

Tuesday, February 21, 2023, 7:00 P.M.

Tracy City Hall Chambers, 333 Civic Center Plaza, Tracy

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

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

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

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

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

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

**Remote Public Comment:**

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

- *Comments via:*
  - **Online by visiting** <https://cityoftracyevents.webex.com> and using the following **Event Number: 2555 933 3346** and **Event Password: TracyCC**
  - ***If you would like to participate in the public comment anonymously***, you may submit your comment in WebEx by typing "Anonymous" when prompted to provide a First and Last Name and inserting [Anonymous@example.com](mailto:Anonymous@example.com) when prompted to provide an email address.
  - **Join by phone by dialing +1-408-418-9388, enter 25559333346#8722922#** Press \*3 to raise the hand icon to speak on an item.
- *Protocols for commenting via WebEx:*
  - *If you wish to comment on the "Consent Calendar", "Items from the Audience/Public Comment" or "Regular Agenda" portions of the agenda:*
    - *Listen for the Mayor to open that portion of the agenda for discussion, then raise your hand to speak by clicking on the Hand icon on the Participants panel to the right of your screen.*
    - *If you no longer wish to comment, you may lower your hand by clicking on the Hand icon again.*

- *Comments for the “Consent Calendar” “Items from the Agenda/Public Comment” or “Regular Agenda” portions of the agenda will be accepted until the public comment for that item is closed.*

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

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

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

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

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

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

Full copies of the agenda are available on the City's website: [www.cityoftracy.org](http://www.cityoftracy.org)

CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
INVOCATION  
ROLL CALL  
PRESENTATIONS

1. Proclamation - March as Women's History Month and International Women's Day

1. CONSENT CALENDAR

- 1.A. Adoption of February 7, 2023, City Council Closed Session Minutes, Special Concurrent Meeting of the City Council and Transportation Advisory Commission Meeting minutes and City Council Regular Meeting Minutes.
- 1.B. Adopt a resolution: (1) Authorizing a Professional Services Agreement with MGT of America, LLC for diversity, equity, and inclusion consultant services for a total not-to-exceed amount of \$166,500 for a one-year term; and (2) Appropriating funding in the amount of \$116,500 from the General Fund reserves to the Human Resources operating budget and amend the FY 2022-23 Operating Budget to reflect such appropriation.
- 1.C. Adopt a resolution approving a Master Services Agreement with Crossroads, Inc. for the installation, implementation, training, and annual maintenance of automated traffic collision and citation technology for a term of five (5) years and a total not to exceed amount of \$180,000, and authorizing the City Manager to execute the Agreement and any amendments.
- 1.D. City Council (1) accept the construction for the Pavement Rehabilitation Project, FY 2019-2020, CIP 73176, work completed by Tracy Grading and Paving, Inc., of Tracy, California, (2) authorize the City Clerk to File the Notice of Completion, (3) authorize the City Engineer to release the bonds and retention payment, and (4) authorize the Finance Department to close the Project.
- 1.E. Adopt a resolution approving the Local Roadway Safety Plan and setting a Vision Zero goal for 2050.
- 1.F. Adopt a resolution: (1) Approving a General Services Agreement with Sweeping Corp of America, LLC to provide street, alley, and parking lot sweeping services for an initial term of two (2) years and a total not to exceed amount \$859,100 annually; (2) Authorizing the City Manager to execute the General Services Agreement, extensions up to five (5) years, and amendments to the Agreement; and (3) Appropriating \$46,000 from the Solid Waste Fund (F531) to fund the Agreement for fiscal year 2023.
- 1.G. Adopt a resolution declaring the intention to reimburse expenditures from proceeds of tax-exempt obligations to be issued by the City for and on behalf of City of Tracy Community Facilities District No. 2016-2 (ECFD).
- 1.H. Adopt a resolution declaring the intention to reimburse expenditures from proceeds of tax-exempt obligations to be issued by the City for and on behalf of City of Tracy Community Facilities District No. 2016-1 (Tracy Hills).
- 1.I. Adopt a resolution amending the City's Operating and Capital Budget for the Fiscal Year ending June 30, 2023, and authorize the Budget Officer to amend the City's position control roster for FY2022-23.

2. ITEMS FROM THE AUDIENCE
3. REGULAR AGENDA
  - 3.A. Staff recommends that the City Council
    1. Conduct a hearing on the Resolutions of Necessity (RON) to authorize the acquisition of fee simple interests, permanent easements and/or temporary construction easements for the I-580/Patterson Road Interchange Project (Project) and to make the required findings for five properties owned by and located at:
      1. ARP Minimart Corporation – 25775 Patterson Pass Road (Assessor’s Parcel Number 209-100-040) (Minimart).
      2. Debra Ann Leal & Janice Lynn Gee – 26116 Patterson Pass Road (Assessor’s Parcel Number 209-090-21) (Leal/Gee).
      3. Harminder Kaur; Rajwinder Kaur; Gupreet Singh; Charnit Singh and Ramandeep Kaur, Trustees – 25883 S. Patterson Pass Road (Assessor’s Parcel Number 209-100-280) (Kaur et al).
      4. Pankaj Kalra and Tanu Kalra, Trustees; Kanwar Raj Singh and Priya Aggarwal, Trustees; Smile Dhir and Antima Ghai, Trustees; Atul Arora and Shefali Arora, Trustees; Tabir Singh Dhillon- 26106 Patterson Pass Road (Assessor’s Parcel Number 209-100-300) (Kalra et al).
      5. Jet Mulch, Inc. – Via Nicolo Road (Assessor’s Parcel Number 209-100-310) (Jet Mulch).
    2. Adopt RONs for Minimart, Leal/Gee, Kaur et al, Kalra et al, and Jet Mulch, finding that the Public Interest, Convenience and Necessity require the Acquisition of Certain Property Interests for the Project, Authorizing the Acquisition Thereof, and directing the City Attorney to file Eminent Domain Proceedings.
  - 3.B. Receive an informational report regarding the City of Tracy Police Department’s Annual Report for 2022.
  - 3.C. Receive the annual informational report for the Parks and Community Services Commission for Fiscal Year 2021/2022.
  - 3.D. Receive an informational report regarding the annual report of the Transportation Advisory Commission.
4. ITEMS FROM THE AUDIENCE
5. STAFF ITEMS
6. COUNCIL ITEMS
7. ADJOURNMENT

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

**February 7, 2023, 5:00 p.m.**

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

1. Mayor Pro Tem Davis called the meeting to order at 5:03 p.m.
2. Roll call found Council Members Arriola, Evans, and Mayor Pro Tem Davis present. Mayor Young participated remotely.
3. ITEMS FROM THE AUDIENCE – None
4. Request to Conduct Closed Session

Conference with Labor Negotiators (Gov. Code § 54957.6)

- o City Negotiators:  
Michael Rogers, City Manager  
Kimberly Murdaugh, Human Resources Director  
Midori Lichtwardt, Assistant City Manager  
Karin Schnaider, Assistant City Manager  
Sara Cowell, Finance Director  
Bijal Patel, City Attorney  
Che Johnson, Special Counsel
- o Employee Organizations:  
General Teamsters Local No. 439, IBT  
Tracy Mid Managers Bargaining Unit  
Tracy Police Management Association  
Tracy Police Officers' Association  
Tracy Technical and Support Services Employee Association

There was no public comment.

**ACTION:** Motion was made by Council Member Evans and seconded by Council Member Arriola to recess to closed session. Roll call found Council Members Arriola, Bedolla, Evans and Mayor Pro Tem Davis in favor; passed and so ordered. Mayor Young participated virtually. Time: 5:06 p.m.

Council Member Bedolla arrived at 5:06 p.m.

5. Reconvened to Open Session – Time: 5:57 p.m.
6. Report of Final Action – None
7. Council Items and Comments – None
8. Adjournment – Time: 5:58 p.m.

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

The above agenda was posted at the Tracy City Hall on February 2, 2023. The above are action minutes. A recording is available at the office of the City Clerk.

\_\_\_\_\_  
Mayor

ATTEST:

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

SPECIAL CONCURRENT MEETING MINUTES OF THE TRACY CITY COUNCIL AND  
THE TRACY TRANSPORTATION ADVISORY COMMISSION

**February 7, 2023, 6:00 p.m.**

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

1. Mayor Pro Tem Davis called the meeting to order at 6:02 p.m.
2. Roll call found Council Members Arriola, Bedolla, Evans, and Mayor Pro Tem Davis present. Mayor Young participated virtually.

Roll call found Transportation Advisory Commissioners Rajpal Dhillon, Sharanjit Dhillon, Francis, Vice Chair Silva and Chair Cooper present.

3. ITEMS FROM THE AUDIENCE – None

4. DISCUSSION ITEMS:

- 4.A The Tracy City Council and the Tracy Transportation Advisory Commission, Concurrently, Conduct a Workshop to Discuss and Provide Feedback on the City's Local Roadway Safety Plan.

Anju Pillai, Senior Civil Engineer provided the staff report and introduced Darryl DePencier, Kimley-Horn who provided the presentation and responded to questions.

Council and Commission questions followed.

Robert Tanner asked if this is the first portion of the preliminary analysis and when is the final plan put in effect. The workshop is to add or take away ideas and then come up with a final plan to use for grants and was surprised it is all inclusive.

Frederik Venter, Kimley-Horn responded to questions.

Michael Rogers, City Manager provided input on the item.

Dotty Nygard shared concerns regarding the increase of truck traffic, incidents with truck traffic, enforcing truck routes, ticketing those that are not following the designated truck routes and would like to see that data included. Ms. Nygard spoke about bicycle traffic, the need to implement share road signage and requested an expansion of green lanes in the Northeast corner part of town which is missing safety messages for bicycle and pedestrian traffic. Also need more public input, participation and communication.

City Council and Transportation Advisory Commissioner questions and comments followed.

Koosun Kim, Senior Engineer provided input.

Council provided feedback on the City's Local Roadway Safety Plan.

- 5. COUNCIL ITEMS AND COMMENTS – None
- 6. ADJOURNMENT – Time: 7:02 p.m.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Evans to adjourn. Roll call found Council Members Arriola, Bedolla, Evans, Mayor Pro Tem Davis, Mayor Young, Transportation Advisory Commissioners Rajpal Dhillon, Sharanjit Dhillon, Francis, Vice Chair Silva and Chair Cooper in favor; passed and so ordered.

The above agenda was posted at the Tracy City Hall on February 2, 2023. The above are action minutes. A recording is available at the office of the City Clerk.

\_\_\_\_\_  
Mayor

ATTEST:

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

February 7, 2023, 7:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy

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

Mayor Pro Tem Davis called the meeting to order at 7:09 p.m.

Pastor Kal Waetzig, Saint Paul's Lutheran Church provided the invocation.

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

Michael Rogers, City Manager presented the Employee of the Month Award for February 2023 to Andrea Pedigo, Executive Assistant, Parks and Recreation Department.

Mayor Pro Tem Davis presented a Certificate of Appointment to new Parks and Community Services Commissioner Scott Arbogast.

Sekou Millington, Police Chief swore in Mitchell Van Dyk – New Lateral Officer, Octavio Lopez – Promoted to Captain, and Mario Ysit – promoted to Lieutenant.

Michael Rogers, City Manager pulled regular item 3.D from the agenda as there is more work to be done on the item.

1. CONSENT CALENDAR – Motion was made by Council Member Arriola and seconded by Council Member Bedolla to adopt the Consent Calendar. Roll call found all in favor; passed and so ordered.
  - 1.A Adoption of December 21, 2022 Special Meeting Minutes, January 17, 2023 Closed Session Minutes, January 17, 2023 Special Meeting Minutes, January 17, 2023 Regular Meeting Minutes, January 30, 2023 Closed Session Minutes and January 30, 2023 Special Meeting Minutes – **Minutes were adopted.**
  - 1.B Making findings and re-authorizing remote teleconference meetings of the City Council and all legislative bodies of the City of Tracy for the period from February 8, 2023 through March 9, 2023 pursuant to the Brown Act. – **Resolution 2023-019** authorized the remote teleconference meetings.
  - 1.C Approving a General Services Agreement with Mountain Cascade, Inc. for the Wastewater Treatment Plant Filter Valve Replacement for a term of three (3) months and a not to exceed amount of \$166,000. - **Resolution 2023-020** approved a General Services Agreement with Mountain Cascade, Inc.
  - 1.D Approving a Professional Services Agreement with CH2M HILL Engineers, Inc. to perform a high-level analysis of Tracy Wastewater Treatment Plant expansion to 16 million gallons per day for a period of three (3) months and a total not to exceed amount of \$110,000- **Resolution 2023-021** approved a Professional Services Agreement with CH2M Hill Engineers, Inc.

- 1.E Approving a Professional Services Agreement with Guidepost Solutions, LLC for the design of the Security System Implementation of the City's Water Facilities Project (CIP 75169) for a period of five (5) months and a total not-to-exceed amount of \$53,290..– Resolution 2023-022 approved a Professional Services Agreement with Guidepost Solutions, LLC.
  - 1.F Approving a General Services Agreement with Telstar Instruments for the Programmable Logic Controller and Primary Effluent Pumping Control Upgrade Project for a term of nine (9) months and a total not to exceed amount of \$293,250.– Resolution 2023-023 approved a General Services Agreement with Telstar Instruments.
  - 1.G Approve the Inspection Improvement Agreement between City and Lennar Homes of California, LLC for Corral Hollow Road Widening Improvements at Tracy Hills Phase 2 Frontage.– Resolution 2023-024 approved the Inspection Improvement Agreement with Lennar Homes of California, LLC.
  - 1.H Adopt two resolutions: (1) Approving a Professional Services Agreement with CH2M HILL Engineers, Inc. for the design of a recycled water booster pump station for the Recycled Water System Expansion Project (CIP 74168) for a term of five (5) months and a not to exceed amount of \$1,240,000; and (2) Approving a Professional Services Agreement with CH2M HILL Engineers, Inc. for the design of recycled water pipelines for the Recycled Water System Expansion Project (CIP 74168) for a term of five (5) months and a not to exceed amount of \$1,860,000.– Resolution 2023-025 approved a Professional Services Agreement with CH2M HILL Engineers, Inc. for design of a recycle water booster pump station. **Resolution 2023-026** approved a Professional Services Agreement with CH2M HILL Engineers, Inc. for design of recycled water pipelines.
2. ITEMS FROM THE AUDIENCE – Karen Moore stated this weekend Council had a workshop and asked if there is a video or minutes for the workshop to know if there was any decisions made and what was discussed.

Wes Huffman spoke about human behavior, saw an example at the Black History Month ceremony and hoped to see that every meeting. Mr. Huffman stated in two weeks he will wanted Council to vote yes or no to give poles to the American Legion for Memorial Day. Mr. Huffman also stated he is interested in changing the City campaign rules. The last campaign did not demonstrate good human behavior.

Vijay Pasapula, volunteer for Hindu Swyam Sevak Sangh USA, shared information regarding two activities recently conducted: SewaDiwali Food Donation Drive and the Health for Humanity Program, Surya Namaskar Yogathon and requested the City inform them of any volunteer opportunities as they are eager to get involved and offer support.

Sarah Wood, Board Member for Better World Rescue in Tracy stated she is a volunteer for the Tracy Shelter and shared information about the various programs she has worked with at the shelter. Ms. Wood requested a budget increase from \$15,000 to \$20,000 to help reduce the population of feral cats in Tracy and help the shelter neuter return program as the shelter is running out of funding.

Natasha Perez, Better World Rescue stated Tracy Animal Shelter is a role model for other shelters in this area and spoke about grants for community feral program. Ms. Perez suggested giving the shelter the requested \$15,000 - \$20,000 for the shelter neuter return program. The best thing to do is to fix them so they don't continue to reproduce and the City will have a decline in kittens.

Rehan Anwar spoke about a giant tree causing a nuisance on the corner of Byron Ave and Belconte. People are using the tree as a shelter and doing illegal activities. Kids want to enjoy their home but are not able to utilize that and are afraid to go out.

Tim Silva thanked Council for including the Transportation Advisory Commission in the LSRP special meeting, will produce more positive results and outreach to the community. Mr. Silva thanked Chief Millington for his efforts and the job he has done in community adding he is a great advocate to and for the community and he is proud of the Police Department.

Gotham spoke about the SewaDiwali in November and December and the Sun Salutation in January and requested the City Council inform Hindu Swayam Sevak Sangh (HSS) of any volunteering opportunity as the organization is eager to work with the community.

Robert Tanner stated in the last four days the City has had five meetings and on Saturday and Sunday paid money to Home2 Suites to hold a Council workshop. Mr. Tanner shared his concerns with not using City facilities for workshops and spending money for offsite meetings.

Gabriella Machucca stated she spoke at the last meeting regarding her food trailer and is now dealing with State Agency which is also based from the same miscommunication. The State Agency is stating the City of Tracy Planning only approved a CUP for temporary use permit. They are being misinformed and she is dealing with that right now.

A District Representative for Congressman Josh Harder reminded constituents of Tracy that they continue to represent them in Congress and can help them navigate Federal agencies and provided contact information.

### 3. REGULAR AGENDA

#### 3.A Staff recommends that the City Council receive the annual informational report regarding the City of Tracy's Senior Services Program for 2022.

Amanda Jensen, Recreation Program Coordinator provided the staff report.

There was no public comment.

Council comments and questions followed.

Council received the annual informational report regarding the City of Tracy's Senior Services Program for 2022.

- 3.B Discuss and provide direction, by motion, that 1) the City not advance the establishment of a Government Accountability Commission at this time and 2) the City Manager return with an agenda item for the City Council to consider the establishment of an Environmental Sustainability Commission.

Karin Schnaider, Assistant City Attorney provided the staff report.

Karen Moore spoke about creating smart goals and achieving much of what is in the City's Sustainability Action Plan. Ms. Moore shared information regarding programs that include funding, goals to reduce greenhouse gas emissions, referred to the Inflation Reduction Act and shared information regarding two programs (HOMES and HEEHRA), and believed the City can benefit from an Environmental Sustainability Commission and reach goals set forth in the plan.

Robin Cole referred to the committees and stated staff has had 2.5 years to work on one program and a year to work on the other. If deadlines are not required when deliverables are due, then it won't happen. If staff does have to bring it back to do more work, she recommended it be a short timeline to return to citizens and Council as to what and how they are going to do it.

Dotty Nygard stated the City has been talking about a Sustainability Action Plan for years, and how vital this commission could be as a conduit to educate and inform to meet mandates with SB 375 and SB 1000. This would be a very vital compliment to all the hard work staff does and have a group that can focus on environmental issues and finding funding and opportunities.

Tim Silva stated he disagrees with the Government Accountability Commission. He does not see any racial components in the City where people are not being hired because of their race. Mr. Silva shared concerns regarding consultant Darlene Flynn who previously presented on race, equity, and local government.

Robert Tanner responded to Mr. Silva's comments stating the agenda item is to not establish a Government Accountability Committee.

A sophomore student expressed her strong belief of execution of the Environment Sustainability Action Committee and spoke about the benefits of the committee for the community. Shared support for the Environmental Committee.

Council questions and comments followed.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Bedolla for the City Manager to return with an agenda item for the City Council to consider the establishment of a Government Accountability Commission.

The motion was clarified and Council Member Bedolla withdrew his support of Council Member Arriola's motion.

Mayor Young seconded Council Member Arriola's motion for the City Manager to return with an agenda item for the City Council to consider the establishment of a Government Accountability Commission. Roll call found Council Member Arriola

and Mayor Young in favor. Council Members Bedolla, Evans and Mayor Pro Tem Davis opposed. Motion failed.

**ACTION:** Motion was made by Council Member Arriola and seconded by Council Member Bedolla for the City Manager to return with an agenda item for the City Council to consider the establishment of an Environmental Sustainability Commission. Roll call found all in favor; passed and so ordered.

3.C City Council 1) approve a resolution to form a standing committee of the Tracy City Council on Fiscal Sustainability (Committee) and 2) appoint, by motion, two members, to the Committee for an annual term, pursuant to the City Council's appointment procedures.

Karin Schnaider, Assistant City Manager provided the staff report.

There was no public comment.

Council questions and comments followed.

It was Council's consensus to form a standing committee and broaden the committee name to Finance Committee.

**ACTION:** Motion was made by Council Member Evans to 1) Adopt a resolution to form a standing committee of the Tracy City Council, the City Council Fiscal Sustainability Committee. 2) Appoint, by motion, two members to the Committee for an annual term.

Bijal Patel, City Attorney clarified there are two separate items/motions.

**ACTION:** Motion was made by Council Member Evans and seconded by Council Member Bedolla to adopt **Resolution 2023-027** to form a standing Finance Committee of the Tracy City Council. Roll Call found all in favor; passed and so ordered.

**ACTION:** Motion was made by Council Member Bedolla and seconded by Council Member Evans to appoint Council Member Evans and Council Member Bedolla to the Finance Committee for an annual term, pursuant to the City Council's appointment procedures.

**ACTION:** Mayor Young made a substitute motion to appoint Mayor Young and Council Member Arriola to the Finance Committee. Council Member Arriola seconded the motion. Roll call found Council Members Arriola, Evans, Mayor Pro Tem Davis and Mayor Young in favor; passed and so ordered. Council Member Bedolla opposed.

3.D Staff recommends that the City Council adopt a resolution approving a Professional Services Agreement with: (1) Tripepi Smith and Associates, Inc. for the performance of community engagement services related to the creation of City Council Districts for a term of ten (10) months and in a total not to exceed amount of \$90,000; and 2) National Demographics Corporation for the performance of demographic and mapping services related to the creation of City

Council Districts, for a term of ten (10) months and in a total not to exceed amount of \$60,000. – ITEM PULLED FROM AGENDA

## DEVIATION

6. COUNCIL ITEMS – Council Member Bedolla stated he wanted to bring an important point to the attention of the Tracy Press adding several citizens have voiced their concerns as of late in regard to the integrity of the reporting specifically on our Council. Many in the community are relying on the Tracy Press to present Council discussion and decisions accurately. Consensus is while articles are written with a neutral tone there are often inconsistency of order and accuracy of events. This calls in question whether the journalist is truly neutral. It does favor senior Council Members. It simply frames votes as division when there is a simple disagreement. Council Member Bedolla thanked Council for understanding his urgency at last Monday's special meeting as being scheduled on short notice and as head coach for one of our City's Junior Warrior League basketball teams he was pressed for time as the meeting overlapped into the practice start time but was able to vote in support of a unanimous Council decision in favor of displaying the Pan African flag on an annual basis. Council Member Bedolla added it is mind-blowing to continue to make progress through unity and bring our communities together especially right now as we celebrate Black History Month. It was an incredible easy decision for him as well as his colleagues just like in 2021 when he voted to raise the LGBT+ and the Gold Star Flag. While small gestures, Council Member Bedolla looks forward with his Council colleagues to making Tracy continuously more inclusive for all walks of life. Council Member Bedolla wished everyone a great Super Bowl weekend.

Council Member Evans stated he received two calls and six complaint letters from the community about interactions happening at the warming center at the Sports Complex. Last Thursday he met with the City Manager and the Assistant City Manager to discuss this issue and have recommended the City get security out there immediately. Best of intentions but it is the wrong location, and we need to figure it out and protect our kids. Council Member Evans asked to keep thoughts and prayers with people in Turkey and Syria who have been affected by the disastrous 7.8 followed by a 7.5 earthquake.

Council Member Arriola wished everyone a happy Valentine's Day and Super Bowl, and happy and safe next couple of three-day weekends.

5. STAFF ITEMS - Michael Rogers, City Manager reported if there is anyone still in need of FEMA assistance with claims related to the winter storm the County has opened a Disaster Recovery Center at 2101 East Earhart Avenue in Stockton that is open from 9:00 a.m. to 7:00 p.m. daily. This is an opportunity to go there and find out about the different claim processes. Residents can also go to SJReady.org for more details on the resources that are available to support any claims.

City offices will be closed on Monday, February 20, 2023. This closure will not impact Tracer bus service or the overnight warming center.

Mr. Rogers encouraged anyone who is interested in serving in this community to apply for the vacancies on the Measure V Residents' Oversight Committee, Board of Appeals and Youth Advisory Commission. Visit [Cityoftracy.org](http://Cityoftracy.org) for more information.

7. ITEMS FROM THE AUDIENCE – Dotty Nygard stated the Tracy Earth project has started an environment educational series, first of four series will be held next Saturday. EBCE is doing a presentation (hybrid) and can be joined also in person at Workvine 209 on Saturday from 11:00 a.m. to 1:00 p.m. Council Member Arriola will share his accomplishments over the last two years and wanted to introduce Council Member Bedolla as EBCE representative. Contact [tracyearthproject@gmail.com](mailto:tracyearthproject@gmail.com). City of Tracy is partnering with Tracy Earth project for the Earth Day event on April 29, 2023 from 9:00 a.m. to 3:00 p.m. downtown. The event will bring up lot of subject topics and lots more information and education for the public and the theme is Power of the Bike.

Council Member Bedolla responded to Ms. Nygard that he will be out of the state this weekend but looks forward to the next one.

Sarah Wood continued with her comments related to the Tracy Animal Shelter and shared her experience regarding trapping and neutering cats, statistics on feral cats survival, and stated Saving Feral is a wonderful organization in Tracy. Ms. Wood stated funding is needed along with the City's help.

Mayor Young wished everyone a happy Valentines and enjoy Super Bowl and Valentines. Great job Mayor Pro Tem Davis.

Mayor Pro Tem Davis wished everyone good night, thanked staff for their time, and good luck to Mayor Young's son being a newlywed.

7. ADJOURNMENT – Time: 9:18 p.m.

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

The above agenda was posted at the Tracy City Hall on February 2, 2023. 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

RECOMMENDATION

**Staff recommends that the City Council adopt a resolution: (1) Authorizing a Professional Services Agreement with MGT of America, LLC for diversity, equity, and inclusion consultant services for a total not-to-exceed amount of \$166,500 for a one-year term; and (2) Appropriating funding in the amount of \$116,500 from the General Fund reserves to the Human Resources operating budget and amend the FY 2022-23 Operating Budget to reflect such appropriation.**

EXECUTIVE SUMMARY

This item for consideration by the City Council authorizes the City of Tracy to enter into a Professional Services Agreement with MGT of America, LLC, attached herein as Attachment A, for Diversity, Equity, and Inclusion (DEI) Consultant Services. In July 2022, the City issued a Request for Proposals (RFP) for DEI Consultant Services. The City received nine (9) proposals and an internal evaluation and scoring committee identified MGT as the top candidate.

MGT is a qualified professional consulting firm with proven expertise and hands-on experience in developing and implementing DEI programs for local governments. MGT's scope of work includes conducting an organizational assessment that identifies current barriers and opportunities for supporting an inclusive organizational culture and service delivery model. MGT will also work collaboratively with the City to develop an internally focused strategic plan that identifies tailored strategies, actions, and metrics to advance the City's culture of diversity, equity, and inclusion. The scope of work is outlined in Attachment B.

Staff recommends that the City Council authorize an agreement with MGT for DEI Consultant Services in the not-to-exceed amount of \$166,500 for a one-year term, and appropriate funding from the General Fund as outlined in the fiscal impact section.

BACKGROUND AND LEGISLATIVE HISTORY

The City of Tracy is committed to inclusivity and proudly serves its community members, regardless of religion, immigration status, ethnicity, race, disability, gender, sexual orientation, and/or gender identity. In 2020, in the wake of tragedies that sparked nationwide demonstrations and protests for police reform and social justice, the Tracy City Council initiated community forums on race, policing, and impacts to local youth. These forums provided opportunities for residents to voice their concerns and perspectives and hear directly from community stakeholders. In July 2020, the Tracy City Council approved a resolution condemning racial injustice and declaring Black lives matter (Attachment C) and approved the Tracy Equity and Empowerment Initiative (Attachment D) which outlines policies to prevent police violence and implement an equity-based framework for local governance.

To continue the work and vision of the Tracy Equity and Empowerment Initiative, the City issued an RFP for DEI Consultant Services to perform an assessment of the organization, establish key priorities with internal staff and stakeholders, create an action plan to guide the work, and set measurable outcomes to determine program effectiveness. The RFP was released on

July 25, 2022 and staff held a virtual preproposal meeting on August 9, 2022. The proposal deadline was August 22, 2022 and nine (9) proposals were received. The City formed an internal evaluation and scoring committee to review and rank proposals, and after thorough review and discussion, MGT was selected as the top candidate.

MGT is a qualified professional consulting firm with proven expertise and hands-on experience in developing and implementing DEI programs for local governments. Since 1990, MGT has conducted over 220 studies related to DEI for cities, counties, school districts, higher education institutions, and non-profit organizations. Some of MGT's California-based clients include the County of Sacramento, County of Santa Clara, California Department of Forestry and Fire Protection, City of Riverside, and the Los Angeles Metropolitan Transportation Authority.

MGT's scope of work includes conducting an organizational assessment that identifies current barriers and opportunities for supporting an inclusive organizational culture and service delivery model. The DEI assessment will evaluate key governance areas including recruitment, hiring, and retention; promotional and career development opportunities to cultivate leaders; training to increase DEI competencies, skills, and implementation; government transparency; procurement and budgeting procedures; land use and capital improvements; policing; boards and commissions; communication and public engagement. The formation of an equity commission may also be derived as a recommendation through the DEI assessment.

In addition to the organizational assessment, MGT will work collaboratively with the City to develop an internally focused strategic plan that identifies tailored strategies, actions, and metrics to advance the City's culture of diversity, equity, and inclusion. The completion of the proposed scope of work will prepare the City for additional work in the future. Future work may include conducting an externally-focus DEI assessment with a strategic plan that addresses how the City may serve and impact its residents with a focus on equity and inclusion.

#### FISCAL IMPACT

Funding in the amount of \$50,000 is currently available in the Human Resources operating budget. To fully fund the agreement with MGT of America, LLC., staff recommends that the Council appropriate \$116,500 from the General Fund reserves to the Human Resources operating budget and amend the FY 2022-23 Operating Budget to reflect such appropriation.

#### STRATEGIC PLAN

This agenda item supports the City Council's adopted Tracy Equity and Empowerment Initiative.

#### ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a resolution: (1) Authorizing a Professional Services Agreement with MGT of America, LLC for diversity, equity, and inclusion consultant services for a total not-to-exceed amount of \$166,500 for a one-year term; and (2) Appropriating funding in the amount of \$116,500 from the General Fund reserves to the Human Resources operating budget and amend the FY 2022-23 Operating Budget to reflect such appropriation.

Prepared by: Vanessa Carrera, Assistant to the City Manager

Reviewed by: Kimberly Murdaugh, Director of Human Resources  
Sara Cowell, Director of Finance  
Karin Schnaider, Assistant City Manager

Approved by: Michael Rogers, City Manager

Attachments:

- A – City of Tracy Professional Services Agreement with MGT of America, LLC.
- B – MGT Proposal for Diversity, Equity, and Inclusion Consultant Services
- C – Resolution 2020-126
- D – Tracy Equity and Empowerment Initiative

**CITY OF TRACY**  
**PROFESSIONAL SERVICES AGREEMENT WITH MGT OF AMERICA CONSULTING, LLC**  
Diversity, Equity, and Inclusion Consultant Services

This Professional Services Agreement (Agreement) is entered into between the City of Tracy, a municipal corporation (City), and MGT of America Consulting, LLC, a Limited Liability Corporation (Consultant). City and Consultant are referred to individually as “Party” and collectively as “Parties.”

**Recitals**

- A. City desires to retain Consultant to perform Diversity, Equity, and Inclusion assessment services and action plan; and
- B. On July 25, 2022, the City issued a Request for Proposals to provide such services. The City has determined that Consultant possesses the skills, expertise, and experience necessary to provide such 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 Resolution No. \_\_\_\_ approved by Tracy City Council on February 21, 2023.

**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: Patrick Dyer. Consultant shall not replace its Authorized Representative, 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 February 22, 2023 and end on February 22, 2024, unless terminated in accordance with Section 6. This Agreement may be extended for an additional year by the City Manager following a written determination that Consultant has satisfactorily met all the requirements of this Agreement.

**3. Compensation.** City shall pay Consultant 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 \$166,500. 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.

**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 \$2,000,000 general aggregate and \$1,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.

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

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

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

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

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

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

**5.6 Notice of Cancellation.** Consultant shall notify the City if the policy is canceled before the expiration date. For the purpose of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation. Consultant shall immediately obtain a replacement policy.

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

**5.8 Insurance Certificate.** Consultant shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance and endorsements, in a form satisfactory to the City, before the City signs this Agreement.

**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.

**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:  
Kimberly Murdaugh  
333 Civic Center Plaza  
Tracy, CA 95376

To Consultant:  
Patrick Dyer  
4320 West Kennedy Blvd., Ste. 200  
Tampa, Florida 33609

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

Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the address designated above, or (2) three working days after the

deposit in the United States Mail of registered or certified mail, sent to the address designated above.

**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.

**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.

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

<p><b>City of Tracy</b></p> <hr/> <p>By: Nancy D. Young Title: Mayor Date: _____</p> <p>Attest:</p> <hr/> <p>Adrienne Richardson, City Clerk</p> <p>Approved as to form:</p> <hr/> <p>Bijal M. Patel, City Attorney</p>	<p><b>MGT. of America, LLC</b></p> <p>Patrick J. Dyer Digitally signed by Patrick J. Dyer Date: 2023.02.13 16:05:06 -05'00'</p> <hr/> <p>By: Patrick Dyer Title: Vice President Date: _____</p> <p>Carla Kay Luke Digitally signed by Carla Kay Luke Date: 2023.02.13 16:04:47 -05'00'</p> <hr/> <p>By: Carla Luke Title: Chief Financial Officer Date: _____</p> <p>Federal Employer Tax ID No. <u>81-0890071</u></p>
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Exhibits:

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

## EXHIBIT A Scope of Services

### SCOPE OF SERVICES

The City of Tracy is partnering with MGT of America, LLC to conduct an organizational assessment that identifies current barriers and opportunities for supporting an inclusive organizational culture and service delivery model. MGT will work collaboratively with the City to develop an internally focused strategic plan that identifies tailored strategies, actions, and metrics to advance the City's culture of diversity, equity, and inclusion. This work will be conducted through an understanding of the organization, its mission, its history, communities it serves, and a shared vision of a diverse, equitable, and inclusive workforce of excellence.

The scope of work includes performing a DEI assessment of the organization, establishing key priorities with internal staff and stakeholders, creating an action plan to guide the work, and setting measurable outcomes of the program to determine its effectiveness. MGT will evaluate the current landscape of the workforce to develop a city-specific DEI program and prepare a report of findings with recommendations that clearly identify opportunities to strengthen DEI competencies of all City staff. Specific contract deliverables include:

- Development of an internal DEI work plan, project schedule, description of deliverables.
- Facilitation of regular internal DEI stakeholder meetings.
- Documentation of decisions made, action steps, responsibility matrix, and deadlines.
- Conduct organizational assessment to determine strengths, weaknesses, DEI understanding, and readiness to embrace and infuse DEI through all levels of the organization and operations.
- Written analysis of existing organizational strengths and gaps with clear recommendations on how to best build upon strengths that will enhance the organization.
- Develop Staff Outreach Plan to maximize awareness and motivation for internal stakeholders to engage in the feedback portion of the equity audit.
- Provide guidance, leadership development, and coaching to executive leadership team, emerging leaders, and other internal stakeholders.
- Deliver of DEI Assessment Report and presentation.
- Design and facilitate a workshop to develop DEI goals for the organization and develop a public statement.
- Develop DEI Action Plan.

### Optional Services

- Community Landscape Analysis (community survey, outreach, and focus groups).
- DEI Education and Training Plan (DEI Decision Point Guide, evaluation of staff training, DEI executive coaching and training).

### TIME OF PERFORMANCE

The term of the Agreement shall begin on February 22, 2023 and end on February 22, 2024, unless terminated in accordance with Section 6 of the agreement. The Agreement may be extended for an additional year by the City Manager following a written determination that Consultant has satisfactorily met all the requirements of this Agreement.

Work plan estimated timeline:

WORK TASKS		2023					
		Feb.	Mar.	Apr.	May	Jun.	Jul.
<b>TASK 1: PROJECT MANAGEMENT &amp; BEST PRACTICES REVIEW</b>							
1.1	Client Engagement						
1.2	Best Practice Landscape Analysis						
<b>TASK 2: ORGANIZATIONAL ASSESSMENT</b>							
2.1	Analysis of Internal Data, Policy, and Practice						
2.2	Employee Outreach Plan						
2.3	Employee Engagement						
2.4	DEI Assessment Report and Presentation						
<b>TASK 3: DEI ACTION PLAN</b>							
3.1	Future Visioning Analysis						
3.2	DEI Action Plan Development						

PERSONNEL

Dr. Lamont Brown, Vice President  
 Juan Osuna, Senior Consultant  
 David Bushnell, Consultant  
 Vernetta Mitchell, Director

EXHIBIT B  
Compensation

Based on MGT's understanding of the project and extensive experience completing similar studies, the proposed contract not-to-exceed amount is \$166,500. The cost proposal includes professional fees, technology expenses, travel and accommodations, and other costs (printing, surveys, etc.).

