	43.29%	2,394	51.54%	122	46.21%	63	46.32%	2,650	50.87%
HECTOR MADRIGAL		25	15.24%	907	19.53%	51	19.32%	37	27.21%	1,020	19.58%
MICHAEL E. MCKNIGHT		67	40.85%	1,316	28.33%	88	33.33%	35	25.74%	1,506	28.91%
UNCERTIFIED (W)		1	0.61%	28	0.60%	3	1.14%	1	0.74%	33	0.63%
Cast Votes:		164	100.00%	4,645	100.00%	264	100.00%	136	100.00%	5,209	100.00%

**CITY OF TRACY MAYOR - Vote for One (1)**

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
11	11	100.00%	38,972	47,222	82.53%

Choice	Party	Vote Center		Vote by Mail		Election Day		Provisional		Total	
JENNIFER BILBREY		68	10.19%	2,566	7.77%	154	9.30%	61	6.75%	2,849	7.86%
DAN TAVARES ARRIOLA		137	20.54%	10,002	30.29%	372	22.46%	234	25.88%	10,745	29.64%
JASS SANGHA		236	35.38%	7,283	22.05%	563	34.00%	278	30.75%	8,360	23.06%
NANCY D. YOUNG		206	30.88%	11,650	35.28%	495	29.89%	284	31.42%	12,635	34.85%
ABDUL WAHID		19	2.85%	1,449	4.39%	67	4.05%	43	4.76%	1,578	4.35%
UNCERTIFIED (W)		1	0.15%	76	0.23%	5	0.30%	4	0.44%	86	0.24%
Cast Votes:		667	100.00%	33,026	100.00%	1,656	100.00%	904	100.00%	36,253	100.00%



**Final Official Results  
Cumulative Report**

OFFICIAL GENERAL 2020

Run Time: 7:55 PM  
Run Date: 12/03/2020

**COUNTY OF SAN JOAQUIN**

**PRESIDENTIAL GENERAL ELECTION**

11/3/2020

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**Official Results**

Registered Voters  
292818 of 365839 - 80.04%

Precincts Reporting  
207 of 207 - 100.00%

**CITY OF TRACY MEMBER, CITY COUNCIL - Vote for no more than Two (2)**

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
11	11	100.00%	38,972	47,222	82.53%

Choice	Party	Vote Center		Vote by Mail		Election Day		Provisional		Total	
MATEO BEDOLLA		127	12.38%	8,679	15.79%	390	15.67%	260	19.30%	9,456	15.81%
AMENI ALEXANDER		72	7.02%	5,862	10.66%	211	8.48%	133	9.87%	6,278	10.49%
CLIFF HUDSON		129	12.57%	6,652	12.10%	326	13.10%	146	10.84%	7,253	12.12%
ELIZABETH A. ORTIZ		125	12.18%	4,121	7.50%	260	10.45%	139	10.32%	4,645	7.76%
JAIME A. MEDINA		165	16.08%	7,040	12.81%	395	15.87%	172	12.77%	7,772	12.99%
WILLIAM MUETZENBERG		72	7.02%	6,103	11.10%	159	6.39%	98	7.28%	6,432	10.75%
ELEASSIA DAVIS		204	19.88%	8,970	16.32%	471	18.92%	210	15.59%	9,855	16.47%
AMRIK WANDER		131	12.77%	7,453	13.56%	269	10.81%	187	13.88%	8,040	13.44%
UNCERTIFIED (W)		1	0.10%	86	0.16%	8	0.32%	2	0.15%	97	0.16%
Cast Votes:		1,026	100.00%	54,966	100.00%	2,489	100.00%	1,347	100.00%	59,828	100.00%

**CITY OF TRACY TREASURER - Vote for One (1)**

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
11	11	100.00%	38,972	47,222	82.53%

Choice	Party	Vote Center		Vote by Mail		Election Day		Provisional		Total	
RAYMOND MCCRAY		487	98.58%	26,894	98.43%	1,225	97.53%	706	99.02%	29,312	98.41%
UNCERTIFIED (W)		7	1.42%	428	1.57%	31	2.47%	7	0.98%	473	1.59%
Cast Votes:		494	100.00%	27,322	100.00%	1,256	100.00%	713	100.00%	29,785	100.00%

**Final Official Results  
Cumulative Report**

OFFICIAL-GENERAL 2020

Run Time 7:55 PM  
Run Date 12/03/2020

**COUNTY OF SAN JOAQUIN**

**PRESIDENTIAL GENERAL ELECTION**

11/3/2020

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**Official Results**

**Registered Voters**  
292818 of 365839 = 80.04%

**Precincts Reporting**  
207 of 207 = 100.00%

**Measure X**

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
207	207	100.00%	292,818	365,839	80.04%

Choice	Party	Vote Center		Vote by Mail		Election Day		Provisional		Total	
YES		2,913	52.37%	162,392	65.20%	7,553	58.49%	4,699	67.52%	177,557	64.69%
NO		2,649	47.63%	86,657	34.80%	5,360	41.51%	2,260	32.48%	96,926	35.31%
Cast Votes:		5,562	100.00%	249,049	100.00%	12,913	100.00%	6,959	100.00%	274,483	100.00%

**Measure W**

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
11	11	100.00%	38,972	47,222	82.53%

Choice	Party	Vote Center		Vote by Mail		Election Day		Provisional		Total	
YES		357	53.44%	20,823	63.96%	880	54.22%	494	56.98%	22,554	63.15%
NO		311	46.56%	11,734	36.04%	743	45.78%	373	43.02%	13,161	36.85%
Cast Votes:		668	100.00%	32,557	100.00%	1,623	100.00%	867	100.00%	35,715	100.00%

**Measure Y**

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
11	11	100.00%	38,972	47,222	82.53%

Choice	Party	Vote Center		Vote by Mail		Election Day		Provisional		Total	
YES		231	35.54%	14,655	45.79%	623	39.41%	425	50.00%	15,934	45.41%
NO		419	64.46%	17,353	54.21%	958	60.59%	425	50.00%	19,155	54.59%
Cast Votes:		650	100.00%	32,008	100.00%	1,581	100.00%	850	100.00%	35,089	100.00%

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## Final Official Precinct Results by Contest

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## CITY OF TRACY MAYOR

## Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	JENNIFER BILBREY	DAN TAVARES ARRIOLA	JASS SANGHA	NANCY D. YOUNG	ABDUL WAHID
33501	6,097	4,893	80.3	398	1,365	1,001	1,660	134
33502	6,400	5,290	82.7	327	1,385	1,199	1,707	323
33503	6,222	4,967	79.8	451	1,345	1,002	1,635	157
33507	7	2	28.6	0	2	0	0	0
33508	6,757	5,322	78.8	447	1,509	932	1,865	157
33514	4,016	3,381	84.2	241	908	743	1,068	164
33520	5,613	4,776	85.1	291	1,346	1,105	1,489	214
33521	6,609	5,609	84.9	403	1,603	1,185	1,804	229
33543	5,210	4,506	86.5	281	1,214	1,153	1,334	187
33544	11	10	90.9	0	0	3	4	0
33556	280	216	77.1	10	68	37	69	13
<b>Vote Center Totals</b>	47,222	742	1.6	68	137	236	206	19
<b>Vote by Mail Totals</b>	47,222	35,335	74.8	2,566	10,002	7,283	11,650	1,449
<b>Election Day Totals</b>	47,222	1,825	3.9	154	372	563	495	67
<b>Provisional Totals</b>	47,222	1,070	2.3	61	234	278	284	43
<b>Grand Totals</b>	47,222	38,972	82.5	2,849	10,745	8,360	12,635	1,578

CITY OF TRACY MAYOR

Vote Center Totals

District	Registration	Ballots Cast	Turnout (%)	JENNIFER BILBREY	DAN TAVARES ARRIOLA	JASS SANGHA	NANCY D. YOUNG	ABDUL WAHID
COUNTY OF SAN JOAQUIN	47,222	742	1.6	68	137	236	206	19
County Of San Joaquin	47,222	742	1.6	68	137	236	206	19
9th Congressional District	280	2	0.7	0	1	0	1	0
10th Congressional District	46,942	740	1.6	68	136	236	205	19
5th Senatorial District	47,222	742	1.6	68	137	236	206	19
13th Assembly District	47,222	742	1.6	68	137	236	206	19
5th Supervisorial Dist	47,222	742	1.6	68	137	236	206	19
City Of Tracy	47,222	742	1.6	68	137	236	206	19
SJ Delta Community College Trustee Area 6	47,222	742	1.6	68	137	236	206	19
TRACY UNIFIED SCHOOL DISTRICT	47,211	742	1.6	68	137	236	206	19
LAMMERSVILLE JOINT UNIFIED SCHOOL DIST	11	0	0.0	0	0	0	0	0
BANTA UNIFIED SCHOOL DISTRICT	7	0	0.0	0	0	0	0	0
<b>Vote Center Totals</b>	<b>47,222</b>	<b>742</b>	<b>1.6</b>	<b>68</b>	<b>137</b>	<b>236</b>	<b>206</b>	<b>19</b>



CITY OF TRACY MAYOR

Vote by Mail  
Totals

District	Registration	Ballots Cast	Turnout (%)	JENNIFER BILBREY	DAN TAVARES ARRIOLA	JASS SANGHA	NANCY D. YOUNG	ABDUL WAHID
COUNTY OF SAN JOAQUIN	47,222	35,335	74.8	2566	10002	7283	11650	1449
County Of San Joaquin	47,222	35,335	74.8	2566	10002	7283	11650	1449
9th Congressional District	280	187	66.8	8	63	28	63	12
10th Congressional District	46,942	35,148	74.9	2558	9939	7255	11587	1437
5th Senatorial District	47,222	35,335	74.8	2566	10002	7283	11650	1449
13th Assembly District	47,222	35,335	74.8	2566	10002	7283	11650	1449
5th Supervisorial Dist	47,222	35,335	74.8	2566	10002	7283	11650	1449
City Of Tracy	47,222	35,335	74.8	2566	10002	7283	11650	1449
SJ Delta Community College Trustee Area 6	47,222	35,335	74.8	2566	10002	7283	11650	1449
TRACY UNIFIED SCHOOL DISTRICT	47,211	35,325	74.8	2566	10002	7280	11646	1449
LAMMERSVILLE JOINT UNIFIED SCHOOL DIST	11	10	90.9	0	0	3	4	0
BANTA UNIFIED SCHOOL DISTRICT	7	1	14.3	0	1	0	0	0
<b>Vote by Mail Totals</b>	<b>47,222</b>	<b>35,335</b>	<b>74.8</b>	<b>2,566</b>	<b>10,002</b>	<b>7,283</b>	<b>11,650</b>	<b>1,449</b>

CITY OF TRACY MAYOR

Election Day  
Totals

District	Registration	Ballots Cast	Turnout (%)	JENNIFER BILBREY	DAN TAVARES ARRIOLA	JASS SANGHA	NANCY D. YOUNG	ABDUL WAHID
COUNTY OF SAN JOAQUIN	47,222	1,825	3.9	154	372	563	495	67
County Of San Joaquin	47,222	1,825	3.9	154	372	563	495	67
9th Congressional District	280	13	4.6	1	2	3	4	0
10th Congressional District	46,942	1,812	3.9	153	370	560	491	67
5th Senatorial District	47,222	1,825	3.9	154	372	563	495	67
13th Assembly District	47,222	1,825	3.9	154	372	563	495	67
5th Supervisorial Dist	47,222	1,825	3.9	154	372	563	495	67
City Of Tracy	47,222	1,825	3.9	154	372	563	495	67
SJ Delta Community College Trustee Area 6	47,222	1,825	3.9	154	372	563	495	67
TRACY UNIFIED SCHOOL DISTRICT	47,211	1,825	3.9	154	372	563	495	67
LAMMERSVILLE JOINT UNIFIED SCHOOL DIST	11	0	0.0	0	0	0	0	0
BANTA UNIFIED SCHOOL DISTRICT	7	0	0.0	0	0	0	0	0
<b>Election Day Totals</b>	<b>47,222</b>	<b>1,825</b>	<b>3.9</b>	<b>154</b>	<b>372</b>	<b>563</b>	<b>495</b>	<b>67</b>

CITY OF TRACY MAYOR

Provisional Totals

District	Registration	Ballots Cast	Turnout (%)	JENNIFER BILBREY	DAN TAVARES ARRIOLA	JASS SANGHA	NANCY D. YOUNG	ABDUL WAHID
COUNTY OF SAN JOAQUIN	47,222	1,070	2.3	61	234	278	284	43
County Of San Joaquin	47,222	1,070	2.3	61	234	278	284	43
9th Congressional District	280	14	5.0	1	2	6	1	1
10th Congressional District	46,942	1,056	2.2	60	232	272	283	42
5th Senatorial District	47,222	1,070	2.3	61	234	278	284	43
13th Assembly District	47,222	1,070	2.3	61	234	278	284	43
5th Supervisorial Dist	47,222	1,070	2.3	61	234	278	284	43
City Of Tracy	47,222	1,070	2.3	61	234	278	284	43
SJ Delta Community College Trustee Area 6	47,222	1,070	2.3	61	234	278	284	43
TRACY UNIFIED SCHOOL DISTRICT	47,211	1,070	2.3	61	234	278	284	43
LAMMERSVILLE JOINT UNIFIED SCHOOL DIST	11	0	0.0	0	0	0	0	0
BANTA UNIFIED SCHOOL DISTRICT	7	1	14.3	0	1	0	0	0
<b>Provisional Totals</b>	<b>47,222</b>	<b>1,070</b>	<b>2.3</b>	<b>61</b>	<b>234</b>	<b>278</b>	<b>284</b>	<b>43</b>

CITY OF TRACY MAYOR

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	JENNIFER BILBREY	DAN TAVARES ARRIOLA	JASS SANGHA	NANCY D. YOUNG	ABDUL WAHID
COUNTY OF SAN JOAQUIN	47,222	38,972	82.5	2849	10745	8360	12635	1578
County Of San Joaquin	47,222	38,972	82.5	2849	10745	8360	12635	1578
9th Congressional District	280	216	77.1	10	68	37	69	13
10th Congressional District	46,942	38,756	82.6	2839	10677	8323	12566	1565
5th Senatorial District	47,222	38,972	82.5	2849	10745	8360	12635	1578
13th Assembly District	47,222	38,972	82.5	2849	10745	8360	12635	1578
5th Supervisorial Dist	47,222	38,972	82.5	2849	10745	8360	12635	1578
City Of Tracy	47,222	38,972	82.5	2849	10745	8360	12635	1578
SJ Delta Community College Trustee Area 6	47,222	38,972	82.5	2849	10745	8360	12635	1578
TRACY UNIFIED SCHOOL DISTRICT	47,211	38,962	82.5	2849	10745	8357	12631	1578
LAMMERSVILLE JOINT UNIFIED SCHOOL DIST	11	10	90.9	0	0	3	4	0
BANTA UNIFIED SCHOOL DISTRICT	7	2	28.6	0	2	0	0	0
<b>Vote Center Totals</b>	47,222	742	1.6	68	137	236	206	19
<b>Vote by Mail Totals</b>	47,222	35,335	74.8	2,566	10,002	7,283	11,650	1,449
<b>Election Day Totals</b>	47,222	1,825	3.9	154	372	563	495	67
<b>Provisional Totals</b>	47,222	1,070	2.3	61	234	278	284	43
<b>Grand Totals</b>	47,222	38,972	82.5	2,849	10,745	8,360	12,635	1,578

CITY OF TRACY MEMBER, CITY COUNCIL											
Cumulative Totals			MATEO BEDOLLA	AMENI ALEXANDER	CLIFF HUDSON	ELIZABETH A. ORTIZ	JAIME A. MEDINA	WILLIAM MUETZENBERG	ELEASSIA DAVIS	AMRIK WANDER	
Precinct	Registration	Ballots Cast	Turnout (%)								
33501	6,097	4,893	80.3	1,379	731	904	654	1,109	715	1,273	757
33502	6,400	5,290	82.7	1,218	1,015	940	636	915	892	1,242	1,269
33503	6,222	4,967	79.8	1,231	750	856	653	1,081	786	1,218	943
33507	7	2	28.6	2	2	0	0	0	0	0	0
33508	6,757	5,322	78.8	1,298	900	966	722	1,108	812	1,319	1,015
33514	4,016	3,381	84.2	785	503	660	361	654	519	868	703
33520	5,613	4,776	85.1	1,086	758	910	516	769	921	1,296	1,123
33521	6,609	5,609	84.9	1,410	893	1,052	622	1,154	997	1,325	1,226
33543	5,210	4,506	86.5	990	685	936	442	948	767	1,244	964
33544	11	10	90.9	3	1	0	1	5	0	3	0
33556	280	216	77.1	54	40	29	38	29	23	67	40
<b>Vote Center Totals</b>	47,222	742	1.6	127	72	129	125	165	72	204	131
<b>Vote by Mail Totals</b>	47,222	35,335	74.8	8,679	5,862	6,652	4,121	7,040	6,103	8,970	7,453
<b>Election Day Totals</b>	47,222	1,825	3.9	390	211	326	260	395	159	471	269
<b>Provisional Totals</b>	47,222	1,070	2.3	260	133	146	139	172	98	210	187
<b>Grand Totals</b>	47,222	38,972	82.5	9,456	6,278	7,253	4,645	7,772	6,432	9,855	8,040



CITY OF TRACY MEMBER, CITY COUNCIL

Vote Center Totals

District	Registration	Ballots Cast	Turnout (%)	MATEO BEDOLLA	AMENI ALEXANDER	CLIFF HUDSON	ELIZABETH A. ORTIZ	JAIIME A. MEDINA	WILLIAM MUETZENBERG	ELEASSIA DAVIS	AMRIK WANDER
COUNTY OF SAN JOAQUIN	47,222	742	1.6	127	72	129	125	165	72	204	131
County Of San Joaquin	47,222	742	1.6	127	72	129	125	165	72	204	131
9th Congressional District	280	2	0.7	0	0	0	0	1	1	1	1
10th Congressional District	46,942	740	1.6	127	72	129	125	164	71	203	130
5th Senatorial District	47,222	742	1.6	127	72	129	125	165	72	204	131
13th Assembly District	47,222	742	1.6	127	72	129	125	165	72	204	131
5th Supervisorial Dist	47,222	742	1.6	127	72	129	125	165	72	204	131
City Of Tracy	47,222	742	1.6	127	72	129	125	165	72	204	131
SJ Delta Community College Trustee Area 6	47,222	742	1.6	127	72	129	125	165	72	204	131
TRACY UNIFIED SCHOOL DISTRICT	47,211	742	1.6	127	72	129	125	165	72	204	131
LAMMERSVILLE JOINT UNIFIED SCHOOL DIST	11	0	0.0	0	0	0	0	0	0	0	0
BANTA UNIFIED SCHOOL DISTRICT	7	0	0.0	0	0	0	0	0	0	0	0
<b>Vote Center Totals</b>	<b>47,222</b>	<b>742</b>	<b>1.6</b>	<b>127</b>	<b>72</b>	<b>129</b>	<b>125</b>	<b>165</b>	<b>72</b>	<b>204</b>	<b>131</b>

CITY OF TRACY MEMBER, CITY COUNCIL

Vote by Mail Totals				MATEO BEDOLLA	AMENI ALEXANDER	CLIFF HUDSON	ELIZABETH A. ORTIZ	JAIME A. MEDINA	WILLIAM MUETZENBERG	ELEASSIA DAVIS	AMRIK WANDER
District	Registration	Ballots Cast	Turnout (%)								
COUNTY OF SAN JOAQUIN	47,222	35,335	74.8	8679	5862	6652	4121	7040	6103	8970	7453
County Of San Joaquin	47,222	35,335	74.8	8679	5862	6652	4121	7040	6103	8970	7453
9th Congressional District	280	187	66.8	49	38	24	36	19	22	60	34
10th Congressional District	46,942	35,148	74.9	8630	5824	6628	4085	7021	6081	8910	7419
5th Senatorial District	47,222	35,335	74.8	8679	5862	6652	4121	7040	6103	8970	7453
13th Assembly District	47,222	35,335	74.8	8679	5862	6652	4121	7040	6103	8970	7453
5th Supervisorial Dist	47,222	35,335	74.8	8679	5862	6652	4121	7040	6103	8970	7453
City Of Tracy	47,222	35,335	74.8	8679	5862	6652	4121	7040	6103	8970	7453
SJ Delta Community College Trustee Area 6	47,222	35,335	74.8	8679	5862	6652	4121	7040	6103	8970	7453
TRACY UNIFIED SCHOOL DISTRICT	47,211	35,325	74.8	8676	5861	6652	4120	7035	6103	8967	7453
LAMMERSVILLE JOINT UNIFIED SCHOOL DIST	11	10	90.9	3	1	0	1	5	0	3	0
BANTA UNIFIED SCHOOL DISTRICT	7	1	14.3	1	1	0	0	0	0	0	0
<b>Vote by Mail Totals</b>	<b>47,222</b>	<b>35,335</b>	<b>74.8</b>	<b>8,679</b>	<b>5,862</b>	<b>6,652</b>	<b>4,121</b>	<b>7,040</b>	<b>6,103</b>	<b>8,970</b>	<b>7,453</b>

CITY OF TRACY MEMBER, CITY COUNCIL											
Election Day Totals	Registration	Ballots Cast	Turnout (%)	MATEO BEDOLLA	AMENI ALEXANDER	CLIFF HUDSON	ELIZABETH A. ORTIZ	JAIMIE A. MEDINA	WILLIAM MUETZENBERG	ELEASSIA DAVIS	AMRIK WANDER
				District							
COUNTY OF SAN JOAQUIN	47,222	1,825	3.9	390	211	326	260	395	159	471	269
County Of San Joaquin	47,222	1,825	3.9	390	211	326	260	395	159	471	269
9th Congressional District	280	13	4.6	2	1	4	2	4	0	4	1
10th Congressional District	46,942	1,812	3.9	388	210	322	258	391	159	467	268
5th Senatorial District	47,222	1,825	3.9	390	211	326	260	395	159	471	269
13th Assembly District	47,222	1,825	3.9	390	211	326	260	395	159	471	269
5th Supervisorial Dist	47,222	1,825	3.9	390	211	326	260	395	159	471	269
City Of Tracy	47,222	1,825	3.9	390	211	326	260	395	159	471	269
SJ Delta Community College Trustee Area 6	47,222	1,825	3.9	390	211	326	260	395	159	471	269
TRACY UNIFIED SCHOOL DISTRICT	47,211	1,825	3.9	390	211	326	260	395	159	471	269
LAMMERSVILLE JOINT UNIFIED SCHOOL DIST	11	0	0.0	0	0	0	0	0	0	0	0
BANTA UNIFIED SCHOOL DISTRICT	7	0	0.0	0	0	0	0	0	0	0	0
<b>Election Day Totals</b>	<b>47,222</b>	<b>1,825</b>	<b>3.9</b>	<b>390</b>	<b>211</b>	<b>326</b>	<b>260</b>	<b>395</b>	<b>159</b>	<b>471</b>	<b>269</b>