The table below illustrates the cost associated with each task in the proposed work plan. The final cost can fluctuate based on mutually agreed upon changes to the project scope and travel frequency and length.

<b>Work Tasks</b>	<b>Cost</b>
1.0 - Project Management & Best Practices Review	\$12,500
2.0 - Organizational Assessment and DEI Support for Leadership Teams and Committees	\$134,000
3.0 - DEI Action Plan	\$20,000
Total Not-to-Exceed Contract Amount	\$166,500

Payment will be remitted to MGT within 30 business days of the City's receipt of an invoice and supporting expenditure documentation to justify expenses.

Diversity, Equity,  
and Inclusion  
Consultant  
Services  
CITY OF TRACY

Updated Scope of  
Work

DECEMBER 9, 2022



Submitted by:

DR. LAMONT BROWNE  
VICE PRESIDENT

4320 West Kennedy Boulevard, Suite 200  
Tampa, Florida 33609

888.302.0899

[lbrowne@mgtconsulting.com](mailto:lbrowne@mgtconsulting.com)



## Revised Project Schedule

WORK TASKS		2023					
		Feb.	Mar.	Apr.	May	Jun.	Jul.
<b>TASK 1: PROJECT MANAGEMENT &amp; BEST PRACTICES REVIEW</b>							
1.1	Client Engagement						
1.2	Best Practice Landscape Analysis						
<b>TASK 2: ORGANIZATIONAL ASSESSMENT</b>							
2.1	Analysis of Internal Data, Policy, and Practice						
2.2	Employee Outreach Plan						
2.3	Employee Engagement						
2.4	DEI Assessment Report and Presentation						
<b>TASK 3: DEI ACTION PLAN</b>							
3.1	Future Visioning Analysis						
3.2	DEI Action Plan Development						

# Scope of Services

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**TASK 1.0 PROJECT MANAGEMENT & BEST PRACTICES REVIEW** **\$12,500**

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**1.1 Client Engagement**

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MGT prioritizes effective communication with our clients to maximize trust, clarity of project progress and action steps, and ensure timely and successful execution of all components of the project. Regular collaborative engagement in a manner that meets our clients' availability and interest allows mutual certainty that all aspects of our work align with the organization's mission and ultimate goals.

**DELIVERABLES**

- ◆ Finalized work plan, project schedule, and description of deliverables  
Identification of key stakeholders, engagement expectations, responsibilities, and project roles
- ◆ Facilitation of regular (weekly, bi-weekly, or monthly) meeting agendas and minutes
- ◆ Meeting documents including PowerPoint presentations and related materials
- ◆ Documentation of decisions made, action steps, responsibility matrix, and deadlines

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**1.2 Best Practice Landscape Analysis**

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MGT will provide an overview of what is considered industry standard DEI best practices that have been utilized in similar organizations with an overview of successes and lessons learned regarding DEI initiatives. This work will help you understand what general best practice is and may inform the potential recommendations that will follow.

**DELIVERABLE:** Written draft chapter of industry-leading best practices in DEI initiatives

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**TASK 2.0 ORGANIZATIONAL ASSESSMENT**
**MIN: \$104,000 MAX: \$119,000\***


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MGT will conduct an assessment of the organization to determine strengths, weaknesses, DEI understanding, and readiness to embrace and infuse DEI through all levels of the organization's structure and operations. This will involve an analysis of quantitative and qualitative data and other information to ensure a comprehensive understanding of the state of the organization related to equity.

MGT uses several tools to effectively execute our organizational assessment. In order to identify the strengths, weaknesses, opportunities and threats to diversity, equity, and inclusion, MGT operationalizes a policy analysis rubric. Our rubric is rooted in a historic understanding of systemic racism and focuses on hiring, pay and promotion transparency, antidiscrimination, antiharassment, benefits, and good faith efforts. MGT also analyzes EEOC data collected by the City through a combination of SPSS a statistical analysis software, the R language for data manipulation, and Spreadsheet to organize and clean data.

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**2.1 Analysis of Data, Policy, and Practice**


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MGT will work with the City's project leadership to establish a comprehensive list of data, documents, policies, and practices to be included in the assessment with special emphasis on the impact on people from historically marginalized demographic groups. An equity lens will be applied to the following topics:

- ◆ Hiring and Development
  - Employee and leadership demographics and other trends related to resilient economy and community
  - Organization recruitment, hiring and promotion practices and materials
  - Barriers to recruiting, hiring, and retaining a diverse workforce
  - Development opportunities and investment into employee growth
- ◆ Organizational Culture
  - SWOT analysis of policies and practices that have a positive or disparate impact on employees with specific focus on employees from historically marginalized communities
  - Evaluation of leadership DEI acumen and sensitivity
  - Government transparency
  - Procurement procedures that provide access to minority and women-owned business
  - Annual budgeting processes
  - Approach to land use and capital improvements
  - Policing practices
  - Diversity of membership and effectiveness of boards and commissions
  - Quality of communication and public engagement
- ◆ Human Resources Policies
  - Anti-discrimination, Harassment, and Retaliation Policies
  - Formal and informal resources for employees

**DELIVERABLE:** A written analysis of existing organizational strengths and gaps with clear recommendations on how to best build upon strengths that will enhance the organization

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## 2.2 Employee Outreach Plan

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MGT will design and administer a set of protocols to garner insight of staff and leadership perspective regarding organizational culture, equity in the workplace, and the employee experience. To maximize awareness of the City's commitment to equity, build interest and motivation to engage in the organization's DEI-related vision and this assessment, we will create an internal staff outreach plan to boost authentic engagement. This staff outreach plan will provide a strategic road map for informing staff of the importance of their participation.

**DELIVERABLE:** Staff Outreach Plan to maximize awareness and motivation for internal stakeholders to engage in the feedback portion of the equity audit

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## 2.3 Employee Engagement

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MGT will design and administer a set of protocols to garner insight of staff and leadership perspective regarding organizational culture, equity in the workplace, and the employee experience including staff focus groups and a DEI survey. Upon completion, we will evaluate all insight collected to ensure representative participation from all stakeholder groups and re-administer if necessary.

### DELIVERABLES

- ◆ Focus Group Interview Guide and Protocol
- ◆ Organizational Assessment Equity Survey
- ◆ Quantitative and Qualitative analysis of survey results

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## 2.4 \*DEI Support for Leadership Teams and Committees/Groups

**Added Charge of \$15,000\*\***

MGT will provide guidance, leadership development, and coaching to executive leadership team, emerging leaders, and/or or committees from the City of Tracy.

### DELIVERABLES

- ◆ Shared understanding of DEI concepts and competencies amongst decision making teams
- ◆ Monthly or as needed meetings to share project updates with key stakeholders and facilitate discussion regarding relevant DEI topics

\*\*Travel for on-site meetings as needed is included in cost

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## 2.5 DEI Assessment Report & Presentation

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The assessment concludes with the delivery of a report and oral presentation that provides an overview of our methodology, a comprehensive synopsis of what was learned in the assessment and SWOT analysis, and a review of our recommendations. The presentation will be delivered in a participant-friendly manner to ensure widespread understanding and internalization of strengths, gaps and improvement actions needed to meet the goals and performance expectations of the organization. Ultimately, the DEI assessment is intended to be used to drive the design and successful implementation a comprehensive multi-year DEI Action Plan that elevates equity through all aspects of the City's policies and practices.

**DELIVERABLES**

- ◆ PDF report and live presentation of assessment approach, findings and recommendations
- ◆ Comprehensive list of recommendations for prioritization of actions to take to elevate equity, access, and opportunity for City employees and stakeholders

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**TASK 3.0 DEI ACTION PLAN**
**\$20,000**


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**3.1 Future Envisioning Analysis**


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MGT will design and facilitate a workshop with a representative sample of City Commissioners and leadership to conduct future envisioning focused on building themes and initiatives around the desire for the state of equity across the organization. This work will result in the identification of a “North Star” for the organization to strive to become. This North Star will drive the work of the DEI Action Plan.

**DELIVERABLE:** DEI Goals for the City of Tracy and public DEI statement

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**3.2 DEI Action Plan Development**


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The North Star established during the future envisioning analysis will inform the development of a DEI Action Plan that includes a coherent set of strategic priorities and prioritized initiatives that align with the City’s DEI goals. Material gathered from the survey, interviews, and focus groups will drive development of a strategic roadmap for advancing DEI within the organization. MGT will facilitate a series of workshops with a diverse set of the City’s commissioners and leaders to collaboratively build the DEI action plan.

**DELIVERABLE:** Written action plan document

## \*\*Additional Services Conditional on Results from DEI Assessment\*\*

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### Additional Service #1: COMMUNITY LANDSCAPE ANALYSIS

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Stakeholder engagement is a crucial aspect of MGT's methodology. We engage stakeholders across a multiplicity of engagement options including telephone, email, paper surveys when appropriate, and a Qualtrics web survey. Our survey is a tool that consists of approximately thirty Likert questions related to the quality of DEI at the City. Once the survey responses have been gathered, we analyze the survey data using a combination of the built-in Qualtrics analysis tools bolstered by a program called Dedoose. Dedoose allows us to efficiently analyze open-ended survey questions while allowing MGT to take an intersectional view of respondent's experiences with the City. This allows MGT to confidently address not only the biggest opportunities for improvement, but also allows for a robust understanding of how different experiences intersect with one another to create unique experiences for all the stakeholders surveyed.

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#### Task A: Analysis of External Operations

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MGT will conduct an external audit of the organization's policies, practices, and impact on the residents of The City of Tracy. We will determine strengths and weaknesses of the City's work and identify opportunities for change to elevate its success in ensuring equity for all residents without exception to one's race, ethnicity, gender, disability, age, sexual orientation, gender identify, or religion. MGT builds upon the work of the Government Alliance on Racial Equity (GARE) by paralleling their racial equity tool to identify relevant community partners, qualitative and quantitative data, and specific analysis strategies through the indices of segregation. This will involve an analysis of quantitative and qualitative data and other information to ensure a comprehensive understanding of the impact of the City's work related to ensuring equity. A sample of the items for analysis are as follows:

- ◆ External Operations
  - Community engagement
  - External communications
  - Interactions between the City and its residents
  - Breadth and access to community support programming
- ◆ Policies and practices that have a disparate impact on people from traditionally marginalized communities using MGT's Indices of Systemic Oppression which include the following:
  - **Access to Healthcare** – locations of hospitals and free clinics, and the demographic makeups with easy access to these services.
  - **Neighborhood & Built Environment** – The actual infrastructure of different neighborhoods and along with understanding the proximity of different demographics to capital improvements

- **Social & Community Context** – refers to the actual demographics of a community along with the histories and policies that directly impact them.
- **Economic Stability** – The economic opportunities that are afforded to the residents of a region including data related to employment, income, coupled with select demographic indicators.
- **Education Access & Success** – relates to information typically housed in the school district including student demographics, graduation rates, and funding.
- ◆ MGT will analyze external data points of the City of Tracy community to identify inequities in practice and/or disparities that are impacting the residents of the City. Using ACS (American Community Survey) and Census data, we will be able to provide a current picture of the state of equity throughout the City. We will use this analysis to craft a concise reader-friendly presentation for the organization to use to drive its DEI goals and action plan.

#### **DELIVERABLES**

- ◆ Mixed Methods report detailing the current state of the indices of systemic oppression
- ◆ A maturity model to demonstrate where the City is on its anti-racism journey
- ◆ Gap analysis and recommendations to address shortfalls within the indices

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#### **Task B: Focus Groups with Local Content Experts**

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MGT will conduct a series of focus groups and/or 1:1 interviews with key local experts who demonstrate a thorough understanding of the community and the juxtaposition of its history and its present. We will seek to understand barriers and opportunities regarding pervasive inequities that are relevant to the community served by the City of Tracy. In order to provide a more comprehensive assessment that is contextualized with a 360-degree perspective, we will seek insight from a sample of members of the following local experts:

- Local historians
- Educators (PK-12 and Higher Education)
- Business Leaders
- Healthcare providers
- Community Based Organizations
- Organizational department/division heads

#### **DELIVERABLES**

- ◆ Focus group and/or 1:1 interview guide
- ◆ Summary report of feedback and insight gained from content experts

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#### **Task C: Community Outreach Plan**

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To maximize awareness of the City's commitment to equity, build interest and motivation to engage in the City's DEI-related vision and this equity audit, we will create an external outreach plan to boost meaningful engagement in the audit process. This external stakeholder outreach plan will provide a strategic road map for informing the City's residents of the importance of their participation. We will bring a unique perspective and a set of strategies to increase participation and receptivity to this important work.

#### **DELIVERABLE**

- ◆ External Stakeholder Outreach Plan to maximize awareness and motivation for internal stakeholders to engage in the feedback portion of the DEI Assessment

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**Task D: Community Engagement**

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MGT will design and administer a set of protocols aimed at maximizing participation of City's residents to allow us to gain comprehensive and accurate insight of the resident perspective on equity in the City. We will utilize some or all of the following engagement channels for stakeholders to use:

- 1) A phone-accessible voicemail
- 2) An e-mail inbox system (ex. CityofTracy\_DEI@mgtconsulting.com)
- 3) Focus groups with leaders and representatives of local community-based organizations
- 4) A series of community meetings that are open to all City residents and community members (in-person or remote as appropriate)

Upon completion, we will evaluate all insight collected to ensure representative participation from all stakeholder groups and re-administer with targeted outreach if necessary.

**DELIVERABLES**

- ◆ Focus Group Interview Guide
- ◆ Demographic data summary of resident participation
- ◆ Quantitative and qualitative analysis of feedback results

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## ADDITIONAL SERVICE #2: DEI EDUCATION AND TRAINING PLAN

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MGT believes that high quality staff training can elevate and accelerate the City’s commitment to promote and sustain a culture of diversity, equity, and inclusion. Dr. Browne, the project’s executive has nearly two decades of experience designing meaningful, practical, and participant-centered training that meets staff where they are, while engaging them in fun, thought-provoking activities, conversations, initiatives that challenge people in a way that is inclusive, empathetic, patient, and understanding, with a sense of urgency. We believe that A) Learning is most effective when participants engage in multiple “at-bats” to practice what they’ve learned and B) Impact is maximized when learning is translated into action. To this end, each session will be composed of training facilitation, live practice, and action planning.



### The MGT Difference

A key differentiator that separates MGT’s adult learning approach from other companies is the critical marriage between content knowledge and pedagogical expertise. While many consultants and trainers are competent in what participants need to learn, very few are skilled in the art of instruction and adult learning. Our training team includes DEI content experts as well as instructional specialists who are adept at delivering engaging sessions that create a safe space for participants to be honest, respectfully critical, self-reflective, and driven to maximize impact.

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### Task A: Development of DEI Decision Point Guide

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In order to ensure that policy changes, budget development, and other key decisions are made with DEI in mind, we will create a customized DEI Decision Guide which will serve as a tool that the City can use to apply a DEI lens to actions taken by leaders. This will ensure a general ‘best practice’ type of approach for leaders to use in the decision-making process.

#### DELIVERABLES

- ◆ A 1-2 page DEI Decision Point Guide
- ◆ Training on how to use the Decision Point Rubric with a practice case study

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### Task B: Evaluation of Staff Training Needs

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MGT will use the DEI Action Plan progress assessment, past learning experiences, and solicited information from staff and leaders to determine ongoing DEI training and/or executive coaching needs. This will inform the design of ongoing training opportunities for new or existing employees that are necessary to support ongoing and future DEI efforts.

#### DELIVERABLES

- Summary report of staff, leadership, and Board training needs
- DEI training topics, summary, objectives, and intended outcomes
- Training delivery schedule with locations and participant list

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### Task C: DEI Executive Coaching & Training

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MGT will design and facilitate individual coaching and team and organizational wide training on pertinent DEI topics. Because we believe in making ourselves obsolete, we design our session in a way that allows

our clients to own their learning. Our train-the-trainer materials will be shared with the City leadership so that they can continue training new and existing employees to have greater self-awareness of their biases, implicit or otherwise, know how to function with an equity lens, and act in a manner that provides a sustainable culture of DEI throughout the organization for years to come.

## DELIVERABLES

1:1 executive coaching for leaders on industry leading and innovative DEI practice

DEI training materials including but not limited to participant guide, presentation slides and videos, and facilitation guidebook

Train-the-trainer materials that allows the City to own the learning and continue the learning journey with meaningful impact last after the MGT contract is complete

Participant satisfaction surveys and survey results for each training session (results to be used to hold MGT accountable to exceptional performance).

Training sessions to include the following topics as well as the topics and session descriptions listed on the following page.

- ❖ *Implicit Bias*: Meaning, impact, and how to recognize and manage it
- ❖ *Community Engagement*: Best practices for soliciting public input from hard-to-reach populations
- ❖ *Systemic Racism*: What is it and how to recognize it
- ❖ *Micro-Aggressions*: How to recognize them and respond appropriately when encountering them
- ❖ *Cultural Awareness and Inclusion*: How to understand and create a safe space for people from different backgrounds so they feel like they belong on the team or in the organization
- ❖ *Gender Identity and Sexual Orientation*: Select topics on the importance of LGBTQIA+ representation and effective inclusion strategies
- ❖ *Avoiding Ableism*: Provide leadership with strategies to attract, retain and support people living with various disabilities
- ❖ *Neurodiversity*: Understanding the needs of neurodiverse populations and how to include and maximize neurodiverse members of the team.

## EXAMPLE OF PROFESSIONAL TRAINING OPTIONS

**Exploring the Benefits of a DEI-Driven Organization**

Description: Organizations that genuinely and meaningfully focus on employing a diverse staff and establishing and sustaining a culture of equity and inclusion experience significant improvements in employee engagement and retention, service delivery, financial health, and student success and satisfaction. This session will examine the benefits of being a DEI-driven organization.

Objectives: Participants will be able to...

- Increase awareness and sensitivity to diversity, equity, and inclusion and its impact on people in society and in the workplace
- Demonstrate the knowledge and understanding required to create a welcoming and inclusive environment across the organization
- Articulate how a focus on DEI can improve outcomes for employees and residents

**Creating a Culture of Awareness and Inclusion**

Description: While subject matter expertise is important, effective leaders also possess ever-growing cultural awareness that allows them to understand the motivations and sensitivities of others so that all stakeholders of the City can feel safe, cared for, and comfortable being authentic.

Objectives: Participants will be able to...

- Understand and articulate how political, cultural, social, and economic issues affect teams, organizations, and society
- Identify the impact of bias in the workplace and communicate strategies to create a safe and objective environment
- Self-assess and acknowledge their personality traits and leadership style and the impact it has on their team's culture and employee experience

**Maximizing Diversity and Difference**

Description: This session will enhance the capacity of senior leaders to have the awareness to understand difference, value diversity, and create a culture of inclusion so that all employees and key stakeholders feel emotionally safe, respected, and comfortable being authentic in the workplace.

Objectives: Participants will be able to...

- Explain the importance of developing and sustaining various types of diversity on employee teams
- Understand and articulate how implicit bias impacts people effectiveness and team success
- Identify and execute strategies that foster a culture of inclusion and ensure an emotionally safe environment for all employees
- Model and hold people accountable for ensuring fair treatment and opportunity for employees.

RESOLUTION 2020-126

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRACY IN SUPPORT OF RACIAL JUSTICE AND DECLARING BLACK LIVES MATTER

WHEREAS, the City of Tracy is committed to ensuring that its residents prosper and enjoy a sense of safety as they live, work and play in Tracy, and

WHEREAS, that commitment extends to all residents regardless of race, and

WHEREAS, the tragic death of George Floyd in Minneapolis on May 25, 2020 at the hands of police officers ignited protests across the country including the City of Tracy in which demonstrators demanded justice for the deaths of Mr. Floyd, Breonna Taylor, Ahmaud Arbery, and far too many other Black Americans during encounters with police, and

WHEREAS, these deaths have sparked a national conversation about policing, systemic injustice, race and a recognition that that our country's promise of equity and justice remains unfulfilled for many Black Americans, and

WHEREAS, the City of Tracy is listening to the demands of residents and protestors who are demanding that the City take action to change policies to prevent violent encounters with the police and modify practices to strengthen relationships between police and Black Americans, as well as all people of color in Tracy, and

WHEREAS, the City of Tracy recognizes that racism, not race, causes disproportionately high rates of homelessness, incarceration, poor education, health issues, including mental health, and economic hardship for Black and Brown Americans, and

WHEREAS, Tracy Police Department's policies and staff have demonstrated a commitment to positive policing in our City, and

WHEREAS, the City is actively reflecting and identifying how it can promote racial justice through concrete actions, policies and practices that dismantle systemic racism in order to bridge the gap between our values and reality, and

WHEREAS, the City of Tracy commits to holding elected officials, public safety officers, and community leaders accountable for their actions to promote racial justice and ensure the promise of public safety and prosperity is accessible for all, and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tracy does hereby affirm its support of racial justice, stands in solidarity with the Black community, and do all things necessary to resolve as follows:

1. The City of Tracy supports racial justice and condemns racism and prejudice;
2. The City of Tracy condemns the use of unlawful excessive force by the police;
3. The City of Tracy declares that Black lives matter; and
4. The City of Tracy will develop policy through a comprehensive racial equity lens to ensure the social, economic, and physical well-being of the Tracy community regardless of race.

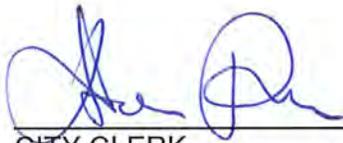
\* \* \* \* \*

The foregoing Resolution 2020-126 was passed and adopted by the Tracy City Council on the 7th day of July, 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



**TRACY EQUITY & EMPOWERMENT INITIATIVE**  
**POLICY PROPOSALS FOR EQUITY & JUSTICE REFORM IN THE CITY OF TRACY**

**JUNE 2020**

**SUBMITTED BY:**

**DAN TAVARES ARRIOLA**  
**COUNCILMEMBER, CITY OF TRACY**

**RHODESIA RANSOM**  
**COUNCILMEMBER, CITY OF TRACY**



## **TRACY EQUITY & EMPOWERMENT INITIATIVE: POLICY PROPOSALS FOR EQUITY & JUSTICE REFORM IN THE CITY OF TRACY**

### **I. INTRODUCTION**

“From the beginning of the formation of the United States, government played an instrumental role in creating and maintaining racial inequities.”<sup>1</sup> Despite progress, “many overtly discriminatory policies became illegal, but racial inequity nevertheless became embedded in policy that did not name race explicitly, yet still perpetuated racial inequities... Now, with a growing movement of government leaders examining the racial impacts of public policy on their communities, there is tremendous opportunity for the development of active policies, practices, and procedures that advance racial equity.”<sup>2</sup>

Failing to address this issue and take action now increases the risk that injustices and inequality may occur for the most disproportionately affected groups in our community. The policies proposed herein will address the historical factors that contribute to systemic racism and recommend strategies for dismantling such institutions and securing justice and equality for all in our community.

The City of Tracy is not immune to the existence of racism or the expression of anti-Black sentiments. Tracy was formerly one of two headquarters for the NSWPP (National Socialist White Peoples Party), a neo-Nazi group believed to have been active up until the 1980s.<sup>3</sup>

The purpose of this proposal is to establish a framework that will promote racial and social equity in the City of Tracy—across its organization, departments, projects, and programs. Equity should be accessible to anyone who works or engages with the City of Tracy, including—but not limited to—partner institutions, local schools, and beneficiaries of local funds. Injustice of all forms shall be purposefully eradicated through the administration of strategies, policies, and procedures affecting constituents and staff alike.

<sup>1</sup> Julie Nelson & Lauren Spokane, “Advancing Racial Equity and Transforming Government,” Local & Regional Government Alliance on Race & Equity, [https://www.racialequityalliance.org/wp-content/uploads/2015/02/GARE-Resource\\_Guide.pdf](https://www.racialequityalliance.org/wp-content/uploads/2015/02/GARE-Resource_Guide.pdf).

<sup>2</sup> Ibid.

<sup>3</sup> Sam Matthews, “The Faded History of the Tracy Neofascists,” *Tracy Press*, August 18, 2017, [https://www.ttownmedia.com/tracy\\_press/our\\_town/the-faded-history-of-tracy-neofascists/article\\_7207338c-8387-11e7-b4f6-3f61a6846a65.html](https://www.ttownmedia.com/tracy_press/our_town/the-faded-history-of-tracy-neofascists/article_7207338c-8387-11e7-b4f6-3f61a6846a65.html).

## II. BACKGROUND

On May 25, 2020, George Floyd, an African-American man, was killed by police during an arrest in Minneapolis, Minnesota. A video recording of the killing, which showed one officer needlessly kneeling on Floyd's neck for 8 minutes and 46 seconds, quickly circulated around social media platforms and garnered international news coverage. In response to this killing, protests were held in cities throughout the country and the rest of the world.

Afterwards, public polls reported that 67% of Americans believe the criminal justice system favors white people over black people in the United States, an increase from 52% in 2016.<sup>4</sup> This massive shift in public opinion also enhanced engagement in our own community. On May 23, 2020, approximately 300 people—mostly young people—gathered at the intersection of 11<sup>th</sup> Street and Corral Hollow Road to protest the killing of George Floyd by Minneapolis police and to support the Black Lives Matter movement.<sup>5</sup>

To quote one organizer of this demonstration, Manuel Zapata: "People actually care about the issues and specifically how flagrantly wrong this one was... We even saw police officers across the country speaking up and some of them joining protests, so we knew that we had a lot of energy here in Tracy, and wanted to make sure that we could stand in solidarity, just against the negativity in the air, and then the constant stories of police brutality in the media. We just had to do something for our community to show our strength here."<sup>6</sup>

Similarly, on June 3, approximately 550 people marched from Corral Hollow Road along 11<sup>th</sup> Street to Tracy City Hall in 103 degree heat.<sup>7</sup> Two days later, nearly 100 gathered in front of Tracy City Hall to hold a vigil honoring the lives lost to police brutality, including George Floyd.<sup>8</sup> Finally, on June 12, approximately 150 individuals – most of whom were youth activists – marched approximately 2.1 miles from Tracy Sports Complex to City Hall. There, they expressed their frustration with the criminal justice system and its failure to protect Black lives. The speakers at all of these events emphasized the need for greater engagement with and accountability over local policies and elected officials. The activists urged that the demonstrations could not stop with mere marching and posting on social media, but that they must translate into policy proposals by elected officials at all levels.

While the murder of George Floyd prompted the recent protests, the calls to move towards more just and equitable systems extend beyond that single atrocity. His death was a reminder that government at all levels still has an obligation to ensure equal opportunities and protection under the law, regardless of race, religion, or other characteristics.

<sup>4</sup> Jennifer Agiesta, "CNN Poll: Trump losing ground to Biden amid chaotic week," CNN.com, June 6, 2020, <https://www.cnn.com/2020/06/08/politics/cnn-poll-trump-biden-chaotic-week/index.html>.

<sup>5</sup> Bob Brownne, "Nonviolent Demonstration Echoes Protests Across Country," TRACY PRESS, June 1, 2020, [https://www.townmedia.com/tracy\\_press/news/nonviolent-demonstration-echoes-protests-across-country/article\\_03f657fa-a45f-11ea-afe4-e36057339cf7.html](https://www.townmedia.com/tracy_press/news/nonviolent-demonstration-echoes-protests-across-country/article_03f657fa-a45f-11ea-afe4-e36057339cf7.html).

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

### **III. PROBLEM STATEMENT**

Given the heightened public opposition to systemic inequality and governmental abuse, the City of Tracy has an opportunity and responsibility to acknowledge, address, and dismantle any structural racism or implicit inequalities that may inherently exist in the City's own policies, programs, and practices. While our local community may have only limited experiences with *overt* prejudice in recent years, it is important to acknowledge a historical record that includes both explicit and implicit racism. The City of Tracy must accept the public's call for action and act now to investigate the impacts of structural racism. The "Tracy Equity and Empowerment Initiative" is the first step towards truly promoting equity and justice in our city.

### **IV. SOLUTIONS**

There is no simple, easy solution for dismantling systemic racism or achieving justice. However, through its central promotional strategy, the City of Tracy already positions itself as "a great place to live, work, and play." To this end, the City has been very intentional about efficiently responding to community concerns and continually engaging with residents through open events. Similarly, the Tracy Police Department has a record of fostering strong rapport with locals through its community policing strategy, which pushes officers to stay engaged with and visible in the neighborhoods they protect and serve.

Evaluating city strategies and policies and working together with community members and other stakeholders is integral to securing justice and equality for all in our Tracy community.

#### **A. PUBLIC SAFETY POLICY**

Modern police policies have substantially evolved over the history of our nation, and today's best practices are evolving to acknowledge and address historic systemic racism. Overwhelming statistical data demonstrates that People of Color, especially Black men, are arrested and convicted of crimes at disproportionately higher rates than other demographic groups. Police reform initiatives encourage law enforcement agencies to evaluate their own roles within the criminal justice system and the resources utilized to achieve such responsibilities, while seeking solutions to achieve justice and equality for all.

On June 10, 2020, the Tracy Police Department issued a press release in response to public demands for action, particularly regarding use of force policies. (*See ATTACHMENT A.*) It is important for the City Council to adapt and implement these demands in the time to come.

On June 24, 2020, a part-time Professional Standards Officer, responsible for conducting Internal Affairs investigations for the Tracy Police Department, was alleged to be involved in a private Facebook group in which he and others made comments about killing a Black

Lives Matter activist. The matter is currently being investigated by the FBI, and per the Tracy Police Chief, the individual is no longer serving with the department.

Given the current public sentiment, the City of Tracy has a unique opportunity and obligation to assume a leading role in the movement for greater equity and justice.

Therefore, Councilmembers Arriola & Ransom request the following policy proposals:

- **ADOPT POLICIES TO PREVENT POLICE VIOLENCE.**

- Substantial research has evaluated how the adoption of various policing practices result in demographic disparities in criminal justice outcomes. Particularly, evidence-based strategies and policies should be adopted as “best practices” to ensure justice and equality for disenfranchised groups, especially African Americans. Given that research shows that *“Black people are three times more likely to be killed by police than their White counterparts,”* these restrictions would go a long way towards minimizing systemic disparities and injustices.<sup>9</sup>
- Moreover, research strongly indicates that adopting specific use-of-force standards *reduces police violence, increases police officer safety, and bears no negative impact on crime rates.*<sup>10</sup> These policies make officers *much less likely to be killed, assaulted, or injured in the line of duty.*<sup>11</sup>
- Any policy reform proposals should be assessed with stakeholder input regarding the reasonableness, practicality, and impact of reform proposals.

- **EVALUATE AND CONSIDER COMMUNITY CAMPAIGNS CALLING FOR POLICE REFORM.**

- Several initiatives and community campaigns seeking to address police reform have developed in the aftermath of the killing of George Floyd—including the #8CantWait campaign, the #8ToAbolition campaign, and the NAACP “Ten Point Action Plan,” among others. Such initiatives have raised questions as to whether there are areas of policing that are detrimental to community trust or that are cost prohibitive. Key areas that have been considered by these community campaigns include funding reallocations, division of police services from non-criminal services; the elimination of qualified immunity; the separation of police from schools; the repeal of laws that criminalize survival—such as anti-homeless ordinances; and the development of a “care, not cops” doctrine.

<sup>9</sup> Campaign Zero, “Policy Analysis.”

<sup>10</sup> #8CantWait, “The Research Basis for More Restrictive Use of Force Standards,” CAMPAIGN ZERO, June 3, 2020, [https://docs.google.com/document/d/1XS-frPPH7cSDf5ovsj6RG4z4ukMlozPxLki7WjBnK\\_Q/](https://docs.google.com/document/d/1XS-frPPH7cSDf5ovsj6RG4z4ukMlozPxLki7WjBnK_Q/).

<sup>11</sup> Campaign Zero, “Police Use of Force Policy Analysis,” September 20, 2016, CAMPAIGN ZERO, <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/57e1b5cc2994ca4ac1d97700/1474409936835/Police+Use+of+Force+Report.pdf>.

- Specifically, the community sentiment has generally expressed a call to action for adoption of the “#8CantWait” policy proposals:
  - Clarifying Duty to Intervene Standards
  - Requiring De-Escalation Training and Policies
  - Requiring a Clear Use-of-Force Continuum
  - Requiring All Force Be Reported
  - Requiring Warning Before Shooting
  - Exhausting All Alternatives Before Shooting
  - Prohibiting Shooting at Moving Vehicles
  - Prohibiting Chokeholds & Strangleholds

“POLICE DEPARTMENTS THAT PLACE CLEAR RESTRICTIONS ON WHEN AND HOW OFFICERS USE FORCE HAD **SIGNIFICANTLY FEWER** POLICE KILLINGS THAN THOSE THAT DID NOT HAVE THESE LIMITS IN PLACE .”<sup>12</sup>



- The Tracy Equity & Empowerment Initiative calls for a study and evaluation of these community campaigns with a response for their viability and effectiveness from the Tracy Police Department in the near future.
- **REVIEW TRAINING FOR TRACY POLICE OFFICERS & REQUIRE IMPLICIT BIAS AND CULTURAL COMPETENCY TRAINING.**
  - As policies change, it is imperative that officers receive the training necessary to actualize the goals behind these policies. Some “biases may occur at the *implicit level*, where people’s subconscious biases guide their choices even when they’re not fully aware of it.”<sup>13</sup> This is critical because “Black people

<sup>12</sup> Ibid.

<sup>13</sup> German Lopez, “American Policing Is Broken. Here’s How to Fix It,” Vox, September 1, 2017, <https://www.vox.com/policy-and-politics/2016/11/29/12989428/police-shooting-race-crime>.

account for 31 percent of police killing victims, even though they make up just 13 percent of the US population.”<sup>14</sup>

- Nonetheless, the optimistic part of all this grim research is that *implicit biases may be reduced* over time through practice, training, and experience.<sup>15</sup>
  - Notably, EPIC Officers Helping Officers is a training program used in New Orleans, LA. The program—identified in “*Subject to Debate*,” Vol. 30, No. 2, a publication of the Police Executive Research Forum—is said to protect officers from inadvertent misconduct by providing practical prevention tools.
  - Suggested training should include: implicit bias training; cultural competency training; the benefits of intervention and the legal risks of non-intervention; helping officers identify when intervention is necessary; teaching effective intervention strategies; teaching officers how to accept intervention respectfully; and protecting officers who intervene or accept intervention.
- **REVIEW THE CITY OF TRACY’S BUDGET PRIORITIES & CONSIDER INCREASING FUNDING FOR PREVENTATIVE SUPPORT SERVICES.**

- There are opportunities to more effectively deploy City resources to respond to community concerns, such as trauma inflicted by violence and addiction. Such opportunities could include protocols such as sending trauma clinicians as co-responders when police respond to shootings or violent acts. The City of Tracy has an opportunity to better coordinate local resources and institutions. The effective allocation of resources will lead to stronger and safer communities.
- Police officers often “take the place of social workers, emergency medical personnel, and welfare caseworkers,” handling homelessness, drug addiction, and other crises despite inadequate training with any of those societal ills.<sup>16</sup> “This moment in time and history gives us a lot of momentum to make everlasting changes within the department.”<sup>17</sup> Notably, research indicates that “in a city of 100,000, each new nonprofit community organization leads to a 1.2 percent drop in the homicide rate, a 1 percent reduction in the violent crime rate, and a 0.7 percent reduction in the property crime rate.”<sup>18</sup>

<sup>14</sup> Lopez, “American Policing,” Vox, September 1, 2017, <https://www.vox.com/policy-and-politics/2016/11/29/12989428/police-shooting-race-crime>.

<sup>15</sup> Ibid.

<sup>16</sup> Matthew Yglesias, “Growing Calls to ‘Defund the Police’ Explained,” Vox, June 3, 2020, <https://www.vox.com/2020/6/3/21276824/defund-police-divest-explainer>.

<sup>17</sup> Abigail Savitch-Lew, “In New York City, Momentum Behind Cutting the NYPD Budget is Growing,” Jacobin, June 5, 2020, <https://www.jacobinmag.com/2020/06/nyc-nypd-city-council-brutality-racism-police-budget>.

<sup>18</sup> Noah Atchison, *Community Organizations Have Important Role in Lowering Crime Rates*, Brennan Center for Justice, April 20, 2018, <https://www.brennancenter.org/our-work/analysis-opinion/community-organizations-have-important-role-lowering-crime-rates>.

“Expanding social and economic programs for under-resourced communities leads to *an overall decrease in crime*.”<sup>19</sup> The City of Tracy has an opportunity to increase support for local organizations engaging in these types of services to further reduce crime and violence in our community.

- The Tracy Equity & Empowerment Initiative calls for a study and evaluation of the City of Tracy’s budget priorities, and consideration of increasing funding towards preventative and support services in the near future.

- **ENHANCE TRANSPARENCY AND ACCESS TO PUBLIC SAFETY POLICIES AND STATISTICS.**

- Enhanced transparency in public safety policies with comprehensive and regularly scheduled data and statistics should be made available for the public to review. Such data should include information related to complaints, findings, and other significant statistics.

## **B. SOCIAL EQUITY POLICY**

“Current inequities are sustained by historical legacies, structures, and systems that repeat patterns of exclusion.”<sup>20</sup> While progress has been made “in addressing explicit discrimination, racial inequities continue to be deep, pervasive, and persistent across the country. Racial inequities exist across all indicators of success, including in education, criminal justice, jobs, housing, public infrastructure, and health, regardless of region.”<sup>21</sup>

Generally speaking, the systemic oppression of groups of individuals based on race, gender, sexual orientation, physical ability, age, and other features have resulted in prominent and pervasive inequities in our society. Nonetheless, racial equity can be achieved when “race can no longer be used to predict life outcomes, and outcomes for all groups are improved.”<sup>22</sup>

Public policy is the mechanism through which governments have perpetuated racial disparities and injustices throughout the history of our country. As such, public policy has a role to play in reversing that harm and ensuring justice and equality for all in our City.

<sup>19</sup> Justin Brooke, *Defund the Police Now*, The Appeal, June 01, 2020, <https://theappeal.org/defund-police-george-floyd/>.

<sup>20</sup> Julie Nelson & Lauren Spokane, *Advancing Racial Equity and Transforming Government*, Local & Regional Government Alliance on Race & Equity, [https://www.racialequityalliance.org/wp-content/uploads/2015/02/GARE-Resource\\_Guide.pdf](https://www.racialequityalliance.org/wp-content/uploads/2015/02/GARE-Resource_Guide.pdf).

<sup>21</sup> Julie Nelson & Lauren Spokane, *Advancing Racial Equity and Transforming Government*, Local & Regional Government Alliance on Race & Equity, [https://www.racialequityalliance.org/wp-content/uploads/2015/02/GARE-Resource\\_Guide.pdf](https://www.racialequityalliance.org/wp-content/uploads/2015/02/GARE-Resource_Guide.pdf).

<sup>22</sup> Julie Nelson & Lauren Spokane, *Advancing Racial Equity and Transforming Government*, Local & Regional Government Alliance on Race & Equity, [https://www.racialequityalliance.org/wp-content/uploads/2015/02/GARE-Resource\\_Guide.pdf](https://www.racialequityalliance.org/wp-content/uploads/2015/02/GARE-Resource_Guide.pdf).

Doing so will require an entire rethinking, reevaluation, and recommitment to ensure that all members of the Tracy community are supported, invested in, and valued—a goal best achieved by *embedding an equity framework into every aspect of governance*.

Therefore, Councilmembers Arriola & Ransom request the following policy proposals:

- **ADOPT AN “EQUITY FRAMEWORK FOR GOVERNANCE” TO ADVANCE EQUITY & JUSTICE IN ALL AREAS OF GOVERNMENT.**
  - This consistent evaluative lens will ensure the equitable development and delivery of future policies, programs, and services.<sup>23</sup>
  - Such a commitment, in the form of a resolution, will affirm the City’s vision towards achieving social equity. Making a long-term commitment to achieving equity begins with a “declaration that all residents deserve an equitable opportunity to succeed – regardless of their race, color, sex, nationality, sexual orientation, religion, disability, income, or where they live.”<sup>24</sup>
  - This resolution shall require a *commitment to opposing racism and prejudice*. The language should also (1) express a commitment to equity in City contracts and MOUs; (2) promote a safe place for employees and citizens to express concerns regarding our City’s response to issues related to race, sex, age, or sexual orientation or identity; (3) direct the City Manager to develop annual “equity plans,” which would include mandatory training for City employees and department heads; and (4) commit to improving data collection and using equity tools to examine policy and service decisions.
- **REQUIRE “EQUITY IMPACT ASSESSMENT” FOR ALL CITY POLICIES, PROGRAMS, AND SERVICES.**
  - It will allow local “leaders to look intentionally, comprehensively, and systemically at barriers that may be creating gaps in opportunity.”<sup>25</sup>
  - By requiring such analysis, the City Council will be better equipped to introduce and consider legislation to support all Tracy residents. The analysis will evaluate the proposed policy and offer recommendations or explore other policy options when appropriate. The analysis will be required to consider the impact of proposed legislation through an equity lens, including race and ethnicity, gender, sexual orientation and identity,

<sup>23</sup> Fairfax County, Virginia, *One Fairfax*, <https://www.fairfaxcounty.gov/topics/one-fairfax>.

<sup>24</sup> Fairfax County, Virginia, *One Fairfax*, <https://www.fairfaxcounty.gov/topics/one-fairfax>.

<sup>25</sup> Fairfax County, Virginia, *One Fairfax*, <https://www.fairfaxcounty.gov/topics/one-fairfax>.

socioeconomic status, and geographic location. This analysis should also include an examination of the historical context of the policy in question.

- This requirement will push all government agencies to rethink the way they create and implement policy, while also normalizing and prioritizing equitable outcomes in all public decision-making. Prior to voting on any local legislation, the City Council should know what the proposal will do, how much it will cost taxpayers, and how it will impact all demographics of Tracy residents.
  - All municipal departments should also directly consider equity in their decisions. Many cities have initiated work to promote racial equity and social justice throughout their governmental structures. Cities that do not directly address such issues can inadvertently perpetuate harmful educational, health, and financial inequities.
- **ESTABLISH A “GOVERNMENT ACCOUNTABILITY COMMISSION” FOR THE CITY OF TRACY.**
    - This commission would make evidence-based recommendations for local reform and monitor outcomes, with special focus on racial equity and social justice. It would also identify existing government policies that could be changed to address historical and contemporary inequities.
    - The commission should be composed of individuals with policy-area expertise to study and provide recommendations on how to address the opportunities our City may have to enhance equity in all areas. Areas of interest may include housing fairness and accountability, landlord/tenant laws, environmental justice, and other socially responsible policy practices.
    - The commission should collect and use data and metrics, so the City of Tracy can develop equity plans while sharing information, tracking progress, and achieving results.

## **V. CONCLUSION**

Ultimately, the proposed public safety and social equity policies must be prioritized by the City of Tracy to accomplish the goal of achieving justice and equality for all in our City.

Therefore, Councilmembers Arriola and Ransom request that all of these policy proposals be considered and adopted by the Tracy City Council to address the issue of systemic racism and prejudice in our community.

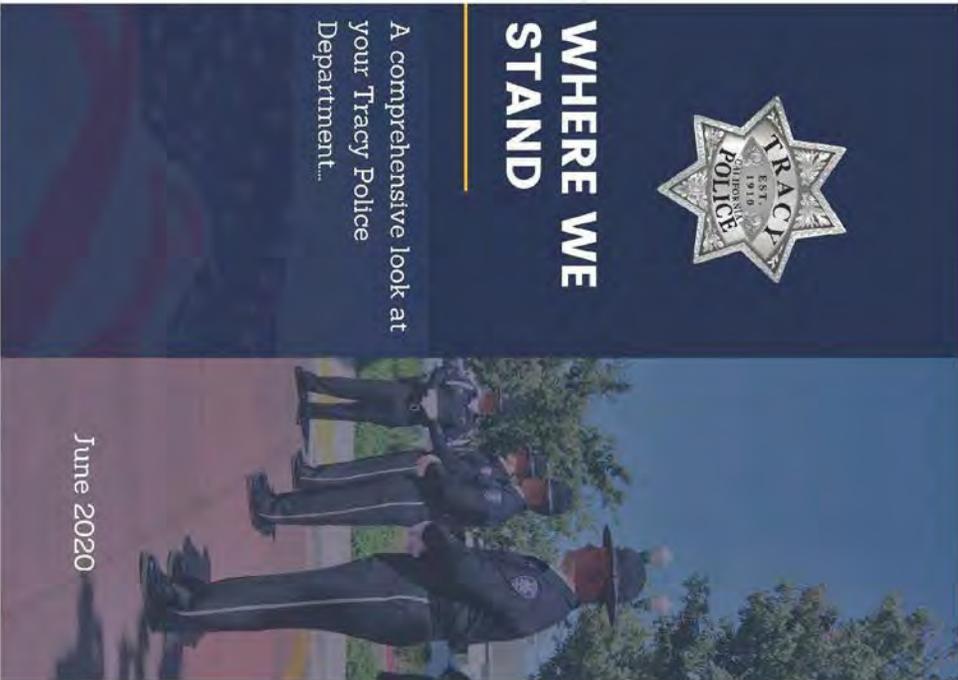
ATTACHMENT A



City of Tracy  
Police Department



IMAGES: Where We Stand... (Image 1 of 4)



1000 Civic Center Drive • Tracy, Ca 95376 • Voice: 209-831-6650 • Fax: 209-831-4019



City of Tracy  
Police Department



**BAN CHOKEHOLDS & STRANGLEHOLDS**

The use of "chokeholds" and "strangleholds" are not authorized for use by our Tracy Police Officers.

Effective June 8, 2020 the Tracy Police Department has prohibited the use of the carotid control hold.




**“THE MEN AND WOMEN OF OUR TRACY POLICE DEPARTMENT ARE COMMITTED TO CONTINUING TO BUILD PARTNERSHIPS OF TRUST WITH OUR COMMUNITY.”**

*Sekou Millington, Chief of Police*

**REQUIRE DE-ESCALATION**

Your Tracy Police Department trains all of our officers in de-escalation techniques

Officers are required to attend a four-hour Interpersonal Communication and De-escalation training certified by California POST (Commission of Peace Officer's Standards and Training). Every two years after that, officers attend a refresher course on the topic. The previously mentioned training is in addition to the training received in the academy and during their Field Training Program. Our Field Training Officers (FTO) attend an eight-hour Crisis Intervention and de-escalation course as well to assist in passing the information to new hires.

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City of Tracy  
Police Department



**REQUIRE WARNING BEFORE SHOOTING**

AB 392 states: "where feasible a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts." This requirement is consistent with federal case law.



**REQUIRE TO EXHAUST ALL ALTERNATIVES BEFORE SHOOTING**

*Tracy Police Officers are bound by Subdivision (a)(2) of Section 835a California Penal Code, which conveys that peace officers may use deadly force "only when necessary in defense of human life."*

In determining whether deadly force is necessary, Officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer. As such, this section incorporates the "objectively reasonable officer" standard and tacitly acknowledges that an officer is only required to use less-lethal force if it is reasonably safe and feasible for the officer to do so without endangering the officer's life or the lives of others.



**DUTY TO INTERVENE**

The Tracy Police Department requires an officer who observes another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall intervene when in a position to do so. The policy also requires the officer to report their observations to a supervisor promptly. The requirement is covered in our policy under section 300.21.

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City of Tracy  
Police Department



**SHOOTING AT MOVING VEHICLES**

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants, or if deadly force other than the vehicle is directed at the officer or others. Policy 300.4.1

**REQUIRED USE OF FORCE CONTINUUM**

Officers are required to make decisions in rapidly-changing situations.

The Use of Force Continuum concept is an aged concept from previous decades and has given way to more knowledgeable, science-based use of force training and policies. Use of Force is covered in section 300 and the policy is consistent with California Penal Code section 835a.

**REQUIRED REPORTING**

The Tracy Police Department requires officers to document any use of force in a police report. Documentation requirements are covered in department policy.



**CONNECT WITH US**

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NON-EMERGENCY DISPATCH: (209) 831-6550



@TracyPoliceDepartment

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# EQUITY & EMPOWERMENT INITIATIVE

## POLICY PROPOSALS FOR EQUITY & JUSTICE REFORM IN THE CITY OF TRACY

### PUBLIC SAFETY POLICY

- **ADOPT POLICIES TO PREVENT POLICE VIOLENCE & CONSIDER COMMUNITY CAMPAIGNS FOR REFORM**
- **REVIEW TRAINING FOR TRACY POLICE OFFICERS & REQUIRE CULTURAL COMPETENCY TRAINING**
- **REVIEW CITY OF TRACY BUDGET PRIORITIES & CONSIDER FUNDING PREVENTATIVE SERVICES**

### SOCIAL EQUITY POLICY

- **ADOPT "EQUITY FRAMEWORK FOR GOVERNANCE" & COMMIT TO OPPOSING RACISM AND PREJUDICE**
- **REQUIRE "EQUITY IMPACT ASSESSMENT" FOR ALL CITY POLICIES, PROGRAMS, AND SERVICES**
- **ESTABLISH "GOVERNMENT ACCOUNTABILITY COMMISSION" FOR THE CITY OF TRACY**

**TRACY CITY COUNCIL**

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

---

**(1) AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH MGT OF AMERICA, LLC FOR DIVERSITY, EQUITY, AND INCLUSION CONSULTANT SERVICES FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$166,500 FOR A ONE-YEAR TERM; AND (2) APPROPRIATING FUNDING IN THE AMOUNT OF \$116,500 FROM THE GENERAL FUND RESERVES TO THE HUMAN RESOURCES OPERATING BUDGET AND AMEND THE FY 2022-23 OPERATING BUDGET TO REFLECT SUCH APPROPRIATION**

**WHEREAS**, the City of Tracy is committed to inclusivity and proudly serves its community members, regardless of religion, immigration status, ethnicity, race, disability, gender, sexual orientation, and/or gender identity; and

**WHEREAS**, in July 2020, the Tracy City Council approved Resolution 2020-126 condemning racial injustice and declaring Black lives matter and approved the Tracy Equity and Empowerment Initiative, which outlines policies to prevent police violence and implement an equity-based framework for local governance; and

**WHEREAS**, to continue the work and vision of the Tracy Equity and Empowerment Initiative, the City issued a Request for Proposals for Diversity, Equity, and Inclusion (DEI) Consultant Services to perform an assessment of the organization, establish key priorities with internal staff and stakeholders, create an action plan to guide the work, and set measurable outcomes to determine program effectiveness; and

**WHEREAS**, the City received nine (9) proposals and an internal evaluation and scoring committee identified MGT of America, LLC (MGT) as the top candidate; and

**WHEREAS**, MGT is a qualified professional consulting firm with proven expertise and hands-on experience in developing and implementing DEI programs for local governments; and

**WHEREAS**, MGT's scope of work includes conducting an organizational assessment that identifies current barriers and opportunities for supporting an inclusive organizational culture and service delivery model; and

**WHEREAS**, in addition to the organizational assessment, MGT will work collaboratively with the City to develop an internally focused strategic plan that identifies tailored strategies,

actions, and metrics to advance the City’s culture of diversity, equity, and inclusion; and therefore be it

**RESOLVED:** That the City Council of the City of Tracy hereby authorizes a Professional Services Agreement with MGT of America, LLC for diversity, equity, and inclusion consultant services for a total not-to-exceed amount of \$166,500 for a one-year term; and be it

**FURTHER RESOLVED:** That the City Council hereby appropriates funding in the amount of \$116,500 from the General Fund reserves to the Human Resources operating budget and amend the FY 2022-23 Operating Budget to reflect such appropriation.

\* \* \* \* \*

The foregoing Resolution 2023-\_\_\_\_\_ was adopted by the Tracy City Council on February 21, 2023 by the following vote:

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

---

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

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

Agenda Item 1.C

RECOMMENDATION

**Staff recommends that the City Council adopt a resolution approving a Master Services Agreement with Crossroads, Inc. for the installation, implementation, training, and annual maintenance of automated traffic collision and citation technology for a term of five (5) years and a total not to exceed amount of \$180,000, and authorizing the City Manager to execute the Agreement and any amendments.**

EXECUTIVE SUMMARY

This staff report is to provide the City Council with background information supporting a services agreement with Crossroads, Inc. for the implementation, training and annual maintenance of traffic collision and citation technology for use by the Tracy Police Department.

BACKGROUND AND LEGISLATIVE HISTORY

In 2021, the Department transitioned from West Covina Service Group's (WCSG) records management system and computer aided dispatch system to our current vendor, Mark 43. This transition helped the Department move closer to its goal of becoming more "paperless" in its record management, however, this left the Department lacking in traffic collision data to support the Department's annual report, applications for traffic safety grants, and other statistical data as Mark 43 does not capture or report the information in the manner that WCSG did and requires staff to conduct manual tabulations.

Presently, the Department completes collision reports in two formats. Officers not assigned to the Traffic Safety Unit complete reports on paper forms provided by the California Highway Patrol. Traffic Safety Unit officers complete reports electronically through a separate system called Brazos. Traffic Unit reports are often more complex and lengthier due to the severity of the collision.

Patrol officers and other personnel also issue paper citations, while Traffic Safety Unit officers utilize Brazos and issue electronic citations with a handheld "e-ticket" writer and thermal printer and provide the driver or violator with a paper copy.

As it relates to traffic stops, officers are also required to collect "stop data" under the Racial and Identity Profiling Act or RIPA (PC 13012 and 13519.4, GC 12525.5) currently reported via Mark 43 software.

ANALYSIS

When the Brazos suite of handheld "e-writers" and thermal printers were purchased, the use of the devices was optional and in general officers found the "e-writers" cumbersome and difficult to use due to their design. The "e-writers" were upgraded but only for the Traffic Safety Unit as, at the time, it was viewed they would be the only unit

to benefit from them and because few officers were using them before the upgrade due to the design not being user-friendly.

Currently, the records department is processing both paper and Brazos generated citations and collision reports. This inefficiency forces staff to input information into the Department's records management system from two sources, and since the transition to Mark 43, crash data is not captured in the manner it was with WCSG. To provide statistical data for annual reports to Council, other informational requests, and for traffic safety grants, staff is, often times, forced to hand collect data from collision reports. Grant applications typically require several years of statistical history to support a specific request for funding.

Once Crossroads, Inc. is acquired, the use of electronic citations and paperless crash report writing would be implemented Department wide. This would result in standardization across the Department, increased efficiency for the Records Department in collecting and disseminating crash data, increased efficiency for officers in the field, and citations would be submitted to the court system electronically. The Department would no longer incur costs related to ordering standardized state crash forms, and the costs of having Department citations supplied by a printer.

Additionally, the "e-ticket" writer hardware would be condensed into an application used by officers on existing smartphones they are currently issued, and this would reduce the pieces of equipment they are required to carry in the field. Thermal printers originally purchased with the Brazos suite are compatible with Crossroads, Inc. and have an estimated remaining life span of approximately three years. It is estimated there is a savings of approximately \$45,000 by using the printers the Department already has.

State mandated collection of stop data or RIPA, would also be completed using the Crossroads, Inc. software from the smart phone at the conclusion of a qualifying police contact with a community member and the data would be directly uploaded to the Department of Justice. At point in time, officers are required complete RIPA reports via Mark 43, and traffic safety unit officers do not have this capability in the field as they lack a mobile data computer on their motorcycles, which is cost-prohibitive at this time.

The Department sought out traffic collision software bids through our current vendor, Mark 43; however due to problems encountered by the vendor they were not able to offer a sufficient product. The Department also researched and reviewed presentations from two other vendors. Crossroads, Inc. was the sole vendor who offered the full scope of services and interface with our CAD/RMS system. Pursuant to Tracy Municipal Code section 2.20.180(b)(2), the formal request for proposals process is not required because Crossroads, Inc. was determined to be a sole source vendor.

### FISCAL IMPACT

Total project costs over a period of five years:

- First-year cost \$128,600
- Maintenance \$39,000 (\$7,800 per year x 5 years)

Funding is provided through the Police Department's operating budget in the General Fund.

#### PUBLIC OUTREACH/INTEREST

The Department is in continuous receipt of feedback from the public regarding traffic concerns and traffic safety. Acquisition of this technology would increase the efficiency in which the Department maintains and accesses, and provides data related to traffic safety to Council, the public and Department members, and to better deploy its resources to address traffic concerns.

#### COORDINATION

The Department has coordinated internally among the Bureau of Support Operations, Bureau of Field Operations, and Information Technology, and externally with Mark 43 and Crossroads, Inc.

#### CEQA DETERMINATION

CEQA is not applicable for this proposed project.

#### STRATEGIC PLAN

This agenda item relates to Council's strategic priority for Public Safety.

#### ACTION REQUESTED OF COUNCIL

Staff recommends that the City Council adopt a resolution approving a Master Services Agreement with Crossroads, Inc. for the installation, implementation, training, and annual maintenance of automated traffic collision and citation technology for a term of five (5) years and a total not to exceed amount of \$180,000, and authorizing the City Manager to execute the Agreement and any amendments.

Prepared by: Erik Speaks, Traffic Safety Unit Corporal

Reviewed by: Beth Lyons-McCarthy, Support Division Manager  
Sekou Millington, Chief of Police  
Sara Cowell, Director of Finance  
Midori Lichtwardt, Assistant City Manager

Approved by: Michael Rogers, City Manager

#### ATTACHMENTS:

Attachment A: Master Services Agreement with Crossroads, Inc.  
Attachment B: Sole Source Vendor Memo

## SOFTWARE MAINTENANCE AGREEMENT

This Software Maintenance Agreement ("Agreement") is entered into between Crossroads Software, Inc. ("Vendor") and the City of Tracy ("Customer").

### 1. Scope of Agreement

During the term of this Agreement, as set forth in Section 2, Vendor agrees to provide Customer standard maintenance, custom enhancement, online support, and training services, as set forth in Sections 3, 5, 6, and 7, for the computer programs listed in Exhibit A to this Agreement (collectively "Software").

### 2. Term

- a. *Effective Date:* This Agreement shall take effect upon the installation and successful startup and acceptance of the Vendor's software and remain in effect for a one-year period thereafter.
- b. *Renewal options:* The Customer shall have the right to renew this maintenance agreement on an annual basis, at prices mutually agreed to by the Vendor and the Customer. Increases in annual maintenance costs shall not exceed 4% per year.
- c. *Termination Date:* This Agreement shall terminate upon the earlier to occur of (i) thirty days written notice from the City, (ii) the effective date of a subsequent agreement concerning maintenance services entered into between Customer and Vendor, or (iii) an event listed in Section 11 below.

### 3. Standard Maintenance Services

a. *Scope of Services.* During the term of this Agreement, Vendor will provide Customer the following Standard Maintenance Services for the Software:

- i. Corrections of substantial defects in the Software so that the

Software will operate as described by Vendor in the initial project scope.

ii. Periodic updates of the Software that may incorporate (A) corrections of any substantial defects, (B) fixes of any minor bugs, (C) enhancements to provide additional features, and (D) updates to accommodate changes in the state and county court standards for traffic collision reporting, citation writing and changes to interfaces to other systems.

iii. Telephone, email and web support, including dial-up support between the hours of 8:00 a.m. and 5:00 p.m., Pacific Time, Monday through Friday, excluding federal holidays, to assist Customer in using the Software.

iv. Guaranteed response time for technical assistance of 4 hours when provided remotely; or 48 hours if required onsite at the City's facilities.

vi. Online users guides in PDF format, for installation and specific user functions,

b. *Services Not Included.* Standard Maintenance Services do not include:

i. Charged-for-Enhancements that are offered, at Vendor's sole discretion, to Customers upon payment of an additional fee.

ii. Custom Programming Services.

iii. On-site support.

iv. Training.

v. Hardware and related supplies.

#### **4. Charged-For-Enhancements**

From time to time, at Vendor's sole discretion, Vendor will make available to Customer Charged-for-Enhancements to the Software that

Customer may license from Vendor upon payment of the license fee established by Vendor.

## **5. Custom Programming Services**

Vendor will provide Custom Programming Services to Customer, as agreed to in a written addendum to this Agreement, signed by both parties, that specifies the Custom Programming Services to be provided by Vendor and the fee for the services. Custom Programming Services shall include, but are not limited to, development of custom computer programs and installation, training, and maintenance with respect to such computer programs.

## **6. On-Site Support**

Vendor, upon receipt of a written request from Customer, will provide Customer On-Site Support at a mutually agreed time. Customer agrees to pay Vendor all reasonable costs associated with the provision of on-site support, including charges for (i) Vendor's personnel, (ii) charges for travel, lodging and miscellaneous expenses, and (iii) taxes pursuant to Section 9 below.

## **7. Training**

Upon receipt of a written request from Customer, Vendor will provide Training at a mutually agreed time online or at the Customer's facility. Customer agrees to pay Vendor all costs associated with this Training, including (i) charges for Vendor's personnel, which may include a surcharge for training conducted at Customer's location, (ii) charges for travel, lodging and miscellaneous expenses, and (iii) taxes pursuant to Section 9 below.

## **8. Maintenance Fee**

b. *Amount of Fee.* Customer agrees to pay Vendor a Maintenance Fee, in the amount set forth in Exhibit A, plus any applicable taxes pursuant to Section 9 below, for Standard Maintenance Services provided by Vendor pursuant to this Agreement.

d. *Other Charges.* Customer agrees to pay Vendor for Charged-for-Enhancements, Custom Programming Services, Onsite Support, and Training in the amount and pursuant to the terms set forth in the quotation provided for such services.

## **9. Payment Terms**

a. *Due Date.* Customer agrees to pay the Maintenance Fee to Vendor on or before the Maintenance Fee Due Date set forth in Exhibit A. Customer agrees to pay all other amounts due Vendor for services under this Agreement in accordance with the payment schedule set forth on the invoice for the services.

b. *Payment Terms.* Payment shall be net 30 days in United States currency.

c. *Taxes.* "Taxes" means all federal, state, local and other taxes, including sales, use and property taxes, related to this Agreement, Customer's use of the Software, or any services provided by Vendor to Customer related to the Software, excluding taxes based on Vendor's net income.

## **10. Obligations of Customer**

a. *Customer Contact.* Customer shall notify Vendor of Customers designated Customer Contact. To the maximum extent practicable, Customer's communications with Vendor will be through the Customer Contact.

b. *Installation.* Customer agrees to install all corrections of substantial defects, minor bug fixes and updates, including any enhancements, for the Software in accordance with the instructions and in order of receipt from Vendor.

c. *Facility and Personnel Access.* Customer agrees to grant Vendor access to Customer's facilities and personnel concerned with the operation of the Software to enable Vendor to provide services.

d. *No Modification of Software.* Customer agrees not to modify, enhance or otherwise alter the Software, unless and only to the extent specifically authorized in the user manuals identified in Exhibit A or the prior written consent of Vendor is obtained.

e. *Error Documentation.* Upon detection of any error in the Software, Customer, as requested by Vendor, agrees to provide Vendor a listing of output and any other data, including databases and backup systems, that Vendor reasonably may request in order to reproduce operating conditions similar to those present when the error occurred.

## **11. Termination**

a. *Event of Termination.* Vendor shall have the right to terminate this Agreement and all services provided pursuant to this Agreement (i) upon termination of Customer's Software License Agreement by either party for any reason, and (ii) if Customer or its employees or agents violate any provision of this Agreement and Customer fails to cure such violation within thirty (30) days after receipt of written notice from Vendor.

b. *Procedure.* Within ten (10) days after termination of this Agreement, Customer will return to Vendor, at Customer's expense, the Software and all copies thereof, delete or destroy all other Software copies, and certify, in writing by an officer of Customer, that the Software has been returned, all copies deleted or destroyed, and its use discontinued.

## **12. Ownership**

Customer acknowledges that Vendor owns all proprietary rights, including patent, copyright, trade secret and other proprietary rights, in and to the Software and any corrections, bug fixes, enhancements, updates or other modifications, including custom modifications, to the Software.

## **13. General Provisions**

a. *Notices.* All notices under this Agreement are to be sent by registered mail to the address below or to any other address as the party may designate:

VENDOR: Crossroads Software, Inc.  
210 W. Birch St. #207  
Brea, CA 92821

CUSTOMER: City of Tracy  
1000 Civic Center  
Tracy, CA 95376

b. *Assignment.* Vendor will not assign or sublicense, in whole or in part, any of its rights or obligations under this Agreement without the prior written consent of Customer, which consent shall not be unreasonably withheld.

c. *Complete Agreement; Amendment.* This Agreement and Exhibit A set forth the entire understanding of the parties with respect to the subject matter of this Agreement. Any amendment to this Agreement must be in writing and signed by both parties.

d. *Waiver.* The waiver or failure of Vendor or Customer to exercise in any respect any right provided for in this Agreement shall not be deemed a waiver of any further right under this Agreement.

e. *Severability.* If any provision of this Agreement is invalid, illegal or unenforceable under any applicable statute or rule of law, it is to that extent to be deemed omitted. The remainder of the Agreement shall be valid and enforceable to the maximum extent possible.

f. *Governing Law.* This Agreement is to be construed in accordance with the law of the State of California.

**AGREED:**

**VENDOR:**



\_\_\_\_\_  
Signature

Jeff Cullen

Name

CEO

Title

210 W. Birch St. #207, Brea, CA 92821

Address

01/18/2023

Date



\_\_\_\_\_  
Signature

Kelly Kalberg

Name

CFO

Title

210 W. Birch St. #207, Brea, CA 92821

Address

01/18/2023

Date

**CUSTOMER:**

\_\_\_\_\_  
Michael Rogers

City Manager

\_\_\_\_\_  
Date

**Exhibit A**  
**Software Maintenance Agreement**

1. Software Computer Programs:
  - a. Site License for Crossroads e-Citation System
  - b. Site License for Crossroads Parking e-Citation System
  - c. Site License for Crossroads Collision Report Writing System
  - d. Site License for Crossroads Analytics System
  - e. Site License for Crossroads CHP Upload System
  
2. Effective Date: Upon successful installation, startup and acceptance of software.
  
3. Termination Date: Upon expiration date of annual agreement, unless renewed by the City, or terminated earlier in accordance with provisions in Section 11.
  
4. Annual Maintenance Fee:
  - a. Site License for Crossroads e-Citation System - \$4,900
  - b. Site License for Crossroads Parking e-Citation System - \$2,900
  
5. Maintenance Fee Due Date: To be invoiced annually, due net 30 days from the beginning date of each annual agreement.



# TRACY POLICE DEPARTMENT

## MEMORANDUM

**Date:** February 13, 2023  
**To:** Michael Rogers, City Manager  
**From:** Beth Lyons-McCarthy, Police Support Operations Manager  
**Re:** Crossroads, Inc.- Sole Source Provider

---

The police department would like to enter into a five-year Master Services Agreement with Crossroads, Inc. for the installation, implementation, training and annual maintenance of automated traffic collision and citation technology.

In 2021, the Department transitioned from West Covina Service Group's (WCSG) records management system and computer aided dispatch system to our current vendor, Mark43. This transition helped the Department move closer to its goal of becoming more "paperless" in its record management, however, this left the department lacking in traffic collision data to support the department's annual report, applications for traffic safety grants, and other statistical data as Mark 43 does not capture or report the information in the manner that WCSG did and requires staff to conduct manual tabulations.

Presently, the department completes collision reports in two formats. Officers not assigned to the Traffic Safety Unit complete reports on paper forms provided by the California Highway Patrol. Traffic Safety Unit officer's complete reports electronically through a separate system called Brazos. Additionally, patrol officers and other personnel also issue paper citations, while Traffic Safety Unit officers utilize Brazos and issue electronic citations with a handheld "e-ticket" writer and thermal printer and provide the driver or violator with a paper copy.

The records department is also processing both paper and Brazos generated citations and collision reports. This inefficiency forces staff to input information into the department's records management system from two sources, and since the transition to Mark 43, crash data is not captured in the manner it was with WCSG. To provide statistical data for annual reports to Council, other informational requests, and for traffic safety grants, staff is often forced to hand collect data from collision reports. Grant applications typically require several years of statistical history to support a specific request for funding.

**SERVICE ♦ INTEGRITY ♦ EXCELLENCE**

1000 CIVIC CENTER DRIVE ♦ TRACY, CA 95376 ♦ VOICE: 209-831-6550 ♦ FAX: 209-831-4017

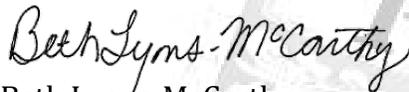
Once Crossroads, Inc. is acquired, the use of electronic citations and paperless crash report writing would be implemented department wide. This would result in standardization across the department, increased efficiency for the records department in collecting and disseminating crash data, increased efficiency for officers in the field, and citations would be submitted to the court system electronically. The department would no longer incur costs related to ordering standardized state crash forms, and the costs of having department citations supplied by a printer.

The department initially sought out Quick Crash, a traffic collision software, through our CAD/RMS vendor, Mark 43; however due to problems encountered by the vendor they were not able to offer a sufficient product. The department also researched and reviewed presentations from Crossroads and Lexis Nexis. Crossroads, Inc. was the sole vendor who offered the full scope of services including electronic traffic reporting, electronic citation writing, and electronic reporting of "stop data" under the

Racial and Identity Profiling Act or RIPA (PC 13012 and 13519.4, GC 12525.5) to the Department of Justice. This vendor also allowed for Tracy Police Department to utilize its current ticket printers and cellphones to operate the software, which gives the department an upfront cost savings of \$45,000.

Pursuant to Tracy Municipal Code 2.20.140(b)(2) the City Manager can approve of dispensing with the request for proposals because the services we require can only be performed by one source.

Thank You,



Beth Lyons-McCarthy  
**Police Support Operations Manager**

DocuSigned by:



E36809904BE84E4...  
Sekou Millington  
**Chief of Police**

**APPROVED:**

DocuSigned by:



536BCFD4250840F...  
Michael Rogers  
**City Manager**

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

**TRACY CITY COUNCIL**

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

---

**APPROVING A MASTER SERVICES AGREEMENT WITH CROSSROADS, INC. FOR THE INSTALLATION, IMPLEMENTATION, TRAINING, AND ANNUAL MAINTENANCE OF AUTOMATED TRAFFIC COLLISION AND CITATION TECHNOLOGY FOR A TERM OF FIVE (5) YEARS AND A TOTAL NOT TO EXCEED AMOUNT OF \$180,000 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND ANY AMENDMENTS**

**WHEREAS**, the City of Tracy Police Department recognizes the need for standardization in traffic collision reporting, format and processing of parking and traffic/criminal citations; and

**WHEREAS**, the Tracy Police Department is not currently able to efficiently capture collision and traffic related data that is supportive for state and federal traffic safety grants; and

**WHEREAS**, pursuant to Tracy Municipal Code section 2.20.180(b)(2), Crossroads, Inc. meets the requirements of a sole source vendor and the formal request for proposals process is not required; and

**WHEREAS**, the Tracy Police Department has reached a five year Maintenance Agreement for automated traffic collision and citation technology in a total not to exceed amount of \$180,000 to provide electronic traffic reporting, electronic citation writing, and electronic reporting of "stop data" under the Racial and Identity Profiling Act or RIPA (PC 13012 and 13519.4, GC 12525.5) to the Department of Justice; and

**WHEREAS**, the Maintenance Agreement will be funded through the Tracy Police Department's operating budget in the General Fund; now, therefore, be it

**RESOLVED:** That City Council does hereby approve a Master Services Agreement with Crossroads, Inc. for the installation, implementation, training, and annual maintenance of automated traffic collision and citation technology for a term of five years and a total not to exceed amount of \$180,000; and be it

**FURTHER RESOLVED:** That the City Council does hereby authorize the City Manager to execute the Agreement and any amendments.

\* \* \* \* \*

The foregoing Resolution 2023-\_\_\_\_ was adopted by the Tracy City Council on February 21, 2023, by the following vote:

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

---

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

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

Agenda Item 1.D

RECOMMENDATION

**Staff recommends that the City Council (1) accept the construction for the Pavement Rehabilitation Project, FY 2019-2020, CIP 73176, work completed by Tracy Grading and Paving, Inc., of Tracy, California, (2) authorize the City Clerk to File the Notice of Completion, (3) authorize the City Engineer to release the bonds and retention payment, and (4) authorize the Finance Department to close the Project.**

EXECUTIVE SUMMARY

City staff requests that the City Council accept the construction for the Pavement Rehabilitation Project, FY 2019-2020, CIP 73176 (Project), as complete. Project costs are within the available budget and work was completed in a timely manner and in accordance with plans and specifications as provided. Staff recommends that the City Council accept the project as complete to enable the City Engineer to release the contractor's bonds and retention payment.

BACKGROUND AND LEGISLATIVE HISTORY

This project was part of the City's annual street improvement program and consisted of pavement reconstruction of Naglee Road (Larch Road to 331 feet south of Larch Road) and asphalt concrete (AC) overlay on Naglee Road (Grant Line Road to Pavilion Parkway), Hollywood Avenue (Holly Drive to Mae Avenue), Mae Avenue (Beverly Place to Eaton Avenue), and 12<sup>th</sup> Street (Adam Street to Holly Drive), including AC grinding, pavement repair, signing, striping, and traffic signal loop replacement.