CITY OF TRACY MEMBER, CITY COUNCIL											
Provisional Totals	Registration	Ballots Cast	Turnout (%)	MATEO BEDOLLA	AMENI ALEXANDER	CLIFF HUDSON	ELIZABETH A. ORTIZ	JAIMIE A. MEDINA	WILLIAM MUEZTENBERG	ELEASSIA DAVIS	AMRIK WANDER
District											
COUNTY OF SAN JOAQUIN	47,222	1,070	2.3	260	133	146	139	172	98	210	187
County Of San Joaquin	47,222	1,070	2.3	260	133	146	139	172	98	210	187
9th Congressional District	280	14	5.0	3	1	1	0	5	0	2	4
10th Congressional District	46,942	1,056	2.2	257	132	145	139	167	98	208	183
5th Senatorial District	47,222	1,070	2.3	260	133	146	139	172	98	210	187
13th Assembly District	47,222	1,070	2.3	260	133	146	139	172	98	210	187
5th Supervisorial Dist	47,222	1,070	2.3	260	133	146	139	172	98	210	187
City Of Tracy	47,222	1,070	2.3	260	133	146	139	172	98	210	187
SJ Delta Community College Trustee Area 6	47,222	1,070	2.3	260	133	146	139	172	98	210	187
TRACY UNIFIED SCHOOL DISTRICT	47,211	1,070	2.3	260	133	146	139	172	98	210	187
LAMMERSVILLE JOINT UNIFIED SCHOOL DIST	11	0	0.0	0	0	0	0	0	0	0	0
BANTA UNIFIED SCHOOL DISTRICT	7	1	14.3	1	1	0	0	0	0	0	0
<b>Provisional Totals</b>	<b>47,222</b>	<b>1,070</b>	<b>2.3</b>	<b>260</b>	<b>133</b>	<b>146</b>	<b>139</b>	<b>172</b>	<b>98</b>	<b>210</b>	<b>187</b>

CITY OF TRACY MEMBER, CITY COUNCIL												
Grand Totals	Registration	Ballots Cast	Turnout (%)	MATEO BEDOLLA	AMENI ALEXANDER	CLIFF HUDSON	ELIZABETH A. ORTIZ	JAIME A. MEDINA	WILLIAM MUETZENBERG	ELEASSIA DAVIS	AMRIK WANDER	
District												
COUNTY OF SAN JOAQUIN	47,222	38,972	82.5	9456	6278	7253	4645	7772	6432	9855	8040	
County Of San Joaquin	47,222	38,972	82.5	9456	6278	7253	4645	7772	6432	9855	8040	
9th Congressional District	280	216	77.1	54	40	29	38	29	23	67	40	
10th Congressional District	46,942	38,756	82.6	9402	6238	7224	4607	7743	6409	9788	8000	
5th Senatorial District	47,222	38,972	82.5	9456	6278	7253	4645	7772	6432	9855	8040	
13th Assembly District	47,222	38,972	82.5	9456	6278	7253	4645	7772	6432	9855	8040	
5th Supervisorial Dist	47,222	38,972	82.5	9456	6278	7253	4645	7772	6432	9855	8040	
City Of Tracy	47,222	38,972	82.5	9456	6278	7253	4645	7772	6432	9855	8040	
SJ Delta Community College Trustee Area 6	47,222	38,972	82.5	9456	6278	7253	4645	7772	6432	9855	8040	
TRACY UNIFIED SCHOOL DISTRICT	47,211	38,962	82.5	9453	6277	7253	4644	7767	6432	9852	8040	
LAMMERSVILLE JOINT UNIFIED SCHOOL DIST	11	10	90.9	3	1	0	1	5	0	3	0	
BANTA UNIFIED SCHOOL DISTRICT	7	2	28.6	2	2	0	0	0	0	0	0	
<b>Vote Center Totals</b>	47,222	742	1.6	127	72	129	125	165	72	204	131	
<b>Vote by Mail Totals</b>	47,222	35,335	74.8	8,679	5,862	6,652	4,121	7,040	6,103	8,970	7,453	
<b>Election Day Totals</b>	47,222	1,825	3.9	390	211	326	260	395	159	471	269	
<b>Provisional Totals</b>	47,222	1,070	2.3	260	133	146	139	172	98	210	187	
<b>Grand Totals</b>	47,222	38,972	82.5	9,456	6,278	7,253	4,645	7,772	6,432	9,855	8,040	

CITY OF TRACY TREASURER

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	RAYMOND MCCRAY
33501	6,097	4,893	80.3	3,693
33502	6,400	5,290	82.7	4,033
33503	6,222	4,967	79.8	3,823
33507	7	2	28.6	2
33508	6,757	5,322	78.8	4,081
33514	4,016	3,381	84.2	2,474
33520	5,613	4,776	85.1	3,506
33521	6,609	5,609	84.9	4,215
33543	5,210	4,506	86.5	3,315
33544	11	10	90.9	5
33556	280	216	77.1	165
<b>Vote Center Totals</b>	47,222	742	1.6	487
<b>Vote by Mail Totals</b>	47,222	35,335	74.8	26,894
<b>Election Day Totals</b>	47,222	1,825	3.9	1,225
<b>Provisional Totals</b>	47,222	1,070	2.3	706
<b>Grand Totals</b>	47,222	38,972	82.5	29,312

CITY OF TRACY TREASURER

Vote Center Totals

District	Registration	Ballots Cast	Turnout (%)	RAYMOND MCCRAY
COUNTY OF SAN JOAQUIN	47,222	742	1.6	487
County Of San Joaquin	47,222	742	1.6	487
9th Congressional District	280	2	0.7	2
10th Congressional District	46,942	740	1.6	485
5th Senatorial District	47,222	742	1.6	487
13th Assembly District	47,222	742	1.6	487
5th Supervisorial Dist	47,222	742	1.6	487
City Of Tracy	47,222	742	1.6	487
SJ Delta Community College Trustee Area 6	47,222	742	1.6	487
TRACY UNIFIED SCHOOL DISTRICT	47,211	742	1.6	487
LAMMERSVILLE JOINT UNIFIED SCHOOL DIST	11	0	0.0	0
BANTA UNIFIED SCHOOL DISTRICT	7	0	0.0	0
<b>Vote Center Totals</b>	47,222	742	1.6	487

CITY OF TRACY TREASURER

Vote by Mail  
Totals

District	Registration	Ballots Cast	Turnout (%)	RAYMOND MCCRAY
COUNTY OF SAN JOAQUIN	47,222	35,335	74.8	26894
County Of San Joaquin	47,222	35,335	74.8	26894
9th Congressional District	280	187	66.8	146
10th Congressional District	46,942	35,148	74.9	26748
5th Senatorial District	47,222	35,335	74.8	26894
13th Assembly District	47,222	35,335	74.8	26894
5th Supervisorial Dist	47,222	35,335	74.8	26894
City Of Tracy	47,222	35,335	74.8	26894
SJ Delta Community College Trustee Area 6	47,222	35,335	74.8	26894
TRACY UNIFIED SCHOOL DISTRICT	47,211	35,325	74.8	26889
LAMMERSVILLE JOINT UNIFIED SCHOOL DIST	11	10	90.9	5
BANTA UNIFIED SCHOOL DISTRICT	7	1	14.3	1
<b>Vote by Mail Totals</b>	<b>47,222</b>	<b>35,335</b>	<b>74.8</b>	<b>26,894</b>



CITY OF TRACY TREASURER

Election Day  
Totals

District	Registration	Ballots Cast	Turnout (%)	RAYMOND MCCRAY
COUNTY OF SAN JOAQUIN	47,222	1,825	3.9	1225
County Of San Joaquin	47,222	1,825	3.9	1225
9th Congressional District	280	13	4.6	8
10th Congressional District	46,942	1,812	3.9	1217
5th Senatorial District	47,222	1,825	3.9	1225
13th Assembly District	47,222	1,825	3.9	1225
5th Supervisorial Dist	47,222	1,825	3.9	1225
City Of Tracy	47,222	1,825	3.9	1225
SJ Delta Community College Trustee Area 6	47,222	1,825	3.9	1225
TRACY UNIFIED SCHOOL DISTRICT	47,211	1,825	3.9	1225
LAMMERSVILLE JOINT UNIFIED SCHOOL DIST	11	0	0.0	0
BANTA UNIFIED SCHOOL DISTRICT	7	0	0.0	0
<b>Election Day Totals</b>	47,222	1,825	3.9	1,225

CITY OF TRACY TREASURER

Provisional Totals

District	Registration	Ballots Cast	Turnout (%)	RAYMOND MCCRAY
COUNTY OF SAN JOAQUIN	47,222	1,070	2.3	706
County Of San Joaquin	47,222	1,070	2.3	706
9th Congressional District	280	14	5.0	9
10th Congressional District	46,942	1,056	2.2	697
5th Senatorial District	47,222	1,070	2.3	706
13th Assembly District	47,222	1,070	2.3	706
5th Supervisorial Dist	47,222	1,070	2.3	706
City Of Tracy	47,222	1,070	2.3	706
SJ Delta Community College Trustee Area 6	47,222	1,070	2.3	706
TRACY UNIFIED SCHOOL DISTRICT	47,211	1,070	2.3	706
LAMMERSVILLE JOINT UNIFIED SCHOOL DIST	11	0	0.0	0
BANTA UNIFIED SCHOOL DISTRICT	7	1	14.3	1
<b>Provisional Totals</b>	47,222	1,070	2.3	706

CITY OF TRACY TREASURER

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	RAYMOND MCCRAY
COUNTY OF SAN JOAQUIN	47,222	38,972	82.5	29312
County Of San Joaquin	47,222	38,972	82.5	29312
9th Congressional District	280	216	77.1	165
10th Congressional District	46,942	38,756	82.6	29147
5th Senatorial District	47,222	38,972	82.5	29312
13th Assembly District	47,222	38,972	82.5	29312
5th Supervisorial Dist	47,222	38,972	82.5	29312
City Of Tracy	47,222	38,972	82.5	29312
SJ Delta Community College Trustee Area 6	47,222	38,972	82.5	29312
TRACY UNIFIED SCHOOL DISTRICT	47,211	38,962	82.5	29307
LAMMERSVILLE JOINT UNIFIED SCHOOL DIST	11	10	90.9	5
BANTA UNIFIED SCHOOL DISTRICT	7	2	28.6	2
<b>Vote Center Totals</b>	47,222	742	1.6	487
<b>Vote by Mail Totals</b>	47,222	35,335	74.8	26,894
<b>Election Day Totals</b>	47,222	1,825	3.9	1,225
<b>Provisional Totals</b>	47,222	1,070	2.3	706
<b>Grand Totals</b>	47,222	38,972	82.5	29,312



Measure W

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	YES	NO
33501	6,097	4,893	80.3	2,630	1,860
33502	6,400	5,290	82.7	3,206	1,652
33503	6,222	4,967	79.8	2,774	1,767
33507	7	2	28.6	2	0
33508	6,757	5,322	78.8	2,974	1,900
33514	4,016	3,381	84.2	1,950	1,138
33520	5,613	4,776	85.1	2,857	1,489
33521	6,609	5,609	84.9	3,348	1,844
33543	5,210	4,506	86.5	2,691	1,428
33544	11	10	90.9	2	7
33556	280	216	77.1	120	76
<b>Vote Center Totals</b>	47,222	742	1.6	357	311
<b>Vote by Mail Totals</b>	47,222	35,335	74.8	20,823	11,734
<b>Election Day Totals</b>	47,222	1,825	3.9	880	743
<b>Provisional Totals</b>	47,222	1,070	2.3	494	373
<b>Grand Totals</b>	47,222	38,972	82.5	22,554	13,161

Measure W

Vote Center Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF SAN JOAQUIN	47,222	742	1.6	357	311
County Of San Joaquin	47,222	742	1.6	357	311
9th Congressional District	280	2	0.7	0	2
10th Congressional District	46,942	740	1.6	357	309
5th Senatorial District	47,222	742	1.6	357	311
13th Assembly District	47,222	742	1.6	357	311
5th Supervisorial Dist	47,222	742	1.6	357	311
City Of Tracy	47,222	742	1.6	357	311
SJ Delta Community College Trustee Area 6	47,222	742	1.6	357	311
TRACY UNIFIED SCHOOL DISTRICT	47,211	742	1.6	357	311
LAMMERSVILLE JOINT UNIFIED SCHOOL DIST	11	0	0.0	0	0
BANTA UNIFIED SCHOOL DISTRICT	7	0	0.0	0	0
<b>Vote Center Totals</b>	47,222	742	1.6	357	311

Measure W

Vote by Mail  
Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF SAN JOAQUIN	47,222	35,335	74.8	20823	11734
County Of San Joaquin	47,222	35,335	74.8	20823	11734
9th Congressional District	280	187	66.8	111	59
10th Congressional District	46,942	35,148	74.9	20712	11675
5th Senatorial District	47,222	35,335	74.8	20823	11734
13th Assembly District	47,222	35,335	74.8	20823	11734
5th Supervisorial Dist	47,222	35,335	74.8	20823	11734
City Of Tracy	47,222	35,335	74.8	20823	11734
SJ Delta Community College Trustee Area 6	47,222	35,335	74.8	20823	11734
TRACY UNIFIED SCHOOL DISTRICT	47,211	35,325	74.8	20821	11727
LAMMERSVILLE JOINT UNIFIED SCHOOL DIST	11	10	90.9	2	7
BANTA UNIFIED SCHOOL DISTRICT	7	1	14.3	1	0
<b>Vote by Mail Totals</b>	<b>47,222</b>	<b>35,335</b>	<b>74.8</b>	<b>20,823</b>	<b>11,734</b>

Measure W

Election Day  
Totals

District	Registration	Ballots Cast	Turnout (%)	Measure W	
				YES	NO
COUNTY OF SAN JOAQUIN	47,222	1,825	3.9	880	743
County Of San Joaquin	47,222	1,825	3.9	880	743
9th Congressional District	280	13	4.6	5	6
10th Congressional District	46,942	1,812	3.9	875	737
5th Senatorial District	47,222	1,825	3.9	880	743
13th Assembly District	47,222	1,825	3.9	880	743
5th Supervisorial Dist	47,222	1,825	3.9	880	743
City Of Tracy	47,222	1,825	3.9	880	743
SJ Delta Community College Trustee Area 6	47,222	1,825	3.9	880	743
TRACY UNIFIED SCHOOL DISTRICT	47,211	1,825	3.9	880	743
LAMMERSVILLE JOINT UNIFIED SCHOOL DIST	11	0	0.0	0	0
BANTA UNIFIED SCHOOL DISTRICT	7	0	0.0	0	0
<b>Election Day Totals</b>	<b>47,222</b>	<b>1,825</b>	<b>3.9</b>	<b>880</b>	<b>743</b>

Measure W

Provisional Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF SAN JOAQUIN	47,222	1,070	2.3	494	373
County Of San Joaquin	47,222	1,070	2.3	494	373
9th Congressional District	280	14	5.0	4	9
10th Congressional District	46,942	1,056	2.2	490	364
5th Senatorial District	47,222	1,070	2.3	494	373
13th Assembly District	47,222	1,070	2.3	494	373
5th Supervisorial Dist	47,222	1,070	2.3	494	373
City Of Tracy	47,222	1,070	2.3	494	373
SJ Delta Community College Trustee Area 6	47,222	1,070	2.3	494	373
TRACY UNIFIED SCHOOL DISTRICT	47,211	1,070	2.3	494	373
LAMMERSVILLE JOINT UNIFIED SCHOOL DIST	11	0	0.0	0	0
BANTA UNIFIED SCHOOL DISTRICT	7	1	14.3	1	0
<b>Provisional Totals</b>	47,222	1,070	2.3	494	373

Measure W

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF SAN JOAQUIN	47,222	38,972	82.5	22554	13161
County Of San Joaquin	47,222	38,972	82.5	22554	13161
9th Congressional District	280	216	77.1	120	76
10th Congressional District	46,942	38,756	82.6	22434	13085
5th Senatorial District	47,222	38,972	82.5	22554	13161
13th Assembly District	47,222	38,972	82.5	22554	13161
5th Supervisorial Dist	47,222	38,972	82.5	22554	13161
City Of Tracy	47,222	38,972	82.5	22554	13161
SJ Delta Community College Trustee Area 6	47,222	38,972	82.5	22554	13161
TRACY UNIFIED SCHOOL DISTRICT	47,211	38,962	82.5	22552	13154
LAMMERSVILLE JOINT UNIFIED SCHOOL DIST	11	10	90.9	2	7
BANTA UNIFIED SCHOOL DISTRICT	7	2	28.6	2	0
<b>Vote Center Totals</b>	47,222	742	1.6	357	311
<b>Vote by Mail Totals</b>	47,222	35,335	74.8	20,823	11,734
<b>Election Day Totals</b>	47,222	1,825	3.9	880	743
<b>Provisional Totals</b>	47,222	1,070	2.3	494	373
<b>Grand Totals</b>	47,222	38,972	82.5	22,554	13,161

Measure Y

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	YES	NO
33501	6,097	4,893	80.3	1,931	2,492
33502	6,400	5,290	82.7	2,441	2,349
33503	6,222	4,967	79.8	2,010	2,414
33507	7	2	28.6	2	0
33508	6,757	5,322	78.8	2,306	2,479
33514	4,016	3,381	84.2	1,247	1,788
33520	5,613	4,776	85.1	1,903	2,388
33521	6,609	5,609	84.9	2,337	2,743
33543	5,210	4,506	86.5	1,655	2,403
33544	11	10	90.9	4	5
33556	280	216	77.1	98	94
<b>Vote Center Totals</b>	47,222	742	1.6	231	419
<b>Vote by Mail Totals</b>	47,222	35,335	74.8	14,655	17,353
<b>Election Day Totals</b>	47,222	1,825	3.9	623	958
<b>Provisional Totals</b>	47,222	1,070	2.3	425	425
<b>Grand Totals</b>	47,222	38,972	82.5	15,934	19,155



Measure Y

Vote Center Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF SAN JOAQUIN	47,222	742	1.6	231	419
County Of San Joaquin	47,222	742	1.6	231	419
9th Congressional District	280	2	0.7	1	1
10th Congressional District	46,942	740	1.6	230	418
5th Senatorial District	47,222	742	1.6	231	419
13th Assembly District	47,222	742	1.6	231	419
5th Supervisorial Dist	47,222	742	1.6	231	419
City Of Tracy	47,222	742	1.6	231	419
SJ Delta Community College Trustee Area 6	47,222	742	1.6	231	419
TRACY UNIFIED SCHOOL DISTRICT	47,211	742	1.6	231	419
LAMMERSVILLE JOINT UNIFIED SCHOOL DIST	11	0	0.0	0	0
BANTA UNIFIED SCHOOL DISTRICT	7	0	0.0	0	0
<b>Vote Center Totals</b>	<b>47,222</b>	<b>742</b>	<b>1.6</b>	<b>231</b>	<b>419</b>



Measure Y

Vote by Mail  
Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF SAN JOAQUIN	47,222	35,335	74.8	14655	17353
County Of San Joaquin	47,222	35,335	74.8	14655	17353
9th Congressional District	280	187	66.8	88	80
10th Congressional District	46,942	35,148	74.9	14567	17273
5th Senatorial District	47,222	35,335	74.8	14655	17353
13th Assembly District	47,222	35,335	74.8	14655	17353
5th Supervisorial Dist	47,222	35,335	74.8	14655	17353
City Of Tracy	47,222	35,335	74.8	14655	17353
SJ Delta Community College Trustee Area 6	47,222	35,335	74.8	14655	17353
TRACY UNIFIED SCHOOL DISTRICT	47,211	35,325	74.8	14651	17348
LAMMERSVILLE JOINT UNIFIED SCHOOL DIST	11	10	90.9	4	5
BANTA UNIFIED SCHOOL DISTRICT	7	1	14.3	1	0
<b>Vote by Mail Totals</b>	47,222	35,335	74.8	14,655	17,353

Measure Y

Election Day  
Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF SAN JOAQUIN	47,222	1,825	3.9	623	958
County Of San Joaquin	47,222	1,825	3.9	623	958
9th Congressional District	280	13	4.6	5	4
10th Congressional District	46,942	1,812	3.9	618	954
5th Senatorial District	47,222	1,825	3.9	623	958
13th Assembly District	47,222	1,825	3.9	623	958
5th Supervisorial Dist	47,222	1,825	3.9	623	958
City Of Tracy	47,222	1,825	3.9	623	958
SJ Delta Community College Trustee Area 6	47,222	1,825	3.9	623	958
TRACY UNIFIED SCHOOL DISTRICT	47,211	1,825	3.9	623	958
LAMMERSVILLE JOINT UNIFIED SCHOOL DIST	11	0	0.0	0	0
BANTA UNIFIED SCHOOL DISTRICT	7	0	0.0	0	0
<b>Election Day Totals</b>	47,222	1,825	3.9	623	958

Measure Y

Provisional Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF SAN JOAQUIN	47,222	1,070	2.3	425	425
County Of San Joaquin	47,222	1,070	2.3	425	425
9th Congressional District	280	14	5.0	4	9
10th Congressional District	46,942	1,056	2.2	421	416
5th Senatorial District	47,222	1,070	2.3	425	425
13th Assembly District	47,222	1,070	2.3	425	425
5th Supervisorial Dist	47,222	1,070	2.3	425	425
City Of Tracy	47,222	1,070	2.3	425	425
SJ Delta Community College Trustee Area 6	47,222	1,070	2.3	425	425
TRACY UNIFIED SCHOOL DISTRICT	47,211	1,070	2.3	425	425
LAMMERSVILLE JOINT UNIFIED SCHOOL DIST	11	0	0.0	0	0
BANTA UNIFIED SCHOOL DISTRICT	7	1	14.3	1	0
<b>Provisional Totals</b>	47,222	1,070	2.3	425	425

Measure Y

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF SAN JOAQUIN	47,222	38,972	82.5	15934	19155
County Of San Joaquin	47,222	38,972	82.5	15934	19155
9th Congressional District	280	216	77.1	98	94
10th Congressional District	46,942	38,756	82.6	15836	19061
5th Senatorial District	47,222	38,972	82.5	15934	19155
13th Assembly District	47,222	38,972	82.5	15934	19155
5th Supervisorial Dist	47,222	38,972	82.5	15934	19155
City Of Tracy	47,222	38,972	82.5	15934	19155
SJ Delta Community College Trustee Area 6	47,222	38,972	82.5	15934	19155
TRACY UNIFIED SCHOOL DISTRICT	47,211	38,962	82.5	15930	19150
LAMMERSVILLE JOINT UNIFIED SCHOOL DIST	11	10	90.9	4	5
BANTA UNIFIED SCHOOL DISTRICT	7	2	28.6	2	0
<b>Vote Center Totals</b>	47,222	742	1.6	231	419
<b>Vote by Mail Totals</b>	47,222	35,335	74.8	14,655	17,353
<b>Election Day Totals</b>	47,222	1,825	3.9	623	958
<b>Provisional Totals</b>	47,222	1,070	2.3	425	425
<b>Grand Totals</b>	47,222	38,972	82.5	15,934	19,155

## RESOLUTION 2020-

### RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD IN THE CITY OF TRACY ON NOVEMBER 3, 2020, DECLARING THE RESULTS OF THE ELECTION AND SUCH OTHER MATTERS AS PROVIDED BY LAW

WHEREAS, A General Municipal Election was held and conducted in the City of Tracy, California, on Tuesday, November 3, 2020, as required by law; and

WHEREAS, Notice of the election was given in time, form, and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

WHEREAS, Pursuant to Tracy City Council Resolution No. 2020-078 adopted May 19, 2020, the San Joaquin County Registrar of Voters canvassed the returns of the election and has certified the results to this City Council per Elections Code section 10264. The results are received, and attached and made a part hereof.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Tracy that it does declare, determine, and order as follows:

Section 1: That the names of the persons voted for at the election were as follows:

- The names of the persons voted for at the election for Mayor were Dan Tavares Arriola, Jennifer Bilbrey, Jass Sangha, Abdul Wahid, and Nancy D. Young.
- The names of the persons voted for at the election for Member of the City Council were Ameni Alexander, Mateo Bedolla, Eleassia Davis, Cliff Hudson, Jaime A. Medina, William Muetzenberg, Elizabeth Ortiz, and Amrik Wander.
- The name of the person voted for at the election for Treasurer was Raymond McCray.