Engineering staff prepared the plans and specifications and advertised the Project for competitive bids on May 21, and May 28, 2021. Bids for this Project were publicly opened via Skype Conference on June 21, 2021. On July 20, 2021, City Council approved and awarded a construction contract to Tracy Grading and Paving, Inc., of Tracy, California in a not to exceed amount of \$1,338,158, for the construction of the Pavement Rehabilitation Project, FY 2019-2020, CIP 73176. Additionally, one change order was issued in the amount of \$120,273.75. The change order was for 1) unseen conditions discovered during demolition, 2) additional costs for night construction, as was required by California Department Transportation (Caltrans) encroachment permit, and 3) fluctuations in crude oil prices which impacted the cost of asphalt. All work was addressed and completed as requested and in compliance with all ADA, Building, and City Standard and Specifications.

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

The project has been completed within the time frame of the original contract.

ANALYSIS

This project was part of the City's annual street improvement program. The street selections

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

FISCAL IMPACT

The Pavement Rehabilitation Project FY2019-2020, CIP 73176, is an approved Capital Improvement Project with a budget of \$2,175,000. The total completed cost is \$1,582,350, and was funded through Measure K, Gas Tax and SB1 (Road maintenance and Rehabilitation Account) funds.

Final project costs were within budget as follows:

A.	Construction Contract Amount	\$ 1,338,158
B.	Approved Change order	\$ 120,274
	Design, construction management, inspection,	
C.	Testing & miscellaneous project management	\$ 123,918
	<u>Expenses</u>	
	Total Project Costs	\$ 1,582,350
	Total Budget Amount	\$ 2,175,000
	Budget Remaining	\$ 592,650

The remaining balances in the project will be released back into fund balance as follows:

	Budget	Cost	Balance
Measure K	\$ 540,000	\$ 82,350	\$ 457,650
Gas Tax	\$ 135,000	\$ -	\$ 135,000
SB1 RMA	\$1,500,000	\$1,500,000	\$ -
<u>Totals</u>	<u>\$2,175,000</u>	<u>\$1,582,350</u>	<u>\$ 592,650</u>

PUBLIC OUTREACH/ INTEREST

Not-applicable.

COORDINATION

Coordination between Engineering and Public Works, Street Maintenance Division occurred on multiple occasions to coordinate and establish this project as complete.

CEQA DETERMINATION

Ministerial Exemption, Code Section #151268.

STRATEGIC PLAN

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

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council (1) accept the construction for the Pavement Rehabilitation Project FY 2019-2020, CIP 73176, in Tracy, California, work completed by Tracy Grading and Paving, Inc., of Tracy, California, (2) authorize the City Clerk to File the Notice of Completion, (3) authorize the City Engineer to release the bonds and retention payment, and (4) authorize the Finance Department to close the Project.

Prepared by: Leisser Mazariegos, Associate Engineer

Reviewed by: Koosun Kim, Interim City Engineer  
Sara Cowell, Finance Director  
Midori Lichtwardt, Assistant City Manager

Approved by: Michael Rogers, City Manager

TRACY CITY COUNCIL

RESOLUTION 2023-\_\_\_\_\_

- (1) ACCEPTING THE CONSTRUCTION FOR THE PAVEMENT REHABILITATION PROJECT, FY 2019-2020, CIP 73176, WORK COMPLETED BY TRACY GRADING AND PAVING, INC., OF TRACY, CALIFORNIA; AND
- (2) AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION; AND
- (3) AUTHORIZING THE CITY ENGINEER TO RELEASE THE BONDS AND RETENTION PAYMENT; AND
- (4) AUTHORIZING THE FINANCE DEPARTMENT TO CLOSE THE PROJECT.

**WHEREAS**, on July 20, 2021, the City Council approved and awarded a construction contract to Tracy Grading and Paving, Inc., of Tracy, California (Contractor) for the Pavement Rehabilitation Project, FY 2019-2020, in Tracy, California, CIP Project 73176; and

**WHEREAS**, the contractor has completed all the work required to be done in accordance with the plans and specifications and has requested acceptance of the project. The Interim City Engineer has inspected the completed work and confirmed that all work conform to the contract plans and specifications; and

**WHEREAS**, One change order was issued as part of this project; and

**WHEREAS**, The status of budget costs is as follows; and

A. Construction Contract Amount	\$1,338,158
B. Approved Change order	\$ 120,274
C. Design, construction management, inspection, Testing & miscellaneous project management expenses	\$ 123,918
<u>Total Project Costs</u>	<u>\$1,582,350</u>
<u>Total Budget Amount</u>	<u>\$2,175,000</u>
Budget Remaining	\$ 592,650

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

**WHEREAS**, the Pavement Rehabilitation, FY 2019-2020 Project, CIP 73176, is an approved project with total funding Project cost of \$1,582,350. The total project budget is \$2,175,000, which allowed for the project to come in right on budget. The total project budget funding is from the Measure K, Gas Tax, and SB1 RMA and funds Measure K and Gas Tax will be reimbursed when the project is closed by the Finance Department; now therefore, be it

**RESOLVED:** That the City Council (1) accept the construction for the Pavement Rehabilitation Project, FY 2019-2020, in Tracy, California, CIP 73176, work completed by Tracy Grading and Paving, Inc., of Tracy, California, (2) authorize the City Clerk to File the Notice of Completion, (3) authorize the Interim City Engineer to release the bonds and retention payment, and (4) authorize the Finance Department to close the Project.

\*\*\*\*\*

The foregoing Resolution 2023-\_\_\_\_\_ was adopted by the Tracy City Council on the 21<sup>st</sup> day of February 2023 by the following vote:

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

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

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

Agenda Item 1.E

RECOMMENDATION

**Staff recommends that City Council adopt a resolution approving the Local Roadway Safety Plan and setting a Vision Zero goal for 2050.**

EXECUTIVE SUMMARY

City of Tracy has completed a Local Roadway Safety Plan (LRSP), which establishes a framework to identify, analyze, and develop traffic safety enhancements on the City's transportation system. The LRSP was developed with a combination of data analysis, and local stakeholder feedback to create a plan that meets federal and state guidelines and responds to local issues and needs. Vision Zero is an international road safety movement rooted in the philosophy that no loss of life due to road crashes is acceptable or inevitable. This agenda item with City Council approval will adopt the City's Local Roadway Safety Plan and set a Vision Zero goal for the City for the year 2050.

BACKGROUND AND LEGISLATIVE HISTORY

Caltrans announced that starting April 2022, applications for Highway Safety Improvement Project Program (HSIP) Cycle 11 funds will require agencies that are eligible to apply to have a Local Roadway Safety Plan (LRSP). The City received \$72,000 State funds for developing the LRSP in March 2020. The City entered into an agreement with Kimley-Horn & Associates, Inc. for the development of the LRSP through Resolution No. 2021-097 under the Capital Improvement Project (CIP) 72119. The development of the LRSP will better position the City to apply for all safety funding from state and federal grant programs. A special concurrent meeting of the Tracy City Council and the Tracy Transportation Advisory Commission was held on February 7, 2023, at 6:00 p.m. in the City of Tracy's Council Chambers to present the LRSP and receive feedback from the community.

Vision Zero is a global movement to end traffic-related fatalities and serious injuries by taking a systemic approach to road safety. The premise of this strategy is that road deaths and injuries are unacceptable and preventable. First implemented in Sweden in the 1990s, Vision Zero has proved successful across Europe — and now it's gaining momentum in major American cities like New York, San Francisco, and San Jose. California Department of Transportation (Caltrans) also adopted a policy on February 15, 2022, that commits to setting a vision to eliminate fatalities and serious injuries on California's roadways by 2050 and provide safer outcomes for all communities.

ANALYSIS

The City of Tracy's LRSP has now been completed. The LRSP evaluates the transportation network as well as non-infrastructure programs and policies and identifies the vision to reduce the frequency of traffic fatalities and serious injury related crashes and outlines the goals to achieve it. It was developed in accordance with the latest National and State best practices for statistical roadway analysis. As part of the LRSP, local stakeholders were included in the process to ensure the local perspective was kept at the forefront of this planning effort. In addition to the Project Team which included Engineering Staff, a stakeholder group was

organized. This group consisted of members from the Tracy Police Department, Tracy Unified School District, City of Tracy ADA Compliance Office, the South San Joaquin County Fire Authority, San Joaquin County Public Health Services, and the City of Tracy Transit Service Division. These leaders in the City and community were called together to offer insight on the safety issues present in the City's transportation network.

Existing plans, policies, and projects that were recently completed, planned, or are on-going within the City of Tracy were compiled, high-level key points regarding transportation improvements and safety-related topics were identified, and several data inputs were used in analysis, namely the roadway network, intersection classification, traffic counts and collision data for the period between January 1, 2015, and December 31, 2019. With this data the collision safety trends were analyzed. The analysis of collision history on the City's transportation network allowed for opportunities to: 1) identify factors in the transportation network that inhibit safety for all roadway users, 2) improve safety at specific high-collision locations, and 3) develop safety measures using the 5E's of transportation safety: Engineering, Enforcement, Education, Emergency Services, and Emerging Technologies, to encourage safe driver behavior, reduce the frequency and severity of crashes, and to institutionalize a process for monitoring safety and making safety investment decisions. A special concurrent meeting of the Tracy City Council and the Tracy Transportation Advisory Commission was held on February 7, 2023, at 6:00 p.m. in the City of Tracy's Council Chambers to present the LSRP and receive feedback from the community.

Vision Zero is an international road safety movement rooted in the philosophy that no loss of life due to road crashes is acceptable or inevitable. A core principle of Vision Zero is that people should not be killed or severely injured due to mobility. Crashes are not accidents; that is, they are entirely preventable if the transportation system is designed to minimize the consequences of human errors and mistakes. As stated in the LRSP, during the 5-year study period, the City has seen 3,442 collisions, of which 9 were fatal collisions, 81 pedestrian involved collisions, and 102 bicycles collisions. Vision Zero sets the goal of reducing traffic-related fatalities and severe injuries to zero. While zero crashes may sound unrealistic, the objective is to set this as a goal rather than an expectation.

Vision Zero is gaining momentum across the United States. Currently there are 53 cities in the US that are officially members of the Vision Zero Network with completed Vision Zero plans, 13 of which are in California. Vision Zero Network is a non-profit that is the nation's leading voice and advocate for Vision Zero. Many other cities in the US have developed Vision Zero plans or adopted resolutions to support Vision Zero goal but haven't yet joined the Network. It is recommended that in alignment with this global movement, and in solidarity with the adopted Caltrans policy, City set a goal for attaining Vision Zero in the year 2050.

### FISCAL IMPACT

The Development of the LRSP makes the City better positioned to apply for a variety of state and federal grant opportunities for traffic safety projects.

### PUBLIC OUTREACH / INTEREST

A special concurrent meeting of the Tracy City Council and the Tracy Transportation Advisory Commission was held on February 7, 2023, at 6:00 p.m. in the City of Tracy's Council Chambers to present the LSRP and receive feedback from the community.

### COORDINATION

The City's Engineering Division coordinated with several stakeholders like Tracy Police Department, Tracy Unified School District, City of Tracy ADA Compliance Office, the South San Joaquin County Fire Authority, San Joaquin County Public Health Services, and the City of Tracy Transit Service Division to seek input for the development of the LRSP. The team also coordinated feedback with the Tracy Transportation Advisory Commission via a special meeting.

### CEQA DETERMINATION

This action of approving the Local Roadway Safety Plan and setting a Vision Zero goal will not pose any environmental impact and is not subject to CEQA.

### 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.

### ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a resolution approving the Local Roadway Safety Plan and setting a Vision Zero goal for 2050.

Prepared by: Anju Pillai, PE, Senior Engineer

Reviewed by: Koosun Kim, PE, Interim City Engineer  
Jaylen French, Development Services Director  
Sara Cowell, Finance Director  
Midori Lichtwardt, Assistant City Manager

Approved by: Michael Rogers, City Manager

### ATTACHMENTS

Attachment A – City of Tracy Local Roadway Safety Plan Final Report

# City of Tracy

## Local Road Safety Plan (LRSP)



January 2023

**FINAL**

Prepared By:

**Kimley»»Horn**

**STATUTORY NOTICE**

(Per Section 148 of Title 23, United States Code [23 U.S.C. §148(h) (4)] REPORTS

DISCOVERY AND ADMISSION INTO EVIDENCE OF CERTAIN REPORTS, SURVEYS, AND INFORMATION—Notwithstanding any other provision of law, reports, surveys, schedules, lists, or data compiled or collected for any purpose relating to this section, shall not be subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location identified or addressed in the reports, surveys, schedules, lists, or other data.)

SIGNED AND STAMPED BY:

  
\_\_\_\_\_



## 1.1 Executive Summary

Tracy has created a local roadway safety plan (LRSP), which establishes a framework to identify, analyze, and develop traffic safety enhancements on the City's transportation system. The LRSP was developed with a combination of data analysis, and local stakeholder feedback to create a plan that meets federal and state guidelines and responds to local issues and needs. Through this process, the plan has identified emphasis areas to inform and refine the safety improvement process and to focus future evaluation and planning for the City's transportation network. The emphasis areas include impaired driving, lane departure collisions, young drivers, and vulnerable road users (pedestrians and bicyclists). The LRSP also analyzes collision data on an aggregate basis as well as at specific locations to identify high-crash locations, high-risk locations, and city-wide trends and patterns. The analysis of collision history on the City's transportation network allows for opportunities to: 1) identify factors in the transportation network that inhibit safety for all roadway users, 2) improve safety at specific high-collision locations, and 3) develop safety measures using the 5E's of transportation safety: Engineering, Enforcement, Education, Emergency Services, and Emerging Technologies, to encourage safer driver behavior, reduce the frequency and severity of crashes, and to institutionalize a process for monitoring safety and making safety investment decisions.

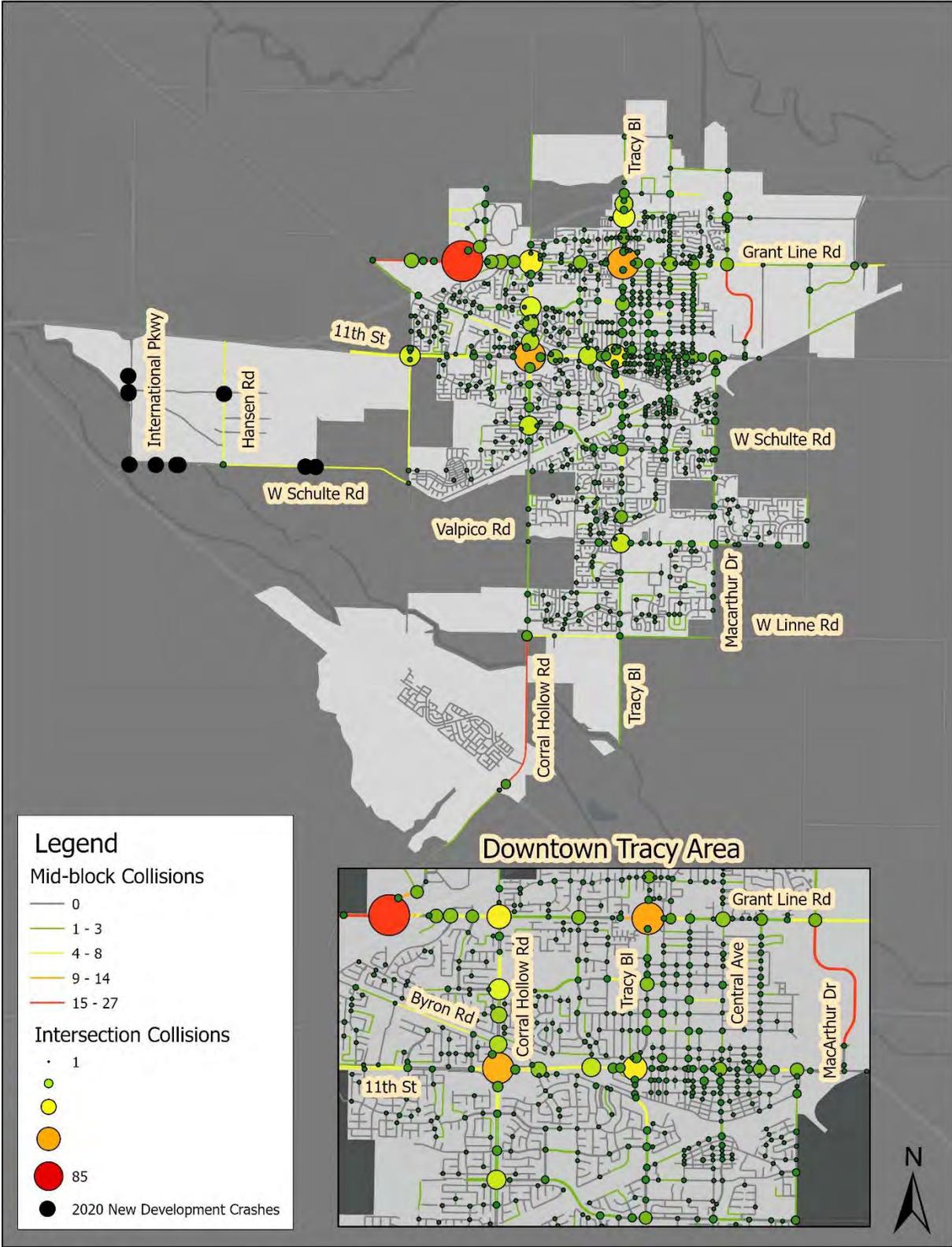
The California Office of Traffic Safety (OTS) has ranked Tracy in the 57<sup>th</sup> percentile for safety as compared to peer cities. The City continues its safety efforts in this LRSP by identifying areas of emphasis and systemic opportunities that can be implemented to enhance safety. This LRSP analyzes the most recent range of crash data (January 1, 2015 – December 31, 2019) and roadway improvements to assess historic trends, patterns, and areas of increasing concern.

As part of the LRSP development process, the City identified a vision and outlined goals to achieve it. The vision is to enhance the transportation network to reduce the frequency of traffic fatalities and serious injury related crashes. The goals were identified as:

- Identify areas with a high risk for collisions.
- Illustrate the value of a comprehensive safety program and the systemic process.
- Define safety improvements for the near-, mid- and long-term, including projects for HSIP and other program funding consideration
- Identify emphasis areas to prioritize countermeasure application.

Tracy's collision history was analyzed to identify locations with elevated risk of collisions either through their collision histories or their similarities to other locations that have more active collision patterns. Using a network screening process, locations within the City that will most likely benefit from safety enhancements were identified. Using historic collision data, collision risk factors for the entire network were derived. The outcomes informed the identification and prioritization of engineering and non-infrastructure safety measures that address certain roadway characteristics and related behaviors that contribute to collisions. The figure below shows the results of collision analysis, including the number of crashes that occurred at each intersection and along each roadway segment in the City.

Number of Collisions per Intersection and Roadway Segment



Emphasis areas were developed by revisiting the vision and goals developed at the onset of the planning process and comparing them with the trends and patterns identified in the crash analysis. Where these areas aligned, or major challenges were observed, the following emphasis areas were developed:

1. Impaired Driving
2. Lane Departure Collisions
3. Young Drivers
4. Vulnerable Road Users (Pedestrians and Bicyclists)

The LRSP identified countermeasures for both infrastructure and non- infrastructure improvements. The report then applies Crash Modification Factor’s (CMFs) where available, which are used to estimate the safety effects of safety improvements to compare and prioritize the improvements. An order of magnitude planning level cost estimate is also provided for each countermeasure, providing a cost/benefit estimate that the City can use to prioritize improvements.

Site-specific opportunities for improvement were identified for the following 8 case study locations. The case study locations were chosen to be representative of a variety of corridor and intersection designs throughout the City.

1. **Unsignalized Intersection:** F Street & 11<sup>th</sup> Street
2. **Unsignalized Intersection:** Parker Avenue & Eaton Avenue
3. **Roadway Segment:** Holly Drive from Larch Road to Sloan Court
4. **Roadway Segment:** Pavilion Parkway from Robertson Drive to Auto Plaza Way
5. **Signalized Intersection:** Naglee Road & Grant Line Road
6. **Roadway Segment:** Grant Line Road from Lammers Road to Byron Road
7. **Roadway Segment:** Byron Road from Berg Road to Belconte Drive
8. **Signalized Intersection:** Lowell Avenue & Corral Hollow Road
9. **Roadway Segment:** Lammers Road from 11<sup>th</sup> Street to Redbridge Road
10. **Roadway Segment:** Tracy Boulevard from Schulte Road to Menay Drive

Citywide opportunities that can be implemented systemically throughout the City have also been assembled into the “countermeasure toolbox” shown below, and include both engineering-based and non-engineering countermeasures. This information can be used to help the City apply for grants and other funding opportunities to implement these safety improvements.

**City-wide Countermeasure Toolbox (Engineering Opportunities)**

COUNTERMEASURE	CMF/LRSM ID	CRF	20-YEAR COST ESTIMATE	PER UNIT
Install High-Visibility Crosswalk	4124	19%	\$25,000	per crosswalk
Install signals	NS03	25%	\$270,000	per intersection

COUNTERMEASURE	CMF/LRSM ID	CRF	20-YEAR COST ESTIMATE	PER UNIT
Install/upgrade larger or additional stop signs/other intersections warning/regulatory signs (stop signs with LED borders)	NS06	15%	\$1,500	per sign
Install raised medians (refuge islands)	NS19PB	45%	\$25,000	per intersection
Add segment lighting	R01	35%	\$50,000	per mile
Remove or relocate fixed objects outside of Clear Recovery Zone	R02	35%	\$10,000	per location
Install Median Barrier	R03	25%	\$20,000	per location
Install Safety Edges	R15	30%	\$100,000	per mile
Install dynamic/variable speed warning systems	R26	30%	\$16,000	per sign
install delineators, reflectors, and or object markers	R27	15%	\$5	per LF
Install edge-lines and centerlines	R28	25%	\$8,000	per mile
Install bike lane (class III/sharrows)	R32PB	35%	\$25	per linear foot
Install separated bike lanes (Class IV)	R33PB	45%	\$250,000	per mile
Install Rectangular Rapid Flashing Beacon (RRFB)	R37PB	35%	\$50,000	per intersection
Install retroreflective backplates	S02	15%	\$12,000	per intersection
Improve signal timing (coordination, phasing, red, yellow, operation)	S03	15%	\$8,000	per intersection
Install advanced dilemma zone detection	S04	40%	\$34,000	per intersection
Provide protected left-turn phase	S07	30%	\$40,000	per intersection
Install raised pavement markers and striping (Through Intersection)	S09	10%	\$22,000	per intersection
Pedestrian Scramble	S19PB	40%	\$120,000	per intersection
Modify signal phasing to implement a Leading Pedestrian Interval (LPI)	S21PB	60%	\$8,000	per intersection

### Non-Engineering Safety Strategy Countermeasures:

The identified non-engineering countermeasures below were derived from the collision analysis and build on existing efforts. These relate to the additional Es of Traffic Safety outside of Engineering. This includes Enforcement, Education, Emergency Services and Emerging Technologies.

### City-wide Countermeasure Toolbox (Non-Engineering Opportunities)

PROPOSED COUNTERMEASURE	POTENTIAL PARTNERS	EXAMPLES OF COUNTERMEASURE
<b>ENFORCEMENT</b>		
Establish enforcement and visibility program for aggressive driving	Local law enforcement; CHP	<a href="#">CHP's Regulate Aggressive Driving and Reduce Speed (RADARS) Program</a>
Continued enforcement in school zones	Local law enforcement; CHP; school districts	Obtain grant funding for additional personnel in school zones
Increased enforcement of safe driving & active transportation behaviors near busy crosswalk locations	Local law enforcement; CHP	Obtain grant funding for additional enforcement near high pedestrian activity locations
<b>EDUCATION</b>		
Campaign to target aggressive driving and DUIs	Local law enforcement; CHP; California Office of Traffic Safety (OTS)	<a href="#">CHP's Regulate Aggressive Driving and Reduce Speed (RADARS) Program</a>
Bicycle and pedestrian safety campaign	Local law enforcement	SCAG's 'Go Human' Campaign; 'OTS' 'Ride With Traffic' campaign
Explore safe routes to school education grants to expand program	Local school districts; local law enforcement; SCAG	<a href="#">Safe Routes to School Program</a> , funded by Caltrans
Coordinate safety education campaigns	SJCOG; local law enforcement	<a href="#">Roadway safety fairs at schools</a> <a href="#">Education campaign for aging drivers</a>
<b>EMERGENCY SERVICES</b>		
Continue to work on interdepartmental communication between City staff and City police department and fire department	Local law enforcement & fire department	Incorporate law enforcement/fire department as stakeholders on transportation improvement projects
Incorporate public health agencies and fire departments as stakeholders in safety projects	Local public health agencies and fire departments	Adjust safety project development processes to include public health and fire department feedback
<b>EMERGING TECHNOLOGY</b>		
Continue to use best practices for pedestrian crossings at high pedestrian traffic areas	City Public Works; Caltrans	Continuously update pedestrian crossing design standards in accordance with latest best practices
Utilize new data sources to monitor traffic conditions and inform County safety plans	City Public Works; Caltrans	Utilization of data from a traffic management center

An evaluation and implementation plan were created that identifies actionable items that will help the City achieve the goals and vision set out in this report. This section laid out next steps for the City to continue to capitalize on the analysis and information provided in this report.

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## 2 Introduction

Tracy is a vibrant community in southern San Joaquin County, known for its rich history and proximity to the San Francisco Bay area. Tracy has a population of around 93,000 residents, and a median age of 34 years. With an economy based on retail, light manufacturing, logistics, and healthcare, the City has varied transportation needs.

This Local Roadway Safety Plan (LRSP) identifies emphasis areas to inform and guide further safety evaluation of the City's transportation network. The emphasis areas include impaired driving, lane departure collisions, young drivers, and vulnerable road users (pedestrians and bicyclists). The LRSP also analyzes collision data on an aggregate basis as well as at specific locations to identify high-crash locations, high-risk locations, and city-wide trends and patterns. The analysis of collision history on the City's transportation network allows for opportunities to: 1) identify factors in the transportation network that inhibit safety for all roadway users, 2) improve safety at specific high-collision locations, and 3) develop safety measures using the 5E's of transportation safety: Engineering, Enforcement, Education, Emergency Services, and Emerging Technologies, to encourage safer driver behavior, reduce the frequency and severity of crashes, and to institutionalize a process for monitoring safety and making safety investment decisions.

The process and analysis performed for the City's LRSP including initial vision and goals for the LRSP development, crash history analysis, and emphasis areas is included in this Plan. The information compiled will provide a foundation for decision making and prioritization for safety countermeasures and projects that enhance safety for all modes.

The California Office of Traffic Safety ranked Tracy against 105 peer cities. Compared to these peer cities, Tracy ranks as a relatively safe community and shows the efforts the City has taken to create a safe network have been successful. According to the California OTS' 2019 rankings (most recent available), Tracy was ranked 60/105 for traffic injuries and fatalities. Tracy received its lowest ranking in the category: Had Been Drinking with Driver under 21 (10/105). Other areas of concern are for collisions involving motorcyclists and bicyclists. The City ranks well for pedestrian collisions, being ranked 86/105. The City is continuing these safety efforts through this plan by identifying areas of emphasis and opportunities for system improvement that can be implemented to enhance safety. This LRSP analyzes the most recent 5-year period of available crash data (January 1, 2015 – December 31, 2019) and roadway improvements to assess historic trends, patterns, and areas of elevated collision activity.

The intent of the LRSP is to:

- Create a greater awareness of road safety and risks
- Reduce the number of fatal and severe-injury crashes
- Develop lasting partnerships
- Support for grant/funding applications, and
- Help prioritize investments in traffic safety.

## 3 Vision and Goals

The Tracy LRSP evaluates the transportation network as well as non-infrastructure programs and policies within the City. Mitigation measures are evaluated using criteria to analyze the safety of road users (drivers, bicyclists, and pedestrians), the interaction of modes, influences on the roadway network from adjacent municipalities, and the potential benefits of safety countermeasures. This effort is intended to use historical data to identify trends and develop a toolbox of countermeasures applicable to conditions in the City that can be used for proactive identification and implementation of opportunities, without relying solely on a reaction and response to crashes as they occur.

LRSPs have been effective across the country as part of the effort to reduce fatal and severe-injury crashes because they provide a locally developed and customized roadmap to directly address the most common safety challenges in the given jurisdiction. Consistent with these findings, the following Vision, Goals, and Objectives have been established for this project.

### **VISION:**

To enhance the transportation network for all users to reduce the frequency of traffic fatalities and serious injuries.

### 3.1 Goal #1: Identify areas with a high risk for collision.

#### **Objectives:**

- a. Evaluate the City's roadway network for crash activity.
- b. Identify intersections and segments in need of mitigation.
- c. Identify areas of interest with respect to safety concerns for pedestrians and bicycles.

### 3.2 Goal #2: Illustrate the value of a comprehensive safety program and the systemic process.

#### **Objectives:**

- a. Demonstrate the systemic process' ability to identify locations with higher risk for collisions based on present characteristics closely associated with severe collisions.
- b. Demonstrate, through the systemic process, the gaps and data collection activities that can be improved upon.

### 3.3 Goal #3: Define safety improvements for the near-, mid- and long-term, including projects for HSIP and other program funding consideration

#### **Objectives:**

- a. Create the outline for a prioritization process that can be used in forth-coming funding cycles.
- b. Use the systemic process to create Project Case Study sheets.
- c. Use Project Case Study sheets to apply for upcoming HSIP funding consideration.
- d. Demonstrate the correlation between the proposed safety countermeasures with the Vision Zero Initiative and the California State Highway Safety Plan.

### 3.4 Goal #4: Identify emphasis areas to prioritize countermeasure application

**Objectives:**

- a. Use systemic collision analysis to identify emphasis areas.
- b. Prioritize emphasis areas for countermeasure development.
- c. Align emphasis areas with current City areas of concern: speeding, distracted driving, DUI, bicycle and pedestrian collisions.

## 4 Process

The following section describes the analysis process undertaken to evaluate safety within Tracy at a systemic level. Using a network screening process, locations within the City that will most likely benefit from safety enhancements will be identified. Using historic collision data, collision risk factors for the entire network are derived. The outcomes will inform the identification and prioritization of engineering and non-infrastructure safety measures that address certain roadway characteristics and related behaviors that contribute to motor vehicle collisions with active transportation users.

The following section describes the analysis process undertaken to evaluate safety within Tracy at a systemic level. Using a network screening process, locations within the City that will most likely benefit from safety enhancements will be identified. Using historic collision data, collision risk factors for the entire network are derived. The outcomes will inform the identification and prioritization of engineering and non-infrastructure safety measures that address certain roadway characteristics and related behaviors that contribute to motor vehicle collisions with active transportation users.

### 4.1 Guiding Manuals

The following section describes the analysis process undertaken to evaluate safety within Tracy at a systemic level. Using a network screening process, locations within the City that will most likely benefit from safety enhancements will be identified. Using historic collision data, collision risk factors for the entire network are derived. The outcomes will inform the identification and prioritization of engineering and non-infrastructure safety measures that address certain roadway characteristics and related behaviors that contribute to motor vehicle collisions with active transportation users.

This process uses the latest National and State best practices for statistical roadway analysis described as follows.

#### 4.1.1 Local Roads Safety Manual

The *Local Roadway Safety Manual: A Manual for California's Local Road Owners* (Version 1.5, April 2020) purpose is to encourage local agencies to pursue a proactive approach to identifying and analyzing safety issues, while preparing to compete for project funding opportunities. A proactive approach is defined as analyzing the safety of the entire roadway network through either a one-time, network wide analysis, or by routine analyses of the roadway network.<sup>1</sup>

According to the *Local Roadway Safety Manual* (LRSM), “The California Department of Transportation (Caltrans) – Division of Local Assistance is responsible for administering California’s federal safety funding intended for local safety improvements.”

To provide the most benefit and to be competitive for funding, the analysis leading to countermeasure selection should focus on both intersections and roadway segments and be considerate of roadway characteristics and traffic volumes. The result should be a list of locations that are most likely to benefit from cost-effective countermeasures, preferably prioritized by benefit/cost ratio. The manual suggests using a mixture of quantitative and

<sup>1</sup> Local Roadway Safety Manual (Version 1.5) 2020. Page 5.

qualitative measures to identify and rank locations that considers both crash frequency and crash rates. These findings should then be screened for patterns such as crash types and severity to aid in the determination of issues causing higher numbers of crashes and the potential countermeasures that could be most effective. Qualitative analysis should include field visits and a review of existing roadway characteristics and devices. The specific roadway context can then be used to assess what conditions may increase safety risk at the site and systematic level.

Countermeasure selection should be supported using Crash Modification Factors (CMFs). These factors are the peer reviewed product of before and after research that quantifies the expected rate of collision reduction that can be expected from a given countermeasure. If more than one countermeasure is under consideration, the LRSM provides guidance on how to apply CMFs appropriately.

#### 4.1.2 Highway Safety Manual

“The AASHTO *Highway Safety Manual* (HSM), published in 2010, presents a variety of methods for quantitatively estimating crash frequency or severity at a variety of locations.”<sup>2</sup> This four-part manual is divided into Parts: A) Introduction, Human Factors, and Fundamentals, B) Roadway Safety Management Process, C) Predictive Method, D) Crash Modification Factors.

Chapter 4 of Part B of the HSM discusses the Network Screening process. The Network Screening Process is a tool for an agency to analyze their entire network and identify/rank locations that (based on the implementation of a countermeasure) are most likely to least likely to realize a reduction in the frequency of collisions.

The HSM identifies five steps in this process:<sup>3</sup>

1. **Establish Focus:** Identify the purpose or intended outcome of the network screening analysis. This decision will influence data needs, the selection of performance measures and the screening method that can be applied.
2. **Identify Network and Establish Reference Populations:** Specify the types of sites or facilities being screened (i.e., segments, intersections, geometrics) and identify groupings of similar sites or facilities.
3. **Select Performance Measures:** There are a variety of performance measures available to evaluate the potential to reduce crash frequency at a site. In this step, the performance measure is selected as a function of the screening focus and the data and analytical tools available.
4. **Select Screening Method:** There are three principle screening methods described in this chapter (i.e., ranking, sliding window, peak searching). Each method has advantages and disadvantages; the most appropriate method for a given situation should be selected.
5. **Screen and Evaluate Results:** The final step in the process is to conduct the screening and analysis and evaluate the results.

<sup>2</sup> AASHTO, *Highway Safety Manual*, 2010, Washington D.C., <http://www.highwaysafetymanual.org/Pages/About.aspx>

<sup>3</sup> AASHTO. *Highway Safety Manual*. 2010. Washington, DC. Page 4-2.

The HSM provides several statistical methods for screening roadway networks to identify high risk locations based on overall collision histories. In addition to identifying the total number of collisions, this study uses a method referred to as Critical Crash Rate to analyze the data.

## 4.2 Analysis Techniques

### 4.2.1 Collision and Network Screening Analysis

Intersections and roadways were analyzed using four collision metrics:

- Number of Collisions
- Critical Crash Rate (HSM Ch. 4)
- Probability of Specific Crash Types Exceeding Threshold Proportion (HSM Ch. 4)
- Equivalent Property Damage Only (HSM Ch. 4)

The initial steps of the collision analysis established sub-populations of roadway segments and intersections that have similar characteristics. For this study, intersections were grouped by their control type (Signalized and Unsignalized) and segments by their roadway category (Arterial, Collector, Minor Collector, Local). Individual collision rates were calculated for each sub-population. The population level crash rates were then used to assess whether a specific location has more or fewer crashes than expected. These sub-populations were also used to determine typical crash patterns to help identify locations where unusual numbers of specific crash types are seen.

The network screening process ranks intersections and roadway segments by the number of crashes that occurred at each one over the analysis period, and then identifies areas that had more of a given type of crash than would be expected for that type of location. These crash type factors were 1) collision injury (fatal, serious injury, other visible injury, complaint of pain, property damage only), 2) collision type (broadside, rear-end, sideswipe, head-on, hit object, overturned, bicycle, pedestrian, other), 3) environmental factors (lighting, wet roads), and 4) driver behavior (impaired, aggressive, and distracted driving). With these additional factors, the locations were further analyzed and assigned a new rank.

From the results of the network screening analyses, a short-list of locations was chosen based on crash activity, crash severity, crash patterns, location type, and area of the City of Tracy to provide the greatest variety of locations covering the widest range of safety opportunities for toolbox development. The intent is to populate the safety toolbox with mitigation measures that will be applicable to most of the crash activity in the county. Ten locations will ultimately be selected for mitigation analysis.

### 4.2.2 Critical Crash Rate (CCR) Analysis

Reviewing the number of collisions at a location is a good way to understand the cost to society incurred at the local level but does not give a complete indication of the level of risk for those who use that intersection or roadway segment on a daily basis. The Highway Safety Manual describes the Critical Crash Rate method, which provides a statistical review of locations to determine where risk is higher than that experienced by other similar locations. It is also the first step in analyzing for patterns that may suggest systemic issues that can be addressed at that location, and proactively at others to prevent new safety challenges from emerging.

The Critical Crash Rate compares the observed crash rate to the expected crash rate at a particular location based on facility type and volume using a locally calculated average crash rate for the specific type of intersection or roadway segment being analyzed. Based on traffic volumes and a weighted citywide crash rate for each facility type, a critical crash rate threshold is established at the 95% confidence level to determine locations with higher crash rates that are unlikely to be random. The threshold is calculated for each location individually based on its traffic volume and the crash profile of similar facilities.

**Figure 1: Critical Crash Rate Formula**

$$R_{c,i} = R_a + \left[ P \times \sqrt{\frac{R_a}{MEV_i}} \right] + \left[ \frac{1}{(2 \times (MEV_i))} \right]$$

Where,

$R_{c,i}$  = Critical crash rate for intersection  $i$

$R_a$  = Weighted average crash rate for reference population

$P$  =  $P$ -value for corresponding confidence level

$MEV_i$  = Million entering vehicles for intersection  $i$

*Source: Highway Safety Manual*

### **Data Needs**

CCR can be calculated using:

- Daily entering volume for intersections, or vehicle miles traveled (VMT) for roadway segments,
- Intersection control types to separate them into like populations,
- Roadway functional classification to separate them into like populations,
- Collision records in GIS or tabular form including coordinates or linear measures.

### **Strengths**

- Reduces low volume exaggeration
- Considers variance
- Establishes comparison threshold

### **4.2.3 Probability Analysis**

The Highway Safety Manual describes the methodology for determining the probability that crash type is greater than an identified threshold proportion. This helps to identify locations where a crash type is more likely to occur.

### **Data Needs**

The probability of a specific crash type can be determined using collisions records with location data, and classifications of the locations (intersections or segments) studied.

### Strengths

- Can be used as a diagnostic tool
- Considers variance in data
- Not affected by selection bias

The HSM methodology first determines the frequency of a specific collision type at an individual location, then determines the observed proportion of that collision type relative to all collision types at that location. A threshold proportion is then determined for the specific collision type; HSM suggests utilizing the proportion of the collision type observed in the entire reference population (e.g. throughout the entire City of Tracy).

These proportions are then utilized to determine the probability that the proportion of a specific crash type is greater than the long-term expected proportion of that crash type.

Figure 2: Probability of Specific Crash Types Exceeding Threshold Proportion

$$P(p_i > \overline{p}_i^* / N_{observed,i} / N_{observed,i(TOTAL)}) = 1 - \text{betadist}(\overline{p}_i^* / a + N_{observed,i} / \beta + N_{observed,i(TOTAL)} - N_{observed,i})$$

Where:

$\overline{p}_i^*$  = Threshold proportion

$p_i$  = Observed proportion

$N_{observed,i}$  = Observed target crashes for a site  $i$

$N_{observed,i(TOTAL)}$  = Total number of crashes for a site  $i$

*Source: Highway Safety Manual*

#### 4.2.4 Equivalent Property Damage Only (EPDO)

The equivalent property damage only (EPDO) method is described in the Highway Safety Manual. This method assigns weighting factors to crashes based on injury level (severe, injury, property damage only) to develop a property damage only score. In this analysis, the injury crash costs were calculated for each location (based on the latest Caltrans injury costs). This figure is then divided by the injury cost for a property damage only crash. The resulting number is the equivalent number of property damage only crashes at each site. This figure allows all locations to be compared based on injury crash costs. (Highway Safety Manual, Chapter 4).

## 5 Safety Partners

As part of the LRSP, local stakeholders were included in the process to ensure the local perspective was kept at the forefront of this planning effort. In addition to the Project Team which included City Staff, a stakeholder group was organized. This group consisted of members from the Tracy Police Department, Tracy Unified School District, City of Tracy ADA Compliance

Office, the San Joaquin County Fire Department, San Joaquin County Public Health Services, and the City of Tracy Transit Service Division.

These leaders in the City and community were called together to offer insight on the safety issues present in the city's transportation network. After the initial network screening and safety analysis, the stakeholder group met to discuss potential countermeasures and challenge areas. The summary of the stakeholder meeting(s) are outlined below.

## **5.1 Stakeholder Meeting #1**

The first stakeholder meeting was conducted virtually using the Microsoft Teams platform on November 15th, 2021. At the meeting, stakeholders were introduced to the project and provided an overview of the data used, the required outputs, and the potential outcomes of the study.

In addition to the overview, Stakeholders were asked to provide local insight and knowledge at 10 'case study' locations that were identified after the initial network screening and crash analysis process.

Stakeholder feedback regarding the plan and opportunities were reviewed and incorporated into the study process for the development of the LRSP.

## **5.2 Field Tour and Stakeholder Meeting #2**

On December 7<sup>th</sup>, 2021, the Project Team performed a field tour of the 10 'case study' locations to observe traffic, look for roadway features that can be related to collision activity and to get input from stakeholders on things they have seen, heard of, or experienced at these locations.

Following the field tour, a virtual meeting was held on December 14<sup>th</sup> to review the findings and brainstorm potential projects that could improve safety at the case study locations. This information was processed and incorporated into the LRSP.

## 6 Existing Efforts

Existing plans, policies, and projects that were recently completed, planned, or are on-going within the City of Tracy were compiled at the start of the LRSP process in order to gain perspective on the existing efforts for transportation-related improvements within the City. High-level key points regarding transportation improvements and safety-related topics were identified to inform decision making in this LRSP. Information reviewed included the following:

**Table 1: Existing Documents Reviewed**

Name	Year	Agency	Description	Transportation Policies/Improvements	Funding Sources
General Plan (Circulation Element)	2011	City of Tracy	Long-Term Planning	<ul style="list-style-type: none"> <li>• Future circulation element plan</li> <li>• Congestion Management Plan (CMP)</li> <li>• Transportation Master Plan (TMP)</li> <li>• New interchanges with I-205</li> <li>• Raise LOS at select intersections and roadways</li> <li>• Continued build-out of bike/ped infrastructure and mode separation.</li> </ul>	<ul style="list-style-type: none"> <li>• Measure K (San Joaquin County ½ Penny Sales Tax)</li> <li>• San Joaquin County</li> <li>• State of California</li> <li>• San Joaquin Council of Governments</li> </ul>
City of Tracy Bikeways Master Plan	2005	City of Tracy	Non-Motorized Transportation Plan	<ul style="list-style-type: none"> <li>• Gap closure of existing system</li> <li>• Development of a class I bike path</li> <li>• New development to include bike facilities</li> <li>• Pursue development of multi-use trails plan</li> <li>• Develop a city-wide class I trail loop</li> <li>• Promote bike safety and education</li> </ul>	<ul style="list-style-type: none"> <li>• Developer Impact Fees</li> <li>• Caltrans</li> <li>• U.S. DOT</li> <li>• California Transportation Commission</li> <li>• San Joaquin Council of Governments</li> </ul>

Name	Year	Agency	Description	Transportation Policies/Improvements	Funding Sources
Tracy Roadway & Transportation Master Plan	2012 (updated 2016)	City of Tracy	Transportation Improvement Plan	<ul style="list-style-type: none"> <li>• Provide implementation plan for the circulation element</li> <li>• Develop Travel Demand Management (TDM) principles</li> <li>• Implement complete streets policy</li> <li>• Enhance street connectivity</li> <li>• Implement grade separated crossings at select railroad crossings.</li> <li>• Implement safe routes to school program</li> <li>• Create a bicycle and pedestrian safety action plan</li> </ul>	<ul style="list-style-type: none"> <li>• Capital improvement plan</li> <li>• Tax increment financing</li> </ul>

## 7 Data Summary

As a data driven process, utilizing the most recent and accurate data is crucial. The following section describes the data inputs used for the analysis process of this LRSP.

### 7.1 Roadway Network

The collision analysis is built upon the existing roadway network. The base network was derived from the Caltrans California Road System (CRS) and updated to include more newly developed neighborhoods within the city. **Figure 3** illustrates Tracy's roadway network categorized using Caltrans' Classification System. This classification assigned to each corridor roadway segment as either Other Principal Arterial, Minor Arterial, Major Collector, Minor Collector, or Local road is used in the analysis process. Ultimately, corridors will be compared to roadway segments with similar designations.

### 7.2 Intersections

The collision analysis requires each intersection be classified by type: Signalized or Unsignalized. The safety analysis compares intersection safety performance to locations with similar control types. This information is also displayed in **Figure 3**.

### 7.3 Count Data

Vehicular count data is used as part of the analysis process to evaluate the impact of traffic and understand the natural hierarchy of the roadway network. The volumes were collected from the 2015 Tracy Travel Demand Model. For locations without volume or count data, other resources were utilized to identify a reasonable assumption for individual corridors and classification types.

### 7.4 Collision Data

Collision data was collected from Crossroads Software for the period from January 1, 2015 through December 31, 2019 to have a complete set of collision data for analysis. This project uses five-years of data instead of the standard three to provide more history to evaluate trends or patterns. Analysis of the raw collision data is the first step in understanding the specific and systemic challenges faced throughout the City. Analyzing the five years of data provided insight on the following collision trends and patterns. The locations of fatal and severe injury collisions are displayed in **Figure 43**. The locations of fatal and severe injury collisions involving bicycles and pedestrians are shown in **Figure 5**. The density of collisions at intersections and along roadway segments is show in **Figure 6**.

Figure 3: Functional Classification (CRS) and Intersection Type as of 2020

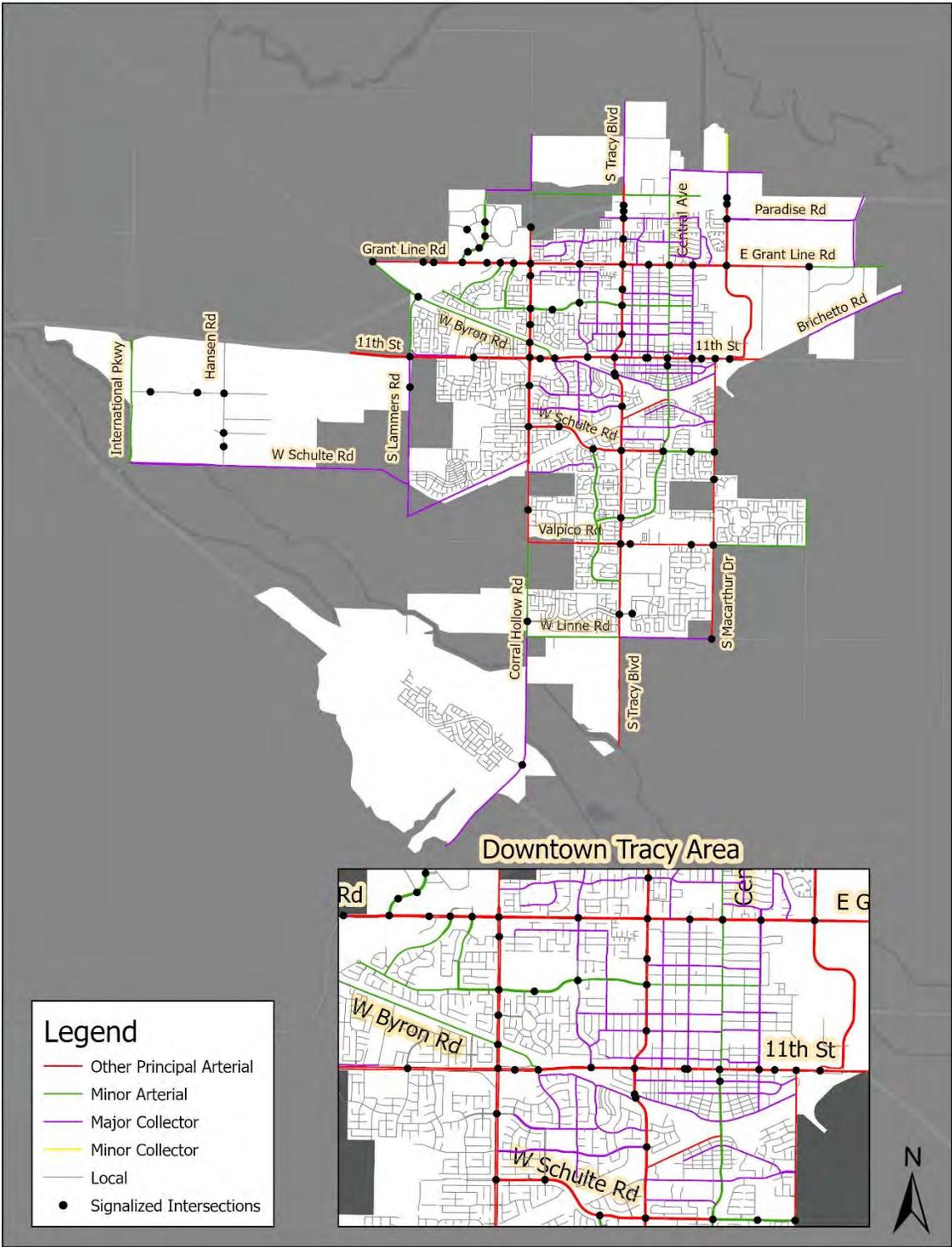


Figure 4: All Collisions resulting in Severe Injury or Fatality (2015-2019)

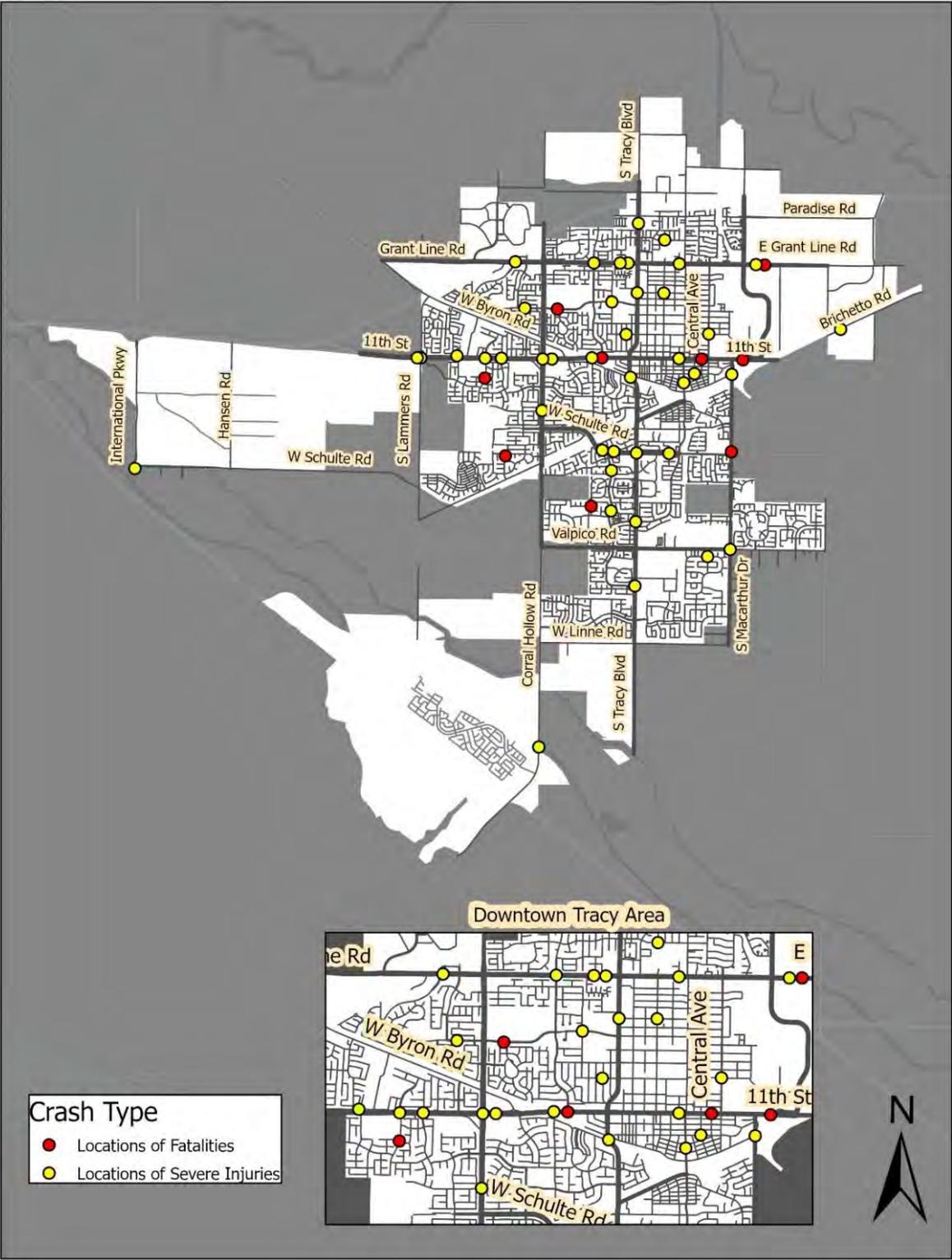


Figure 5: Fatalities Locations for Pedestrians and Bicycle Collisions (2015-2019)

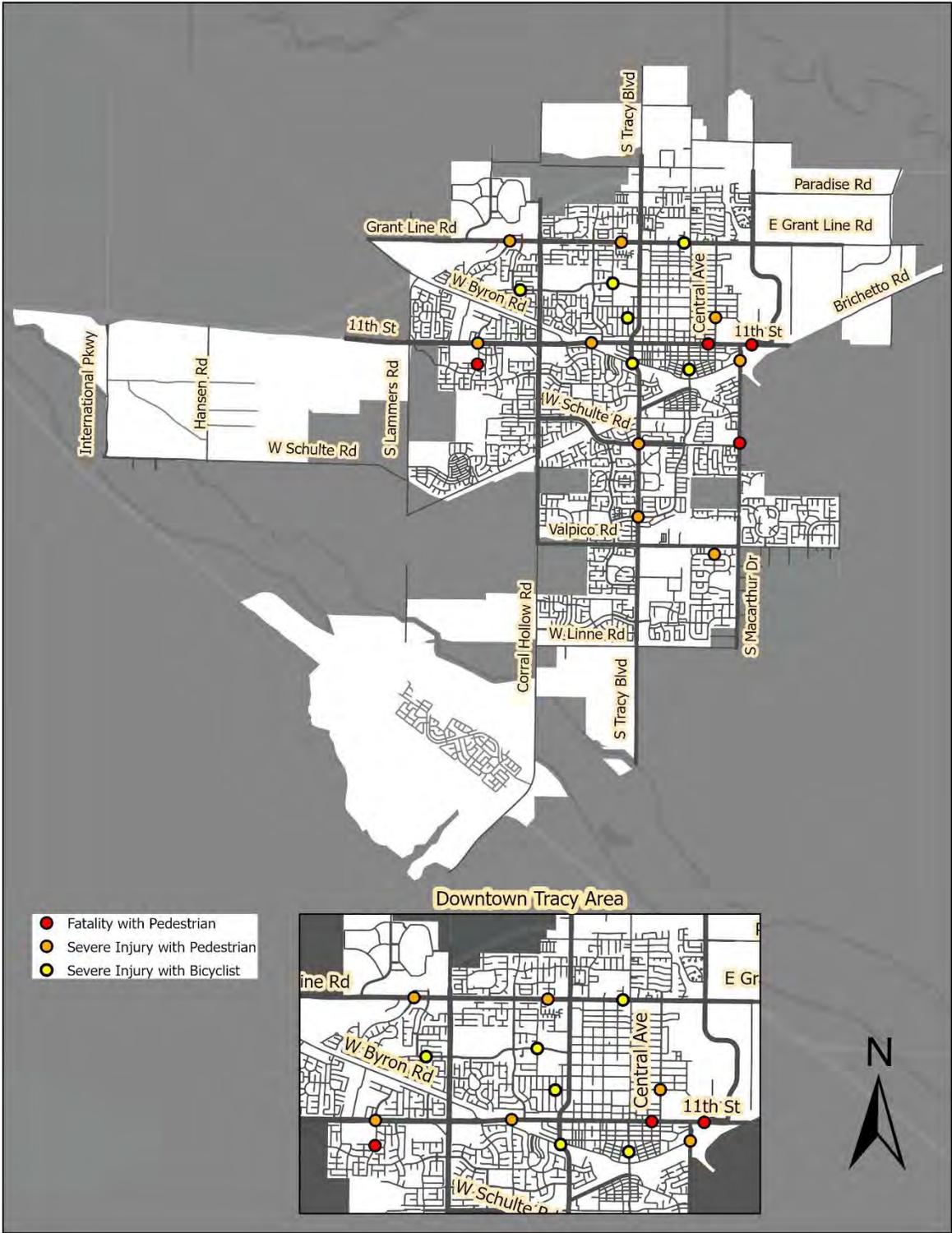
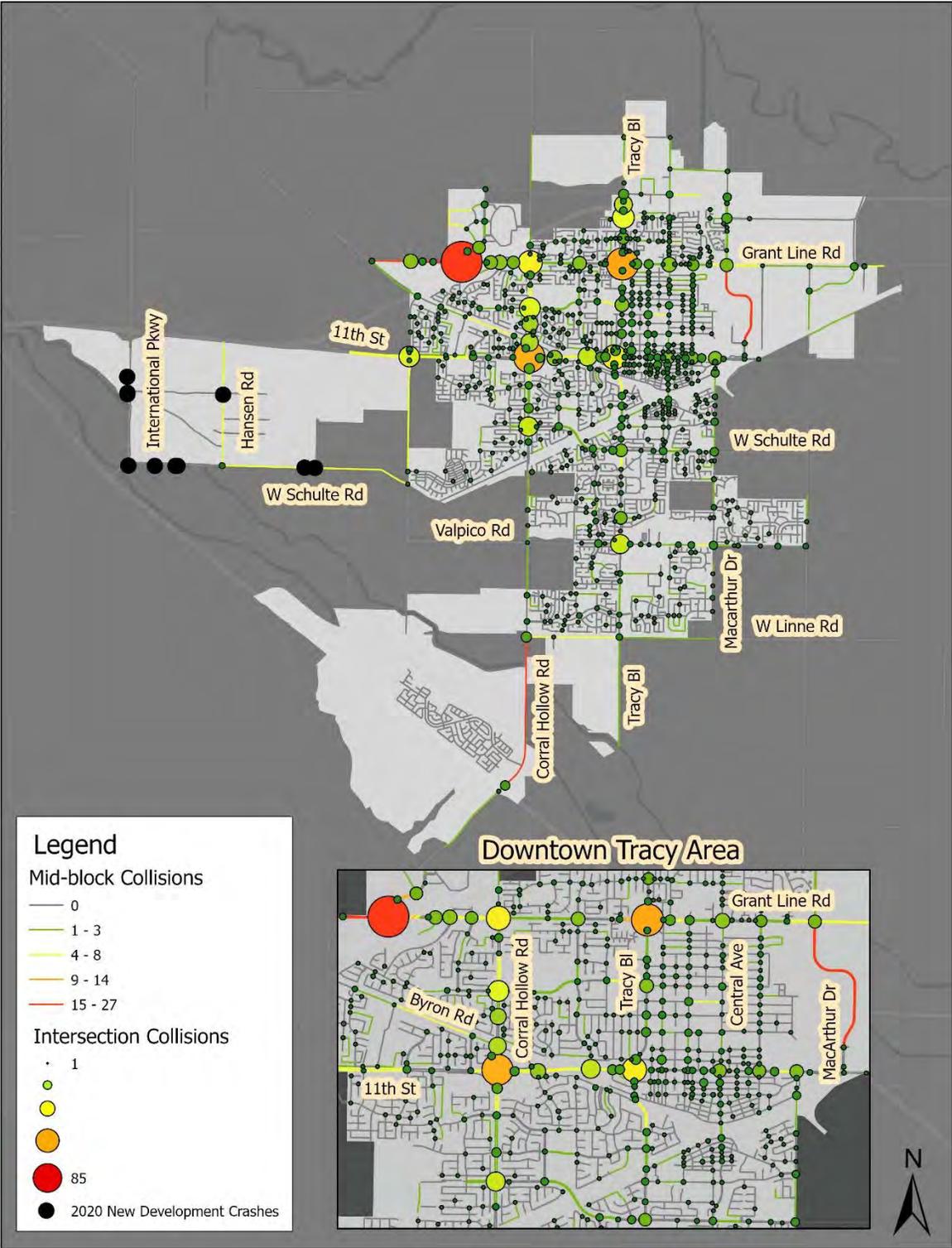


Figure 6: Density of all Collisions at Intersections and Segments (2015-2019)



## 8 Collision Safety Trends

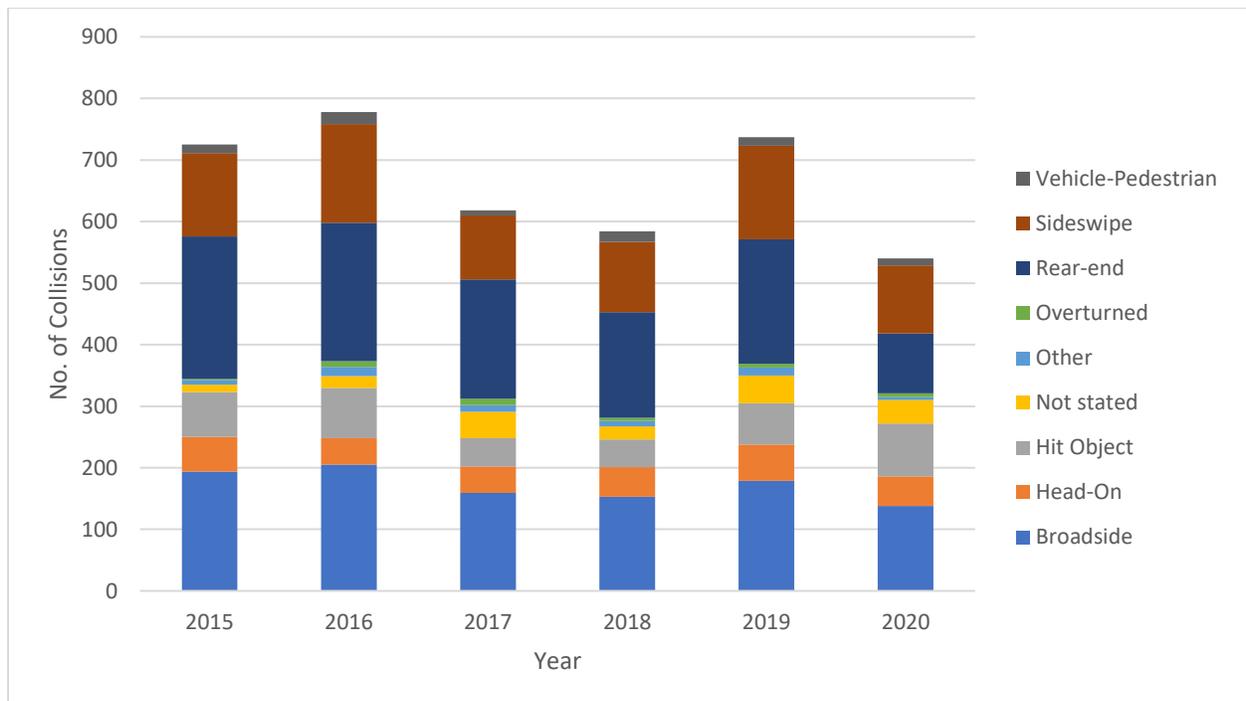
The following section breaks down the collision data by a variety of input factors and user types. This information will be used to highlight areas of concern for the City.

### 8.1 All Collisions

This report utilized collision data for a five-year period to provide a better understanding of trends and to reflect the patterns in crashes that have occurred on City streets. New data is added to the system in an ongoing basis which means that each time the City updates the analysis, a full 5-year draw from the database, rather than just adding records from the last query should be standard practice. Data used for this report were extracted from Crossroads Software analytics on July 22nd, 2021 and was current as of that date. Collision data from January 1, 2015 through December 31, 2019 as reported to Crossroads from the local enforcement indicated that during this time there were 3,442 collisions recorded within Tracy.

During this time, the most common occurring collision types were Rear-End (30%) and Broadside (26%) The total number of collisions per year was similar in 2015, 2016, and 2019, with 725, 778, and 737 crashes respectively. Crashes dropped significantly in 2017, 2018 and 2020, with 618, 584, and 540 crashes respectively.

Figure 7: Collision Type by Year



## 8.2 Fatalities & Severe injuries

During the study period, 9 fatal and 42 severe injury collisions occurred, as seen in **Figure 4**. These collisions were mainly concentrated along the City’s arterial roadways, such as 11<sup>th</sup> Street, Tracy Boulevard, and Grant Line Road. As shown in **Table 2** below, a majority fatal & severe injury collision solely involved vehicles, but a significant number involved pedestrians and bicyclists.

**Table 2: Fatal & Severe Injury Collisions by Mode (2015-2019)**

Involved With	# of Fatal Collisions	# of Severe Injury Collisions
Vehicle	5	27
Bicycle	-	6
Pedestrian	4	9

The cause of the fatal & severe injury collisions is shown in

Table 3 below. The most common cause for fatal collisions is driving under the influence (33%), while the most common cause for severe injury auto collision is right of way violation (19%) and improper turning (19%).

Collision Cause	# of Fatal Collisions	# of Severe Injury Collisions
Auto R/W Violation	1	8
Improper Turning	1	8
Driving Under Influence	3	7
Pedestrian Violation	-	5
Unsafe Speed	1	4
Wrong Side of Road	1	4
Traffic Signals and Signs	-	2
Ped R/W Violation	1	1
Collision Cause	# of Fatal Collisions	# of Severe Injury Collisions
Improper Passing	1	8
Auto R/W Violation Unstated	-	1
Improper Turning	1	8
Driving Under Influence	3	7
Pedestrian Violation	-	5
Unsafe Speed	1	4
Wrong Side of Road	1	4
Traffic Signals and Signs	-	2
Ped R/W Violation	1	1
Unknown	1	1
Improper Passing	-	1

**Table 3:  
& Severe**

Unstated	-	1
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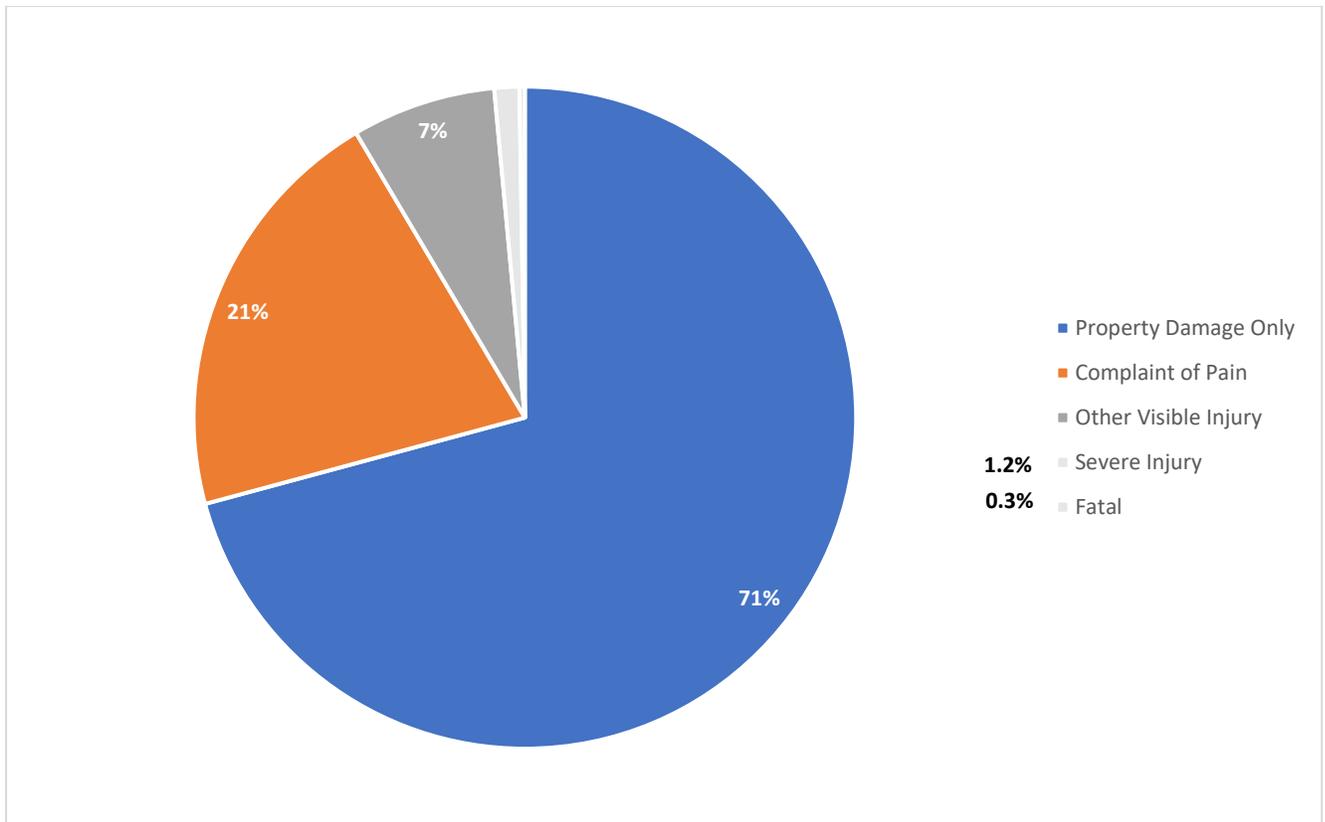
**Fatal**

**Injury Collisions by Cause (2015-2019)**

### 8.3 Injury Levels

**Figure 8** shows the distribution of collisions by injury level. Roughly more than half (70%) of the collisions reported during the time-period resulted in property damage only. Fatalities and severe injuries totaled less than 2% of all collisions.

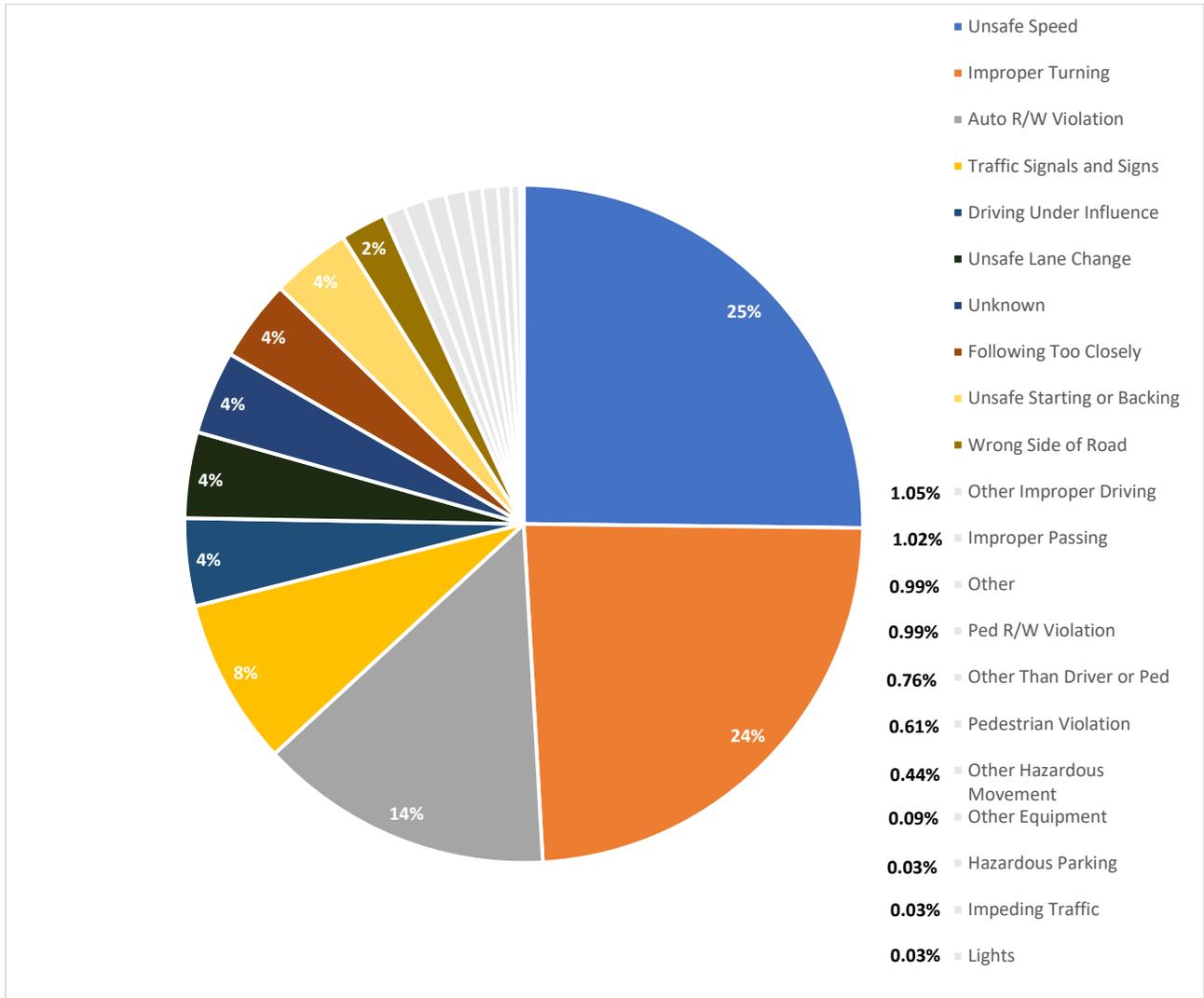
**Figure 8: Collisions by Injury Levels (2015- 2019)**



## 8.4 Cause of Collision

The highest cause of collision in Tracy is unsafe speed at 25%, followed by improper turning at 24% and by automobile right-of-way violation at 14%. 8% of the collisions were caused by drivers ignoring traffic signals or signs. **Figure 9** shows the distribution of collisions by cause.