Section 2: That the Measures voted upon at the election was as follows:

- Measure W - Shall the City of Tracy adopt an ordinance imposing a general tax on cannabis businesses, including hemp, not to exceed \$12.00 per canopy square foot for cultivation (adjusted for inflation), 6% of gross receipts for retail, and 4% for all other businesses; estimated to generate \$350,000 to \$700,000 annually for Tracy until voters change or repeal it, to fund core City services such as public safety, public works, parks, and community services? – Yes/No

- Measure Y - Shall the City of Tracy adopt an ordinance exempting development projects in transit oriented development areas near commuter rail (e.g. ValleyLink) that designate at least 10% of dwelling units for rent or sale as affordable workforce housing based on the City of Tracy's area median income (adjusted for household size) from the City's Growth Management Ordinance, with the exemption limited to 2,200 units per transit oriented development area, to preserve and maintain community character? – Yes/No

Section 3: That the number of votes given at each precinct and the number of votes given in the City to each of the persons named above for the respective offices for which the persons were candidates and Measure W and Measure Y were as listed in the Certificate of Results (attached).

Section 4: The City Council does declare and determine that: Nancy D. Young was elected as Mayor for the full term of two years; that Eleassia Davis was elected as Member of the City Council for the full term of four years and Mateo Bedolla was elected as Member of the City Council to serve a term of four years; that Raymond McCray was elected as Treasurer for the full term of four years; that Measure W passed and Measure Y did not pass.

Section 5: The City Clerk shall enter on the records of the Tracy City Council, a statement of the result of the election showing (1) the whole number of ballots cast in the City; (2) the names of the persons voted for; (3) for which office each person was voted for; (4) the number of votes given at each precinct to each person; and (5) the total number of votes given to each person.

Section 6: That the City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Elections signed by the City Clerk and authenticated; that the City Clerk shall also administer the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

\* \* \* \* \*

The foregoing Resolution 2020-        was passed and adopted by the Tracy City Council on the 15<sup>th</sup> day of December 2020, by the following vote:

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

\_\_\_\_\_  
 MAYOR

ATTEST:

\_\_\_\_\_  
 CITY CLERK

AGENDA ITEM 3.D

REQUEST

**APPOINT MAYOR PRO TEMPORE**

EXECUTIVE SUMMARY

This item requests that the City Council appoint a Mayor Pro Tempore to serve a two-year term ending in December 2022.

DISCUSSION

Government Code Sections 34905 and 36801 require that the City Council choose one of its members to serve as Mayor Pro Tempore. In the absence of the Mayor, the Mayor Pro Tempore exercises the powers and duties of the Mayor. The Mayor Pro Tempore serves a two-year term.

The Mayor Pro Tempore is selected by the Council after the declaration of the election results.

STRATEGIC PLAN

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

FISCAL IMPACT

There is no fiscal impact associated with this discussion item.

RECOMMENDATION

Staff recommends that the City Council appoint, by motion, a Mayor Pro Tempore to serve a two-year term ending in December 2022.

Prepared by: Adrienne Richardson, City Clerk

Reviewed by: Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

AGENDA ITEM 3.F

REQUEST

**AUTHORIZE THE CITY MANAGER TO EXECUTE AGREEMENTS TO FACILITATE THE OPERATION OF A WARMING CENTER UP TO A CUMULATIVE AMOUNT OF \$250,000 AND PROVIDE DIRECTION ON A POTENTIAL LOCATION**

EXECUTIVE SUMMARY

In February 2020, the City of Tracy issued a Request for Proposals (RFP) for a service provider to stand up a warming center to provide temporary respite for the City's unsheltered population. The City received one proposal. While working with the proposer to assist them in acquiring a location, Governor Newsom declared a state of emergency for California associated with the presence and continued transmission of the novel coronavirus (COVID-19). The challenges posed by the pandemic, in addition to the proposer not being able to secure a facility, ultimately contributed to the project not manifesting in time.

In October 2020, the City issued another RFP for warming center operations. The City received one proposal for services only and is currently in discussions with the proposer. Given the urgent need for this project, staff is requesting Council authorize the City Manager to execute one or more agreements to facilitate the establishment and operation of a warming center for a cumulative not-to-exceed amount of \$250,000 in order to expedite the process of awarding and executing contracts for this project. Additionally, because the proposer did not include a facility, staff is requesting Council's input on potential City-owned property or facility on which to locate the warming center.

DISCUSSION

In February, 2020, the City issued a Request for Proposals for a service provider to stand up a warming center to provide respite for the City's unsheltered population on a temporary basis (approximately three weeks) (Attachment A). On the proposal due date, February 24, 2020, the City received one proposal that was partially responsive. The City immediately entered into discussions with the proposer to flesh out details and assist with expediting inspections and permitting of their intended facility, however, days later, on March 4, 2020, Governor Newsom declared a state of emergency for California associated with the presence and continued transmission of the novel coronavirus (COVID-19). The inability for the proposer to secure a lease, combined with the challenges posed by the pandemic ultimately contributed to the project not manifesting in time to be effective for the designated time frame.

Notwithstanding the COVID-19 challenges, staff recognized the lack of facilities in which to temporarily house the City's unsheltered population and began a search for City-owned properties or facilities in which to convert into temporary emergency housing. Ultimately an unimproved parcel of City property and preliminary funding



were approved by Council at their September 1, 2020 (Attachment B). Original plans called for infrastructure installation and erection of the structure to be completed by this winter. Staff prepared a staff report that was published for the October 20, 2020 Council meeting (Attachment C), to request Council exempt the project from a public bidding process for construction contracts in order to expedite the project. However, the City Manager's Office pulled that item from the agenda because of a delay in an award of grant funding from the County. However, even if the City were to have expedited construction of the facility, it likely would not have been operational prior to inclement weather. Therefore, the City issued a Request for Proposals for a warming center operator again in October 2020.

#### Contract Approval Designation

The intent of the warming center is to provide a place of respite for Tracy's unsheltered population during the cold winter nights, approximately December through March 2021. Due to a lack of response to the RFP by the initial due date, the City extended the proposal due date to November 19, 2020. Following the extension, the City received one bid and is currently in discussions with the proposer. An agreement could not be completed by this agenda's publishing date and it is possible that the City may need to engage multiple service providers in the community to provide the totality of services needed to operate a successful warming center. Given the urgent nature of this project, staff is requesting Council authorize the City Manager to execute agreements to facilitate warming center activities up to cumulative not-to-exceed amount of \$250,000 in order to expedite the process. Without this delegation of authority to the City Manager, the timeline for standing up the warming center will be extended because the next regularly scheduled City Council meeting is January 19, 2021.

#### Warming Center Location

In addition to the provision of services to operate a warming center, the City's RFP included a request for proposers to identify a facility in which to provide the services. At this time, the proposer has not secured a facility. Preparing and opening a site as soon as possible is critical in meeting the needs of Tracy's unsheltered population. To that end, the most expedient way to find a location is to identify City owned facilities or land that could quickly be temporarily modified to accommodate a warming center. At this time, one facility and one parking lot have been identified.

The identified facility is the City's Tracy Community Center. The facility has a large open area and could be ready for warming center occupancy within a very short timeframe. Restroom facilities are located within the facility. Power for heating, lighting, charging stations is available. Heating an insulated building is less costly than fuel for generators. Additionally, transportation resources would be identified to ensure warming center users have access to the community center.

The second proposed location would be to erect a large military grade tent on the asphalt parking area at El Pescadero Park. This location provides ample access to the warming center given that there are several unsheltered individuals in the area. However, security for the structure while not in use could be a challenge due to the porous nature of a tent. While there could be some lag time to procure and erect the required tent(s), the current proposer indicated that they can quickly secure and

install tents within a week. Supplies, including, but not limited to: generators, lighting, and heaters would also have to be procured and installed which could delay occupancy.

While still under discussion with the proposer, it is expected that the warming center will operate for 12 hours, between 7pm – 7am for seven days a week.

### FISCAL IMPACT

Staff requests that Council authorize the City Manager to execute agreements for warming center activities for a cumulative not-to-exceed amount of \$250,000, and provide direction regarding a potential location of the warming center. The fiscal impacts from COVID-19 are being felt both in the community and City budget. The adopted FY 2020-21 budget includes the use \$2.5 million of Measure V funds to fund for the projected General Fund operating budget deficit. After closing FY 2019-20, the General Fund deficit used a smaller portion of the 10% Economic Budget Stabilization reserves, which leaves a larger reserve balance to address the FY 2020-21 deficit. As a result, some of the Measure V funds previously appropriated to the General Fund operating budget could be reallocated to support the warming center as discussed in this staff report. As part of the February 2021 mid-year budget update, staff will provide appropriation recommendations for Council consideration, including any applicable grant and/or stimulus opportunities that become available.

### STRATEGIC PLAN

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

### RECOMMENDATION

Staff recommends Council authorize the City Manager, by resolution, to execute agreements for warming center operations for a cumulative not-to-exceed amount of \$250,000 and provide direction on a potential location for the facility.

Prepared by: Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

Attachment A: February 2020 Warming Center RFP

Attachment B: September 1, 2020 Staff Report

Attachment C: October 20, 2020 Staff Report

**CITY OF TRACY**

**REQUEST FOR PROPOSALS  
(RFP) FOR CITY OF TRACY  
WARMING CENTER**

**Proposal Due:  
Monday, February 24, 2020 by 12:00 P.M.**



**Contact for Questions:**

**Vanessa Carrera, [vanessa.carrera@cityoftracy.org](mailto:vanessa.carrera@cityoftracy.org); (209) 831-6492**

All inquiries and/or questions shall be submitted in writing no later than  
**Friday, February 21, 2020** at 12:00 p.m.

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**CITY OF TRACY  
REQUEST FOR PROPOSALS (RFP) FOR WARMING  
CENTER**

**Proposal Deadline: Monday, February 24, 2020 by 12:00 P.M.**

**I. INTRODUCTION**

The City of Tracy (City) is announcing a Request for Proposals (RFP) to solicit applications from entities and/or non-profit organizations to establish and operate a seasonal Warming Center and/or safe parking area for homeless individuals within the City of Tracy. The Warming Center will offer an overnight resource to the local homeless population during the winter months. Operations are scheduled to begin in early March 2020. Up to \$25,000 in funding is available to support the operations of a Warming Center and/or safe parking area. If additional funds are available and the City Council approves, the amount awarded through this RFP may also increase. **The awarding and execution of a contract associated with this RFP is contingent on the ability to provide services with preference for those who have identified and secured a location.**

Qualified applicants that meet the RFP requirements and demonstrate the ability to establish, operate, and maintain an overnight Warming Center and/or safe parking area for the homeless are encouraged to submit proposals. All proposals must be received in the City Manager's Office **by 12:00 p.m. on Monday, February 24, 2020. Applications submitted after the deadline will not be accepted.** The City reserves the right to request that Applicants submit additional information as may be requested by staff to clarify submitted information. Also, the City reserves the right to suspend, amend, or modify the provisions of this RFP, to reject all proposals, to negotiate modifications of proposals, or to award less than the \$25,000 of funding made available.

**Funding Sources**

Funding for this RFP will be provided from the following source:

- General Fund monies appropriated by the Tracy City Council.

**Eligible Applicants**

Private and/or non-profit (including faith-based) agencies are eligible to apply. Faith-based organizations and churches may not restrict client participation based on required religious affiliation or activities. Experience working with vulnerable populations and/or those experiencing homelessness is required.

**Please note: No individual shall be excluded from participation in, denied the benefit of, subjected to discrimination under, or denied employment in the administration of or in connection with this contract because of age, sex, race, color, religion, creed, marital status, familial status, sexual orientation including gender expression or gender identity, national origin, honorably discharged veteran or military status, the presence of any sensory, mental or physical disability, or use of a service animal by a person with disabilities.**

**Period of Performance**

The period of performance of any contract resulting from this RFP is tentatively scheduled to begin on or about March 2, 2020 and conclude on March 18, 2020. There is a possibility of contract renewals or extensions, which shall be at the sole discretion of the City and communicated with the awarded Agency.

**Definitions**

Definitions for the purposes of this RFP include:

**Agency:** Contractor or organization submitting Application for consideration under this RFP.

**City:** The City of Tracy, a State of California municipal corporation that is issuing this RFP.

**Contractor:** Agency whose application has been accepted by the City and is awarded a fully executed, written contract.

**Application:** A formal application submitted in response to this solicitation.

**Applicant:** Agency submitting an application in order to attain a contract with the City as a designated Warming Center.

**II. CONDITIONS AND REQUIREMENTS FOR OPERATION A WARMING CENTER**

A Warming Center (emergency shelter) is defined as a building or portion thereof which is not designed for lodging and is operated for the purpose of sheltering the homeless from the elements for a specified duration within a twenty-four (24) hour period. Facilities will require review and approval by the City of Tracy to be listed as an approved site. The City requests proposals that assume the nightly operation of a Warming Center and/or safe parking area during the period of performance. The following are the minimum requirements:

**Program Competencies**

The City seeks to contract with a program operator to establish an indoor overnight Warming Center and/or safe parking area that will provide intake services, a safe place to rest, and protection from inclement weather for the local homeless population.

At minimum, the following services shall be provided to the homeless:

1. Intake – the Contractor will register/intake guests upon arrival and facilitate storage of personal belongings.
2. Overnight supervision – the Contractor will oversee the safety of the physical environment and provide first aid if needed.
3. Clean up/prepping space – the Contractor will be responsible for keeping the service location clean each day, including trash pick-up, laundering washable items provided to guests, and ensuring restroom and shower facilities (if applicable) are clean.
4. Referrals – the Contractor may facilitate case management and/or referrals (through the HMIS system) for guests seeking permanent housing, mental health, medical, job placement, and other social services.

## **Staffing and Training**

The Contractor shall:

1. Ensure there is a trained staff member during all hours of operation at the Warming Center. Staff must be 18 years of age or older.
2. If selected, the Contractor will be required to create the following policies/procedures prior to contract execution:
  - a. First-aid.
  - b. Fire and emergency procedures, including the proper use of fire extinguishers.
  - c. Client complaint and grievance procedures.
  - d. Non-discrimination policy.
  - e. Drug free workplace policy.
  - f. Sexual harassment policy.
  - g. Client confidentiality requirements.
  - h. Organization chart, including the appropriate lines of authority and communication.
  - i. Safety Plan to provide separate space and adequate supervision for clients during emergencies (ex: hepatitis).
  - j. Homeless Management Information Systems (HMIS) data collection, data entry, and submission deadlines.
4. Ensure staff is oriented to the special needs of individuals who are homeless, experience mental health issues, substance abuse issues, or intimate partner/domestic violence issues.
5. Ensure staff has received mental health awareness and cultural, diversity/sensitivity training.
6. Create a staffing plan that includes provisions to maintain safety and security in the Warming Center.
7. Provide accessibility and accommodations for individuals with disabilities.
8. Have a written policy of guest responsibilities that is readily available to all guests.
9. Acquire any required permits and approvals for the provision of the required services.

## **Reporting**

Warming Centers will be required to enter client level data in the HMIS for each client accessing the Warming Center.

## **Warming Center Hours of Operation**

The Warming Center hours of operation will be up to seven (7) days a week. Suggested hours of operation are 7:00 pm to 7:00 am. Hours of operation may be adjusted based on program need, weather conditions, or budget.

## **Access & Upkeep**

The operator of the Warming Center shall:

1. Ensure that entrances, exits, steps, and walkways are free of obstruction by litter and/or refuse, and other hazards.
2. Ensure building has adequate exiting for the occupant load.
3. Provide direct physical access to the facility without unauthorized use of other private property.
4. Provide accessible restrooms.
5. Allow clients the ability to take prescribed medication during all hours of operation.

## **Building & Fire Safety Requirements**

In addition to the requirements contained in the Building and Fire Codes, the owner(s) and/or operator(s) of the Warming Center shall:

1. Obtain the proper building permits and fire certifications prior to occupancy.
2. Post emergency telephone numbers near each telephone including, but not limited to, '911' and poison control.
3. Provide 2A:10BC fire extinguishers at a maximum spacing of 75 feet in space designated as a Warming Center.
4. Not allow cooking inside the Warming Center.
5. Not allow smoking at any time within the building. Signage must be posted.
6. Provide First Aid kits to accommodate the number of people in the Warming Center.
7. Post fire exit diagrams.

## **Animals in the Warming Center**

To protect the health and safety of guests, staff, and visitors, pets, livestock, and non-domesticated animals are prohibited from entering the Warming Center, with the exception of:

- Guide and hearing assisting dogs.
- Guests who would not seek shelter without their companion animal present. If an animal is granted access to the Warming Center, the security staff must be notified and accommodations will be made.

## **III. REVIEW OF PROPOSAL & SELECTION PROCESS**

City staff will review all proposals submitted that meet the RFP requirements. Proposals that are deemed to be substantially incomplete by staff may be rejected. Proposals will be evaluated based on the Applicant and Selection Criteria under Section IV below. Proposals that receive favorable staff review will be presented to the City Manager for further consideration and for a final funding decision. Once the City Manager has made a final decision, staff will begin negotiation of the necessary documents with the selected Applicant(s).

### **City Financial Participation**

The City's total budget for the project is not to exceed \$25,000 and may include all aspects of operations outlined in Section II.

### **Planning Review and Assessment**

The proposed project must comply with the City's Zoning Ordinance and requirements of the California Environmental Quality Act.

### **Insurance Requirements**

The selected Applicant will be required to comply with the City's insurance requirements, summarized as follows:



- a. Commercial General Liability insurance (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.
- b. Automobile Liability insurance (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.
- c. Workers' Compensation insurance coverage shall be maintained as required by the State of California.
- d. Professional liability insurance “claims made” coverage shall be maintained to cover damages that may be the result of errors, omissions, or negligent acts of Contractor in an amount not less than \$1,000,000 per claim.
- e. Property insurance, including during the course of construction builder's risk insurance, covering the development, covering all risks of loss, excluding earthquake, for one hundred percent (100%) of the replacement value.
- f. Commercial Crime Insurance covering all officers and employees, for loss of City Loan proceeds caused by dishonesty, in an amount not less than the amount of the City Loan naming the City as a Loss Payee, as its interests may appear.
- g. All policies, both during construction and after completion, must name the City as an additional insured and provide appropriate endorsements.

The above summary covers general requirements and does not include comprehensive detail about the City’s insurance requirements. For specific questions and exact insurance requirements, the Applicant should contact the City’s Risk Management Office at [HR@CityofTracy.org](mailto:HR@CityofTracy.org): or phone: (209) 831-6150.

#### **IV. EVALUATION AND SELECTION**

##### **Applicant and Project Selection Criteria**

Applicants who submit proposals that meet the requirements of this RFP will be evaluated according to the criteria below:

1. Program proposal and implementation plan;
2. Staffing plan and staff qualifications;
3. Past and current experience, expertise, reliability, and capacity in providing services to people experiencing homelessness;
4. Positive track record of collaboration with public and non-profit agencies (as demonstrated by references);
5. Ability to meet all conditions and requirements of the RFP;
6. Completeness, accuracy, and quality of proposal;
7. No record of default under any agreement, which results in the termination of the agreement; or existence of any lawsuit, unresolved contractual claim or dispute involving the applicant.
8. Preference for those with an identified space for a Warming Center.

## V. PROPOSAL PROCESS

### Proposal Submission Format and Submittal

Applicants must submit material in the following format. See Section VI below, Submittal Requirements, for specific material to be included in proposal application:

- Hard Copies: One (1) original and four (4) copies of complete proposal.
- Electronic Copies: All proposal material must also be submitted electronically. USB or disc drive is acceptable.
- **Proposals must be received by 12:00 P.M., Monday, February 24, 2020.**

The City is not responsible for proposal packets delivered late. It is the responsibility of the Applicant to ensure the proposal is submitted by the designated due date and time.

**All proposals will be time stamped upon submission to:**

**City of Tracy, City Manager's Office  
333 Civic Center Plaza, 2<sup>nd</sup> Floor  
Tracy, CA 95376**

### Proposals Become Public Records

Under the California Public Records Act (PRA), ***ALL DOCUMENTS SUBMITTED IN RESPONSE TO THE RFP ARE CONSIDERED PUBLIC RECORDS AND WILL BE MADE AVAILABLE TO THE PUBLIC UPON REQUEST***, unless withheld from disclosure for the City's sole and exclusive benefit pursuant to an exception to disclosure under the PRA or other applicable law. Please do not include confidential information or information that may violate the privacy or intellectual property rights of a third party.

### Pre-Proposal Meeting

A non-mandatory pre-proposal informational meeting will be held on Thursday, February 20, 2020 at 3:00 p.m. inside City Hall – Room 109 (1<sup>st</sup> Floor), 333 Civic Center Plaza, Tracy, CA 95376.