**Figure 9: Collisions by Cause (2015-2019)**



## 8.5 Vulnerable Users

### 8.5.1 Pedestrians

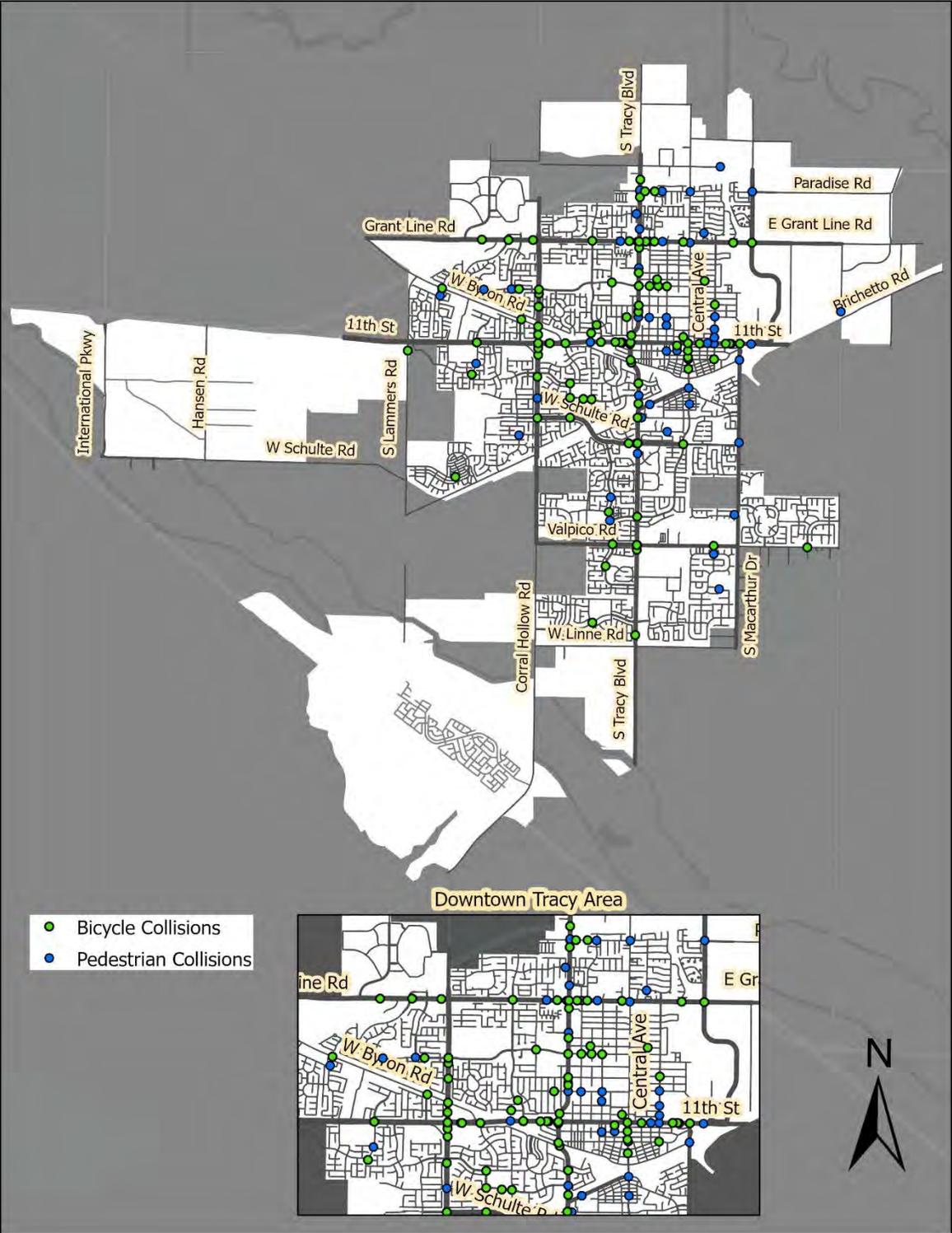
81 pedestrian-involved collisions occurred during the study period, resulting in 4 fatal collisions, 9 severe injury collisions, and 63 with some form of reported injury or pain. Thirty-five percent (35%) of the collisions occurred at night, and about 2% of these were in areas without

streetlights or when they were not functioning (did not turn on or light had burned out). Just about 25% of pedestrian collisions occurred while the pedestrian was crossing in the crosswalk.

### **8.5.2 Bicycle**

During the study period, 102 collisions involving bicycles were reported. Of these, six (6) resulted in severe injuries, twenty-seven (27) resulted in property damage only, and sixty-nine (69) with some form of reported injury or pain. About 23% of collisions occurred at night. However, 75% of the collisions occurred during the day. Just under half (41%) of the bicycle collisions were caused by a vehicle or bicycle being on the wrong side of the road. **Figure 10** shows the location of pedestrian and bicycle collisions in the City.

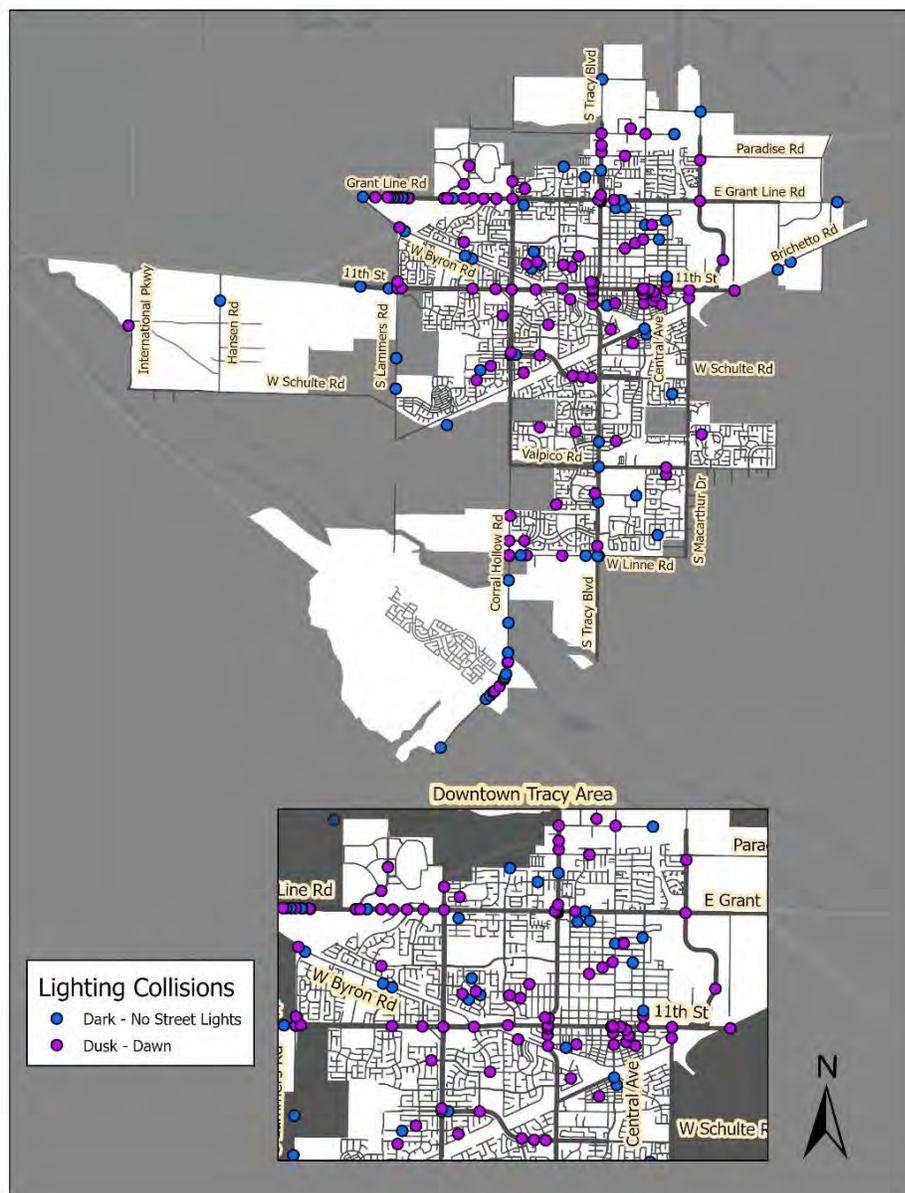
Figure 10: Pedestrian and Bicycle Collisions (2015-2019)



## 8.6 Other Significant Trends

- Six percent of collisions (229) occurred at night without streetlights or during dusk/dawn. Many of these collisions still occurred at or near intersections. **Figure 11** shows the location of these collisions.
- 30 percent of collisions (1025) involved rear-end and 26 percent of collisions (890) involved broadside. Although significant in number, there are no discernable city-wide patterns to these collisions.
- Six percent of drivers at fault were aged 65 and older. Looking at the expanded range of aged 55 and older, this group accounts for just over 14% of collisions.
- 27 percent of the drivers at fault were between 16 and 25 years old.

**Figure 11: Dark Lighting Collisions (2015-2019)**



## 8.7 Behavioral

### 8.7.1 Driving Under the Influence

292 collisions, just over 8% of all collisions, were reported as the driver being under the influence of drugs or alcohol. 70% of the DUI collisions resulted in property damage only. 33% of the traffic fatalities involved a DUI.

### 8.7.2 Aggressive Driving

Twenty-nine percent of the collisions were primarily caused by aggressive driving (drivers traveling at unsafe speed or following too closely). These types of collisions are located primarily on major arterials.

### 8.7.3 Driver Inattention

Less than one percent of collisions had driver inattention as a possible contributing factor. This category is assumed to be underreported as it is difficult to determine that driver inattention led to a crash. Caltrans is prioritizing improved reporting of these types of crashes.

## 8.8 Statewide Comparison

Due to the availability of data, a comparison of fatal and severe injury data to the State averages could only be conducted for data from 2009-2018. These numbers may vary slightly from those mentioned previously, due to the differences in the years of the study period. The following table compares factors involved in serious injury and fatal crashes between the City of Tracy and totals for the state.

**Table 4: Comparison of Statewide and Tracy Fatal & Severe Injury Collisions (2009-2018)**

Challenge Area	Statewide %	Tracy %	# of Collisions	% Difference
Lane Departure	42.1%	<b>55.1%</b>	435	12.9%
Impaired Driving	23.8%	<b>31.4%</b>	248	7.6%
Commercial Vehicles	6.5%	<b>11.5%</b>	91	5.0%
Improper Use of Occupant Protection	13.8%	<b>18.0%</b>	142	4.2%
Young Drivers	12.3%	<b>13.7%</b>	108	1.3%
Work Zones	1.4%	<b>2.5%</b>	20	1.1%
Aging Drivers (65+)	13.1%	<b>13.3%</b>	105	0.2%
Distracted Driving	4.7%	2.7%	21	-2.1%
Aggressive Driving	33.3%	30.9%	244	-2.4%

Challenge Area	Statewide %	Tracy %	# of Collisions	% Difference
Bicyclists	7.5%	3.3%	26	-4.2%
Motorcyclists	21.8%	15.6%	123	-6.2%
Intersections	23.9%	8.0%	63	-15.9%
Pedestrians	19.3%	0.6%	5	-18.7%

## 8.9 Network Screening Analysis Results

Table 5 and Table 6 show the number of crashes occurring at locations in Tracy by crash type for the locations that will be studied further in the Report, and highlights locations in which the probability of those crash types exceeding the threshold proportion is greater than 33%.

The tables are ordered by the number of collisions that occurred at that segment or intersection. In order to be statistically significant, only locations where more than two collisions occurred are represented. At locations with two or less collisions, random chance can account for crash history as much or more than specific roadway characteristics. The tables include the top 10 locations by number of crashes for each intersection and roadway type.

The tables are separated into sub-sections visible by the blue gradient. The first two columns, Crashes and Local CCR Differential, represent the level of crash activity in absolute terms, and as relative to other similar locations, respectively.

Per guidance from the Local Roadway Safety Manual (LRSM) each sub-population of locations was ranked according to the number of collisions. The second column shows the CCR, which highlights whether or not the collision activity was higher or lower than the average for the sub-population based on the individual segment or intersection volume. This volume was either collected through data count resources or calculated based on the roadway classification. All averages used in the CCR calculation were established based on City of Tracy's crash data to determine what locations might be best to prioritize at the local level. This process highlights locations of collisions that are unusual for the City to determine Tracy's challenge areas, and not problems faced by peer cities that do not apply in Tracy. The remaining columns total collisions by type, to evaluate each sub-population and understand what proportion of crashes in the City are of a particular type. The city-wide proportion was compared with the local intersection or segment specific proportion to determine which locations have more of a given crash type than would be expected when considering the City average. A confidence level of 95% was used for the CCR Calculations. For this study, two categories of ranges were highlighted:

- **Light Gray:** >50% probability that this crash type is over-represented on this segment/intersection as compared to other characteristically similar locations within the City of Tracy. Although these locations have a slightly higher probability of this crash type than their counterparts, they are not necessarily highly significant.
- **Dark Gray:** >75% probability that this crash type is over-represented on this segment/intersection as compared to other characteristically similar locations within the

City of Tracy. These locations are highly significant in regard to the number of collisions occurring here and should be further investigated.

After this analysis was completed, the locations were ranked against other similar locations within the City by their categories according to the expected proportion of that crash type within Tracy. Locations with higher than expected crashes of that type were identified by the probability that random chance would not account for exceedances.

Additionally, it should be noted that the columns for Collision Severity, Type, Involved With, and Behavior are additional characteristics of the collisions and should not be counted as a separate collision.

The following provides an example of how to read **Table 5** and **Table 6**.

*Table Definitions:*

- Total Collisions: Number of collisions observed at the intersection or segment from January of 2015 through December of 2019.
- Local Critical Crash Rate (CCR) Differential: The CCR specific to the intersection or segment.
- Fatal, Severe, Other Visible Injury, Complaint of Pain, Property Damage Only (PDO): The number of collisions with that injury level that occurred at this location in the study period.
- Broadside, Sideswipe, Rear-End, Head-On, Hit Object, Overturned, Other, Pedestrian, Bicycle: The number of these types of collisions that occurred at this location in the study period.
- Other: The number of miscellaneous collision types (mostly single vehicle) that occurred at this location in the study period.
- Aggressive, Distracted, Impaired, Dark, Wet: The number of the collisions with this factor identified as the cause of collision.

Table 5: Analysis Rankings – Intersections (Top Locations Per Intersection Type)

Intersection	Crashes	Local CCR Differential <sup>1</sup>	EPDO <sup>2</sup>	Fatal	Serious Injury	Other Visible Injury	Complaint of Pain	PDO	Broadside	Sideswipe	Rear End	Head On	Hit Object	Overturned	Other	Pedestrian	Bicycle	Aggressive	Distractions	Impaired	Dark	Wet
<b>Signalized Intersections</b>																						
Naglee Rd & W Grant Line Rd	85	0.65	235	0	0	6	18	61	12	25	36	2	2	1	0	0	0	39	0	2	0	9
W Grant Line Rd & Tracy Blvd	65	0.22	136	0	0	1	12	52	13	7	36	2	4	0	0	1	1	38	0	0	0	5
N Corral Hollow Rd & 11th St	63	0.15	336	0	1	5	12	45	16	9	27	0	2	1	1	4	1	33	1	3	0	6
11th St & Tracy Blvd	48	0.77	144	0	0	2	15	31	10	11	19	1	2	1	1	1	3	20	0	2	0	1
Nivens St & W Grant Line Rd	47	-0.16	147	0	0	3	14	30	13	7	21	4	2	0	0	0	0	27	0	2	1	3
Tracy Blvd & Clover Rd	42	-0.11	97	0	0	2	7	33	8	5	21	2	1	1	0	2	0	21	0	0	0	3
W Lowell Ave & Corral Hollow Rd	40	0.32	155	0	0	4	15	21	10	9	17	1	1	0	0	1	3	21	0	1	0	5
S Lammers Rd & 11th St	39	-0.15	619	0	3	5	8	23	13	6	11	4	3	0	0	0	0	22	0	1	1	1
W Valpico Rd & Tracy Blvd	36	0.41	121	0	0	4	9	23	8	7	11	5	1	0	1	0	3	18	0	1	1	4
Corral Hollow Rd & W Schulte Rd	36	-0.01	66	0	0	1	4	31	5	5	14	2	7	0	1	0	1	18	0	3	1	4
Lincoln Blvd & Lincoln Blvd	35	0.11	264	1	0	2	9	23	5	5	15	0	7	0	1	2	2	13	0	5	0	2
Tracy Blvd & I-205 Ramp	33	0.27	78	0	0	1	7	25	14	8	5	1	3	0	0	2	2	11	0	1	0	2
Corral Hollow Rd & Byron Rd	32	-0.12	107	0	0	3	9	20	10	1	16	1	2	0	1	0	2	20	0	0	0	4
Corral Hollow Rd & Fieldview Dr	29	-0.06	129	0	0	4	12	13	7	3	16	0	2	0	0	0	2	21	0	0	0	4
Alden Glen Dr & Byron Rd	27	-0.13	72	0	0	2	5	20	3	3	12	3	4	0	0	1	2	14	0	0	0	2
Holly Dr & W Grant Line Rd	26	0.09	72	0	0	0	9	17	8	4	10	1	2	0	0	1	0	16	0	0	0	2
W Grant Line Rd & Henley Pkwy	25	-0.30	224	0	1	0	7	17	5	2	14	1	0	0	1	1	1	16	0	0	0	2

Intersection	Crashes	Local CCR Differential <sup>1</sup>	EPDO <sup>2</sup>	Fatal	Serious Injury	Other Visible Injury	Complaint of Pain	PDO	Broadside	Sideswipe	Rear End	Head On	Hit Object	Overtuned	Other	Pedestrian	Bicycle	Aggressive	Distracted	Impaired	Dark	Wet
W Lowell Ave & Tracy Blvd	24	0.02	59	0	0	1	5	18	9	7	5	1	1	0	0	0	1	10	0	0	0	3
Lincoln Blvd & W Grant Line Rd	24	-0.11	248	0	1	2	8	13	9	3	6	4	0	0	0	2	2	12	0	0	0	4
Holly Dr & 11th St	23	0.05	53	0	0	1	4	18	6	6	5	2	0	0	0	1	1	13	0	0	0	2
N Mac Arthur Dr & 11th St	23	0.08	53	0	0	0	6	17	2	1	13	2	3	0	1	0	1	12	0	4	0	3
11th St & East St	22	-0.02	52	0	0	0	6	16	10	4	7	1	0	0	0	1	0	14	0	1	0	4
E Grant Line Rd & N Macarthur Dr	22	-0.12	42	0	0	1	2	19	6	8	3	1	2	0	0	2	1	8	0	0	0	2
Tracy Blvd & Central Ave	21	0.17	240	0	1	2	7	11	5	5	6	0	3	0	0	1	1	15	0	1	1	2
Tracy Blvd & W Schulte Rd	21	-0.05	244	0	1	3	6	11	5	5	4	1	2	0	0	3	2	7	0	0	0	2
W Grant Line Rd & Orchard Pkwy	21	-0.30	61	0	0	1	6	14	8	3	8	2	0	0	0	0	0	17	0	0	0	1
Naglee Rd & I-205 Ramp	21	0.14	46	0	0	0	5	16	5	1	9	4	0	1	0	0	0	12	0	1	0	1
East St & E Grant Line Rd	19	-0.21	44	0	0	1	3	15	5	4	5	1	1	1	0	0	0	9	0	0	0	2
Tracy Blvd & W Kavanagh Ave	19	-0.30	64	0	0	2	5	12	8	2	5	2	1	1	0	0	0	15	0	0	0	1
E Pescadero Ave & N Macarthur Dr	16	-0.28	46	0	0	0	6	10	5	2	7	1	1	0	0	1	0	11	0	0	0	1
Tracy Blvd & Eaton Ave	13	-0.24	33	0	0	0	4	9	4	3	2	2	0	0	0	2	0	4	0	0	0	2
Parker Ave & W Grant Line Rd	13	-0.05	28	0	0	1	1	11	6	1	4	0	2	0	0	0	0	5	0	1	0	1
11th St & Shopping Plaza east of Corral Hollow Rd	13	-0.19	202	0	1	1	3	8	5	0	2	2	0	0	1	1	1	9	0	0	0	0
S Macarthur Dr & W Schulte Rd	12	-0.02	196	1	0	1	2	8	4	4	3	0	0	0	0	1	0	7	0	1	0	0
N Fabian St & E Hamilton Ln	12	-0.04	27	0	0	1	1	10	5	2	1	1	2	0	0	0	2	1	0	0	0	2
S Macarthur Dr & Valpico Rd	11	-0.16	195	0	1	1	2	7	3	2	3	1	1	0	0	0	0	8	0	1	0	0

Intersection	Crashes	Local CCR Differential <sup>1</sup>	EPDO <sup>2</sup>	Fatal	Serious Injury	Other Visible Injury	Complaint of Pain	PDO	Broadside	Sideswipe	Rear End	Head On	Hit Object	Overtuned	Other	Pedestrian	Bicycle	Aggressive	Distracted	Impaired	Dark	Wet
Alegre Dr & Corral Hollow Rd	11	-0.29	16	0	0	0	1	10	3	4	3	0	0	0	0	0	0	5	0	0	0	0
N MacArthur Dr & I-205 Ramp	11	-0.24	26	0	0	0	3	8	2	2	6	0	1	0	0	0	0	6	0	0	0	0
Central Ave & W Schulte Rd	10	-0.18	49	0	0	4	0	6	5	3	0	1	0	0	1	0	1	4	0	2	0	0
Schulte Rd & Lauriana Ln	10	-0.18	40	0	0	2	2	6	3	0	0	2	3	0	0	1	1	2	0	2	0	1
Tennis Ln & Tracy Blvd	10	-0.26	25	0	0	0	3	7	1	1	4	1	0	0	0	1	0	6	0	1	0	0
11th St & Crossroads Dr	10	-0.37	209	0	1	1	5	3	4	0	4	0	0	0	0	1	1	5	0	0	0	1
Tracy Blvd & I-205 Ramp	10	-0.32	20	0	0	0	2	8	0	4	2	0	3	0	0	0	0	2	0	1	0	0
W Schulte Rd & Sycamore Pkwy	9	-0.12	39	0	0	2	2	5	1	2	0	4	0	0	1	0	0	5	0	1	0	1
Corral Hollow Rd & Cypress Dr	9	-0.35	44	0	0	1	5	3	3	0	6	0	0	0	0	0	1	7	0	0	0	0
Central Ave & 10th St	9	-0.14	24	0	0	1	1	7	2	1	4	1	0	0	0	0	1	2	0	0	0	2
W Grant Line Rd & Shopping Plaza east of Byron Rd	9	-0.22	29	0	0	0	4	5	1	2	6	0	0	0	0	0	0	5	0	1	0	0
Bessie Ave & Vallerand Rd	9	-0.25	28	0	0	2	0	7	2	3	3	0	0	0	0	1	0	5	0	0	0	1
Naglee Rd & Tracy Pavillion Plaza	9	-0.28	19	0	0	0	2	7	1	3	4	1	0	0	0	0	0	5	0	0	0	0
Glenbriar Dr & Valpico Rd	8	-0.25	23	0	0	1	1	6	2	2	3	0	1	0	0	0	1	5	0	0	0	0
Tracy Blvd & 6th St	8	-0.31	13	0	0	0	1	7	2	0	2	2	1	0	1	0	1	4	0	0	0	0
Parker Ave & 11th St	8	-0.27	33	0	0	1	3	4	4	1	1	0	0	0	1	0	0	5	0	0	0	2
Grant Line Rd & Shopping Plaza west of the I-205	8	-0.31	28	0	0	1	2	5	1	2	4	0	0	0	0	0	0	5	0	0	0	1
Tracy Blvd & Beechnut Ave	7	-0.32	181	0	1	0	2	4	0	0	4	0	2	0	0	0	1	3	0	1	0	1
S Lammers Rd & W Byron Rd	7	-0.25	31	0	0	2	1	4	0	1	5	1	0	0	0	0	0	5	0	0	1	1
W Lowell Ave & Lincoln Blvd	6	-0.12	6	0	0	0	0	6	1	2	2	0	0	0	0	0	0	4	0	0	0	1

Intersection	Crashes	Local CCR Differential <sup>1</sup>	EPDO <sup>2</sup>	Fatal	Serious Injury	Other Visible Injury	Complaint of Pain	PDO	Broadside	Sideswipe	Rear End	Head On	Hit Object	Overtuned	Other	Pedestrian	Bicycle	Aggressive	Distracted	Impaired	Dark	Wet
205 Ramp & W Grant Line Rd	6	-0.41	16	0	0	0	2	4	0	2	2	0	1	0	0	0	0	4	0	0	0	2
Robertson & Naglee Rd	6	-0.38	6	0	0	0	0	6	3	1	1	1	0	0	0	0	0	4	0	0	0	0
Valpico Rd & Shopping Plaza east of Tracy Blvd	6	-0.34	21	0	0	0	3	3	1	0	3	0	1	0	0	0	0	6	0	0	0	1
Corral Hollow Rd & Calaveras Ct	5	-0.41	25	0	0	1	2	2	0	0	3	0	2	0	0	0	0	3	0	0	0	0
Byron Rd & Grant Line Rd	5	-0.21	10	0	0	0	1	4	1	0	3	1	0	0	0	0	0	4	0	0	1	0
Maplecrest Ct & Tracy Blvd	4	-0.44	9	0	0	0	1	3	0	0	1	0	3	0	0	0	0	1	0	1	0	0
S Macarthur Dr & Yosemite Dr	4	-0.43	9	0	0	0	1	3	0	0	4	0	0	0	0	0	0	2	0	0	0	0
Chrisman Rd & E Grant Line Rd	4	-0.40	9	0	0	0	1	3	1	1	0	0	2	0	0	0	0	1	0	0	0	1
Corral Hollow Rd & Starflower Dr	3	-0.47	8	0	0	0	1	2	0	0	1	1	0	0	0	0	0	1	0	0	0	2
West St & 11th St	3	-0.46	3	0	0	0	0	3	1	1	0	0	1	0	0	0	0	0	0	0	0	0
N Macarthur Dr & 205 Ramp	3	-0.47	3	0	0	0	0	3	0	1	0	1	0	0	0	0	0	0	0	0	0	0
<b>Unsignalized Intersections</b>																						
S Lammers Rd & W Grant Line Rd	25	1.0	95	0	0	3	8	14	4	3	16	0	1	0	0	0	0	16	0	1	2	0
Toste Rd & W Grant Line Rd	23	0.2	48	0	0	1	3	19	6	6	8	3	0	0	0	0	0	7	0	0	0	1
Corral Hollow Rd & W Linne Rd	16	0.2	36	0	0	0	4	12	8	0	5	0	1	2	0	0	0	11	0	1	1	1
Corral Hollow Rd & Krohn Rd	16	0.3	51	0	0	1	5	10	7	1	6	1	1	0	0	0	1	6	0	0	0	1
Buthmann Rd & W Grant Line Rd	16	0.4	51	0	0	1	5	10	9	1	3	1	1	0	0	0	1	2	0	0	0	1
Bessle Ave & 12th St	13	0.4	43	0	0	1	4	8	9	1	0	1	1	0	0	0	0	3	0	0	0	0

Intersection	Crashes	Local CCR Differential <sup>1</sup>	EPDO <sup>2</sup>	Fatal	Serious Injury	Other Visible Injury	Complaint of Pain	PDO	Broadside	Sideswipe	Rear End	Head On	Hit Object	Overtuned	Other	Pedestrian	Bicycle	Aggressive	Distracted	Impaired	Dark	Wet
W Schulte Rd & Morris Phelps Dr	11	0.3	41	0	0	2	2	7	7	0	4	0	0	0	0	0	1	6	0	0	0	1
Macarthur Dr & 6th St	11	0.3	195	0	1	1	2	7	3	0	3	2	0	1	1	1	0	4	0	1	0	1
B St & 10th St	11	0.7	41	0	0	2	2	7	2	3	3	1	0	0	0	1	0	0	0	1	0	0
Madison Ave & Beverly Pl	11	0.0	51	0	0	1	6	4	6	2	0	1	0	0	0	1	1	0	0	0	0	0
Parker Ave & Carlton Way	11	0.6	26	0	0	0	3	8	6	1	3	0	0	0	1	0	0	1	0	1	0	1
Valpico Rd & Sycamore Pkwy	10	0.07	30	0	0	0	4	6	8	0	1	0	0	0	1	0	1	8	0	1	0	2
Corral Hollow Rd & Seville Dr	10	1.93	35	0	0	1	3	6	6	1	1	0	0	0	0	0	1	1	0	0	0	0
Paradise Rd & E Grant Line Rd	10	0.19	25	0	0	0	3	7	1	2	3	3	1	0	0	0	0	3	0	0	0	2
Macarthur Dr & E Mount Diablo Ave	9	0.10	54	0	0	2	5	2	3	0	5	0	0	1	0	0	0	6	0	0	0	0
W Mount Diablo Ave & Tracy Blvd	9	0.03	29	0	0	1	2	6	3	3	0	0	1	0	0	1	1	1	0	2	0	1
Centre Court Dr & Tracy Blvd	9	0.15	14	0	0	0	1	8	1	3	2	1	2	0	0	0	1	2	0	1	0	1
11th St & 10th St	9	-0.02	9	0	0	0	0	9	2	1	1	4	1	0	0	0	0	1	0	1	0	0
B St & 11th St	9	0.25	24	0	0	1	1	7	4	1	2	1	0	0	0	0	1	2	0	0	0	1
F St & 11th St	9	0.28	178	1	0	0	1	7	3	1	3	0	1	0	0	1	0	6	1	0	0	0
Parker Ave & Eaton Ave	9	0.23	34	0	0	1	3	5	6	1	1	0	0	0	0	2	0	4	0	0	0	2
Bessie Ave & Beverly Pl	9	0.27	19	0	0	0	2	7	3	2	2	1	0	0	0	0	0	1	0	0	0	1
Holly Dr & W Lowell Ave	9	0.10	14	0	0	0	1	8	1	1	6	1	0	0	0	0	0	4	0	0	0	0
Tracy Blvd & Cordoza Rd	9	-0.03	33	0	0	2	1	6	2	3	1	0	2	0	0	1	0	2	0	0	0	1
Central Ave & 4th St	8	0.18	23	0	0	1	1	6	2	2	3	0	0	0	0	1	0	5	0	0	1	1
Parker Ave & 12th St	8	0.13	33	0	0	1	3	4	6	1	0	0	1	0	0	0	0	3	0	0	0	2
W Grant Line Rd & 23rd St	8	0.06	28	0	0	1	2	5	0	1	5	1	0	0	0	0	1	4	0	1	0	0

Intersection	Crashes	Local CCR Differential <sup>1</sup>	EPDO <sup>2</sup>	Fatal	Serious Injury	Other Visible Injury	Complaint of Pain	PDO	Broadside	Sideswipe	Rear End	Head On	Hit Object	Overtaken	Other	Pedestrian	Bicycle	Aggressive	Distracted	Impaired	Dark	Wet
Holly Dr & E Larch Rd	8	0.24	28	0	0	1	2	5	4	2	2	0	0	0	0	0	0	1	0	1	0	0
Naglee Rd & Auto Plaza Dr	8	0.07	28	0	0	1	2	5	7	0	0	1	0	0	0	0	0	0	0	0	0	0
S Tracy Blvd & W Linne Rd	7	-0.03	7	0	0	0	0	7	2	1	1	0	3	0	0	0	0	2	0	0	2	1
Corral Hollow Rd & Golden Leaf Ln	7	-0.07	22	0	0	0	3	4	6	0	0	0	1	0	0	0	0	0	0	0	0	0
Tracy Blvd & 4th St	7	0.16	12	0	0	0	1	6	3	0	2	2	0	0	0	0	0	3	0	0	0	0
A St & 11th St	7	0.13	12	0	0	0	1	6	3	3	0	1	0	0	0	0	0	0	0	0	0	1
S Lammers Rd & Fabian Rd	7	0.29	7	0	0	0	0	7	4	1	1	0	0	0	0	0	0	1	0	0	0	0
Chester Dr & W Lowell Ave	7	0.03	191	0	1	0	4	2	4	1	2	0	0	0	0	0	1	1	0	0	0	0
W Lowell Ave & Emerson Ave	7	0.01	17	0	0	0	2	5	1	1	3	1	1	0	0	0	0	3	0	1	0	0
Ohara Dr & W Grant Line Rd	7	-0.02	195	0	1	2	1	3	2	1	1	1	0	0	1	1	0	2	0	0	0	1
Corral Hollow Rd & Kavanagh Ave	7	0.03	32	0	0	1	3	3	1	1	2	1	2	0	0	0	0	1	0	1	0	0
Holly Dr & Clover Rd	7	0.12	22	0	0	1	1	5	1	4	0	0	1	0	0	1	0	1	0	0	0	1
International Pkwy & W Schulte Rd	6	-0.12	175	0	1	0	1	4	2	1	0	1	1	0	0	0	0	0	0	1	0	0
Hansen Rd & W Schulte Rd	6	0.04	16	0	0	0	2	4	1	0	5	0	0	0	0	0	0	5	0	0	0	1
S Leeward Way & Elissagaray Dr	6	0.27	21	0	0	1	1	4	2	2	1	1	0	0	0	0	1	1	0	0	0	0
Chrisman Rd & Paradise Ave	6	0.96	16	0	0	0	2	4	3	1	0	0	1	0	0	0	0	4	0	0	0	0
Natalie Ln & Mount Oso Ave	6	-0.03	21	0	0	0	3	3	1	1	3	0	1	0	0	0	0	3	0	0	0	0
Central Ave & 3rd St	6	0.03	6	0	0	0	0	6	0	2	1	0	1	0	1	0	0	2	0	1	1	0
Central Ave & 8th St	6	0.22	11	0	0	0	1	5	1	4	1	0	0	0	0	1	0	1	0	0	0	0
Belconte Dr & W 11th St	6	-0.10	25	0	0	2	0	4	0	0	3	2	1	0	0	0	0	2	0	1	0	1
Cochran Dr & Summer Ln	6	-0.10	179	0	1	1	0	4	1	1	1	0	2	0	0	0	0	0	0	0	0	0

Intersection	Crashes	Local CCR Differential <sup>1</sup>	EPDO <sup>2</sup>	Fatal	Serious Injury	Other Visible Injury	Complaint of Pain	PDO	Broadside	Sideswipe	Rear End	Head On	Hit Object	Overtuned	Other	Pedestrian	Bicycle	Aggressive	Distracted	Impaired	Dark	Wet
Bessie Ave & 11th St	6	-0.02	6	0	0	0	0	6	1	1	2	1	0	0	1	0	0	2	0	0	0	0
Roosevelt Ave & 11th St	6	0.01	11	0	0	0	1	5	3	1	1	0	0	0	1	0	0	0	0	0	0	0
Walnut St & Eaton Ave	6	0.24	6	0	0	0	0	6	4	0	1	0	0	0	0	0	0	1	0	0	0	0
Colony Dr & Essex Ct	6	-0.07	11	0	0	0	1	5	0	2	1	1	1	0	0	0	1	1	0	0	0	1
Tracy Blvd & Apartments Tracy Garden	6	-0.08	6	0	0	0	0	6	1	1	3	0	0	0	1	0	0	3	0	0	1	0
Tracy Blvd & Holiday Inn	6	-0.04	16	0	0	0	2	4	4	0	0	0	0	0	0	0	0	1	0	0	0	0
Corral Hollow Rd & Peony Dr	5	-0.07	10	0	0	0	1	4	2	1	0	0	1	0	0	0	0	1	0	0	0	0
Windsong Dr & Tracy Blvd	5	-0.06	15	0	0	1	0	4	2	1	1	0	1	0	0	0	1	1	0	1	0	0
Westwood Dr & Whispering Wind Dr	5	0.48	15	0	0	0	2	3	3	1	1	0	0	0	0	0	1	1	0	1	0	1
Gandy Dancer Dr & Tracy Blvd	5	-0.03	24	0	0	2	0	3	4	1	0	0	0	0	0	0	0	1	0	0	0	0
Pebblebrook Dr & Valpico Rd	5	-0.02	10	0	0	0	1	4	2	0	1	1	1	0	0	0	0	2	0	0	0	0
Chrisman Rd & Valpico Rd	5	0.13	10	0	0	0	1	4	3	1	0	0	0	0	1	0	0	1	0	0	0	0
Central Ave & Sycamore Pkwy	5	0.41	20	0	0	1	1	3	2	0	0	0	1	0	0	1	0	0	0	0	0	0
S Macarthur Dr & Eastlake Dr	5	-0.04	20	0	0	1	1	3	0	1	3	1	0	0	0	0	0	3	0	0	0	0
Macarthur Dr & Wagtail Dr	5	-0.05	15	0	0	0	2	3	1	0	2	2	0	0	0	0	0	2	0	0	0	1
N Mac Arthur Dr & E Hamilton Ln	5	-0.08	15	0	0	0	2	3	1	0	3	1	0	0	0	0	0	2	0	0	0	0
Sequoia Blvd & Beechnut Ave	5	0.07	40	0	0	2	3	0	0	1	0	2	1	0	0	0	0	1	0	0	0	1
Tracy Blvd & 9th St	5	-0.05	10	0	0	0	1	4	1	1	1	1	1	0	0	0	0	1	0	1	0	0
N Mac Arthur Dr & 11th St	5	0.15	174	1	0	0	1	3	0	2	2	0	0	0	0	1	0	2	0	0	0	1

Intersection	Crashes	Local CCR Differential <sup>1</sup>	EPDO <sup>2</sup>	Fatal	Serious Injury	Other Visible Injury	Complaint of Pain	PDO	Broadside	Sideswipe	Rear End	Head On	Hit Object	Overtuned	Other	Pedestrian	Bicycle	Aggressive	Distracted	Impaired	Dark	Wet
Adam St & 11th St	5	0.02	174	0	1	0	1	3	2	0	1	0	1	0	0	0	0	1	0	0	0	0
Holly Dr & W Highland Ave	5	0.13	10	0	0	0	1	4	0	3	1	0	0	0	0	0	0	1	0	1	0	0
Bessie Ave & W Grant Line Rd	5	-0.08	15	0	0	0	2	3	1	2	1	0	0	0	1	1	1	1	0	0	0	1
Bessie Ave & Eaton Ave	5	0.01	10	0	0	0	1	4	0	1	1	1	1	0	0	1	0	0	0	0	0	0
Holly Dr & Eaton Ave	5	0.01	20	0	0	1	1	3	1	1	3	0	0	0	0	0	0	2	0	0	0	0
Belconte Dr & Byron Rd	5	-0.08	20	0	0	1	1	3	4	0	0	0	1	0	0	0	2	0	0	0	0	0
Bessie Ave & Carlton Way	5	0.16	10	0	0	0	1	4	4	0	1	0	0	0	0	0	0	1	0	0	0	2
Deborah St & E Lowell Ave	5	0.03	5	0	0	0	0	5	1	0	3	1	0	0	0	0	0	4	0	0	0	2
Bessie Ave & W Lowell Ave	5	-0.03	20	0	0	1	1	3	2	0	1	0	0	0	0	0	1	2	0	0	0	1
Lankershire Dr & Byron Rd	5	0.07	15	0	0	0	2	3	2	0	0	3	0	0	0	0	1	1	0	0	0	1
Laurelbrook Dr & Lowell Ave	5	0.01	10	0	0	0	1	4	0	1	0	0	3	0	0	1	0	2	0	0	0	1
Cindy Way & Lowell Ave	5	-0.02	5	0	0	0	0	5	2	0	1	0	1	0	1	0	0	1	0	0	0	0
East St & Emerson Ave	5	0.18	5	0	0	0	0	5	1	3	0	1	0	0	0	0	0	0	0	0	0	1
Parker Ave & W Whittier Ave	5	0.01	169	0	1	0	0	4	4	1	0	0	0	0	0	0	0	3	0	0	0	0
Holly Dr & 20th St	5	0.21	25	0	0	1	2	2	1	2	0	0	2	0	0	0	0	0	0	2	0	1
East St & 20th St	5	0.06	15	0	0	1	0	4	0	2	3	0	0	0	0	0	0	2	0	1	1	0
Thames Dr & Dove Dr	4	0.27	14	0	0	1	0	3	1	0	1	0	1	0	0	1	1	0	0	1	0	0
Monument Dr & Sycamore Pkwy	4	0.03	9	0	0	0	1	3	3	1	0	0	0	0	0	0	0	0	0	0	0	1
Arches Ct & Parkside Dr	4	0.05	9	0	0	0	1	3	0	0	1	1	1	0	0	0	0	2	0	1	0	0
W Schulte Rd & Weeping Willow Ct	4	0.02	4	0	0	0	0	4	0	1	1	0	2	0	0	0	0	1	0	0	0	0
Joronollo Dr & Schulte Rd	4	0.21	4	0	0	0	0	4	1	0	2	1	0	0	0	0	0	1	0	0	0	0

Intersection	Crashes	Local CCR Differential <sup>1</sup>	EPDO <sup>2</sup>	Fatal	Serious Injury	Other Visible Injury	Complaint of Pain	PDO	Broadside	Sideswipe	Rear End	Head On	Hit Object	Overtuned	Other	Pedestrian	Bicycle	Aggressive	Distracted	Impaired	Dark	Wet
Amaretto Dr & Cedar Mountain Dr	4	0.17	14	0	0	0	2	2	0	0	4	0	0	0	0	0	0	4	0	0	0	0
Gianelli St & Schulte Rd	4	-0.10	178	0	1	0	2	1	0	0	2	0	2	0	0	0	0	0	0	1	0	1
Thomas Dehaven Ln & Tennis Ln	4	-0.01	28	0	0	2	1	1	0	1	0	0	0	1	0	0	1	1	0	0	0	0
Central Ave & 1st St	4	-0.07	9	0	0	0	1	3	1	2	0	0	0	0	0	1	0	1	0	0	0	0
A St & 9th St	4	0.03	9	0	0	0	1	3	3	1	0	0	0	0	0	0	0	0	0	0	0	0
Windeler Ave & 10th St	4	0.03	9	0	0	0	1	3	3	1	0	0	0	0	0	0	0	1	0	0	0	0
Taft Ave & 10th St	4	0.03	9	0	0	0	1	3	2	1	0	0	0	0	0	0	0	0	0	0	0	0
Roosevelt Ave & 10th St	4	-0.06	23	0	0	2	0	2	3	1	0	0	0	0	0	0	0	1	0	0	0	1
F St & 10th St	4	-0.02	9	0	0	0	1	3	4	0	0	0	0	0	0	0	0	0	0	0	0	0
E St & 11th St	4	-0.03	9	0	0	0	1	3	1	0	1	0	0	0	0	0	1	1	0	0	0	0
Alden Glen Dr & Byron Rd	4	-0.08	14	0	0	0	2	2	1	0	3	0	0	0	0	0	0	2	0	0	0	1
Mariani Ct & Stoneridge Dr	4	-0.09	4	0	0	0	0	4	1	0	0	1	1	0	0	0	0	0	0	0	0	0
Crossroads Dr & Tolbert Dr	4	0.29	9	0	0	0	1	3	3	1	0	0	0	0	0	0	0	1	0	0	0	1
Ferngrove Ln & Maplegrove Ln	4	0.47	9	0	0	0	1	3	1	0	2	0	0	0	1	0	0	2	0	1	0	0
Lincoln Blvd & Beverly Pl	4	-0.06	19	0	0	1	1	2	0	0	3	1	0	0	0	0	0	3	0	0	0	0
East St & Acacia St	4	0.04	9	0	0	0	1	3	2	0	2	0	0	0	0	0	0	2	0	0	0	0
Promenade Cir & W Lowell Ave	4	0.06	173	1	0	0	1	2	0	0	1	0	3	0	0	0	0	2	0	1	0	1
Parker Ave & W Lowell Ave	4	-0.07	19	0	0	1	1	2	2	2	0	0	0	0	0	0	1	0	0	0	0	0
Chabot Ct & E Grant Line Rd	4	-0.05	9	0	0	0	1	3	0	1	2	0	0	0	0	0	0	2	0	0	0	1
Lincoln Blvd & Michelle Ave	4	-0.03	14	0	0	0	2	2	0	2	1	1	0	0	0	0	0	0	0	0	0	0
Ackles Ct & Corral Hollow Rd	4	-0.11	4	0	0	0	0	4	0	1	2	0	1	0	0	0	0	2	0	0	0	0

Intersection	Crashes	Local CCR Differential <sup>1</sup>	EPDO <sup>2</sup>	Fatal	Serious Injury	Other Visible Injury	Complaint of Pain	PDO	Broadside	Sideswipe	Rear End	Head On	Hit Object	Overtuned	Other	Pedestrian	Bicycle	Aggressive	Distracted	Impaired	Dark	Wet	
Wall St & Emerson Ave	4	0.29	14	0	0	0	2	2	2	1	1	0	0	0	0	0	1	1	0	0	0	0	
Bessie Ave & W Whittier Ave	4	-0.09	4	0	0	0	0	4	1	1	1	0	0	0	0	0	0	1	0	2	0	1	
Tracy Blvd & W Whittier Ave	4	-0.11	173	0	1	0	1	2	2	0	0	0	2	0	0	0	1	2	0	0	0	0	
East St & 22nd St	4	-0.06	4	0	0	0	0	4	2	2	0	0	0	0	0	0	0	1	0	0	0	0	
Entrada Way & E Portola Way	4	-0.08	14	0	0	1	0	3	0	1	0	0	1	0	2	0	0	0	0	0	0	0	1
Buthmann Ave & Cordoza Rd	4	0.20	9	0	0	0	1	3	2	1	0	1	0	0	0	0	0	1	0	1	0	0	
Naglee Rd & Corral Hollow Rd	4	-0.07	19	0	0	1	1	2	1	1	0	0	2	0	0	0	0	1	0	0	0	0	
Lincoln Blvd & Kavanagh Ave	4	0.00	9	0	0	0	1	3	1	1	1	0	1	0	0	0	0	2	0	0	0	0	
Camellia Dr & Kavanagh Ave	4	0.00	4	0	0	0	0	4	4	0	0	0	0	0	0	0	0	0	0	0	0	1	
Buthmann Ave & W Kavanagh Ave	4	-0.03	9	0	0	0	1	3	2	0	1	0	0	0	0	0	0	0	0	0	0	0	
S Tracy Blvd & W Sugar Rd	4	0.07	9	0	0	0	1	3	1	1	0	1	0	0	1	0	0	0	0	0	2	0	
Schulte Ct & W Schulte Rd	3	-0.14	8	0	0	0	1	2	0	1	1	0	1	0	0	0	0	1	0	0	0	0	
S Macarthur Dr & Fair Oaks Rd	3	-0.09	3	0	0	0	0	3	1	0	0	0	2	0	0	0	0	0	0	0	0	1	
English Oak Ave & Whispering Wind Dr	3	0.11	8	0	0	0	1	2	0	2	1	0	0	0	0	0	0	1	0	0	0	1	
Sycamore Pkwy & Tracy Blvd	3	-0.12	172	0	1	0	1	1	1	0	0	1	0	0	0	0	0	1	0	0	1	1	
Mission Ct & Valpico Rd	3	-0.10	18	0	0	1	1	1	0	0	2	1	0	0	0	0	0	2	0	0	0	1	
Valpico Rd & Unnamed Rd east of Mission Ct	3	-0.09	18	0	0	1	1	1	1	0	2	0	0	0	0	0	0	2	0	0	0	0	
11th St & Glenbriar Cir	3	0.11	167	0	1	0	0	2	0	1	0	0	0	0	0	1	0	1	0	0	0	2	
Lakeview Dr & Valpico Rd	3	-0.07	13	0	0	1	0	2	1	0	0	0	2	0	0	0	0	1	0	0	0	0	

Intersection	Crashes	Local CCR Differential <sup>1</sup>	EPDO <sup>2</sup>	Fatal	Serious Injury	Other Visible Injury	Complaint of Pain	PDO	Broadside	Sideswipe	Rear End	Head On	Hit Object	Overtaken	Other	Pedestrian	Bicycle	Aggressive	Distractions	Impaired	Dark	Wet
Tracy Blvd & Loma Verde Way	3	-0.07	3	0	0	0	0	3	1	0	1	0	1	0	0	0	0	1	0	0	0	1
Monument Dr & Tracy Blvd	3	-0.08	3	0	0	0	0	3	0	0	0	0	3	0	0	0	0	0	0	0	0	1
S Lammers Rd & Redbridge Rd	3	-0.12	3	0	0	0	0	3	1	0	0	2	0	0	0	0	0	1	0	0	0	0
S Lammers Rd & Jackson Ave	3	-0.13	13	0	0	0	2	1	1	0	1	0	1	0	0	0	1	1	0	0	0	0
West St & W Mount Diablo Ave	3	-0.04	3	0	0	0	0	3	0	1	1	0	0	0	1	0	0	0	0	0	0	0
Quail Meadows Ln & Schulte Rd	3	-0.12	3	0	0	0	0	3	1	1	1	0	0	0	0	0	0	2	0	0	1	0
B St & 1st St	3	0.11	3	0	0	0	0	3	0	2	0	0	0	0	0	0	0	2	0	0	0	1
Renown Dr & Tennis Ln	3	-0.08	3	0	0	0	0	3	0	0	1	1	0	0	0	0	0	0	0	1	0	0
Cypress Dr & Larrlana Ln	3	-0.04	13	0	0	1	0	2	1	0	0	1	1	0	0	0	1	1	0	0	0	0
C St & 4th St	3	-0.08	3	0	0	0	0	3	2	0	0	0	0	0	1	0	0	1	0	0	0	0
Barcelona Dr & Cypress Dr	3	0.11	8	0	0	0	1	2	2	1	0	0	0	0	0	0	0	1	0	0	0	0
Crossroads Dr & Jakson Ave	3	0.23	13	0	0	1	0	2	1	0	1	0	1	0	0	0	1	1	0	0	0	0
Central Ave & 7th St	3	-0.06	172	0	1	0	1	1	2	0	1	0	0	0	0	0	1	1	0	1	0	1
Alden Glen Dr & Locust Dr	3	-0.04	8	0	0	0	1	2	0	0	2	1	0	0	0	0	0	1	0	0	0	1
E St & 9th St	3	-0.06	172	0	1	0	1	1	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Central Ave & 9th St	3	-0.09	8	0	0	0	1	2	0	1	0	0	0	0	0	1	1	0	0	0	0	1
C St & 9th St	3	-0.02	8	0	0	0	1	2	0	1	2	0	0	0	0	0	0	0	0	0	0	0
Taft Ave & 9th St	3	-0.01	13	0	0	0	2	1	2	1	0	0	0	0	0	0	0	0	0	0	1	0
Peacock Ct & Sequoia Blvd	3	-0.01	8	0	0	0	1	2	1	0	1	0	1	0	0	0	0	1	0	0	0	0
11th St & Unnamed Rd south of N MacArthur Dr	3	-0.13	8	0	0	0	1	2	0	1	0	1	1	0	0	0	0	0	0	2	0	0
Central Ave & Gillette Aly	3	-0.04	8	0	0	0	1	2	2	0	1	0	0	0	0	0	0	1	0	0	0	0

Intersection	Crashes	Local CCR Differential <sup>1</sup>	EPDO <sup>2</sup>	Fatal	Serious Injury	Other Visible Injury	Complaint of Pain	PDO	Broadside	Sideswipe	Rear End	Head On	Hit Object	Overtuned	Other	Pedestrian	Bicycle	Aggressive	Distracted	Impaired	Dark	Wet
A St & Gillette Aly	3	0.11	3	0	0	0	0	3	0	1	2	0	0	0	0	0	0	0	0	1	0	0
Wood Thrush Ln & Sequoia Blvd	3	-0.04	13	0	0	0	2	1	0	0	3	0	0	0	0	0	0	3	0	0	0	0
Jefferson Pkwy & 11th St	3	-0.14	8	0	0	0	1	2	1	0	0	0	1	0	0	0	0	0	0	0	0	0
Macarthur Dr & N Macarthur Dr	3	-0.04	3	0	0	0	0	3	1	0	0	1	1	0	0	0	0	2	0	1	0	1
East St & 12th St	3	-0.09	8	0	0	0	1	2	1	1	0	0	0	0	0	1	0	0	0	0	0	0
Belconte Dr & Redington Dr	3	-0.09	3	0	0	0	0	3	1	0	0	1	1	0	0	0	0	0	0	0	0	0
Parker Ave & W Highland Ave	3	-0.06	13	0	0	1	0	2	0	1	0	0	1	0	0	1	0	0	0	0	0	0
Valerie Ln & Lincoln Blvd	3	-0.08	8	0	0	0	1	2	2	0	1	0	0	0	0	0	1	0	0	0	0	0
East St & Eaton Ave	3	-0.09	167	0	1	0	0	2	2	0	0	0	0	0	0	1	0	0	0	0	0	0
Schleiger Dr & Berkeley St	3	0.23	13	0	0	1	0	2	0	1	1	0	0	1	0	0	0	1	0	1	0	0
Crossroads Dr & Gaines Ct	3	0.23	3	0	0	0	0	3	0	0	1	1	0	0	0	0	0	1	0	0	0	0
Gentry Ln & Anthony Dr	3	0.11	3	0	0	0	0	3	0	3	0	0	0	0	0	0	0	1	0	0	0	0
Parker Ave & Beverly Pl	3	-0.10	3	0	0	0	0	3	0	1	0	1	1	0	0	0	0	1	0	0	0	0
East St & E Hollywood Ave	3	-0.06	3	0	0	0	0	3	0	1	2	0	0	0	0	0	0	2	0	0	0	0
Promenade Cir & Fieldview Dr	3	0.11	3	0	0	0	0	3	0	1	1	0	0	0	1	0	0	0	0	0	0	0
East St & Beverly Pl	3	-0.09	8	0	0	0	1	2	2	0	0	0	0	0	0	0	1	0	0	0	0	0
Annie Ct & Vera Ln	3	0.23	3	0	0	0	0	3	0	0	3	0	0	0	0	0	0	2	0	0	0	0
Bristol Ln & Oxford Ln	3	0.11	3	0	0	0	0	3	0	2	0	1	0	0	0	0	0	0	0	0	0	0
Bessie Ave & Emerson Ave	3	-0.06	3	0	0	0	0	3	3	0	0	0	0	0	0	0	0	0	0	0	0	1
East St & 21st St	3	-0.08	3	0	0	0	0	3	0	1	0	1	1	0	0	0	0	0	0	0	0	0
Parker Ave & 23rd St	3	0.01	3	0	0	0	0	3	1	1	1	0	0	0	0	0	0	0	0	0	1	0

Intersection	Crashes	Local CCR Differential <sup>1</sup>	EPDO <sup>2</sup>	Fatal	Serious Injury	Other Visible Injury	Complaint of Pain	PDO	Broadside	Sideswipe	Rear End	Head On	Hit Object	Overtuned	Other	Pedestrian	Bicycle	Aggressive	Distracted	Impaired	Dark	Wet
W Grant Line Rd & Unnamed Rd east of Holly Dr	3	-0.11	8	0	0	0	1	2	0	2	1	0	0	0	0	0	0	2	0	0	0	0
Travao Ln & Travao Ln	3	-0.14	3	0	0	0	0	3	0	0	2	0	1	0	0	0	0	2	0	1	0	0
Elsinore Dr & W Kavanagh Ave	3	-0.04	3	0	0	0	0	3	1	1	1	0	0	0	0	0	0	1	0	0	0	0
Holly Dr & E Manzanita Ln	3	-0.09	3	0	0	0	0	3	0	1	1	0	0	0	0	0	0	0	0	0	0	2
Golden Springs Dr & Kavanagh Ave	3	-0.09	3	0	0	0	0	3	1	1	0	0	1	0	0	0	0	0	0	0	0	0
Holly Dr & E Kavanagh Ave	3	-0.05	8	0	0	0	1	2	1	1	0	0	1	0	0	0	0	1	0	1	0	0
Butler Ct & W Kavanagh Ave	3	-0.03	8	0	0	0	1	2	0	0	1	0	0	0	1	0	0	1	0	1	1	0
Corbett Ln & Kavanagh Ave	3	-0.04	8	0	0	0	1	2	0	2	0	0	0	0	0	0	0	0	0	1	0	1
Clover Rd & Unnamed Rd east of Gabriel Dr	3	-0.04	3	0	0	0	0	3	0	1	0	0	1	0	0	0	0	0	0	0	0	0
N Mac Arthur Dr & Arbor Ave	3	-0.12	3	0	0	0	0	3	1	1	0	0	0	0	1	0	0	2	0	0	1	0

- 1. Local Critical Crash Rate Differential & 2. Equivalent Property Damage Only Crash

Table 6: Analysis Rankings – Segments (Top Locations Per Segment Type)

Facility	Limits	Crashes	Local CCR Differential <sup>1</sup>	EPDO <sup>2</sup>	Fatal	Serious Injury	Other Visible Injury	Complaint of Pain	PDO	Broadside	Sideswipe	Rear End	Head On	Hit Object	Overturned	Other	Pedestrian	Bicycle	Aggressive	Distracted	Impaired	Dark	Wet
<b>Other Principal Arterial</b>																							
W Grant Line Rd	Naglee Rd-Signal e/o Lammers Rd	23	0.5	69	0	0	0	9	14	7	6	8	2	0	0	0	0	0	6	0	0	0	1
Grant Line Rd	Byron Rd-Lammers Rd	23	2.3	92	0	0	4	6	13	1	0	19	1	1	1	0	0	0	19	0	1	2	2
N Macarthur Dr	Grant Line Rd-Stonebridge Dr	19	0.3	73	0	0	4	3	12	2	2	0	4	8	2	0	0	0	4	0	2	0	2
W Grant Line Rd	Ohara Dr-Tracy Bl	14	0.6	208	0	1	1	4	8	6	3	4	0	1	0	0	0	0	2	0	0	0	0
W Grant Line Rd	S Lammers Rd-Byron Rd	13	1.0	53	0	0	2	4	7	0	3	10	0	0	0	0	0	0	10	1	0	1	0
Essex Ct	Grant Line Rd-Grant Line Rd	11	7.2	31	0	0	1	2	8	6	2	2	1	0	0	0	0	0	6	0	0	0	1
W Grant Line Rd	Naglee Rd-Toste Rd	10	0.7	0	2	3	5	1	0	8	0	0	0	0	0	0	0	9	0	0	0	0	0
Tracy Blvd	Schulte Rd-Menay Dr	7	0.6	17	0	0	0	2	5	1	1	1	0	1	1	1	1	0	1	0	1	0	0
11th St	Corral Hollow Rd-Alden Glen Dr	7	-0.1	12	0	0	0	1	6	2	3	0	1	0	0	0	0	0	2	0	0	0	0
11th St	Civic Center Dr-Macarthur Dr	7	0.7	17	0	0	1	0	6	3	0	2	1	0	0	0	1	0	2	0	0	0	1
Hawthorne Rd	Buthmann Ave-Briar Ln	7	0.0	171	0	1	0	0	6	3	1	2	0	1	0	0	0	0	0	0	0	0	0
11th St	205 Ramp-Lammers Rd	6	-0.2	21	0	0	0	3	3	0	0	4	0	2	0	0	0	0	5	0	0	2	0
Valpico Rd	S Macarthur Dr-Glenbriar Dr	5	0.4	15	0	0	0	2	3	1	0	2	1	1	0	0	0	0	2	0	0	0	1
11th St	Lincoln Blvd-9th St	5	0.1	5	0	0	0	0	5	0	1	2	1	0	0	0	0	0	2	0	0	0	1
11th St	Belconte Dr-N Corral Hollow Rd	5	-0.1	30	0	0	1	3	1	0	1	3	0	1	0	0	0	0	4	0	0	0	0
11th St	Jefferson Ln-Crossroads Dr	5	-0.2	5	0	0	0	0	5	0	1	2	0	1	0	0	0	0	2	0	0	0	1
11th St	Jefferson Ln- Lammers Rd	5	-0.2	10	0	0	0	1	4	0	1	4	0	0	0	0	0	0	3	0	0	0	2

Facility	Limits	Crashes	Local CCR Differential <sup>1</sup>	EPDO <sup>2</sup>	Fatal	Serious Injury	Other Visible Injury	Complaint of Pain	PDO	Broadside	Sideswipe	Rear End	Head On	Hit Object	Overturned	Other	Pedestrian	Bicycle	Aggressive	Distracted	Impaired	Dark	Wet
11th St	Alden Glen Dr- Lincoln Blvd	5	-0.2	183	0	1	1	1	2	1	1	2	1	0	0	0	1	0	2	0	0	0	0
Corral Hollow Rd	Foothill Ranch Dr- Lowell Ave	5	0.0	20	0	0	1	1	3	0	1	4	0	0	0	0	0	0	5	0	0	0	0
W Grant Line Rd	Orchard Pkwy-N Corral Hollow Rd	5	-0.2	20	0	0	1	1	3	0	3	1	0	1	0	0	0	0	1	0	1	0	0
Tracy Blvd	Beechnut Ave- Centre Court Dr	4	0.0	23	0	0	2	0	2	0	0	0	1	3	0	0	0	0	2	0	0	0	2
Corral Hollow Rd	Cypress Dr-Crohn Rd	4	0.0	14	0	0	0	2	2	1	0	3	0	0	0	0	0	0	3	0	0	0	0
E Grantline Rd	MacArthur Dr-Skylark Way	4	-0.1	331	1	1	0	0	2	1	0	1	0	1	1	0	0	0	1	0	1	0	0
E Grant Line Rd	Colony Dr-N MacArthur Dr	4	-0.1	9	0	0	0	1	3	0	0	2	0	2	0	0	0	0	1	0	0	0	0
W Grant Line Rd	Buthmann Ave-Palker Ave	4	0.2	19	0	0	1	1	2	1	2	0	0	0	0	0	1	0	0	0	0	1	0
W Grant Line Rd	Joe Pombo Pkwy- Orchard Pkwy	4	-0.2	9	0	0	0	1	3	1	1	2	0	0	0	0	0	0	1	0	0	0	0
W Schulte Rd	Larrlana Ln-Sycamore Pkwy	3	-0.2	8	0	0	0	1	2	0	0	1	1	1	0	0	0	0	1	0	1	0	0
Macarthur Dr	Wagtail Dr-6th St	3	0.1	8	0	0	0	1	2	0	1	2	0	0	0	0	0	0	3	0	0	0	0
Corral Hollow Rd	Grant Line Rd-Alegre Dr	3	-0.3	3	0	0	0	0	3	0	2	1	0	0	0	0	0	0	1	0	0	0	0
W Grant Line Rd	Parker Ave-Altoga Ave	3	-0.1	13	0	0	0	2	1	1	1	1	0	0	0	0	0	0	1	0	0	0	0
Tracy Blvd	Cordoba Rd-W Grant Line Rd	3	-0.2	8	0	0	0	1	2	0	0	3	0	0	0	0	0	0	2	0	0	0	0
White Oak Dr	Grant Line Rd-Unnamed Rd west of N MacArthur Dr	3	-0.2	8	0	0	0	1	2	0	0	1	0	0	0	1	0	0	0	0	0	0	1

Minor Arterial

Facility	Limits	Crashes	Local CCR Differential <sup>1</sup>	EPDO <sup>2</sup>	Fatal	Serious Injury	Other Visible Injury	Complaint of Pain	PDO	Broadside	Sideswipe	Rear End	Head On	Hit Object	Overturned	Other	Pedestrian	Bicycle	Aggressive	Distracted	Impaired	Dark	Wet
Royal Ct	Grant Line Rd-Pavillon Pkwy	9	0.3	19	0	0	0	2	7	2	2	3	0	1	0	0	0	0	2	0	0	0	0
W Byron Rd	Belconte Dr-Berg Rd	6	0.4	31	0	0	1	3	2	2	1	1	0	1	0	1	0	0	0	0	0	2	0
E Grantline Rd	City Limits-Chabot Ct	5	0.8	15	0	0	0	2	3	1	1	3	0	0	0	0	0	0	3	0	0	1	0
W Linne Rd	Tracy Bl-Tracy Airport Ctr	4	0.0	19	0	0	1	1	2	0	0	3	1	0	0	0	0	0	3	1	0	1	0
W Linne Rd	Tracy Airport Ctr-Corral Hollow Rd	4	0.0	19	0	0	1	1	2	0	0	3	0	0	0	0	0	0	4	0	0	1	1
W Lowell Ave	Chester Dr-Tracy Bl	4	-0.1	9	0	0	0	1	3	2	1	0	1	0	0	0	0	0	1	0	0	0	0
Holly Dr	E Larch Rd-Sloan Ct	4	0.9	9	0	0	0	1	3	0	1	0	1	0	0	0	1	0	0	0	0	1	0
W Lowell Ave	Corral Hollow Rd-Promenade Cir	3	0.6	3	0	0	0	0	3	2	0	0	0	1	0	0	0	0	0	0	0	0	0
<b>Major Collector</b>																							
Corral Hollow Rd	I-580-Linne Rd	27	6.0	288	0	1	9	2	15	3	3	3	5	6	6	1	0	0	6	0	0	9	0
W Clover Rd	Tracy Blvd-Buthmann Ave	8	1.7	33	0	0	1	3	4	2	3	1	1	0	0	1	0	0	1	0	0	0	1
S Lammers Rd	11th St-Redbridge Rd	7	0.2	32	0	0	1	3	3	1	0	3	1	1	1	0	0	0	3	0	0	2	1
W Schulte Rd	S Lammers Rd-Hansen Rd	4	0.1	19	0	0	1	1	2	0	1	2	0	0	0	0	0	0	2	0	0	0	0
Brichetto Rd	Chrisman Rd-City Limits	3	0.7	167	0	1	0	0	2	1	0	0	2	0	0	0	0	0	1	0	1	2	0
<b>Local</b>																							
Pavillion Pkwy	Robertson-Auto Plaza Way	5	2.02	25	0	0	1	2	2	1	1	0	2	1	0	0	0	0	1	0	1	0	2
Hansen Rd	Schulte Rd-City Limits	4	0.45	9	0	0	0	1	3	2	0	0	0	1	1	0	0	0	0	0	1	1	0
Carlton Way	Holly Dr-Parker Ave	4	4.68	9	0	0	0	1	3	2	2	0	0	0	0	0	0	0	0	0	0	0	1
Palm Cir	Alden Park-Beechnut Ave	3	3.76	3	0	0	0	0	3	1	1	1	0	0	0	0	0	0	0	0	0	0	0
12th St	Lincoln Bl-Schleiger Dr	3	3.28	22	0	0	2	0	1	1	2	0	0	0	0	0	0	0	0	0	0	0	0

## 9 Emphasis Areas

Emphasis Areas are collisions factors or conditions that the City of Tracy can strategically focus efforts to have a large impact on transportation safety. Emphasis areas were developed by revisiting the Vision and Goals developed at the onset of this planning process and comparing them with the trends and patterns identified in the collision analysis. Where these areas aligned, or major challenges were observed, Emphasis Areas and strategies were developed.

### 9.1 Emphasis Area #1: Impaired Driving

**Description:** Impaired driving crashes are a high priority challenge area within the Caltrans SHSP. Caltrans defines these as crashes where any evidence of drug or alcohol use by the driver is present, even if the driver was not over the legal limit. 292 collisions, just over 8% of all collisions, were reported as the driver being under the influence of drugs or alcohol. 70% of the DUI collisions resulted in property damage only. 33% of the traffic fatalities involved a DUI. 17% of the collisions in the study period were reported as the driver being under the influence of alcohol or drugs. Eight of these crashes resulted in a fatality and 27 in a severe injury. Almost 2/3 of these crashes (423) resulted in Property Damage Only.

#### Goal for Emphasis Area #1:

- Reduce the number of crashes attributed to impaired driving
- Identify hot spots and priority corridors for countermeasures to reduce impaired driving
- Apply for funding to implement countermeasures to reduce impaired driving crashes

#### Strategies for Emphasis Area #1:

- Authorize, publicize, and conduct sobriety checkpoints programs
- Implement an impaired driving education campaign
- Develop educational programs targeting specific audiences based on age group
- Additional enforcement presence
- Create effective media campaigns in both visual and print media
- Implement additional lighting along corridors with high frequencies of impaired driving collisions
- Install speed control measures such as speed feedback signage or lane width reductions along corridors with high frequencies of impaired driving collisions

These strategies will be implemented by the City, law enforcement, and community organizations. Funding sources for these strategies may include HSIP, OTS, and SB1 grant programs.

### 9.2 Emphasis Area #2: Lane Departure (Head-On, Hit Object, Overturned)

**Description:** Lane Departure, as defined by the Caltrans SHSP, includes head-on, hit object, and overturned collisions. This includes instances where a vehicle runs off the road or crosses into the opposing lane prior to the collision. 55.1% of fatal & severe injury collisions involved

lane departure collisions in the City , compared to 42.1% statewide. These types of collisions were 17% of the collisions in the study period.

#### **Goal for Emphasis Area #2:**

- Reduce the number of crashes due to lane departure collisions in the City
- Identify hot spots and priority corridors for lane departure collisions
- Apply for funding and implement countermeasures to address lane departure collisions

#### **Strategies for Emphasis Area #2:**

- Address lane departure collisions by implementing proven countermeasures, such as guardrails, median barriers, safety edges, segment lighting, speed feedback signage

Identify priority corridors for lane departure collisions and implement countermeasures on these corridors. These strategies will be implemented by the City, law enforcement, and community organizations. Funding sources for these strategies may include HSIP, OTS and SB1 grant programs.

## **9.3 Emphasis Area #3: Young Drivers**

**Description:** Young drivers, as defined by the Caltrans SHSP, are drivers between 15 and 20 years of age. 13.7% of fatal & severe injury collisions involved young drivers in the City, compared to 12.3% statewide. 27% of collisions involved a driver at fault that was between the age of 16 and 25 years old.

#### **Goal for Emphasis Area #3:**

- Reduce the number severity and of young driver collisions
- Identify hot spots and priority corridors for young driver collisions
- Apply for funding and implement countermeasures to address young drivers

#### **Strategies for Emphasis Area #3:**

Strategies to address young driver behaviors will mainly focus on education, encouragement, and enforcement. Strategies that have had success nationally include driver's education courses, implementing technology in young drivers' vehicles, and education campaigns to target aging drivers with messages regarding road safety, common mistakes, and challenges that young drivers face. Strategies may also include increased enforcement near hotspots of young driver collisions and increased coordination with community organizations. Strategies can also address challenges faced by inexperienced drivers by simplifying complex driving environments by reducing sign clutter and simplifying signage.

These strategies will be implemented by the City, law enforcement, and local community organizations. Funding sources for these strategies may include HSIP, STIP, and SB1 grant programs.

## 9.4 Emphasis Area #4: Vulnerable Road Users (Pedestrians and Bicyclists)

**Description:** Vulnerable road user collisions, as defined by the SHSP, are those identified as those involving pedestrians and bicyclists. 44% of fatal injuries in the City involved pedestrians. 21% of severe injury collisions involved pedestrians. 14% of severe injury collisions involved bicyclists.

81 pedestrian-involved collisions occurred during the study period, resulting in 4 fatal collisions, 9 severe injury collisions, and 63 with some form of reported injury or pain. About 25% of pedestrian collisions occurred while the pedestrian was crossing in the crosswalk. During the study period, 102 collisions involving bicycles were reported. Of these, six (6) resulted in severe injuries, twenty-seven (27) resulted in property damage only, and sixty-nine (69) with some form of reported injury or pain. About 23% of collisions occurred at night.