## Proposal Process Timeline

The tentative timeline for evaluating and selecting proposals is presented below:

RFP SCHEDULE	
EVENT	DATE
RFP released	Thursday, February 13, 2020
Pre-Proposal information meeting	Thursday, February 20, 2020 @ 3:00 p.m.
<b>Proposals due</b>	Monday, February 24, 2020 @ 12p.m.
Initial review of proposals completed	Tuesday, February 25, 2020
City awards funding	Thursday, February 27, 2020
Program begins	Monday, March 2, 2020

## NOTIFICATION TO APPLICANTS

After award recommendations have been determined, Applicants will be contacted regarding the status of their proposal.

## Right to Reject Proposals

The City reserves the right to reject any and all proposals for any reason, and at its sole discretion. The City reserves the right to alter the guidelines in the RFP at any time, at its discretion. Interested Applicants are therefore encouraged to submit all inquiries or questions to Vanessa Carrera, at [vanessa.carrera@cityoftracy.org](mailto:vanessa.carrera@cityoftracy.org), before preparing a proposal in response to this RFP. All inquiries and/or questions shall be submitted no later than Friday, February 21, 2020 by 12:00 p.m.

## VI. SUBMITTAL REQUIREMENTS

### Application Content

Applicants are to complete the application form provided in the Warming Center RFP (Attachment A).

In addition to the completed application, the following attachments are required:

- Proposed line-item budget (sample provided in Attachment B).
- If applicant is a non-profit organization, proof of non-profit status is required and can be submitted via a determination letter from State Franchise Tax Board or Federal Internal Revenue Service confirming non-profit status.
- Copy of organization's recent audited financial statement.
- Copy of organization's most recent balance sheet.

Applications shall provide information in the same order as presented in this document with the same headings. This will not only be helpful to the evaluators of the Application, but should assist the Applicant in preparing a thorough response. **All attachments must be submitted with the application. Incomplete proposals will not be considered.**

## **VII. CONTRACT TERMS**

See sample City of Tracy, Professional Services Agreement (Attachment C).



CITY OF TRACY

WARMING CENTER REQUEST FOR PROPOSAL APPLICATION

FISCAL YEAR 2019-2020

**Applicant Information**

1. Name of Entity or Organization: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

2. Mailing Address (if different from above): \_\_\_\_\_

3. Executive Director/CEO: \_\_\_\_\_ E-mail: \_\_\_\_\_

4. Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

5. Contact Person: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Qualifications**

Please select the category that best represents your organization:

Non-Profit Organization       Community Development Housing Organization (CHDO)

Public Agency                       For-Profit Organization

Faith-Based Organization <sup>1</sup>

<sup>1</sup>Generally, a faith-based organization was founded or is inspired by faith or religion. Such organizations often choose to demonstrate that faith by carrying out one or more activities that assist persons who are less fortunate.

1. Describe the specific types of services/activities/projects that your organization provides, specifically as they relate to benefiting homeless individuals.

2. Number of year's organization has been in business \_\_\_\_\_

3. Number of year's organization has operated as a 501 (c) (3) (if applicable) \_\_\_\_\_

## ATTACHMENT A

4. Has this organization operated under another name? ( ) Yes ( ) No

If yes, list all previous names: \_\_\_\_\_

5. Number of year's organization has conducted the program for which funding is requested:

\_\_\_\_\_

6. Describe your organization's history and experience in providing services to the homeless community.

7. Describe the organization's outreach and service delivery methods.

### Proposal Narrative

1. Provide a concise description of the proposed project (work to be performed; project to be undertaken or services to be provided).
2. Provide information on the building or property proposed for the Warming Center and/or safe parking area. Include a map of the location of the proposed project site or facility. Indicate whether it is owned or rented; if rented, provide conditions and terms of lease. Indicate if the proposed site is currently being occupied for residential or commercial/industrial use.
3. Specify the tasks and activities to be undertaken to accomplish the objectives and explain how the activities will be implemented.
4. Provide a timeline for each identified activity with estimated start and completion dates.
5. Discuss the organization's capability to develop, implement, and administer a Warming Center and/or safe parking area. Include details on the site security plan.
6. If this is a collaborative project, name the organizations involved and explain their involvement. Provide letters of intent from each participating agency specifying the agency's role or contribution to the project.
7. Describe how the program will address various accessibility needs of the target population.
8. Describe how your organization will collaborate and communicate with the City and other organizations serving the homeless.

## ATTACHMENT A

### Staffing Plan and Staffing Qualifications

1. Provide a staffing plan for the proposed program, including job titles, part-time and full-time positions, qualifications/credentials/ education/ licenses for each position.
2. Include if the proposed program will include volunteers, including expected experience, qualifications or background.
3. Attach your organizational chart; including board of directors, officers, and staff.
4. Attach resumes for staff members associated with the proposed program.

### Budget

Please complete a line item budget outlining all program costs, including personnel and operational expenses (see Attachment B for sample). For personnel salary, include the position title and hourly wage of each staff member to be paid out of the program budget. The CITY **will not reimburse for Fringe Benefits**. This cost must be assumed by each individual agency. **This includes: worker's compensation, employer/employee insurance, vacation/ sick leave, and payroll taxes.**

Operating cost areas and guidelines:

**Occupancy:** occupancy costs for a building owned or leased by the Contractor may be included as a budgeted item only if,

- it is necessary for the services provided under this grant; or
- costs are allocated among funding sources.

**Utilities:** Enter the prorated costs for water, gas, electric, garbage and trash collection, and similar expenses for the project.

**Communication:** Enter costs for telephone, fax, postage, and other communication costs that are essential to the operation of the project.

**Office Supplies:** Enter costs for office supplies that are essential to the operation of the project.

**Equipment:** Enter costs of equipment that is essential for the operation of the project. Justification should be provided for the purchase of all electronic goods.

**Program Supplies:** Enter costs for consumable commodities that have a useful life of one (1) year or less, which render services essential to the operation of the project.

**Travel:** Enter cost for automobile mileage, transportation, and all necessary and ordinary travel expenses while on official project business. **Vehicle maintenance and insurance may not be charged.**

**Insurance costs:** Enter the prorated cost of insurance and other related services for the project. **This includes: auto, business, and facility insurance.**

## ATTACHMENT A

**Funding Agreement Services:** Include payments made to individuals who provide professional, scientific, or technical services. This means any services that the agency does not have the capability to perform itself, but are required to operate its program, and are performed by individuals who are not the agency's employees (i.e. consultants, trainers, evaluator, therapists, and social workers). The type of service must be stated next to Funding Agreement Services line item.

**Overhead Rate Documentation:** Overhead costs including administrative or support staff may only be submitted for projects that have a federally negotiated overhead rate or an approved rate from a Certified Public Accountant (CPA). **Submit the letter from the federal agency or the CPA that details the basis for the negotiated overhead.**

### Performance Measurement

1. Provide the number of individuals that will directly benefit from your program daily. Indicate how these numbers were obtained or derived (Point in Time counts, Census data, history of program).
2. Describe the method used to gather and track demographic and other statistical data for reporting purposes. (Include the name of software, if applicable).
3. Describe the organization's client record keeping system and management of data and data sharing.

### References

Provide three (3) references that can speak to your organization's ability to establish and operate a Warming Center and/or safe parking area:

Name: \_\_\_\_\_ Title (if applicable): \_\_\_\_\_

Relationship: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Name: \_\_\_\_\_ Title (if applicable): \_\_\_\_\_

Relationship: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Name: \_\_\_\_\_ Title (if applicable): \_\_\_\_\_

Relationship: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Email: \_\_\_\_\_



ATTACHMENT A

**Disclaimer and Signature**

I hereby certify that I have read this application and the exhibits thereto, and know the contents thereof, and that the statement therein are true, and that I have been authorized by the governing board of the organization I represent to submit this application.

\_\_\_\_\_  
Authorized Representative Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title

ATTACHMENT B  
WARMING CENTER RFP  
SAMPLE BUDGET

**Personnel Costs**

Description	Funding Request	Agency Match *	Total Program
<i>( Position title and FTE)</i>			
<i>Program Director (.25 FTE)</i>			
<i>Program Manager (.50 FTE)</i>			
<i>Program Specialist (1.0 FTE)</i>			
Fringe Benefits	<b><i>Not Applicable</i></b>		
<b>Total Personnel Costs</b>			

**Operating Costs**

Description	Funding Request	Agency Match *	Total Program
<i>Occupancy</i>			
Office Supplies			
Funding Agreement Services			
<i>Program Supplies</i>			
Travel			
Insurance			
<b>Total</b>			
<b>Operating Costs</b>			
<b>Total Budget</b>			

\*The agency match represents any funding contributions by the Applicant. An agency match is not required per the Request for Proposal (RFP) guidelines.

ATTACHMENT C – SAMPLE AGREEMENT

CITY OF TRACY  
PROFESSIONAL SERVICES AGREEMENT  
FOR WARMING CENTER AND/OR SAFE PARKING AREA  
FISCAL YEAR 2019-2020

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

**Recitals**

**A.** City desires to retain Consultant to establish and operate a seasonal Warming Center and/or safe parking area; and

**B.** On February 13, 2020, the City issued a Request for Proposals (RFP) for the operation of a Warming Center and/or safe parking area. On February 24, 2020, Consultant submitted its proposal for the Project to the City. City has determined that Consultant possesses the skills, experience and certification required to provide the services.

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

**D.** This Agreement is being executed pursuant to Tracy Municipal Code section 2.20.090.

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

**1. Scope of Work.** Consultant shall perform the services described in Exhibit “A” attached and incorporated by reference. The services shall be performed by, or under the direct supervision of, Consultant’s Authorized Representative: \_\_\_\_\_. 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 City’s prior written consent. A failure to obtain the City’s prior written consent for any change or replacement in personnel or subcontractor/subconsultant may result in the termination of this Agreement.

**2. Time of Performance.** Time is of the essence in the performance of services under this Agreement and the timing requirements set forth shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. 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. Consultant shall submit all requests for time extensions to the City in writing no later than ten days after the start of the condition which purportedly caused the delay, and not later than the date on which performance is due. City shall grant or deny such requests at its sole discretion.

**2.1 Term.** The term of this Agreement shall begin on March 2, 2020 and end on March 17, 2020, unless terminated in accordance with Section 6. This Agreement may be extended for an additional 2 years by the City Manager following a written determination that Consultant has satisfactorily met all the requirements of this Agreement.

## ATTACHMENT C – SAMPLE AGREEMENT

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

**3.1 Not to Exceed Amount.** Consultant’s total compensation under this Agreement shall not exceed \$ 25,000. 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 total compensation 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 the services performed, including times, dates, and names of persons 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 these requirements 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.

**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 any claims arising out of Consultant’s performance or failure to comply with obligations under this Agreement, except to the extent caused by the sole, active negligence or willful misconduct of the City.

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

(The 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.)

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

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

**5.1 Commercial General Liability** (with coverage at least as broad as ISO form CG 00 01 01 96) “per occurrence” coverage shall be maintained in an amount not less than \$4,000,000 general aggregate and \$2,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.

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

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

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

## ATTACHMENT C – SAMPLE AGREEMENT

**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.

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

**7. Dispute Resolution.** If any dispute arises between the City and 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 third person as mediator, shall be commenced within thirty (30) days and shall be concluded within fifteen (15) days from the commencement of the mediation.

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

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

ATTACHMENT C – SAMPLE AGREEMENT

**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, or upon 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.

**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 breach of this warranty, City shall have the right, in its sole discretion, to terminate this Agreement without liability; to pay only for the value of the work actually performed; or to deduct from the contract price; or otherwise recover the full amount of such rebate, kickback, or other unlawful consideration.

**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 City:

Midori Lichtwardt, Assistant City Manager  
City of Tracy  
333 Civic Center Plaza  
Tracy, CA 95376  
(209) 831-6159

To Consultant:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

## ATTACHMENT C – SAMPLE AGREEMENT

### **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.

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

**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, whether or not those 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 not a suspended corporation. If Consultant is a suspended corporation 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.

## ATTACHMENT C – SAMPLE AGREEMENT

**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. This Agreement supersedes all prior negotiations, representations or agreements. All exhibits attached hereto are incorporated by reference herein.

**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.

[AREA INTENTIONALLY LEFT BLANK]



ATTACHMENT C – SAMPLE AGREEMENT

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

**City of Tracy**

**Consultant**

\_\_\_\_\_  
By: Jennifer H. Haruyama  
\_\_\_\_\_  
Title: City Manager  
Date: \_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

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

Attest:

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

\_\_\_\_\_  
By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Leticia Ramirez, Interim City Attorney

Exhibits:

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

September 1, 2020

## AGENDA ITEM 3.E

### REQUEST

**DESIGNATE 500 W ARBOR ROAD AS A TEMPORARY EMERGENCY HOUSING SITE FOR UNSHELTERED INDIVIDUALS IN TRACY; APPROPRIATE FUNDS FOR CONSTRUCTION AND PROVISION OF SERVICES IN THE AMOUNT OF \$690,000 FROM HOUSING ASSET FUNDS, \$100,000 FROM CDBG, \$109,000 CARES ACT; AUTHORIZE STAFF TO SUBMIT GRANT APPLICATIONS; AUTHORIZE STAFF TO ISSUE A REQUEST FOR PROPOSAL FOR A SERVICE PROVIDER TO OPERATE THE FACILITY; AND PROVIDE DIRECTION TO STAFF**

### EXECUTIVE SUMMARY

At the May 5, 2020, City Council meeting, Council adopted a Homelessness Strategic Plan (Attachment A) that is specific to the needs of Tracy, while being complimentary to San Joaquin County homelessness efforts. Included in the Plan is a short-term goal for staff to identify a local facility to use as an emergency shelter for short-term, temporary housing for people experiencing homelessness.

This report requests that Council consider:

1. Designating the 500 W Arbor Road property as the location for a temporary emergency housing site for Tracy's unsheltered population;
2. Appropriating funds in the amount of \$690,000 from Housing Asset Funds, \$100,000 from CDBG, \$109,000 CARES Act to fund construction and provide services to establish a new Capital Improvement Project;
3. Authorizing staff to submit grant applications for additional funding;
4. Authorizing staff to issue a Request for Proposal for a service provider to operate the facility; and
5. Providing direction to staff, as desired.

### DISCUSSION

On May 5, 2020 the City Council adopted a Tracy-specific Homelessness Strategic Plan (Attachment A) that aligns with the County's overall efforts to positively impact homelessness in the region. A short-term goal of the Plan called for staff to identify a location to use as a temporary emergency housing solution for the City's unsheltered population. Staff is providing this report consistent with the approved Plan that lists identifying immediate, temporary housing options as a short-term goal.

Staff has identified unimproved City-owned land that can be prepared for the construction of temporary emergency housing located at 500 W Arbor Road. This location can be prepared to erect temporary structures to serve as temporary emergency housing in which to house the unsheltered, most immediately, during the upcoming cold and wet winter months. The City would issue a Request for Proposal (RFP) for a service provider to operate the facility. Successful RFP submissions will demonstrate previous case management experience as well as specific experience working with unsheltered populations.

Staff has prepared preliminary site drawings (Attachment B) which could also be used for bid documents should Council wish to designate this property and authorize staff to move forward with the bidding, construction, and staffing of temporary emergency housing. It is anticipated that the emergency housing could be available as early as December 2020 and be in use for approximately five months while other, more long-term solutions and funding can be identified.

Preliminary estimates indicate that it will cost approximately \$400,000 to prepare the land and install basic infrastructure including grading, installing a pad, repaving the access road to ensure adequate fire access, installation of water pipes and erecting security/safety fencing around a nearby canal and water retention basin. Cost are still being determined for the structure(s), furnishings, and operating cost for a service provider to operate the facility.

The City Council has previously encumbered or committed funding related to Homeless Prevention and Support for Unsheltered Individuals. This includes funds available from the Low and Moderate Income Housing Asset Fund and Coronavirus Relief Funds from the CARES Act grant. Additional one-time funding is available from the Housing Asset fund as well as from CDBG funds.

Below is funding that is currently available and earmarked to provide temporary housing to the City's unsheltered population. Additionally, to help fund construction and operations, the City will be applying for grant funding opportunities including, but not limited to Homeless Housing Assistance Prevention (HAAP).

<b>Funding Source</b>	<b>Available Funding</b>
Housing Asset Funds previously encumbered for Homeless Prevention and Rapid Rehousing Services (\$500,000) Housing Asset Funds available for commitment (\$190,000)	\$690,000
Community Development Block Grant (CDBG)	\$100,000
CARES Act Coronavirus Relief Funds previously committed to Support Unsheltered Individuals	\$109,000
<b>Total Available</b>	<b>\$899,000</b>

### FISCAL IMPACT

Staff is requesting for City Council to designate City-owned land on which to construct temporary emergency housing and authorize an appropriation of funds for construction and provision of services for a temporary emergency housing site for Tracy's unsheltered population. This project will be funded from an appropriation from the; Housing Asset Funds for \$690,000, CDBG for \$100,000 and CARES Act for \$109,000 and would establish a new CIP 71112.

STRATEGIC PLAN

This agenda item supports the City's Quality of Life Strategic Priority, specifically within Goal #3, Explore opportunities to provide temporary and/or permanent housing for homeless in Tracy and Public Safety Strategy Priority, specifically Goal #2, Facilitate public safety and community partnerships to proactively address citywide encampments and Identify and pursue resources to enhance our responses to homelessness-related issues

RECOMMENDATION

That City Council, by resolution,

1. Designate the 500 W Arbor Road property as the location for a temporary emergency housing site for Tracy's unsheltered population.
2. Appropriate funds in the amount of \$690,000 from Housing Asset Funds, \$100,000 from CDBG, \$109,000 CARES Act to fund construction and provide services to establish a new Capital Improvement Project.
3. Authorize staff to submit grant applications for additional funding.
4. Authorize staff to issue a Request for Proposal for a service provider to operate the facility.

By motion, provide direction to staff, as desired.

Prepared by: Midori Lichtwardt, Assistant City Manager Reviewed

by: Karin Schnaider, Finance Director

Reviewed and Approved by: Jenny Haruyama City Manager

Attachments: Attachment A: Tracy Homelessness Strategic Plan  
Attachment B: Sample Preliminary Site Drawings



## CITY OF TRACY

# HOMELESSNESS STRATEGIC PLAN

*As approved and amended May 5, 2020*

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*Last Revised: 05-05-2020*

## EXECUTIVE SUMMARY

This Homelessness Strategic Plan outlines an ongoing comprehensive strategy to make homelessness rare, brief, and non-recurring in the City of Tracy. The direction and goals included in this plan build upon the recent progress the City has made towards ending homelessness while also recognizing new practices, emerging challenges, and opportunities to develop a system that uses all available resources to house people experiencing homelessness.

In response to the growing number of people experiencing homelessness within the City of Tracy, a collaboration of stakeholders, local service providers, community members and elected officials have mobilized to address the challenges related to homelessness. These stakeholders include a collective of various organizations including those with educational, legal, business, and faith-based interests; local homeless service providers; city, county, and state agencies; private businesses and non-profit organizations; as well as private individuals and consumer advocates. This strong collaboration represents one of the greatest tools within the City of Tracy to combat homelessness.

Trends in homelessness in the City of Tracy speak to the need for a comprehensive, coordinated community effort to address the issue. The 2019 biannual point in time count reports that there are 155 unsheltered persons living on the streets, cars, or places not meant for human habitation and 21 sheltered persons within city limits. The number of people experiencing unsheltered homelessness has increased dramatically (520%) since 2011. This large increase is attributable to under counting in previous years. Service providers working in Tracy reported that a change in the count methodology—including the establishment of a homeless outreach project on the day of the count and an increase in the number of volunteers—has helped to produce a more accurate count of people experiencing homelessness in the City.

While conversation and ideas are being discussed within the City of Tracy, the experience of homelessness continues to affect many individuals and families, while others live one pay-check or unforeseeable circumstance away from falling into homelessness, *i.e.* at-risk of homelessness. These realities propel city and county officials, nonprofit service providers, local businesses, faith-based organizations, and other stakeholders to continually strive to address the issue of homelessness.

This plan proposes a series of steps to strategically utilize existing resources and place the City in a position to access new resources. It intentionally builds upon the strengths of the community, namely the City and the San Joaquin County Continuum of Care, and the capacity of its individual stakeholders; to leverage existing resources to address challenges—such as the shortages of affordable housing and permanent supportive housing. However, the first priority of the City must be to create emergency shelter.

Specific strategies are organized under four primary goals:

## STRATEGIC PLAN GOALS

**GOAL 1: Increase Housing Options in Tracy**

**GOAL 2: Increase Access to Coordinated Support Services for People Experiencing Homelessness**

**GOAL 3: Develop Action Plans for Engaging with People Experiencing Homelessness**

**GOAL 4: Enact Specific Strategies for Vulnerable Subpopulations Experiencing Homelessness**

As the City of Tracy embarks on the implementation of this plan, the City must communicate and promote this vision and strategy for implementation; update the plan as needed; continuously identify and seek out resources; and provide the leadership to make mid-course adjustments. The plan identifies outcomes that should be measured to ensure constant and consistent attention to the action steps and to measure success. Success will depend on the willingness and commitment of key stakeholders to embrace innovation and adopt a culture open to change.

## BACKGROUND

In January of 2019, California’s Department of Housing and Community Development (HCD) presented the opportunity for Continuums of Care (CoC) and counties across the State of California to request technical assistance in three different areas of focus: capacity building, housing first, and housing stability. Eligible recipients of the technical assistance included those CoCs and counties that were direct recipients or administrators of California’s Emergency Solutions Grant Program (ESG) or No Place Like Home funding. In July of 2019, the City of Tracy, as a member of the San Joaquin Continuum of Care, submitted a request for support in developing a strategic plan to end homelessness. HCD approved the City of Tracy’s request as an exception—as the only city provided direct assistance—and it did so with the understanding that the City would coordinate with the CoC to compliment efforts.

The Technical Assistance Collaborative (TAC) was retained by HCD to engage with CoCs and Counties that submitted requests for “capacity building” technical assistance. TAC worked with HCD and the City of Tracy to develop a work plan, and engagement began in August of 2019. The goal of the public process was to enhance transparency and help the City of Tracy establish intentional and meaningful strategies to end homelessness, which culminated in a written plan.

Prior to this engagement, much of the planning around homelessness occurred at the CoC and county level. While the City of Tracy is unique in their capacity and needs, the city has expressed a commitment to collaborate efforts with the county to address homelessness within the framework of the San Joaquin CoC. Therefore, the planning process which produced this document focused on a more systemic-level approach to prevent and end homelessness within the city. As such, TAC conducted a thorough document and resource review. In addition to remote planning sessions and communication with the City, TAC facilitated an on-site strategic planning meeting in November 2019. Subsequently, three community forums were held in

December and January to obtain public input and promote transparency. Throughout the process, it was important to include the voice of those with lived experiences by inviting persons currently living on the streets or in places not meant for human habitation in Tracy to the community meetings.

In developing the plan, TAC drafted initial goals and objectives, based on the community planning session and additional feedback from the community workshops. The public comments were incorporated into the plan and, subsequently, the City's Ad Hoc Committee on Homelessness revised the draft goals and objectives. This collaborative effort produced the goals, objectives, and action steps outlined in this plan to end homelessness in the City of Tracy.

## OVERVIEW OF HOMELESSNESS IN TRACY

The State of California is in the midst of an unprecedented homelessness and housing crisis. The number of individuals and families experiencing homelessness far exceeds any other state in the country. As of the January 2019 point in time count, the number of persons experiencing homelessness in California was 151,278. Nearly half of all people experiencing homelessness in the country were in three states: California (27% or 151,278 people); New York (16% or 92,091 people); and Florida (5% or 28,328 people). While the highest counts of homelessness exist in some of California's larger metropolitan areas, Tracy is not untouched by the crisis.

## COST OF HOMELESSNESS IN TRACY

Nationally, a chronically homeless person costs the tax payer an average of \$35,578 per year. Costs on average are reduced by 49.5% when they are placed in supportive housing. Supportive housing costs on average \$12,800, making the net savings roughly \$4,800 per year.

Key findings from a study in Santa Clara, California found "overall, clients connected to permanent housing showed greater reduction in both emergency department use and charges compared to those who remained homeless or in less stable housing arrangements (a 34% reduction compared to a 12% reduction in emergency department visits, a 31% reduction compared to a 2% reduction in emergency department charges)." "The group connected to housing showed significantly greater reductions in the inpatient charges (a 27% decrease for those connected vs. a 49% increase for those not connected)."

Regarding the specific needs of the City of Tracy, there is a cost to the city as people continue to experience homelessness. The City is working to document the costs of the following services:

- Hospital Emergency Room Services
- Emergency Medical Resources
- Law Enforcement and Prosecution Resources
- County Jail, Court, and Criminal Justice System Resources

Often, these costs are actually higher than the cost of dedicating resources to provide people with permanent housing.



## EXISTING RESOURCES IN TRACY

The strategic planning process requires the identification of existing resources to households experiencing or at-risk of homelessness, as well as any gaps in resources and those that may require strengthening or refining. The effort to prevent and end homelessness in Tracy must also take into consideration the state and federal funding climates and evolving policy priorities. No community can address homelessness by relying solely on dedicated homeless resources, but must access and leverage other more mainstream housing and service resources.

- **HUD RESOURCES**

The San Joaquin CoC has successfully obtained competitive federal homeless assistance funds through the Continuum of Care Program. In Fiscal Year 2018 the CoC received \$4,490,004 and, of that amount, 67% is for permanent supportive housing, 28% is for rapid rehousing, 2% is for the Homeless Management Information System, and 3% is for planning CoC activities. At the time of publication of this report the FY19 CoC Program awards were not fully announced.

- **CALIFORNIA RESOURCES**

The State of California, through inter-state agency partnerships and collaboration, has created and funded programs to complement federal and local/philanthropic funding for county and CoC crisis response systems. **TABLE A** outlines some of the funding opportunities available to support CoCs in California. The San Joaquin CoC currently receives funding through several of these opportunities.

- **TRACY RESOURCES**

There are 28 local service providers that make up the Tracy Community Homeless Task Force. The services offered include shelters; subsidized housing; community meals; food delivery to encampments; food pantries, markets, and produce; and hygiene programs.

## IDENTIFIED GAPS & CHALLENGES

The City of Tracy faces significant challenges in its work to prevent and end homelessness. These difficulties and resource gaps have been identified in an effort to inform the goals and objectives included in this plan. They have been outlined below in four categories.

- **CRISIS RESPONSE**

This resource gap relates to the city's crisis response system and capacity for assisting households at-risk of and currently experiencing homelessness. It is imperative that people understand the risk of homelessness, and the relative fragility of many households' housing situations. Households at risk of homelessness are often one paycheck, utility bill, or medical bill away from an episode of homelessness. Those with

untreated behavioral health needs may be forced to leave housing due to related behaviors and risks. For those households that do enter the homeless crisis response system, the availability and access to safe shelter and outreach services are essential.

➔ **CURRENT RESOURCE GAPS AND CHALLENGES RELATED TO CRISIS RESPONSE**

- Not enough family shelters
- Lack of low barrier shelters
  - Need to allow families to stay together (without restrictions on the age of children)
  - Need to allow people to shelter with their pets
  - Need to have a place for people to store their possessions
- Need more behavioral health services and quick access to the services while people are in crisis
- Need for access to services after normal business hours/evening and weekends

• **HOUSING**

This resource gap relates to the availability of both public and private housing resources. The City is experiencing a severe lack of affordable housing for households at-risk of and experiencing homelessness, particularly those extremely and very low income households. The long term success in addressing homelessness in the City will involve both increasing the affordable housing stock and obtaining rental subsidies.

➔ **CURRENT RESOURCE GAPS AND CHALLENGES RELATED TO HOUSING**

- Lack of affordable housing
- No local provider funded to provide permanent supportive housing
- Huge deficit of landlords
- Existing housing stock is limited and unaffordable

• **SUPPORTIVE SERVICES**

This resource gap relates to the availability and access to services and other supports that aid households in their ability to successfully maintain housing. Supportive services are often the key to ensuring that households at-risk of homelessness are able to maintain their housing and avoid the need for crisis services. Similarly, supportive services also serve as the primary mechanism for ensuring that formerly homeless households are able to successfully maintain housing.

➔ **CURRENT RESOURCE GAPS AND CHALLENGES RELATED TO SUPPORTIVE SERVICES**

- Need for employment services
- Lack of transitional age youth resources
- No South County service center

- **SYSTEM LEVEL**

This resource gap relates to challenges experienced at the systems or community level that likely expand beyond the homeless services system. These challenges may involve systems of care other than the homeless crisis response system, and are likely bigger than any one project or resource.

➔ **CURRENT RESOURCE GAPS AND CHALLENGES RELATED TO SYSTEM LEVEL**

- Need for increased participation in Homeless Management Information System (HMIS) to help inform data-driven systemic level decisions
- Feeding schedules need to be coordinated to reduce waste of resources
- Lack of transportation throughout the City and connections with other cities within San Joaquin County

## **THEMES IDENTIFIED VIA COMMUNITY INPUT**

TAC identified the following themes based on discussions regarding goals from the community planning session and additional feedback from the community workshops. The four identified themes include:

1. Move people who are experiencing homelessness into permanent housing as quickly as possible
2. Increase understanding regarding issues people experiencing homelessness face and/or increase the general understanding of homelessness
3. Strengthen capacity to increase resources for the homeless crisis response system
4. Prevent and divert new households from becoming homeless

## GOALS & OBJECTIVES

Homelessness ends with a crisis response system that is able to provide housing and ensure that the root causes of homelessness are rare, brief, and non-reoccurring. These goals and objectives should maximize “housing first” principles. “Housing First” is a best practice and a requirement of many funding sources at both the state and federal levels. This approach should be implemented both at the systemic-level as well as at the local project level.

### **GOAL 1: INCREASE HOUSING OPTIONS IN TRACY**

#### **Objectives for GOAL 1:**

- (1) SHORT-TERM: Identify immediate temporary “Emergency Housing” options and integrate crisis support services.
- (2) MID-TERM: Identify “Transitional Housing” options and integrate wrap-around support services with Navigation Center.
- (3) LONG-TERM: Increase affordable housing stock and assist in securing “Permanent Housing” with continued support services from Case Managers.
- (4) CONTINUOUS: Proactively pursue local, state, and federal funding to support housing options and support services.
- (5) Create property-owner economic initiative to increase the number of private housing options to support housing for people transitioning out of homelessness.

### **GOAL 2: INCREASE ACCESS TO COORDINATED SUPPORT SERVICES FOR PEOPLE EXPERIENCING HOMELESSNESS**

#### **Objectives for GOAL 2:**

- (1) Create a centralized location to serve as a “Navigation Center” where people experiencing homelessness can gain access to appropriate services and resources based on their immediate needs.
- (2) Secure access to addiction, mental health, family reunification, job training, and other appropriate support services at the Navigation Center.
- (3) Enhance coordination between local service providers and county agencies.
- (4) Evaluate effectiveness of current spending and consider reallocating resources, while continuing to pursue other funding options.

**GOAL 3: DEVELOP ACTION PLANS FOR ENGAGING WITH PEOPLE EXPERIENCING HOMELESSNESS**

**Objectives for GOAL 3:**

- (1) Establish “Law Enforcement Protocol” for initiating contact with people experiencing homelessness that complies with the recent *Martin v. Boise* decision.
- (2) Establish “Crisis Response Protocol” for local service providers to render rapid crisis support — including after-hour services for people experiencing or at-risk of homelessness.
- (3) Partner with county agencies (including the District Attorney’s Office and the San Joaquin County Jail) to evaluate opportunities for diversion programs or other alternatives to incarceration for people experiencing homelessness—including a warm “hand off” to service providers to render immediate crisis support services or emergency housing.

**GOAL 4: ENACT SPECIFIC STRATEGIES FOR VULNERABLE SUBPOPULATIONS EXPERIENCING HOMELESSNESS**

**Objectives for GOAL 4:**

- (1) Identify people experiencing or at-risk of homelessness in vulnerable subpopulations within the City of Tracy—including, but not limited to, veterans, youth, the LGBTQ community, victims of crime, and people with behavioral health needs.
- (2) Ensure access to “Case Managers” for vulnerable subpopulations who will educate and provide connections to appropriate support services and housing options.
- (3) Identify and apply for funding opportunities to secure resources that are specifically available to support people from vulnerable subpopulations.
- (4) Develop a targeted initiative program to prevent “new” individuals in vulnerable subpopulations from becoming homeless.

**CONCLUSION**

For a community the size of the City of Tracy, the City must prioritize the need to prevent and end homelessness. While there are significant challenges ahead—due both to local circumstances and national trends—the City is working to meet these challenges, and is fortunate to have a team of committed organizations and agencies.

This Strategic Plan provides a framework to target resources to manage and decrease homelessness. The City of Tracy, with the cooperation of local elected officials and stakeholders, will oversee implementation of this plan.

The following key metrics should be used to evaluate the effectiveness of this Plan:

- Increase in the number of affordable housing units dedicated to people who are experiencing homelessness
- Decrease in homelessness in the community—including in key subpopulations such as families, veterans, and people who are chronically homeless
- Decrease in the number of persons who become homeless for the first time
- Decrease in the average and median length of time persons remain homeless
- Decrease in the percentage of persons who return to homelessness
- Increase in the percentage of adults who gain or increase employment or non-employment cash income over time
- Increase in the percentage of persons who exit to or retain permanent housing

To be successful, this Strategic Plan will require broad community support for expanding data collection, sharing data, and using accurate data as a planning tool. The City of Tracy and its elected officials should continue to sponsor community meetings to build public support, consensus, and commitment to the plan and to create a sense of urgency about these time-sensitive strategies. Since it is a perennial plan, quarterly meetings to report on progress and challenges will keep momentum going and allow for mid-course adjustments as needed. The community's support will be vital in affirming the Strategic Plan so that all stakeholders understand and fulfill their specific roles.

## IMPLEMENTATION PLAN

### GOAL 1: INCREASE HOUSING OPTIONS IN TRACY

**OBJECTIVE 1: [SHORT-TERM] Identify immediate temporary “Emergency Housing” options and integrate crisis support services.**

#### TASKS:

##### EMERGENCY SHELTER

- Identify local facility to use as Emergency Shelter for short-term *temporary* housing option
  - Prioritize low-barrier entry qualifications to Emergency Shelter
  - Access should be 24 hours a day, 7 days per week
  - Facility should include: beds/lofts, bathrooms, showers, heat/air-conditioning
  - Designate goal for number of beds at facility
  - Consider time-restraint to encourage transitioning to more permanent housing options
- **Consider re-purposing newly approved “Warming Center” as “Emergency Shelter”**
- Identify partners to manage daily operations at Emergency Shelter
- Draft RFP/MOU for organization to manage operations at Emergency Shelter
- Ensure access to local support services at Emergency Shelter
- Evaluate funding options [*See GOAL 1:4*]

##### SAFE PARKING AREA

- Identify local private/public parking lot to use as Safe Parking Area for individuals not amenable to entering Emergency Shelter
  - Prioritize low-barrier entry qualifications to Safe Parking Area
  - Designate time limitations on access to Safe Parking Area (*e.g.*, between 7:00pm and 7:00am)
  - Facility should include: bathroom access, security
- **Consider continuing newly approved “Safe Parking Area” through December 2020.**
- Draft RFP/MOU for organization to manage operations at Safe Parking Area
- Ensure access to local support services at Safe Parking Area
- Evaluate funding options [*See GOAL 1:4*]

##### CRISIS SUPPORT SERVICES

- Provide access to “Crisis Support” services to individuals experiencing crisis at Emergency Shelter
- Outreach and partner with local hospitals and institutions to collaborate on housing-focused discharge plans from hospitals and medical facilities
- Utilize “Crisis Support Protocol” [*GOAL 3:2*]
- Evaluate funding options [*See GOAL 1:4*]

**OBJECTIVE 2: [MID-TERM] Identify “Transitional Housing” options and integrate wrap-around support services with the Navigation Center.**

#### TASKS:

##### TRANSITIONAL HOUSING OPTIONS

- Identify local facilities to use as “Transitional Housing” for mid-term *transitional* housing option
  - Facilities should include: individual rooms, bathrooms, showers, heat/air-conditioning
    - Designate goal for number of beds at facility

- Designate goal for percentage of people transitioned into permanent housing each year
    - Consider time-restraint to encourage transition to permanent housing options
  - Consider use of “tiny homes” development and zoning
- Draft RFP/MOU for organization to manage operations at Emergency Shelter
- Ensure access to any previous local “case management” resources
- Ensure access to local support services at Navigation Center
- Evaluate funding options [*See GOAL 1:4*]
  - Consider requiring residents to pay percentage of income towards rent

**ACCESS TO SUPPORT SERVICES**

- Provide access to local support services to residents at Transitional Housing facilities
  - Consider requiring regular check-ins and evaluations with a case manager
  - Provide aftercare services to people experiencing homelessness who have secured housing to ensure they remain housed
  - Ensure that case management from partner organizations includes support for households attempting to leave shelters and enter permanent housing
- Evaluate funding options [*See GOAL 1:4*]

**OBJECTIVE 3: [LONG-TERM] Increase affordable housing stock and assist in securing “Permanent Housing” with continued support services from Case Managers.**

**TASKS:**

**INCREASE AFFORDABLE HOUSING STOCK**

- Increase available “Affordable Housing” stock in the City of Tracy
- **Consider adopting the “Affordable Housing” strategies reviewed at previous City Council Affordable Housing workshop**
- Outreach and partner with a local housing provider) to consider the following opportunities:
  - Identify projects and opportunities that will result in more “Affordable Housing” units
  - Provide treatment-based housing for people with physical and behavioral health needs
  - Creating affordable housing policies that may encourage developers to build units that would support people experiencing or at-risk of homelessness

**PERMANENT HOUSING**

- Identify “Affordable Housing” facilities to use as long-term *permanent* housing option
  - Designate goal for percentage of people transitioned into permanent housing each year
  - Increase the number of “Affordable Housing” units dedicated to people experiencing homeless
- Ensure access to any previous local “case management” resources
- Ensure access to local support services at Navigation Center

**ACCESS TO SUPPORT SERVICES**

- Provide access to local support services to residents at Transitional Housing facilities
  - Consider requiring regular check-ins and evaluations with a case manager
  - Provide aftercare services to people experiencing homelessness who have secured housing to ensure they remain housed
  - Ensure that case management from partner organizations includes support for households attempting to leave shelters and enter permanent housing
- Evaluate funding options [*See GOAL 1:4*]



**OBJECTIVE 4: [CONTINUOUS] Proactively pursue local, state, and federal funding to support housing options and support services.**

**TASKS:**

**FUNDING OPPORTUNITIES**

- Compile information related to funding opportunities for addressing homelessness
  - Identify local, state, and federal agencies that distribute funding to address homelessness
  - Identify grants that distribute funding to address homelessness
- Create list of funding sources that the City of Tracy may be qualify for to address homelessness
  - Create calendar of dates for applying to funding sources
  - Consider assigning dedicated individual or organization to complete funding applications

**REDISTRIBUTION OF RESOURCES**

- Evaluate current resources spent on homelessness and consider reallocation [*See GOAL 2:4*]

**OBJECTIVE 5: Create property-owner economic initiative to increase number of private housing options to support housing for transitioning homeless people.**

**TASKS:**

**LANDLORD INCENTIVE PROGRAM**

- Create outreach efforts to link landlords with low-income tenants and tenants with rapid re-housing or housing vouchers
- Consider a local funding source to create gap financing to:
  - Make a rapid re-housing and housing voucher support match market rental rates
  - Provide finance support for permanent affordable housing developments
  - Provide eviction prevention services, including rental assistance and landlord mediation

**GOAL 2: INCREASE ACCESS TO COORDINATED SUPPORT SERVICES FOR PEOPLE EXPERIENCING HOMELESSNESS**

**OBJECTIVE 1: Create a centralized location to serve as a “Navigation Center” where people experiencing homelessness can gain access to appropriate services and resources based on their immediate needs.**

**TASKS:**

**NAVIGATION CENTER**

- Identify location and secure facility to serve as a Navigation Center
- Partner with local service providers, non-profit organizations, and faith-based groups to coordinate procurement of services and resources at the Navigation Center
- Retain “Case Managers” to ensure that people experiencing homelessness are supported in accessing addiction, mental health, family reunification, job training, and other appropriate support services
- Ensure that resources and services are available to people who have formerly experienced homelessness to maintain their stable housing

**OBJECTIVE 2: Secure access to addiction, mental health, family reunification, job training, and other appropriate support services at the Navigation Center.**

**TASKS:**

**ACCESS TO SUPPORT SERVICES**

- Identify service providers and county agencies that provide necessary support services for some people experiencing homelessness
  - Identify service providers/agencies for alcohol and narcotics addiction services
  - Identify service providers/agencies for mental and behavioral health services
  - Identify service providers/agencies for family reunification services
  - Identify service providers/agencies for job training services
  - Identify other appropriate service providers/agencies as needed
- Work with providers/agencies to bring access to such services directly at the Navigation Center

**OBJECTIVE 3: Enhance coordination between local service providers and county agencies.**

**TASKS:**

**COORDINATION EFFORTS**

- Invite local service providers, county agencies, non-profit organizations, and faith-based groups to coordinate providing services to people experiencing homelessness at the Navigation Center
- Ensure access to services for people at-risk of homelessness and people exiting homelessness
- Strengthen partnerships between the City, county agencies, and local service providers by coordinating access, collection, analysis of data; using HMIS & CoC data programs; and enhancing data cross-checking
- Partner with other agencies to evaluate how to leverage resources and pursue funding opportunities.
- Commit to actively participating with the Continuum of Care

**OBJECTIVE 4: Evaluate effectiveness of current spending and consider reallocating resources, while continuing to pursue other funding options.**

**TASKS:**

**RESOURCE ASSESSMENT**

- Conduct an audit and create a report that identifies all city resource allocations currently used to address homelessness within the City of Tracy
- Identify opportunities and adopt a plan to effectively reallocate funds that are used on repetitive temporary tasks—such as posting notices for cleaning of encampment debris

**GOAL 3: DEVELOP ACTION PLANS FOR ENGAGING WITH PEOPLE EXPERIENCING HOMELESSNESS**

**OBJECTIVE 1: Establish “Law Enforcement Protocol” for initiating contact with people experiencing homelessness that complies with the recent *Martin v. Boise* decision.**

**TASKS:**

**LAW ENFORCEMENT PROTOCOL**

- Request memorandum defining the requirements of the recent *Martin v. Boise* decision from the Tracy City Attorney
- Direct City Attorney and City Manager to work collaboratively with law enforcement partners to develop protocol for law enforcement officers to utilize while engaging with people experiencing homelessness that considers the strategies and goals of the Tracy Homelessness Strategic Plan
- Develop report for transparency purposes that defines the protocol and the legal compliance required
- Educate law enforcement officers in utilization of the protocol

**OBJECTIVE 2: Establish “Crisis Response Protocol” for local service providers to render rapid crisis support — including after-hour services for people experiencing or at-risk of homelessness.**

**TASKS:**

**CRISIS RESPONSE PROTOCOL**

- Invite local service providers to convene and develop a “Crisis Response Protocol” based on best practices and in consideration of the strategies and goals of the Tracy Homelessness Strategic Plan
- Identify qualified partners to render the crisis support services as identified within the protocol
  - Consider the use of peer support specialist to provide after-hour support services
- Provide access to “Crisis Support” services to individuals experiencing crisis at Emergency Shelter

**OBJECTIVE 3: Partner with county agencies (including the District Attorney’s Office and the San Joaquin County Jail) to evaluate opportunities for diversion programs or other alternatives to incarceration for people experiencing homelessness — including a warm “hand off” to service providers to render immediate crisis support services or emergency housing.**

**TASKS:**

**OPPORTUNITIES WITH COUNTY AGENCIES**

- Invite San Joaquin County agencies (including the District Attorney’s Office, the County Jail, Superior Court, Continuum of Care, Human Services Agency, and Behavior Health) to convene and assess opportunities for serving people experiencing homelessness in the City of Tracy
- Consider opportunities for diversion programs or alternatives to incarceration for people experiencing homelessness that have pending criminal charges
  - Consider programmatic solutions including: LEAD (Law Enforcement Assisted Diversion); Community Prosecution; Collaborative Courts (including Drug Court, Mental Health Court, Homelessness Court, and Veterans Court)
- Consider partnership/MOU with County Agencies to facilities such alternatives

**GOAL 4: ENACT SPECIFIC STRATEGIES FOR VULNERABLE SUBPOPULATIONS EXPERIENCING HOMELESSNESS**

**OBJECTIVE 1: Identify people experiencing or at-risk of homelessness in vulnerable subpopulations within the City of Tracy — including, but not limited to, veterans, youth, the LGBTQ community, victims of crime, and people with behavioral health needs.**

**TASKS:**

**VULNERABLE SUBPOPULATIONS**

- Invite organizations that serve similar subpopulations to convene together and collaborate with the City of Tracy to support subpopulation-specific needs
- Coordinate with HMIS to track progress of individuals from vulnerable subpopulations

**OBJECTIVE 2: Ensure access to “Case Managers” for vulnerable subpopulations who will educate and provide connections to appropriate support services and housing options.**

**TASKS:**

**CASE MANAGEMENT**

- Ensure that partners’ “Case Management” program includes linkage to navigation, healthcare, and mainstream benefit programs—such as:
  - CalFresh, CalWORKs, General Assistance, Medi-Cal, Supplemental Security Income (SSI), Social Security Disability Income (SSDI), and Veteran’s Benefits
  - Assistance in obtaining important identification documents, including identification cards and birth certificates to ensure that people experiencing homelessness are able to apply for benefits, employment, and housing
  - Education regarding the use of public transportation systems to empower people experiencing homelessness to transport themselves independently
- Ensure that partners have resources to link homeless individuals to primary care, urgent and emergency care, detox, residential and outpatient substance use treatment, and mental health services

**OBJECTIVE 3: Identify and apply for funding opportunities to secure resources that are specifically available to support people from vulnerable subpopulations.**

**TASKS:**

**FUNDING FOR VULNERABLE SUBPOPULATIONS**

- Work with organizations that serve subpopulations to collaborate on funding opportunities with the City of Tracy to support subpopulation-specific needs
- Create a list of opportunities and qualification (such as HEAP, ESG, CDBG) that may be available to specific vulnerable subpopulations

**OBJECTIVE 4: Develop a targeted initiative program to prevent “new” individuals in vulnerable subpopulations from becoming homeless.**

**TASKS:**

**PUBLIC AWARENESS CAMPAIGN**

- Create a public awareness campaign around homelessness issues and available local resources.