### Goal for Emphasis Area #4:

- Reduce the number of collisions involving pedestrians and bicyclists
- Identify high areas of pedestrians and bicycle collisions
- Apply for funding and implement countermeasures at pedestrian and bicycle collision hotspots

### Strategies for Emphasis Area #4:

- Implement pedestrian and bicycle priority detection at certain key locations
- Install pedestrian and bicycle infrastructure at key locations, such as bicycle lanes, rectangular rapid flashing beacons (RRFBs), pedestrian scrambles, and Leading Pedestrian Interval (LPI) timing
- Install pedestrian and bicycle counters to determine where high active transportation volume locations are
- Establish education and training program to improve pedestrian and bicyclist safety in the City

## 10 Opportunities

The following provides more information on general identified issues, crash modification factors, improvements, and countermeasures identified for the City of Tracy, as well as for specific project locations identified as part of this analysis.

### 10.1 Infrastructure Improvements

#### 10.1.1 Countermeasure Selection Process

Part D of the HSM provides information on Crash Modification Factors (CMF) for roadway segments, intersections, interchanges, special facilities, and road networks. CMFs are used to estimate the safety effects of highway improvements and apply CMFs to compare and select highway safety improvements. A CMF less than 1.0 indicates that a treatment has the potential to reduce collisions. A CMF greater than 1.0 indicates that a treatment has the potential to increase collisions. The application of an appropriate CMF can influence the decision to

implement a particular project, and the misapplication of CMFs can lead to misinformed decisions. Key factors to consider when applying CMFs include:

1. Selection of an appropriate CMF,
2. Estimation of collisions without treatment,
3. Application of CMFs by type and severity, and
4. Estimation of the combined effect for multiple treatments

Examples of Safety Countermeasures can be found through several sources. This Report utilizes the countermeasures found in the California LRSM (<https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/hsip/2020/lrsm2020.pdf>) and the CMF Clearinghouse (CMF CH) website (<http://www.cmfclearinghouse.org/>).

Countermeasures for each of the Safety Project Case Studies are based on the data analysis and site visits. Additional countermeasures were identified for the high-level issues on a city-wide level and are discussed in **General City-Wide Safety Project Opportunities** in **Section 10.3** of this Report.

### 10.1.2 Safety Project Case Studies

From the city-wide analysis, ten project case study locations were selected for further analysis and opportunity identification. For each of these locations, Safety Project Case Studies were developed to provide a case study to organize projects when applying for funding. These locations were identified through the analysis process based on their collision histories, the observed crash patterns, and their differing characteristics to provide the most insight into potential systemic safety countermeasures that the City can employ to achieve the most cost-effective safety benefits.

A Safety Project Case Study was developed for these locations:

1. **Unsignalized Intersection:** F Street & 11<sup>th</sup> Street
2. **Unsignalized Intersection:** Parker Avenue & Eaton Avenue
3. **Roadway Segment:** Holly Drive from Larch Road to Sloan Court
4. **Roadway Segment:** Pavilion Parkway from Robertson Drive to Auto Plaza Way
5. **Signalized Intersection:** Naglee Road & Grant Line Road
6. **Roadway Segment:** Grant Line Road from Lammers Road to Byron Road
7. **Roadway Segment:** Byron Road from Berg Road to Belconte Drive
8. **Signalized Intersection:** Lowell Avenue & Corral Hollow Road
9. **Roadway Segment:** Lammers Road from 11<sup>th</sup> Street to Redbridge Road
10. **Roadway Segment:** Tracy Boulevard from Schulte Road to Menay Drive

**Appendix A** contains the Case Study pages which summarize conditions at each location, and potentially beneficial countermeasures. Countermeasures were subjected to a benefit/cost assessment and scored according to their potential return on investment. These case studies can be used to select the most appropriate countermeasure, and to potentially phase improvements over the longer-term. The potential benefit of these countermeasures at locations with similar design characteristics can then be extrapolated regardless of collision history. These case study sheets can also be used to position the City for future grant funding opportunities.

## 10.2 Non-Infrastructure Improvements

Non-Infrastructure improvements have also been proven to impact safety conditions of the transportation network. These education and enforcement measure opportunities are developed to target specific behavior types and populations. Based on a review of the existing plans, policies, and programs within the City, the following topics have been reviewed to identify areas where the City can implement or enhance safety efforts.

**Table 7: Summary of Program, Policies, and Practices**

Topic	Initiatives	
	Status	Implement or Enhance
<b>Complete Streets Policies</b>	Complete streets policies being as part of Traffic Management Plan	Identify roadways that are good candidates for complete street implementation consistent with guidance provided in these plans
<b>Traffic Impact Fees</b>	City assesses for capacity improving projects and railroad grade separation project	Continue to assess traffic impact fees; Devote a portion of impact fees to safety enhancements as part of the next Nexus update
<b>Safe Routes to School</b>	Have applied for funding, but have not been successful; Have received funds for signal adaptation plan	Identify potential grant projects and apply for grant funding
<b>Traffic Safety Education</b>	No	Implement traffic safety education program
<b>Crash Activity Review</b>	No formal program, but uses SWITRS on a case-by-case basis	Set up formal program for reviewing crash activity; update database for future LRSP analysis & updates
<b>Crossroads Database</b>	Yes	Implement automatic daily updates of collision data into database
<b>Active Transportation Safety Ordinances</b>	Yes	Continue enforcement of current laws; Begin coordination between enforcement and school education programs
<b>Sobriety/Seatbelt Checks</b>	Yes	Continue sobriety & seat belt checks; increase enforcement in hot spots
<b>Adjacent Jurisdictions Coordination</b>	Yes, coordinates with Sherriff, County and CHP	Continue to coordinate with adjacent jurisdictions

Topic	Initiatives	
	Status	Implement or Enhance
<b>Speed Surveys</b>	Conducts every 5 years	Continue to update as required by California Vehicle Code; review new guidance from Assembly Bill 43
<b>Traffic Calming Policies</b>	Yes, building traffic calming for new developments	Continue to enact traffic calming implementations throughout the City; Identify areas in older neighborhoods where traffic calming policies are appropriate
<b>Transit Accommodation of Bicycles</b>	Yes	Continue to accommodate bicycles on transit to promote multi-modal trips
<b>Coordination between City staff and transit providers</b>	Yes, bus stop projects are funded by development. City is working on a banking fee to help funding transit improvements	Continue coordination; work to identify areas for improvements such as first/last mile improvements
<b>Bicycle and Pedestrian Master Plan</b>	Policies being incorporated into Traffic Management Plan	Continue to update master plans
<b>Active Transportation Inventory</b>	No	Implement active transportation inventory
<b>Traffic Safety Audit Program</b>	No	Implement a traffic safety audit program to regularly identify traffic safety issues citywide
<b>Coordination with Emergency Response</b>	Yes, fire department is engaged in planning	Continue engaging emergency response in transportation planning processes
<b>Coordination with Health Agencies</b>	No	Implement formal coordination processes with local health agencies; involve in collision analysis and planning process
<b>Citizen Feedback</b>	Yes, City receives complaints	Continue to seek out resident feedback and incorporate into policies and implementations
<b>Roadway Maintenance</b>	Yes	Continue regular maintenance of roadway surfaces; determine how safety implementations can be incorporated
<b>Roadway Safety Funding</b>	No	Continue to advance Transportation Demand Management programs and support per General Plan policies

Topic	Initiatives	
	Status	Implement or Enhance
<b>Transportation Demand Management</b>	Traffic Management Plan identifies TDM and VMT monitoring	Continue to advance Transportation Demand Management programs and support per General Plan policies
<b>VMT Reduction Policies</b>	City is doing TOD development	Continue this process; identify area where infill development will require safety improvements
<b>Signage Inventory</b>	No	Implement a signage inventory
<b>Local Design Standards</b>	Yes, the City has design guides that include buffered bike lanes, green lanes, and bus stops	Continue to implement and update design standards
<b>Transportation Planning/Safety Advisory Committee</b>	No	Implement a formal transportation planning advisory committee
<b>Active Transportation Volume Collection</b>	Standard practice, but not a formal policy	Continue traffic & active transportation volume collection; utilize this data in collision analysis
<b>Wayfinding Signage</b>	Yes, program included in the Bike and Parks master plan	Continue to identify funding for wayfinding signage; implement in high pedestrian/bicycle locations
<b>Traffic Control Warrants</b>	City uses MUTCD warrants	Continue to use CA MUTCD warrants; identify areas where additional warrants can be used (such as flashing stop signs)

### 10.3 City-wide Countermeasure Toolbox

This evaluation considered city-wide trends to identify countermeasures that would likely provide the most benefit with widespread implementation. Countermeasures for each of the 5E Safety Strategies (Engineering, Enforcement, Education, Encouragement, and Emergency Services) were identified. These include both infrastructure improvements, non-infrastructure improvements. **Section 10.3** outlines the city-wide safety project improvements, which is also

referred to as the “Countermeasure Toolbox”. Within the toolbox, the description of the countermeasure along with its LRSM ID number is listed. The next column, Crash Reduction Factor (CRF) also known as Crash Modification Factor (CMF), are “multiplicative factors used to estimate the expected number of crashes after implementing a given countermeasure at a specific site (the lower the CMF, the greater the expected reduction in crashes)<sup>4</sup>.”

For each of these countermeasures, a planning level benefit/cost analysis was completed. Applying the benefit/cost at the city-wide level was estimated assuming some randomness in crash distribution. The location characteristics, such as whether there is a traffic signal, and the type of crashes, were used at the city-wide level to calculate an average cost of crashes that the countermeasure might reduce. The benefit per location was then factored out to a 20-year life-cycle savings, with an Opinion of Project Probable Cost (OPCC). The cost shown in **Table 9** should be considered initial planning costs using 2021 dollars and not assumed final.

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<sup>4</sup> LRSM Version 1ro.5 (2020), Page 27

Table 8: City-wide Countermeasure Toolbox

COUNTERMEASURE	CMF/LRSM ID	CRF	20-YEAR COST ESTIMATE	PER UNIT
Install High-Visibility Crosswalk	4124	19%	\$25,000	per crosswalk
Install signals	NS03	25%	\$270,000	per intersection
Install/upgrade larger or additional stop signs/other intersections warning/regulatory signs (stop signs with LED borders)	NS06	15%	\$1,500	per sign
Install raised medians (refuge islands)	NS19PB	45%	\$25,000	per intersection
Add segment lighting	R01	35%	\$50,000	per mile
Remove or relocate fixed objects outside of Clear Recovery Zone	R02	35%	\$10,000	per location
Install Median Barrier	R03	25%	\$20,000	per location
Install Safety Edges	R15	30%	\$100,000	per mile
Install dynamic/variable speed warning systems	R26	30%	\$16,000	per sign
install delineators, reflectors, and or object markers	R27	15%	\$5	per LF
Install edge-lines and centerlines	R28	25%	\$8,000	per mile
Install bike lane (class III/sharrows)	R32PB	35%	\$25	per linear foot
Install separated bike lanes (Class IV)	R33PB	45%	\$250,000	per mile
Install Rectangular Rapid Flashing Beacon (RRFB)	R37PB	35%	\$50,000	per intersection
Install retroreflective backplates	S02	15%	\$12,000	per intersection
Improve signal timing (coordination, phasing, red, yellow, operation)	S03	15%	\$8,000	per intersection
Install advanced dilemma zone detection	S04	40%	\$34,000	per intersection
Provide protected left-turn phase	S07	30%	\$40,000	per intersection
Install raised pavement markers and striping (Through Intersection)	S09	10%	\$22,000	per intersection
Pedestrian Scramble	S19PB	40%	\$120,000	per intersection
Modify signal phasing to implement a Leading Pedestrian Interval (LPI)	S21PB	60%	\$8,000	per intersection

**Table 9** describes additional improvements for the remaining categories of traffic safety which includes Enforcement, Education, Encouragement, and Emergency Services.

**Non-Engineering Safety Countermeasures:**

These non-engineering countermeasures were derived from the collision analysis and build on the actions identified in **Section 9.3**. These relate to the additional Es of Traffic Safety outside of Engineering. This includes Enforcement, Encouragement, Education, and Emergency Services.

**Table 9: Non-Engineering Safety Strategy Countermeasures**

PROPOSED COUNTERMEASURE	POTENTIAL PARTNERS	EXAMPLES OF COUNTERMEASURE
<b>ENFORCEMENT</b>		
Establish enforcement and visibility program for aggressive driving	Local law enforcement; CHP	<a href="#">CHP's Regulate Aggressive Driving and Reduce Speed (RADARS) Program</a>
Continued enforcement in school zones	Local law enforcement; CHP; school districts	Obtain grant funding for additional personnel in school zones
Increased enforcement of safe driving & active transportation behaviors near busy crosswalk locations	Local law enforcement; CHP	Obtain grant funding for additional enforcement near high pedestrian activity locations
<b>EDUCATION</b>		
Campaign to target aggressive driving and DUIs	Local law enforcement; CHP; California Office of Traffic Safety (OTS)	<a href="#">CHP's Regulate Aggressive Driving and Reduce Speed (RADARS) Program</a>
Bicycle and pedestrian safety campaign	Local law enforcement	SCAG's 'Go Human' Campaign; 'OTS' 'Ride With Traffic' campaign
Explore safe routes to school education grants to expand program	Local school districts; local law enforcement; SCAG	<a href="#">Safe Routes to School Program</a> , funded by Caltrans
Coordinate safety education campaigns	SJCOG; local law enforcement	<a href="#">Roadway safety fairs at schools</a> <a href="#">Education campaign for aging drivers</a>
<b>EMERGENCY SERVICES</b>		
Continue to work on interdepartmental communication between City staff and City police department and fire department	Local law enforcement & fire department	Incorporate law enforcement/fire department as stakeholders on transportation improvement projects
Incorporate public health agencies and fire departments as stakeholders in safety projects	Local public health agencies and fire departments	Adjust safety project development processes to include public health and fire department feedback

PROPOSED COUNTERMEASURE	POTENTIAL PARTNERS	EXAMPLES OF COUNTERMEASURE
EMERGING TECHNOLOGY		
Continue to use best practices for pedestrian crossings at high pedestrian traffic areas	City Public Works; Caltrans	Continuously update pedestrian crossing design standards in accordance with latest best practices
Utilize new data sources to monitor traffic conditions and inform County safety plans	City Public Works; Caltrans	Utilization of data from a traffic management center

# 11 Evaluation & Implementation

## 11.1 Evaluation

The success of the LRSP will be evaluated using the preliminary process outlined below. This process will be useful to ensure proper implementation of goals and to determine when updates are needed.

- Quarterly progress meetings will be conducted to track the implementation of the plan. In addition, the success of the plan will be evaluated on an annual basis.
- An update to the plan should be considered after no more than five years.
- Continued monitoring and recording of traffic incidents on local roadways by law enforcement.
- Maintain a list of focus areas where there are transportation safety concerns.

## 11.2 Implementation

Implementation of the LRSP can be accomplished through several avenues including development of projects, the establishment of new policies and programs, and development/strengthening of relationships with stakeholders.

With regard to projects, the following identifies potential focus areas for the City in the near-to-mid-term.

### Near- & Mid-Term Focus Areas

The opportunities identified in this report provide more of the systemic countermeasures that can be applied within the City. Over the next three to five years, the City has the opportunity to concentrate its efforts on the emphasis areas:

1. Impaired Driving
2. Lane Departure Collisions
3. Young Drivers
4. Vulnerable Road Users (Pedestrians and Bicyclists)

Analysis conducted at the citywide level indicated that these factors were some of the most frequent influences contributing to collisions within the City. The countermeasure opportunities previously discussed in this report for both systemic and project-specific improvements can be used as a basis for developing projects at locations where addressing these focus areas would

be of the most benefit. Projects that address these focused areas can be developed with a high benefit-to-cost ratio (by applying City-wide collision rates), allowing projects to be developed even at sites with little to no direct collision history, but with conditions that might contribute to future collisions.

## 11.3 Funding

Competitive funding resources are available to assist in the development and implementation of safety projects in Tracy. The City should continue to seek available funding and grant opportunities from local, state, and federal resources to accelerate their ability to implement safety improvements throughout Tracy. The following is a high-level introduction into some of the main funding programs and grants for which the City can apply. In addition to the funding sources mentioned below, the City should consider examining and allocating a portion of its Measure A and other local funding sources to help fund safety improvements. The City should also work with regional agencies such as San Joaquin County Council of Governments, San Joaquin Valley Council of Governments, and Caltrans to identify and apply for safety improvement funding.

### 11.3.1 Highway Safety Improvement Program

The Highway Safety Improvement Program (HSIP) is a Federal program housed under Fixing America's Surface Transportation (FAST) Act. This program apportions funding as a lump sum for each state, which is then divided among apportioned programs. These flexible funds can be used for projects to preserve or improve safety conditions and performance on any Federal-aid highway, bridge projects on any public road, facilities for non-motorized transportation, and other project types. Example safety improvement projects eligible for this funding include:

- New or upgraded traffic signals
- Upgraded guard rails
- Pedestrian warning flashing beacons
- Marked crosswalks

California's local HSIP focuses on infrastructure projects with national recognized crash reduction factors. Normally HSIP call-for-projects is made at an interval of one to two years. The applicant must be a city, a county, or a tribal government federally recognized within the State of California.

Additional information regarding this program at the Federal level can be found online at: <https://safety.fhwa.dot.gov/hsip/>. California specific HSIP information – including dates for upcoming call for projects – can be found at: <http://www.dot.ca.gov/hq/LocalPrograms/hsip.html>.

### 11.3.2 Caltrans Active Transportation Program

Caltrans Active Transportation Program (ATP) is a statewide funding program, created in 2013, consolidating several federal and state programs. The ATP funds projects that encourage increased mode share for walking and bicycling, improve mobility and safety for non-motorized users, enhance public health, and decrease greenhouse gas emissions. Projects eligible for this funding include:

- Bicycle and pedestrian infrastructure projects
- Bicycle and pedestrian planning projects (e.g. safe routes to school)

- Non-infrastructure programs (education and enforcement)

This program funding is provided annually. The ATP call for projects typically comes out in the spring. Information on this program and cycles can be found online at:

<http://www.dot.ca.gov/hq/LocalPrograms/atp/>

### **11.3.3 State Transportation Improvement Program**

The State Transportation Improvement Program (STIP) provides state and federal gas tax money for improvements both on and off the state highway system. STIP programming occurs every two years. The programming cycle begins with the release of a proposed fund estimate, followed by California Transportation Commission (CTC) adoption of the fund estimate. The fund estimate serves to identify the amount of new funds available for the programming of transportation projects. Once the fund estimate is adopted, Caltrans and the regional planning agencies prepare transportation improvement plans for submittal. Caltrans prepares the Interregional Transportation Improvement Program (ITIP) using Interregional Improvement Program (IIP) funds, and regional agencies prepare Regional Transportation Improvement Programs (RTIPs) using Regional Improvement Program (RIP) funds. The STIP is then adopted by the CTC.

### **11.3.4 California Senate Bill 1 (SB 1)**

SB 1 is a landmark transportation investment to rebuild California by fixing neighborhood streets, freeways, and bridges in communities across California and targeting funds toward transit and congested trade and commute corridor improvements.

California's state-maintained transportation infrastructure will receive roughly half of SB 1 revenue: \$26 billion. The other half will go to local roads, transit agencies, and an expansion of the state's growing network of pedestrian and cycle routes. Each year, this new funding will be used to tackle deferred maintenance needs both on the state highway system and the local road system, including:

- Bike and Pedestrian Projects: \$100 million
  - This will go to cities, counties and regional transportation agencies to build or convert more bike paths, crosswalks and sidewalks. It is a significant increase in funding for these projects through the Active Transportation Program (ATP).
- Local Planning Grants: \$25 million

### **11.3.5 California Office of Traffic Safety (OTS) Grants**

This program has funding for projects related to traffic safety, including transportation safety education and encouragement activities. Grants applications must be supported by local crash data (such as the data analyzed in this report) and must relate to the following priority program areas:

- Alcohol Impaired Driving
- Distracted Driving
- Drug-Impaired Emergency Medical Services
- Motorcycle Safety
- Occupant Protection
- Pedestrian and Bicycle Safety
- Police Traffic Services

- Public Relations, Advertising, and Marketing Program
- Roadway Safety and Traffic Records

## 11.4 Next Steps

The City of Tracy has completed this LRSP to guide the process of future transportation safety improvements for years to come. The data-driven analysis process identified collision types, related primary collision factors, and locations of many collisions. Based on this process, Emphasis Areas were developed. These Emphasis Areas will guide corridor improvements, education programs, and capital improvements for the City.

Using the analyzed data and outputs from this LRSP, the City has also completed, or plans to complete, the following tasks:

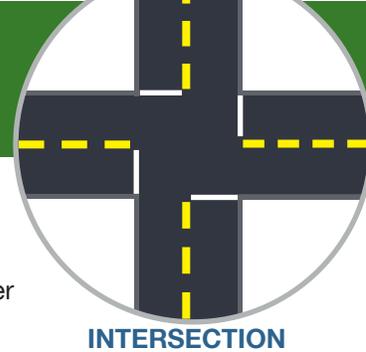
- Actively seek other funding opportunities to improve safety for all modal users
- Collaborate with established safety partners & neighboring municipalities as improvements are made to create a cohesive transportation network
- Iteratively evaluate existing and proposed transportation safety programs and capital improvements to design a safer transportation network in Tracy.
- Begin designing safety improvements identified in the Case Study sheets contained in this report.

Based on current Caltrans guidelines, the LRSP is valid for 5 years from the date of completion for eligibility for HSIP grant funding.

# **APPENDIX A – CASE STUDY SHEETS**



Case Study Sheet: Location #1



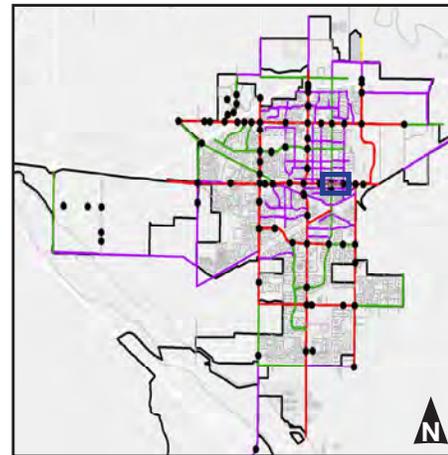
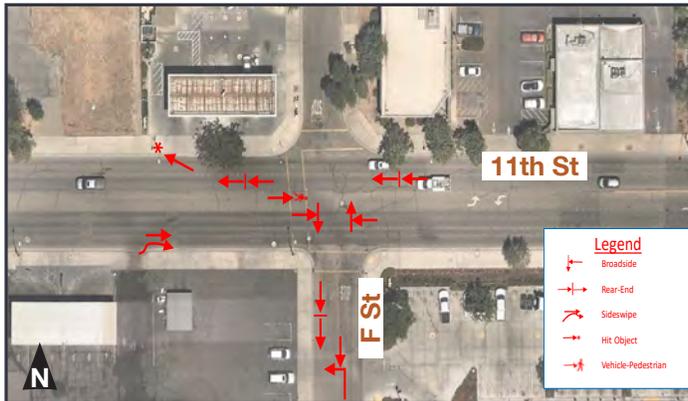
**Project Name:** Tracy LRSP  
**Agency Name:** Tracy  
**Contact Name:** Anju Pillai, P.E.  
**Email:** Anju.Pillai@cityoftracy.org

**Prepared by:** Kimley-Horn  
**Checked by:** Darryl DePencier  
**Date:** February 2022

Project Location Description & Maps:

**Intersection:** F St and 11th St (Unsignalized Intersection)

**Examples of Similar Intersections:** 11th St & E St, 11th St & Adam St



Traffic and Geometric Data:

Collision Data	
<b>Total Collisions</b>	9
<b>Fatal and Injury Collisions</b>	Fatal Injury - 1 Severe Injury - 0 Visible Injury - 0
<b>Top 2 Collision Types</b>	Broadside (33%) Rear-End (33%)
<b>Total Nighttime Collisions</b>	4
<b>Wet Surface Collisions</b>	0
<b>Drug and Alcohol Related Collisions</b>	1

Traffic Data	
<b>Number of Approaches</b>	4
<b>Total Entering Vehicles</b>	8,863
<b>Crosswalk Condition</b>	No crosswalk on NB leg
<b>Control Type</b>	Two way stop
<b>Lighting</b>	Yes
<b>Highest Posted Speed Limit</b>	35 MPH
<b>Median</b>	No

Collision Breakdown		
Veh vs. Veh	Veh vs. Ped	Veh vs. Bike
7	1	0

Additional Notes:

- Speeding is concern - speed limit is 35, observed higher
- High pedestrian activity including students (East and 11th St is entrance to HS)
- Fatal pedestrian collision (involved pedestrian under influence, not within marked crosswalk)
- Adjacent to signal at East and 11st St



## Countermeasure Evaluation

Primary Issues	Potential Countermeasures	Crash Modification Factor (LRSM/CMF ID)	20 Year Safety Benefit	Total 20-Year Costs	Safety Related B/C
Bike & Pedestrian	Install Rectangular Rapid Flashing Beacon (RRFB)	0.65 (R37PB)	\$3,066,00	\$50,000	61.32
Bike & Pedestrian	Install high-visibility crosswalks (possibly Triple-4 style)	0.81 (4124)	\$1,664,400	\$50,000	33.29
All	Install/upgrade larger or additional stop signs/ other intersections warning/ regulatory signs (stop signs with LED borders)	0.85 (NS06)	\$1,418,400	\$3,000	472.80
All	Provide protected left-turn phase	0.70 (S07)	\$2,836,800	\$40,000	70.92
All	Improve signal timing (coordination, phasing, red, yellow, operation)	0.85 (S03)	\$1,418,400	\$8,000	177.30
All	Install raised pavement markers and striping (through intersection)	0.90 (S09)	\$945,600	\$22,000	42.98



**Case Study Sheet: Location #2**

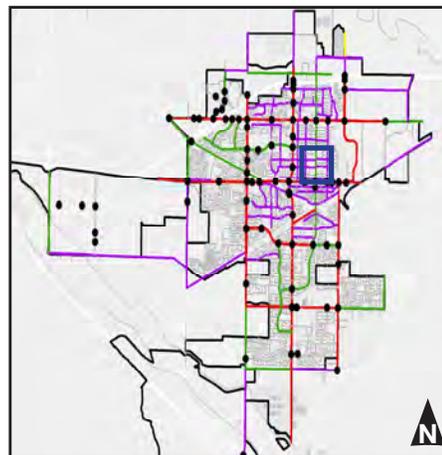
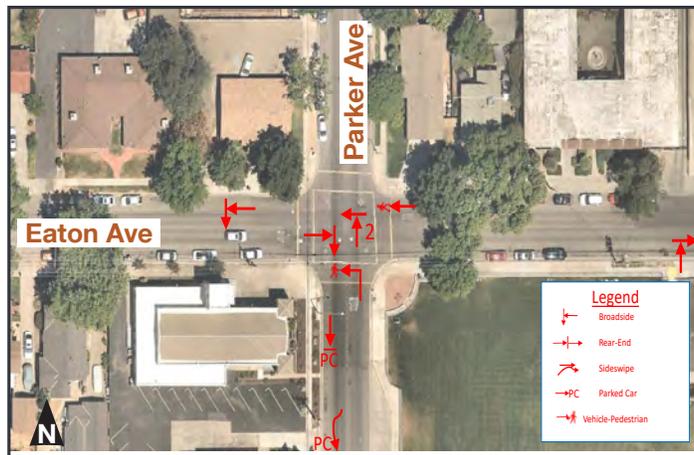
**Project Name:** Tracy LRSP  
**Agency Name:** City of Tracy  
**Contact Name:** Anju Pillai, P.E.  
**Email:** Anju.Pillai@cityoftracy.org

**Prepared by:** Kimley-Horn  
**Checked by:** Darryl DePencier  
**Date:** February 2022

**Project Location Description & Maps:**

**Intersection:** Parker Ave & Eaton Ave (Unsignalized Intersection)

**Examples of Similar Intersections:** Parker Ave & Carlton Way, E Lowell Ave & Mae Ave



**Traffic and Geometric Data:**

Collision Data	
<b>Total Collisions</b>	9
<b>Fatal and Injury Collisions</b>	Fatal Injury - 0 Severe Injury - 0 Visible Injury - 1
<b>Top 4 Collision Types</b>	Broadside (66.7%) Rear-End (11.1%) Sideswipe (11.1%) Vehicle-Pedestrian (11.1%)
<b>Total Nighttime Collisions</b>	3
<b>Wet Surface Collisions</b>	2
<b>Drug and Alcohol Related Collisions</b>	0

Traffic Data	
<b>Number of Approaches</b>	4
<b>Total Entering Vehicles</b>	10,000
<b>Crosswalk Condition</b>	4 striped crosswalks
<b>Control Type</b>	4 way stop
<b>Lighting</b>	Yes
<b>Highest Posted Speed Limit</b>	25 MPH
<b>Median</b>	No

Collision Breakdown		
Veh vs. Veh	Veh vs. Ped	Veh vs. Bike
5	2	0

**Additional Notes:**

- High number of broadsides at all-way stop
- Inattention may contribute to crash pattern
- Drivers not adhering to left turn restriction at school driveway (Central Elementary)



### Countermeasure Evaluation

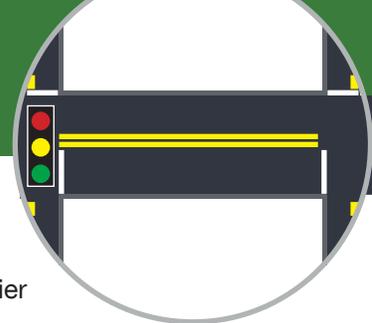
Primary Issues	Potential Countermeasures	Crash Modification Factor (LRSM/CMF ID)	20 Year Safety Benefit	Total 20-Year Costs	Safety Related B/C
All	Install high-visibility crosswalk	0.81 (4124)	\$122,968	\$25,000	4.92
All	Install raised pavement markers and striping (through intersection)	0.90 (S09)	\$180,600	\$22,000	8.21
All	Install edge-lines and centerlines	0.75 (R28)	\$451,500	\$8,000	56.44



**Project Template: Location #3**

**Project Name:** Tracy LRSP  
**Agency Name:** City of Tracy  
**Contact Name:** Anju Pillai, P.E.  
**Email:** Anju.Pillai@cityoftracy.org

**Prepared by:** Kimley-Horn  
**Checked by:** Darryl DePencier  
**Date:** February 2022

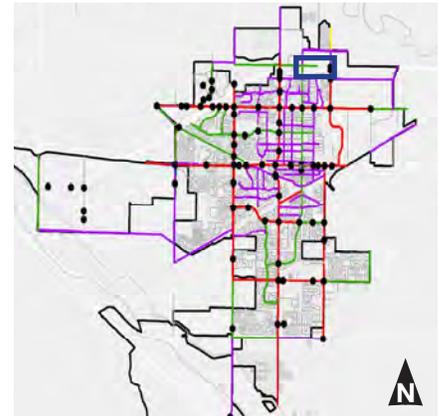


**SEGMENT** |

**Project Location Description & Maps:**

**Segment:** Holly Dr - Larch Rd to Sloan Ct (Minor Arterial)

**Examples of Similar Segments:** N Tracy Blvd - W Larch Rd to W Sugar Rd; Corral Hollow Rd - W Larch Rd to W Clover Rd



**Traffic and Geometric Data:**

Collision Data	
<b>Total Collisions</b>	4
<b>Fatal and Injury Collisions</b>	Fatal Injury - 0 Severe Injury - 0 Visible Injury - 0
<b>Top 3 Collision Types (percentage)</b>	Head-On (25%) Sideswipe (25%) Vehicle-Pedestrian (25%) Not Stated (25%)
<b>Total Nighttime Collisions</b>	3
<b>Wet Surface Collisions</b>	0
<b>Drug and Alcohol Related Collisions</b>	0

Traffic Data	
<b>Average Daily Traffic (ADT)</b>	5,000
<b>Lighting</b>	Yes
<b>Highest Posted Speed Limit</b>	35 MPH

Collision Breakdown		
Veh vs. Veh	Veh vs. Ped	Veh vs. Bike
0	1	0

**Additional Notes:**

- 3 out of 4 collisions were hit objects
- No continuous sidewalk on northside
- Transient population in this area



## Countermeasure Evaluation

Primary Issues	Potential Countermeasures	Crash Modification Factor (LRSM/CMF ID)	20 Year Safety Benefit	Total 20-Year Costs	Safety Related B/C
Bike & Ped	Install green paint in bicycle lanes	0.65 (R32PB)	\$113,260	\$50,000	2.27
Bike & Ped	Install separated bike lanes (Class IV)	0.55 (R33PB)	\$145,620	\$94,750	1.54
Bike & Pedestrian	Add segment lighting	0.65 (R01)	\$169,120	\$18,950	8.92
Hit Object	Remove or relocate fixed objects outside of Clear Recovery Zone	0.65 (R02)	\$169,120	\$10,000	16.91



**Project Template: Location #4**

**Project Name:** Tracy LRSP  
**Agency Name:** City of Tracy  
**Contact Name:** Anju Pillai, P.E.  
**Email:** Anju.Pillai@cityoftracy.org

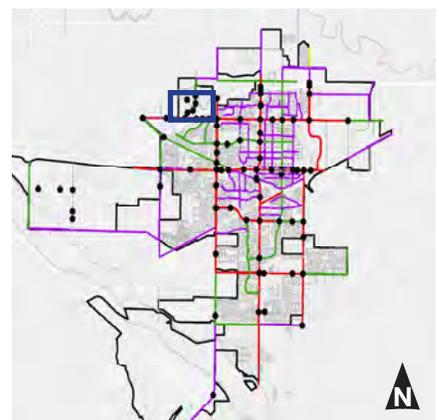
**Prepared by:** Kimley-Horn  
**Checked by:** Darryl DePencier  
**Date:** February 2022



**SEGMENT** |

**Project Location Description & Maps:**

**Segment:** Pavilion Pkwy/Auto Plaza Dr: Robertson Dr to Auto Plaza Way (Local Roadway)  
**Examples of Similar Segments:** Naglee Rd - W Valley Mall to Auto Plaza Dr; Joe Pombo Pkwy - Grant Line Rd to Birdie Creek Cir



**Traffic and Geometric Data:**

Collision Data	
<b>Total Collisions</b>	5
<b>Fatal and Injury Collisions</b>	Fatal Injury - 0 Severe Injury - 0 Visible Injury - 1
<b>Top Collision Types (percentage)</b>	Head-On (40%) Broadside (20%) Hit Object (20%) Sideswipe (20%)
<b>Total Nighttime Collisions</b>	2
<b>Wet Surface Collisions</b>	2
<b>Drug and Alcohol Related Collisions</b>	1

Traffic Data	
<b>Average Daily Traffic (ADT)</b>	1,500
<b>Lighting</b>	Yes
<b>Highest Posted Speed Limit</b>	45 MPH

Collision Breakdown		
Veh vs. Veh	Veh vs. Ped	Veh vs. Bike
2	0	0

**Additional Notes:**

- Lower priority location
- Tire marks in middle of intersection of Power Rd/Pavilion Pkwy
- Relatively low volumes currently, but in development area
- Truck deliveries for adjacent commercial uses

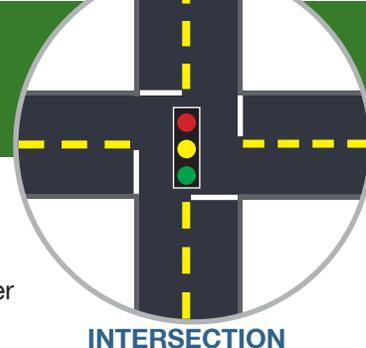


### Countermeasure Evaluation

Primary Issues	Potential Countermeasures	Crash Modification Factor (LRSM/CMF ID)	20 Year Safety Benefit	Total 20-Year Costs	Safety Related B/C
All	Install reflective markers	0.85 (R27)	\$198,420	\$10,000	19.84
Dark	Add segment lighting	0.65 (R01)	\$462,980	\$9,450	48.99
All	Upgrade signage	0.85 (NS06)	\$198,420	\$6,000	33.07



Case Study Sheet: Location #5



INTERSECTION

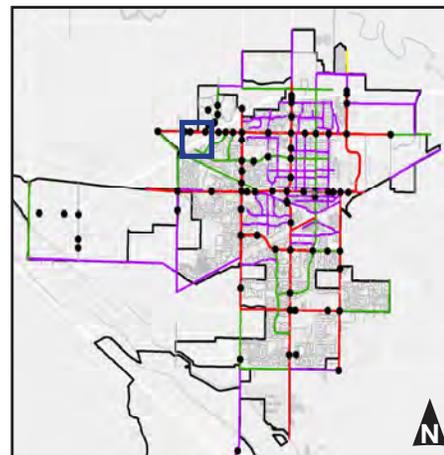