- Develop awareness and understanding of the issues that people experiencing homelessness face
- Sponsor a community campaign on literal homelessness, risk of homelessness, and prevention of homelessness
- Distribute information on the risk of homelessness, key indicators of possible risk, and available resources to schools, faith-based organizations, and county agencies frequented by the public

**AMENDMENT 1**  
**To Tracy Homelessness Strategic Plan**  
**Approved May 5, 2020**

*The Tracy Homelessness Strategic Plan was developed and drafted in late 2019 to early 2020, just prior to the emergence of the global COVID-19 pandemic health crisis in the U.S. This section was added to recognize the unique circumstances and potential opportunities presented by the COVID-19 pandemic.*

IMPLEMENTATION PLAN

**GOAL 1: INCREASE HOUSING OPTIONS IN TRACY**

**OBJECTIVE 1: [SHORT-TERM] Identify immediate temporary “Emergency Housing” options and integrate crisis support services.**

**TASKS:**

**“PANDEMIC” EMERGENCY SHELTER**

- Consider re-purposing previously approved “Warming Center” as temporary “Pandemic Emergency Shelter” during COVID-19 pandemic
- Communicate information to the public and local organizations to support/access this temporary shelter

**“PROJECT ROOMKEY” HOUSING OPPORTUNITY**

- Investigate whether City of Tracy may access “Project Roomkey” temporary housing resources from State of California for people experiencing homelessness
- If opportunity is unavailable, then evaluate the viability of partnering with local hotels to provide temporary shelter during COVID-19 pandemic

**UNAUTHORIZED SETTLEMENT IN PUBLIC SPACES**

- Identify locations where significant unauthorized settlement is occurring in public spaces
- Provide access to temporary restroom facilities near these unauthorized settlements to reduce spread of COVID-19 during the pandemic
- Provide access to temporary hygiene stations near these unauthorized settlements to reduce spread of COVID-19 during the pandemic
- Provide information for individuals to transition to “Pandemic Emergency Shelter” once established

**DONATION CENTER**

- Identify location/organization for donations of essential items for people experiencing homelessness
  - Including: Sanitizer, Face masks, Soap, Shampoo/Conditioner, Feminine hygiene items
- Communicate information to the public and local organizations to support/access these donations

**OBJECTIVE 4: [CONTINUOUS] Proactively pursue local, state, and federal funding to support housing options and support services.**

**TASKS:**

**CENTRALIZE COMMUNICATIONS RELATED TO HOMELESSNESS**

- Create specific contact resources for communications related to homelessness in the City of Tracy
  - Including: Email, Phone number, Informational webpage, Social media platforms

**“PANDEMIC” FUNDING OPPORTUNITIES**

- Identify local, state, and federal funding opportunities to address homelessness support services during COVID-19 pandemic
- Assign department to evaluate and complete applications for any available funding opportunities specific to COVID-19 pandemic

**REDISTRIBUTION OF RESOURCES**

- Monitor amount of resources spent on COVID-19 pandemic (including staff hours) for potential reimbursement by future funding opportunities
- Evaluate current resources spent on homelessness and consider reallocation to homelessness support services during COVID-19 pandemic

**GOAL 2: INCREASE ACCESS TO COORDINATED SUPPORT SERVICES FOR PEOPLE EXPERIENCING HOMELESSNESS**

**OBJECTIVE 3: Enhance coordination between local service providers and county agencies.**

**TASKS:**

**PRIORITIZE COORDINATION EFFORTS RELATED TO COVID-19 PANDEMIC**

- Partner with other agencies to evaluate how to leverage resources and pursue funding opportunities.
- Commit to actively coordinating support services and funding opportunities with local service providers, and local, state, and federal government agencies.

**GOAL 4: ENACT SPECIFIC STRATEGIES FOR VULNERABLE SUBPOPULATIONS EXPERIENCING HOMELESSNESS**

**OBJECTIVE 1: Identify people experiencing or at-risk of homelessness in vulnerable subpopulations within the City of Tracy — including, but not limited to, veterans, youth, the LGBTQ community, victims of crime, and people with behavioral health needs.**

**TASKS:**

**IDENTIFY VULNERABLE SUBPOPULATIONS DURING COVID-19 PANDEMIC**

- Identify vulnerable subpopulations during COVID-19 pandemic

- Suggested subpopulations include:
  - Veterans of Armed Forces
  - Youth (Aged 17 and below)
  - LGBTQ Community
  - Victims of Crime
  - People with Mental/Behavioral Health Needs
  - People with Disabilities
  - Non-Native English Speakers
  - Undocumented Immigrants

**OBJECTIVE 3: Identify and apply for funding opportunities to secure resources that are specifically available to support people from vulnerable subpopulations.**

**TASKS:**

**IDENTIFY SUPPORT SERVICES DURING COVID-19 PANDEMIC**

- Identify organizations & government agencies that generally provide support to these identified groups

**CONTACT ORGANIZATIONS/AGENCIES FOR SUPPORT DURING COVID-19 PANDEMIC**

- Contact government agencies & organizations that support these identified groups for possible collaboration of services, and information about potential funding opportunities related to the COVID-19 pandemic
- Create a list of funding opportunities that may be available to offer support services for these identified groups during the COVID-19 pandemic
- Apply for available funding opportunities to support identified groups during the COVID-19 pandemic



TABLE A: California State-Funded Resources

<b>Program</b>	<b>Eligible uses</b>	<b>Eligible Applicants</b>
<b>Multifamily Housing Program- Supportive Housing (SHMHP)</b>	Provides construction, rehabilitation, or acquisition of permanent supportive housing.	Nonprofits and/or for-profit developers and organizations.
<b>California Emergency Solutions and Housing Program (CESH)</b>	Provides housing relocation and stabilization services (including rental assistance), operating subsidies for permanent housing, flexible housing subsidy funds, operating support for emergency housing interventions, systems support for homelessness services and housing delivery systems, and can support homelessness planning.	Administrative Entities -- local governments, nonprofit organizations, or unified funding agencies -- designated by the Continuum of Care to administer CESH funds in their service area.
<b>Housing for a Healthy California</b>	Provides construction, rehabilitation, or acquisition of affordable housing; operating assistance (including long-term rental assistance and operating costs); administrative costs.	Counties and/or developers.
<b>Emergency Solutions Grant Program (ESG)</b>	Provides street outreach; emergency shelter; homelessness prevention; rapid re-housing; data collection; administrative costs.	Local government and private non-profit organizations.
<b>No Place Like Home (NPLH)</b>	Provides acquisition, design, construction, rehabilitation, or preservation of supportive housing.	Counties and counties in partnership with the development sponsor.
<b>Permanent Local Housing Allocation (PLHA) (SB 2)</b>	70 percent of the proceeds will be allocated to local governments (through both over-the-counter and competitive processes) for specified local projects or programs. Ten percent to assist the development of farmworker housing and five percent HCD to administer a program to incentivize the permitting of affordable housing. Fifteen percent will be allocated to CalHFA to assist mixed-income multifamily developments.	Local governments, eligibility of other entities TBD

<b>Program</b>	<b>Eligible uses</b>	<b>Eligible Applicants</b>
<b>Veterans Housing and Homelessness Prevention Program (VHHP)*</b>  <b>*Also a project with CalVet and CalHFA</b>	Provides acquisition and/or construction or rehabilitation of an Affordable Rental Housing Development or Transitional Housing, or the conversion of an existing structure into one of these housing types.	Counties and nonprofits.
<b>Affordable Housing and Sustainable Communities (AHSC)</b>	Transportation stop required. Offers 3 types of grants, one specifically for rural projects.	Govt. agencies, localities, project sponsors.
<b>Transformative Climate Communities (TCC)</b>	Limited to projects, or planning for projects, that reduces GHG or VMT. Requires reporting of GHG/VMT progress. Offers two types of grants, including a planning option that could lead to future TCC grant approvals.	Businesses, organizations, stakeholders.
<b>Homeless Emergency Aid Program (HEAP)</b>	Provides one-time funding to enable local governments to respond to homelessness through the following eligible activities; emergency housing vouchers, rapid rehousing, emergency shelter construction and use of armories to provide temporary shelters.	City, county or joint power must declare an emergency shelter crisis (waiver processes for smaller cities/counties that do not declare a shelter emergency). CoC must demonstrate collaboration with other city, county or nonprofit partners.
<b>Homeless Housing and Assistance Prevention (HHAP)</b>	Provides one-time block grant funding to local jurisdictions with funds to support regional coordination and expand or develop local capacity to address their immediate homelessness challenges.	Continuums of Care; Largest Cities, with populations of 300,000 or more (as of January 2019); and Counties



# CITY OF TRACY

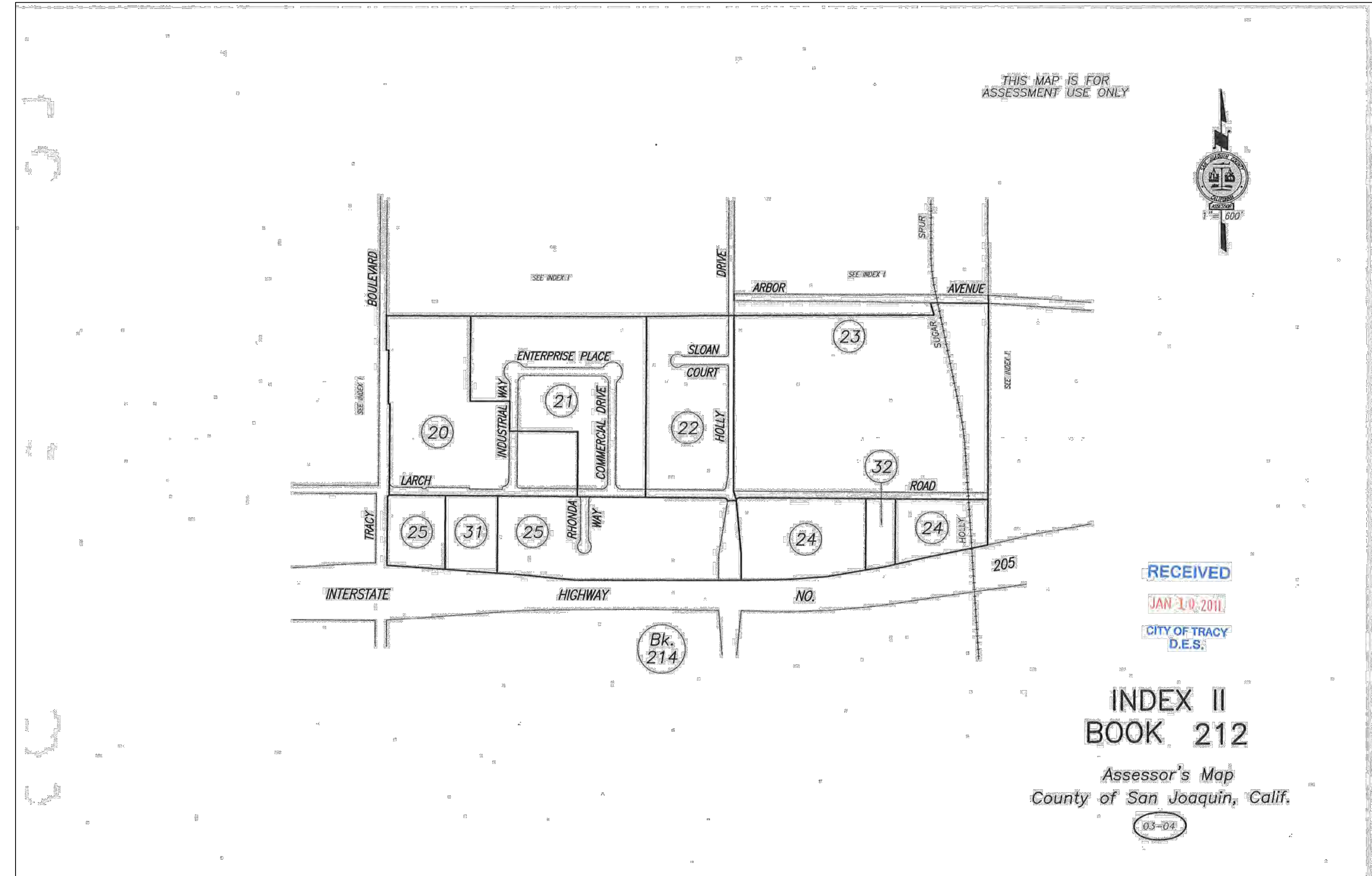
## ATTACHMENT B

### COVID-19 PROJECT SITE

500 W ARBOR RD, TRACY, CA



PROJECT LOCATION MAP  
SCALE: 1" = 250'



#### NOTES:

1. ALL TENTS SHALL BE FLAME-RETARDANT IN ACCORDANCE WITH THE FIRE CODE AND TITLE 19. A LABEL SHALL BE AFFIXED TO THE TENT MEETING THE TITLE 19 REQUIREMENTS.
2. ALL GENERATORS OR INTERNAL COMBUSTION ENGINES SHALL BE LOCATED 20 FEET AWAY FROM THE TENTS.
3. USING THE OCCUPANT LOAD FACTOR FOR A DORMITORY, THE OCCUPANT LOAD OF THE TENTS SHALL NOT EXCEED 12. THE TENTS SHALL BE PROVIDED WITH A MINIMUM OF 2 EXITS THAT ARE 72 INCHES IN WIDTH.
4. FIRE EXTINGUISHERS SHALL BE PROVIDED FOR EACH OF THE TENTS AND ANY GENERATOR.
5. WEEDS, COMBUSTIBLE VEGETATION AND OTHER COMBUSTIBLE WASTE SHALL BE REMOVED FROM AND KEPT FREE FROM INSIDE AND WITHIN 30 FEET OF THE TENTS.
6. NO SMOKING SIGNS SHALL BE POSTED IN EACH OF THE TENTS.
7. HEATING AND COOLING EQUIPMENT WHICH PRODUCES SPARKS IS NOT ALLOWED INSIDE OR WITHIN 20 FEET OF THE TENTS.
8. ELECTRICAL EQUIPMENT AND WIRING SHALL BE LISTED AND LABELED FOR OUTDOOR USE.
9. GENERATORS SHALL BE POSITIONED A MINIMUM DISTANCE OF 10 FEET FROM COMBUSTIBLE MATERIALS.
10. COMBUSTIBLE WASTE MATERIAL SHALL NOT BE ALLOWED TO ACCUMULATE ON THE SITE, BE STORED IN APPROVED CONTAINERS AND REMOVED FROM THE SITE DAILY.
11. A FIRE HYDRANT NEEDS TO BE POSITIONED ALONG THE FIRE APPARATUS ROADWAY.

CITY OF TRACY



COVER SHEET

SYMBOL	DATE	REVISIONS	DESCRIPTION	APPROVED

DESIGNED BY:	DRAWN BY:	CHECKED BY:	SCALE:	AS SHOWN
	ZK	PS		

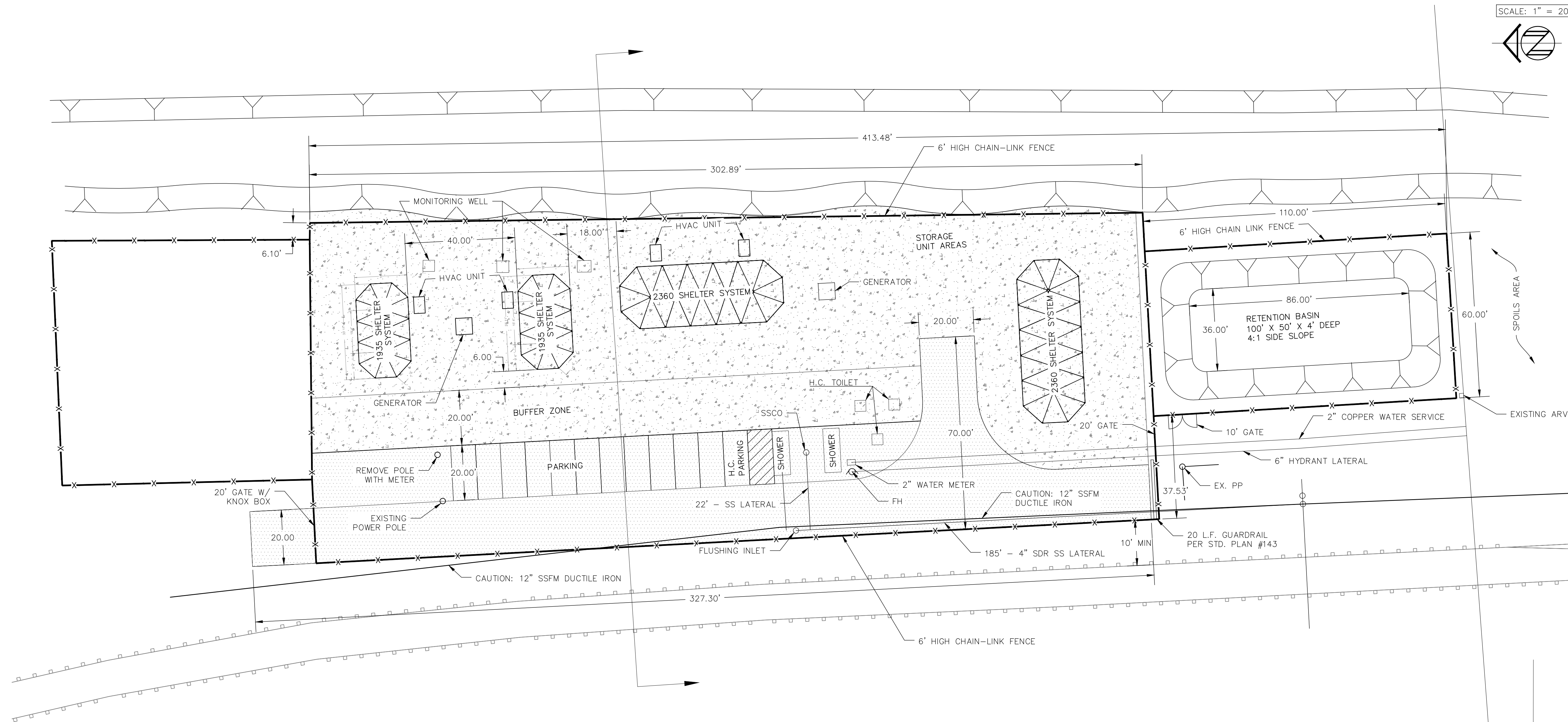
CITY OF TRACY - ARBOR ROAD  
500 W ARBOR ROAD

SHEET  
**1**  
OF 3 SHEETS



REVISIONS	DATE	DESCRIPTION	APPROVED

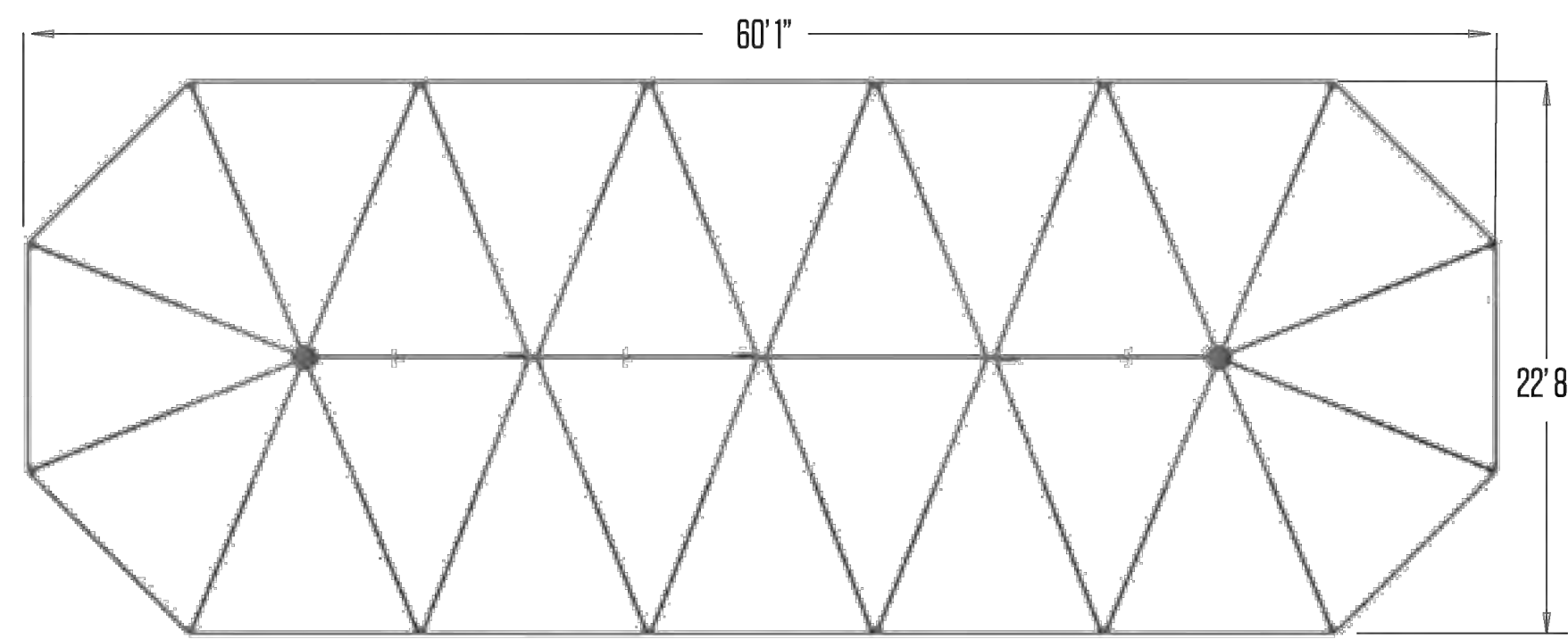
DESIGNED BY:	DRAWN BY:	CHECKED BY:	SCALE:
ZK	ZK	PS	AS SHOWN



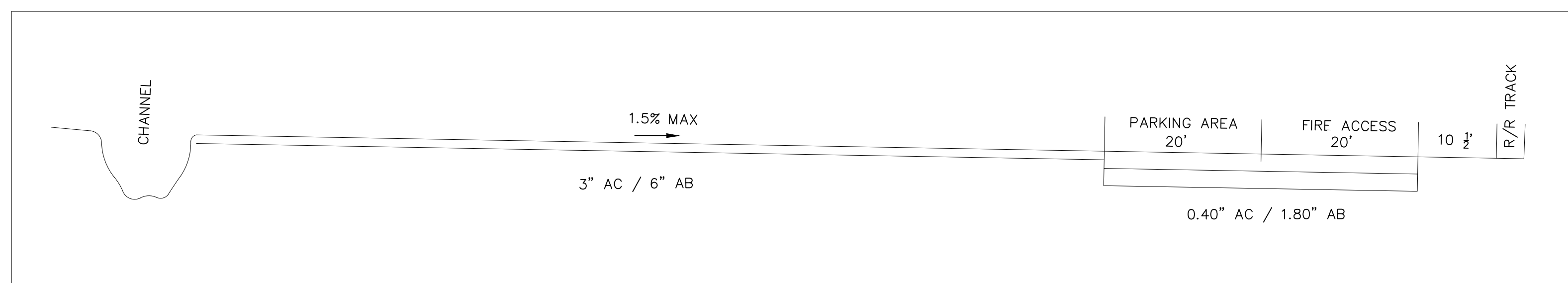
SCALE: 1" = 20'

COVID-19 ARBOR RD PROJECT SITE  
SCALE: 1" = 20'

Shelter Dimensions



2360 SHELTER SYSTEM DETAIL  
NO SCALE



CROSS SECTION DETAIL  
NO SCALE

NOTES:

- 2" WATER SERVICE PER STANDARD PLAN #404  
LENGTH OF SERVICE APPROX. 212 LF
- 6" FIRE HYDRANT PER STANDARD PLAN #401  
HOT-TAP @ MAIN
- LENGTH OF HYDRANT LATERAL APPROX. 212 LF
- 4" SS LATERAL PER STANDARD PLAN #202  
USE SDR 26
- LENGTH OF LATERAL APPROX. 200 LF  
INSTALL FLUSHING INLET @ DIRECTION CHANGE
- TRENCH BACKFILL PER STANDARD PLAN 500 & 501
- PARKING STALL CURB PER STANDARD PLAN #141
- INSTALL CURB STOPS @ ALL PARKING STALLS
- ACCESSIBLE PARKING STALL (VAN ACCESSIBLE)  
PER STANDARD PLAN 142

LEGEND:

- 3" A.C. / 6" A.B.
- 0.40' A.C. / 1.80' A.B.

RESOLUTION 2020-\_\_\_\_\_

DESIGNATE 500 W ARBOR ROAD AS A TEMPORARY EMERGENCY HOUSING SITE FOR UNSHELTERED INDIVIDUALS IN TRACY, APPROPRIATE FUNDS FOR CONSTRUCTION AND PROVISION OF SERVICES IN THE AMOUNT OF \$690,000 FROM HOUSING ASSET FUNDS, \$100,000 FROM CDBG, \$109,000 CARES ACT, AUTHORIZE STAFF TO SUBMIT RELATED GRANT APPLICATIONS AND ISSUE A REQUEST FOR PROPOSALS FOR A SERVICE PROVIDER TO OPERATE THE FACILITY

WHEREAS, On May 5, 2020 the City Council adopted a Tracy-specific Homelessness Strategic Plan that aligns with the County’s overall efforts to positively impact homelessness in the region, and

WHEREAS, A short term goal of the Plan called for staff to identify a location to use as a temporary emergency housing solution for the City’s unsheltered population, and

WHEREAS, Staff has identified unimproved City-owned land that can be prepared for the construction of temporary emergency housing, located at 500 W Arbor Road, and

WHEREAS, The City Council has previously encumbered or committed funding related to Homeless Prevention and Support for Unsheltered Individuals;

NOW, THEREFORE BE IT RESOLVED, That City Council of the City of Tracy hereby, designates 500 W Arbor Road as a temporary emergency housing site for unsheltered individuals in Tracy, approve appropriations of \$690,000 from Housing Asset Funds, \$100,000 from CDBG, \$109,000 from CARES Act to establish a new CIP 71112 and authorize staff to apply for additional grant funding and issuing a Request for Proposal to identify a service provider with appropriate experience and expertise to operate the facility.

\* \* \* \* \*

The foregoing Resolution 2020-\_\_\_\_\_ was adopted by the Tracy City Council on the 1<sup>st</sup> day of September 2020, by the following vote:

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

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

October 20, 2020

## AGENDA ITEM 3.D

REQUEST

**DISPENSE WITH PUBLIC BIDDING REQUIREMENTS AND AUTHORIZE THE CITY MANAGER TO TAKE IMMEDIATE AND EMERGENCY ACTIONS PURSUANT TO THE COUNCIL'S SHELTER CRISIS DECLARATION TO EXPEDITE THE CONSTRUCTION OF TEMPORARY EMERGENCY HOUSING FOR TRACY'S UNSHELTERED ON CITY-OWNED PROPERTY AT 500 W. ARBOR ROAD INCLUDING THE PROCUREMENT AND AWARD OF CONTRACTS AND EQUIPMENT AND SUPPLIES**

EXECUTIVE SUMMARY

Staff requests that the City Council adopt a resolution to dispense with normal public bidding requirements and authorizing the City Manager to take actions to expedite the construction of temporary emergency housing or low barrier navigation center for Tracy's unsheltered population on City property. This project, CIP 71112, was previously approved on September 1, 2020 by Resolution No. 2020-163. Council authorization of these actions is requested pursuant to the Council's Shelter Crisis Declaration via Resolution No. 2020-052 and include authorizing the City Manager to award public works contracts for site preparation, and procure equipment and supplies consistent with the project budget, including grant funding. In order to forgo public bidding requirements to expedite construction, Council approval by a four-fifths (4/5) vote is required.

DISCUSSION

In September 2018, the 9<sup>th</sup> Circuit Court of Appeals ruled in *Martin vs Boise*, that it was a violation of an individual's civil rights (specifically the freedom from cruel and unusual punishment) to enforce ordinances such as anti-camping ordinances that criminally cite homeless individuals for being in public spaces when there is no other shelter available to them.

On March 10, 2020, the Tracy City Council declared a shelter crisis pursuant to Resolution No. 2020-052 (Attachment A) finding that a significant number of people within the City of Tracy are unable to obtain shelter thereby resulting in a threat to their health and safety. On March 17, 2020 the City declared a state of emergency due to the COVID-19 pandemic (Attachment B), activated the City's Emergency Operations Center (EOC) and instituted operational, procedural and personnel changes in order to preserve public health and safety in compliance with the orders of the Federal Center for Disease Control (CDC), the Public Health Officer of the State of California, and the Public Health Officer of San Joaquin County. As a result of the Public Health Officers' Orders and declarations of emergency, all City facilities, including restrooms in our public parks were closed to reduce the spread of COVID-19.

Recognizing the unique impacts the closures of businesses and public restroom had on Tracy's unsheltered population, City staff identified locations and provided restrooms and handwashing facilities in April 2020, to curb the spread of COVID-19 among the city's unsheltered population. On May 5, 2020 City Council approved a

Homelessness Strategic Plan which included a short term goal of creating temporary emergency shelter or low barrier navigation center. On September 1, 2020, Tracy City Council approved the construction of a temporary emergency housing facility on currently unimproved, City-owned land at 500 W. Arbor Road, Tracy, California (Attachment C). Further, CIP 71112 was established and preliminarily funded with approximately \$900,000 to support land improvements and construction of the facility.

The emergence of the COVID-19 pandemic exasperated an already growing homelessness concern in Tracy. Homelessness in San Joaquin County has increased significantly over the past several years. The biennial Point in Time (PIT) count in January 2017 noted 90 unsheltered homeless individuals in Tracy alone. By the next PIT count in January 2019, that number had increased to 155 the City of Tracy and 1,558 for San Joaquin County overall. A notable uptick in complaints related to homelessness activities, has also been documented by Public Works, Code Enforcement and Police personnel.

The increased number of homeless poses a health and safety risk by indicating that at least 155 individuals in Tracy do not have access to basic needs like shelter, food, water and sanitation. The increase in the unsheltered population in Tracy has also manifested in City parks and public right of ways.

Given the complexity and magnitude of the homelessness crisis, further exacerbated by the COVID-19 pandemic, and the limited supply of affordable permanent housing options in the City and throughout San Joaquin County, there is a significant and immediate need for interim housing in Tracy including emergency housing to protect the safety, security and health of all Tracy residents. Concerns about the public health, safety and welfare of unsheltered individuals grow as the winter months approach and local shelters are further strained due to diminished capacity for COVID-19 spacing requirements.

Typical project design, bid, and build and procurement procedures requires an extensive process that would typically take approximately three to five months. Because the pouring and curing of a cement foundation is required for this project, taking the typical required amount of time for process would mean that construction could not begin until approximately January/February 2021, a season where rain and cooler temperatures would most likely delay the pouring and curing of the foundation. Additionally, these delays would serve to further exacerbate ongoing health, housing, and quality of life issues facing Tracy residents in the COVID-19 environment, particularly in the coming cold and wet winter months. Most importantly, it should be noted that the immediate need for temporary housing for the unsheltered in the City support the suspension of various state and local regulations during the period of the emergency, including those in the Public Contract Code. Public Contract Code Section 22050 provides that City Council, pursuant to a four-fifths vote, may dispense with the public bidding requirement and delegate authority to the City Manager to take immediate action to procure services and supplies without a competitive bid process.

If tonight's recommended action is approved and the proposed resolution is approved by Council, the following will occur:

- Emergency construction of a temporary emergency housing facility will begin at 500 W Arbor Road, without a competitive bid process,
- Construction will include site upgrades, including, but not limited to plumbing, utility, parking and other infrastructure installation,
- Procurement and installation of modular facilities for use as emergency temporary housing to provide emergency shelter and sanitation facilities and services for approximately 30 individuals in accordance with COVID-19 social distancing requirements, and
- Procurement of goods and services to support and operate the facility (e.g. bedding, furnishings, portable toilets and showers)

In order to approve this action, Council must make the following findings by a four-fifths vote:

1. The emergency construction at 500 W. Arbor Rd, Tracy is necessary to permit essential operations or services; and
2. That the emergency will not allow for delay that would result if the project were competitively bid, and that the action to immediately construct a temporary housing facility on an emergency basis is necessary.

Staff is recommending that the Council adopt this resolution to authorize the City Manager to take immediate and emergency actions to construct a facility and procure goods and services, including 1) approving contracts for site preparation and building procurement for a temporary emergency shelter facility, above her existing signing authority but within the overall budget for the project (CIP 71112), including grant funding; and 2) consistent with law, approve the suspension or waiving of bid and purchasing requirements necessary to expedite the implementation of the facility.

#### Environmental Document

This action is exempt from environmental review of under California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because foregoing the public bidding requirement and authorizing the City Manager to take immediate and necessary actions to award contracts and procure equipment and supplies will not have a significant effect on the environment.

#### STRATEGIC PLAN

This agenda item supports the City's Quality of Life Strategic Priority, specifically within Goal #3, Explore opportunities to provide temporary and/or permanent housing for



homeless in Tracy and Public Safety Strategy Priority, specifically Goal #2, Facilitate public safety and community partnerships to proactively address citywide encampments and Identify and pursue resources to enhance our responses to homelessness-related issues

#### FISCAL IMPACT

CIP 71112 for Temporary Emergency Housing is an approved Capital Improvement Project with a budget of \$899,000. The project is funded from; Housing Asset Funds for \$690,000, CDBG for \$100,000 and CARES Act for \$109,000. Additionally, staff is actively pursuing grants that are not included in this amount.

#### RECOMMENDATION

That City Council, by resolution, authorize dispensing with public bidding requirements and authorizing the City Manager to take immediate and emergency actions pursuant to the City Council's shelter crisis declaration authorize the City Manager to expedite the construction of temporary emergency housing for Tracy's unsheltered on city-owned property at 500 W. Arbor Road and including the procurement of contracts.

Prepared by: Midori Lichtwardt, Assistant City Manager  
Robert Armijo, PE, City Engineer/Assistant Development Services Director

Reviewed by: Karin Schnaider, Finance Director

Approved by: Jenny Haruyama, City Manager

Attachment A: Resolution No. 2020-052 Shelter Crisis Declaration (March 10, 2020)

Attachment B: Proclamation – Existence of Local Emergency (March 17, 2020)

Attachment C: Resolution No. 2020-163 Approval of Temporary Emergency Housing Project

**RESOLUTION 2020-052**

**DECLARING A SHELTER CRISIS PURSUANT TO GOVERNMENT CODE SECTION 8698 ET  
SEQ. TO FACILITATE THE ESTABLISHMENT OF A TEMPORARY WARMING CENTER TO  
PROVIDE SHELTER TO THE HOMELESS**

WHEREAS, According to the San Joaquin Continuum of Care Report on the Point in Time Count (PIT) of the Sheltered and Unsheltered Homeless, at any point in time, approximately 155 persons within the City of Tracy are experiencing unsheltered homelessness; and

WHEREAS, Many of those unable to obtain shelter reside on the streets, in alleys, in city parks, and in other encampments throughout the City; and

WHEREAS, These individuals lack adequate sanitary facilities and are at risk from theft, crime, and extreme weather conditions; and

WHEREAS, These conditions threaten the physical and mental health and safety of those experiencing homelessness; and

WHEREAS, These conditions also result in a threat to public health and well-being of the community; and

WHEREAS, Strict compliance with the provisions of state and local regulatory statutes, regulations, and ordinances prescribing standards of housing, health, safety, and environmental impact assessment may prevent, hinder, or delay the mitigation of the effects of a shelter crisis.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby declares a shelter crisis exists in the City of Tracy pursuant to California Government Code section 8698.2.

\*\*\*\*\*

The foregoing Resolution 2020-052, was passed and adopted by the Tracy City Council on the 10th day of March, 2020, by the following vote:

AYES: COUNCIL MEMBERS: ARRIOLA, RANSOM, VARGAS, YOUNG

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: RICKMAN

  
MAYOR

ATTEST:  
  
CITY CLERK

PROCLAMATION 2020

**PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF TRACY CONFIRMING THE EXISTENCE OF A LOCAL EMERGENCY RELATED TO THE NOVEL CORONAVIRUS (COVID-19) IN THE CITY OF TRACY**

WHEREAS, Section 3.24.050 of the Tracy Municipal Code empowers the City Manager in her capacity as the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said City is affected or likely to be affected by the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property and City Council is not in session, subject to confirmation by the City Council within seven (7) days, and

WHEREAS, Conditions of extreme peril to the safety of persons and property arose within the City of Tracy caused by the serious threat to the public health, safety, and welfare of the City due to the presence and continued transmission of the novel coronavirus (COVID-19), and

WHEREAS, The Director of Emergency Services of the City of Tracy did proclaim the existence of a local emergency within the City on March 12, 2020 at which time the City Council of the City of Tracy was not in session, and

WHEREAS, The aforementioned conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency, and

WHEREAS, The City Council of the City of Tracy does hereby find that conditions of extreme peril to the safety of persons and property have arisen within the City of Tracy caused by the events described above.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED by the City Council of the City of Tracy as follows:

1. That the foregoing recitals are true and correct.
2. That the Proclamation of the existence of a local emergency, as issued by the Director of Emergency Services, is hereby ratified.
3. The local emergency herein proclaimed shall be deemed to continue to exist until the termination is proclaimed by the City Council of the City of Tracy.

BE IT FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, ordinances and resolutions of this City and by the City of Tracy Comprehensive Emergency Management Plan.


PASSED AND ADOPTED this the 17<sup>th</sup> day of March, 2020 by the following vote:

AYES: COUNCIL MEMBERS: ARRIOLA, RANSOM, VARGAS, YOUNG, RICKMAN  
NOES: COUNCIL MEMBERS: NONE:  
ABSENT: COUNCIL MEMBERS: NONE:  
ABSTAIN: COUNCIL MEMBERS: NONE:



ROBERT RICKMAN, MAYOR

ATTEST:

  
CITY CLERK



RESOLUTION 2020-163

DESIGNATE 500 W ARBOR ROAD AS A TEMPORARY EMERGENCY HOUSING SITE FOR UNSHELTERED INDIVIDUALS IN TRACY, APPROPRIATE FUNDS FOR CONSTRUCTION AND PROVISION OF SERVICES IN THE AMOUNT OF \$690,000 FROM HOUSING ASSET FUNDS, \$100,000 FROM CDBG, \$109,000 CARES ACT, AUTHORIZE STAFF TO SUBMIT RELATED GRANT APPLICATIONS AND ISSUE A REQUEST FOR PROPOSALS FOR A SERVICE PROVIDER TO OPERATE THE FACILITY

WHEREAS, On May 5, 2020 the City Council adopted a Tracy-specific Homelessness Strategic Plan that aligns with the County's overall efforts to positively impact homelessness in the region, and

WHEREAS, A short term goal of the Plan called for staff to identify a location to use as a temporary emergency housing solution for the City's unsheltered population, and

WHEREAS, Staff has identified unimproved City-owned land that can be prepared for the construction of temporary emergency housing, located at 500 W Arbor Road, and

WHEREAS, The City Council has previously encumbered or committed funding related to Homeless Prevention and Support for Unsheltered Individuals;

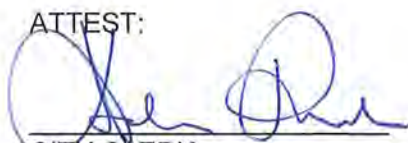
NOW, THEREFORE BE IT RESOLVED, That City Council of the City of Tracy hereby, designates 500 W Arbor Road as a temporary emergency housing site for unsheltered individuals in Tracy, approve appropriations of \$690,000 from Housing Asset Funds, \$100,000 from CDBG, \$109,000 from CARES Act to establish a new CIP 71112 and authorize staff to apply for additional grant funding and issuing a Request for Proposal to identify a service provider with appropriate experience and expertise to operate the facility.

\*\*\*\*\*

The foregoing Resolution 2020-163 was adopted by the Tracy City Council on the 1st day of September 2020, by the following vote:

AYES: COUNCIL MEMBERS: ARRIOLA, RANSOM, VARGAS, YOUNG, RICKMAN  
NOES: COUNCIL MEMBERS: NONE  
ABSENT: COUNCIL MEMBERS: NONE  
ABSTAIN: COUNCIL MEMBERS: NONE

  
MAYOR

ATTEST:  
  
CITY CLERK

RESOLUTION 2020-\_\_\_\_\_

**AUTHORIZING THE CITY MANAGER TO DISPENSE WITH PUBLIC BIDDING REQUIREMENTS AND TAKE IMMEDIATE AND EMERGENCY ACTIONS PURSUANT TO THE COUNCIL'S SHELTER CRISIS DECLARATION TO EXPEDITE THE CONSTRUCTION OF TEMPORARY EMERGENCY HOUSING FOR TRACY'S UNSHELTERED ON CITY-OWNED PROPERTY AT 500 W. ARBOR ROAD INCLUDING THE PROCUREMENT OF CONTRACTS AND EQUIPMENT AND GOODS**

WHEREAS, In September 2018, the Ninth Circuit Court of Appeals, in *Martin v. City of Boise* prohibited cities from prosecuting individuals from being on public property if no shelter space is available; and

WHEREAS, The January 2019, point in time (PIT) count of unsheltered homeless individuals indicated there was a seventy percent increase of unsheltered adults living in the City of Tracy, a total of 155, up from 90 individuals in 2017; and

WHEREAS, On March 10, 2020, pursuant to Government Code Section 8698 et. seq the Tracy City Council passed Resolution No. 2020-052, declaring a Shelter Crisis exists in the City of Tracy because a significant number of persons are without the ability to shelter, resulting in a threat to their health and safety; and

WHEREAS, Under the Shelter Crisis Act the City is authorized to provide emergency housing, shelters, bridge housing communities and other services to the homeless. Furthermore, the City may allow homeless persons to occupy designated Public Facilities (collectively referred to as "Public Facilities"); and

WHEREAS, On March 17, 2020, the Tracy City Council proclaimed the existence of a local emergency related to the COVID-19 pandemic; and

WHEREAS, Unsheltered individuals are at greater risk of contracting COVID-19 due to the lack of sanitary living quarters and sanitation facilities. While efforts have begun to make progress to strengthen the community capacity to address homelessness over the long term, this crisis requires a rapid and focused response by the City; and

WHEREAS, On September 1, 2020, the Tracy City Council approved the construction and procurement of services for a temporary emergency housing facility or low barrier navigation center on City-owned property located at 500 W. Arbor Road, Tracy, California; and; and

WHEREAS, Public Contract Code section 22050 provides that in cases of emergency and pursuant to a four-fifths vote, the City Council take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice bids to let contracts; and

WHEREAS, Public Contract Code Section 22050 provides that in cases of emergency and pursuant to a four-fifths vote, the City Council may also delegate authority to procure the necessary equipment, services, and supplies to the City Manager; and

WHEREAS, Public Contract Code Section 22050(c)(1) requires staff to report on the emergency at its next regularly scheduled meeting and every 14 days thereafter until the emergency is terminated; and

WHEREAS, Due to the extent of the shelter crisis, increasing numbers of unsheltered in Tracy, the impacts of COVID-19 and the risk its effects to health and hygiene on the unsheltered in the upcoming cold winter months, and the short timeline for the City to obligate and expend CARES Act funds, the City needs to move expeditiously to provide services and housing to the unsheltered homeless by constructing and implement a temporary emergency housing facility; and

WHEREAS, The City Council as the governing body may take such actions as are necessary to carry out the provisions of the Shelter Crisis Act and may also authorize the City Manager to take such necessary actions through the adoption of a resolution (Gov. Code Sections 8698.1, 8698.2);

WHEREAS, Pursuant to Article XI, Section 7 of the California Constitution, the City of Tracy may make and enforce all local police, sanitary, and other regulations and ordinances using its police powers to further public health and safety.

WHEREAS, A recommended plan of action has been developed that requires an immediate and expedited response to rapidly provide services to persons experiencing homelessness in the City of Tracy.

WHEREAS, This project is exempt from the requirements of review under the California Environmental Quality Act ("CEQA") pursuant to sections 15061(b)(3) of the State CEQA Guidelines because foregoing the public bidding requirement and authorizing the City Manager to take immediate and necessary actions to award contracts and procure equipment and supplies will not have a significant effect on the environment.

NOW, THEREFORE BE IT RESOLVED as follows:

1. The above recitals are found to be true and correct and are made a part of this Resolution.
2. Resolution. This Resolution is further based on the findings made in Resolution No. 2020-052 and the information set forth in that staff report, and presented to the City Council on March 10, 2020 during the Council meeting.
3. This Resolution is enacted pursuant to Article XI, Section 7 of the California Constitution, as well as all other provisions of state and local law cited herein.
4. In order to reduce the risk of possible health and safety concerns, and to permit

the continued activities of essential operations and services, the approved project require the immediate site preparation and procurement of modular structures purchased and installed on the site to provide homeless individuals currently living without shelter and sanitation.

5. There is insufficient time to prepare and approve plans and specifications to let the project for competitive bid due to the imminent serious health and safety issues caused by the large population living without shelter, particularly in a COVID-19 environment.

6. State and local regulatory statutes, regulations, or ordinances that prescribe housing, building, health, and safety standards for Public Facilities are suspended to the extent strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis.

7. The City Manager is authorized pursuant to Public Contract Code 22050 to contract for the necessary equipment, supplies, and services without adopting plans and specification and without putting the project out to competitive bid.

8. The City Manager is authorized, pursuant to the Public Contract Code section 22050 to purchase the necessary equipment, supplies, and services to procure and install modular facilities for use as temporary housing facilities; and construct and furnish appropriate space to support the activities of temporary emergency housing.

9. In accordance with Public Contract Code Section 22050(c)(1), staff shall report on the status of the Public Contract Code emergency as its next regularly scheduled meeting and every 14 days thereafter until the emergency is terminated.

\* \* \* \* \*

The foregoing Resolution 2020-\_\_\_\_\_ was passed and adopted by the City Council of the City of Tracy on the 20<sup>th</sup> day of October 2020, by the following vote:

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

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

RESOLUTION 2020-\_\_\_\_\_

AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS TO FACILITATE THE OPERATION OF A WARMING CENTER UP TO A CUMULATIVE AMOUNT OF \$250,000

WHEREAS, The January 2019, point in time (PIT) count of unsheltered homeless individuals indicated there was a seventy percent increase of unsheltered adults living in the City of Tracy, a total of 155, up from 90 individuals in 2017; and

WHEREAS, On March 10, 2020, pursuant to Government Code Section 8698 et. seq the Tracy City Council passed Resolution No. 2020-052, declaring a Shelter Crisis exists in the City of Tracy because a significant number of persons are without the ability to shelter, resulting in a threat to their health and safety; and

WHEREAS, On November 3, 2020, the City of Tracy issued a Request for Proposals for a Temporary Warming Center for Homeless Individuals; and

WHEREAS, Due to a lack of proposal submissions, the deadline to submit proposals was ultimately extended to December 3, 2020; and

WHEREAS, While City has entered into discussions with a proposer, a final agreement has not been reach; and

WHEREAS, It is possible the City will need to engage multiple service providers to provide the totality of services need to operate a successful warming center in the City of Tracy; and

WHEREAS, Given the urgent nature of this project, staff requested the Council to authorize the City Manager to execute agreements to facilitate a warming center activities up to a cumulative not-to-exceed amount of \$250,000 in order to expedite the process; and

WHEREAS, Without this delegation of authority to the City Manager, the timeline for standing up a warming center will be extended because the next regularly scheduled City Council meeting is January 19, 2021;

WHEREAS, Due to the extent of the shelter crisis, increasing numbers of unsheltered in Tracy, the impacts of COVID-19 and the risk its effects to health and hygiene on the unsheltered in the upcoming cold winter months, and the short timeline for the City to execute agreements, combine with inclement weather, the City needs to move expeditiously to provide a warming center for the unsheltered homeless.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Tracy hereby authorizes the City Manager to execute agreements to facilitate the operations of a warming center up to a cumulative amount of \$250,000.

\* \* \* \* \*



The foregoing Resolution 2020-\_\_\_\_\_ was passed and adopted by the City Council of the City of Tracy on the 15<sup>th</sup> day of December 2020, by the following vote:

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

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

AGENDA ITEM 3.G

REQUEST

**RECEIVE UPDATE ON THE NEW COVID STRATEGIES COMMITTEE AND CITY EFFORTS TO SUPPORT LOCAL BUSINESSES, AND CONSIDER APPROVAL OF A NEW CITY OF TRACY SMALL BUSINESS RELIEF GRANT PROGRAM, AND AUTHORIZE CITY MANAGER TO MAKE PROGRAM AMENDMENT AS NEEDED, AND IF APPROVED, APPROPRIATE \$500,000 FROM MEASURE V GENERAL FUND**

EXECUTIVE SUMMARY

In response to the coronavirus pandemic, the State of California and the San Joaquin County Public Health Officer issued restrictive Stay-At-Home Orders to residents and non-essential businesses in order to minimize the spread of COVID-19. The effect on the Tracy business community has been significant and has been further exacerbated by additional restrictions that went into effect in mid-November (17<sup>th</sup> and 21<sup>st</sup>) and December 6<sup>th</sup>.

During the November 24, 2020 City Council meeting, the City Council approved a motion to form a COVID strategies committee of staff and business stakeholders that would adopt a procedure for businesses to submit their specific challenges and to brainstorm possible solutions.

This staff report provides an update on the existing City small business support efforts and tools, including a small business survey, and the COVID Strategies Committee to support Tracy small business and offset negative economic impacts of the recent actions from the State. This item also requests that the City Council consider approving a new City of Tracy Small Business Relief Grant Program and authorize the City Manager to make any program amendments as needed. If approved, it is recommended that Council appropriate \$500,000 from Measure V General Fund.

DISCUSSION

*Background*

On November 16, 2020, Governor Newsom announced that the State was pulling the “emergency brake” in the State’s Blueprint given the sharp increase in the number of COVID-19 cases in California. This announcement led to San Joaquin County, effective November 17<sup>th</sup>, moving back to the more restrictive Purple, or Widespread, Tier along with 27 other counties. The shift to the Purple Tier resulted in the closure of indoor operations of restaurants, gyms and fitness centers, and bars (where food is not served), movie theaters, and places of worship.

At the November 17, 2020 Council meeting, Council requested a discussion on the State COVID-19 business restrictions be agendized in response to Governor Newsom’s “emergency brake” as it relates to the State’s Blueprint for a Safer Economy. On November 24<sup>th</sup>, the Council held a Special Meeting during which Council directed staff to form a COVID Strategies Committee to be comprised of small business stakeholders and City staff to identify the needs and challenges of small businesses and brainstorm

possible solutions. It should be noted that according to the City's business license records, 90% businesses in Tracy are "small businesses" with 20 employees or fewer. In fact, 79% of businesses in Tracy have five employees or fewer.

On November 19, the Governor and State Public Health Officer Issued a "Limited Stay at Home Order," effective in counties in Tier One (Purple/Widespread), including San Joaquin County, prohibiting non-essential businesses and gatherings with members of other households between 10 PM and 5 AM, effective November 21 at 10 PM and remain in effect until 5 AM on December 21.

On December 5, Governor Newsom announced that all sectors other than retail and essential operations will close in regions of the State where less than 15% of Intensive Care Unit (ICU) beds are available under a new Regional Stay at Home Order. The regional ICU capacity triggered the Regional Stay Home Order to all counties in the San Joaquin Valley region effective Sunday, December 6. The regional Stay Home Order will be in effect for at least 3 weeks and allows access to (and travel for) critical/essential services and outdoor activities. This Regional Stay at Home Order significantly impacts Tracy businesses, particularly those in sectors ordered to close (e.g. hair salons and barbershops, personal care services, and bars, breweries, and distilleries) as well as those in restricted sectors like restaurants, retail, and hotels/lodging.

The following is an update on City efforts to support local businesses to date as well as highlighting a new Small Business Relief Grant Program and the COVID Strategies Committee.

#### *City Efforts to Support Local Business*

Since the beginning of the COVID-19 pandemic, City staff, in particular Development Services, Economic Development and Finance, have worked on supporting local businesses as they face disruptions in their operations due to continuously changing COVID-19 restrictions. The following is a summary of actions taken by the City:

- **Small Business Forgivable Loan Program** implemented with \$435,000 in Community Development Block Grant (CDBG) funds with \$250,000 in funding distributed to date. Recipients range across small business in the service, construction, retail, food and beverage, and automotive sectors with prioritization for low and moderate-income beneficiaries.
- **Downtown Street Eatery Permits/Outdoor Dining** was a partial closing of 10<sup>th</sup> Street to accommodate additional outside seating through the purchase of safety barriers and the partial street closure. The City, in collaboration with the Tracy City Center Association (TCCA) facilitated numerous outside dining permits.
- **Temporary Use Permits (TUP) and Special Event Permits Citywide** were expedited with fees waived in order to allow businesses to continue operations and compliance within COVID restrictions and guidelines. Eleven TUPs have been issued using expedited permitting to businesses in food truck operations, outside, gyms, etc.

- **Other Small Business Assistance** efforts include provision of a COVID Resources webpage and communications, collaboration with the Tracy Chamber of Commerce on business community education, and promotion of the regional, state, and other resources. Staff will continue to monitor various programs and share with the community.

*Small Business Survey*

Staff created and distributed a survey on December 1<sup>st</sup> to assess the challenges experienced by small business in Tracy. The survey will guide city policy for small business relief as well as provide potential items for the COVID Strategies Committee to discuss. The survey was promoted to the public during the COVID-19 Council update on December 1, sent to nearly 3,100 small businesses via email by HdL on December 3, and shared via the City’s social media channels and as part of the City’s COVID update newsletter on December 4.

To date, we received survey input from 116 participants and two direct calls to Economic Development staff. Based on this initial feedback, 63% of the businesses that responded have experienced a revenue decline of at least 25% with most reporting general loss of revenue and inability to pay expenses. Over half of the businesses who responded report only being able to survive for 6 months or less under the current State restrictions, 70% of respondents have 5 or less employees. These initial survey results highlight the worsening economic reality created by the Regional Stay at Home Order and threat of losing some of the most affected businesses in Tracy.

Based on this initial feedback, staff is recommending the implementation of a new City of Tracy Small Business Relief Grant program to provide more immediate small business assistance, while the City awaits for additional State and Federal resources.

*COVID Strategies Committee*

Staff is working on forming a committee comprised of members of the Tracy small business community and city staff and is actively reaching out to potential members. Conceptually, the following stakeholders representing various geographies and disciplines within the City would comprise the committee:

<b>SMALL BUSINESS REPRESENTATION</b>		<b>CITY REPRESENTATION</b>	
Restaurants	3	Economic Development	2
Retail	3	Finance	1
Personal Services	2	Planning / Development Services	1
Hospitality / Lodging	1		
Fitness Studios/Gyms	2		
Financial Institutions	2		
TCCA and/or Tracy Chamber of Commerce	2		
<b>TOTAL MEMBERS:</b>	<b>15</b>	<b>TOTAL MEMBERS:</b>	<b>4</b>

The proposed breakdown of the committee composition and membership distribution would result in the estimated total of 15 to 25 members. It is anticipated that the committee could be formed and meet as early as the week of December 28, 2020.

*Tracy Small Business Relief Grant Program*

To provide for an immediate financial relief to small businesses, maximize the flexibility of the program and make an investment in our small businesses who employ local workers and generate revenue to the City, staff is requesting Council consider approval of a Small Business Grant Program and authorize the City Manager to make program amendments, if needed. A shortage of resources on a local, regional, state, and federal level, combined with COVID-related restrictions, has created dire circumstances for many businesses in Tracy. Given the state of emergency, this program envisions a flexible small business economic relief with the goal to preserve local jobs and enable vulnerable businesses to survive during the Stay at Home Order. The use of General Fund dollars allows the City to exercise its discretion in developing a Tracy-specific program tailored to meet the unique needs of the local business community. The use of City funds for this type of grant program advances economic development related Council strategic priorities, such as sales tax revenue generation and business retention both of which stimulate Tracy’s local economy.

This program is based on some attributes of our existing Small Business Forgivable Loan program as well as program elements from other jurisdictions. Should Council approve of the program, it can be implemented with applications ready to be received as soon as December 22<sup>th</sup>, 2020 with the following recommended key terms:

<b>Grant Criteria</b>	<b>Staff Recommendation for Tracy Small Business Relief Grant Program Requirement</b>
Business License	Active as of December 1 <sup>st</sup> , 2020
Grant amount	\$5,000 per business (Program will be on a first come first serve basis)
Net revenue impact	Financial documentation must demonstrate a COVID-19 related reduction / impact of 20% or more*
Business size	20 full-time equivalent employees or below**
Eligibility	Brick and mortar businesses located in the City of Tracy who have not received Small Business Forgivable Loan Program Assistance from the City

\*Note 1: there may be an administrative cost subject to the implementation of the requirement similar to the City’s Small Business Forgivable Loan Program.

\*\*Note 2: based on the maximum business size criteria in the City’s Small Business Forgivable Loan Program.

FISCAL IMPACT

The fiscal impacts from COVID-19 are being felt both in the community and City budget. The adopted FY 2020-21 budget includes the use \$2.5 million of Measure

V funds to fund for the projected General Fund operating budget deficit. After closing FY 2019-20, the General Fund deficit used a smaller portion of the 10% Economic Budget Stabilization reserves, which leaves a larger reserve balance to address the FY 2020-21 deficit. As a result, some of the Measure V funds previously appropriated to the General Fund operating budget may be reallocated to provide funding for the Tracy Small Business Relief Grant program proposed in this staff report. Staff recommends appropriating \$500,000 in Measure V funds.

#### STRATEGIC PLAN

This agenda item is in response to COVID-19 and does not align with a strategic priority.

#### RECOMMENDATION

Staff recommends that Council consider approving the new Tracy Small Business Relief Grant Program and authorizing the City Manager to make program amendments, as needed, and if approved, appropriate \$500,000 from Measure V.

Prepared by: Michael Nimon, Economic Development Manager  
Andrew Malik, Assistant City Manager  
Barbara Harb, Economic Development Analyst  
Karin Schnaider, Finance Director

Approved by: Jenny Haruyama, City Manager

RESOLUTION 2020-\_\_\_\_\_

APPROVING A NEW CITY OF TRACY SMALL BUSINESS RELIEF GRANT PROGRAM TO SUPPORT LOCAL SMALL BUSINESSES AFFECTED BY COVID-19, AUTHORIZING THE APPROPRIATION OF \$500,000 FROM MEASURE V GENERAL FUND, AND AUTHORIZING THE CITY MANAGER TO MAKE PROGRAM AMENDMENTS, AS NEEDED

WHEREAS, The Tracy City Council recognizes a need to support local small businesses that have been affected by COVID-19, and

WHEREAS, The effect on the Tracy business community has been significant and has been further exacerbated by additional restrictions that went into effect in mid-November (17<sup>th</sup> and 21<sup>st</sup> ) and December 6<sup>th</sup>, and

WHEREAS, Provision of an immediate financial relief to small businesses in Tracy will maximize the flexibility of the program and make an investment in our small businesses who employ local workers and generate revenue to the City, and

WHEREAS, A flexible small business economic relief will preserve local jobs and enable vulnerable businesses to survive during the COVID-19 Stay at Home Orders, and

WHEREAS, Grant funding will be distributed to qualifying local small businesses, giving priority to businesses that have not received any previous City of Tracy Small Business Forgivable Loan Program funding on a first-come first-serve basis until all funds are expended, and

WHEREAS, The program details are as follows:

Qualifying Requirements:

- Must have an active City of Tracy business license
- Must have been in full operation effective December 1, 2020
- Must have experienced a COVID-19 related net revenue reduction of 20% or more
- Must have 20 full-time equivalent employees or below
- Must be a brick and mortar business located in the City of Tracy

One-Time Grant Amount:

- \$5,000 (Dispersed on a first-come first-serve basis)

WHEREAS, As quickly as feasible after program approval by City Council, staff will publish a notice to solicit applications from the public;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves a new City of Tracy small business relief grant program to support local small businesses affected by COVID-19, authorizes the appropriation of \$500,000 from Measure V General Fund, and authorizes the City Manager to make any program amendments as needed.

\* \* \* \* \*

The foregoing Resolution 2020-\_\_\_\_\_ was passed and adopted by the Tracy City Council on the 15<sup>th</sup> day of December 2020, by the following vote:

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

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK



AGENDA ITEM 3.H

REQUEST

**APPOINT A COUNCIL MEMBER AND ALTERNATE TO REPRESENT THE CITY OF TRACY ON THE SAN JOAQUIN COUNCIL OF GOVERNMENTS**

EXECUTIVE SUMMARY

This item requests that Council appoint a Council representative and alternate to serve as the City's representative on the San Joaquin Council of Governments.

DISCUSSION

Appointments to Council subcommittees are reviewed annually, typically at the second meeting in January. The San Joaquin Council of Governments (SJCOG) has reached out to member cities to request an early appointment to the SJCOG Board of Directors because it is likely that half of the board members will be new. An early appointment will allow for SJCOG staff to orient new members to the operations of SJCOG prior to the first meeting, which is scheduled for January 28, 2021.

STRATEGIC PLAN

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

FISCAL IMPACT

There is no fiscal impact associated with this report.

RECOMMENDATION

That the City Council, by motion, appoint a Council Member and alternate to serve on the San Joaquin Council of Governments and attend monthly meetings during 2021.

Prepared by: Adrienne Richardson, City Clerk

Reviewed by: Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

AGENDA ITEM 3.I

REQUEST

**ESTABLISH A 2021 CALENDAR OF REGULAR CITY COUNCIL MEETINGS AND WORKSHOPS**

EXECUTIVE SUMMARY

Staff recommends that City Council consider establishing the 2021 calendar of regular City Council meetings and workshops. It is a best practice to adopt an annual meeting calendar for agenda management and planning purposes.

DISCUSSION

In accordance with Tracy Municipal Code 2.04.020, regular meetings of the Council shall be held at 7:00 p.m. on the first and third Tuesday of each month in the Council Chambers. Special meetings and workshops may be called by the City Manager, Mayor or by a majority of Council Members as needed. The City Council may also schedule special meetings and workshops as it deems necessary with dates adopted as part of an annual calendar, or announced in accordance with all legal requirements. Adopting a meeting calendar allows for proper agenda planning and can provide for recess periods, holidays, or election days.

The proposed resolution includes a 2021 calendar of regular City Council meetings and special meetings/workshops. The calendar also includes an extra special meeting/workshop on the fourth Tuesday of each month at 7:00 pm. This alternative was included for Council consideration given the impact of scheduling special meetings and/or workshops immediately prior to regularly scheduled Council meetings. Often times, our commuting population cannot attend meetings that are scheduled prior to 7:00 pm.

In addition, the extra meeting can be used to take action on items that have been continued or carried over from a previous Council meeting or require further policy discussion because of their complex nature (e.g. study session/workshop). If the additional meeting is not necessary, the meeting can be cancelled.

Historically, Council has cancelled certain meetings given conflicts with state and local events of importance like elections and National Night Out (an annual event that occurs on the first Tuesday in August), and during holiday periods to eliminate the need to prepare and publish an agenda. Council typically takes action on such cancellations a meeting or two before the date of the scheduled meeting. The proposed calendar includes cancelling the following two regular meetings:

- January 5, 2021 – Hold a Council workshop (there are currently no urgent agenda items scheduled)
- August 3, 2021 – National Night Out

The calendar also includes three additional special meetings/workshops on January 5<sup>th</sup>, 12<sup>th</sup>, and 14<sup>th</sup>. These meetings are being proposed to provide the Council with an opportunity to engage in goal setting and orient the new Council members.

If Council prefers not to cancel these meetings at this time, the proposed calendar can be amended to reflect that desire.

STRATEGIC PLAN

This agenda item is a routine operational item and does not relate to the Council's four strategic priorities.

FISCAL IMPACT

Any additional special City Council meeting would require broadcast and recording services and miscellaneous technical support which will have a small impact on the General Fund.

RECOMMENDATION

It is recommended that City Council consider adopting a resolution establishing a 2021 calendar of regular City Council meetings and workshops.

Prepared by: Adrienne Richardson, City Clerk

Reviewed by: Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

RESOLUTION 2020-\_\_\_\_\_

**ESTABLISHING A 2021 CALENDAR OF REGULAR TRACY CITY COUNCIL MEETINGS AND WORKSHOPS**

WHEREAS, In accordance with Tracy Municipal Code 2.04.020, regular meetings of the City Council shall be held at 7:00 p.m. on the first and third Tuesday of each month in Council Chambers, and

WHEREAS, Special meetings and workshops may be called by the City Manager, Mayor or a majority of Council members as needed, and

WHEREAS, The City Council may also schedule special meetings and/or workshops as it deems necessary with dates adopted as part of the annual calendar, or announced in accordance with all legal requirements, and

WHEREAS, Adopting a meeting calendar each year for the upcoming year allows for proper agenda planning and can provide for recess periods, holidays, or election days, and

WHEREAS, Staff is recommending that the City Council adopt the following 2021 regular meeting and workshop calendar.

<b>TRACY CITY COUNCIL 2021 MEETING CALENDAR</b>			
<b>Date</b>	<b>Type</b>	<b>Date</b>	<b>Type</b>
January 5 – Cancel	Regular Meeting	July 6	Regular
January 5	Special Meeting/Workshop	July 20	Regular
January 12	Special Meeting/Workshop	July 27	Special Meeting/Workshop
January 14	Special Meeting/Workshop	August 3 – Cancel	(National Night Out)
January 19	Regular	August 17	Regular
January 26	Special Meeting/Workshop	August 24	Special Meeting/Workshop
February 2	Regular	September 7	Regular
February 16	Regular	September 21	Regular
February 23	Special Meeting/Workshop	September 28	Special Meeting/Workshop
March 2	Regular	October 5	Regular
March 16	Regular	October 19	Regular
March 23	Special Meeting/Workshop	October 26	Special Meeting/Workshop
April 6	Regular	November 2	Regular
April 20	Regular	November 16	Regular
April 27	Special Meeting/Workshop	November 23	Special Meeting/Workshop
May 4	Regular	December 7	Regular
May 18	Regular	December 21	Regular
May 25	Special Meeting/Workshop	December 28	Special Meeting/Workshop
June 1	Regular		
June 15	Regular		
June 22	Special Meeting/Workshop		

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves the 2021 Regular Meeting and Workshop Calendar listed in this resolution.

\* \* \* \* \*

The foregoing Resolution 2020-\_\_\_\_\_ was adopted by the Tracy City Council on the 15<sup>th</sup> day of December 2020, by the following vote:

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

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK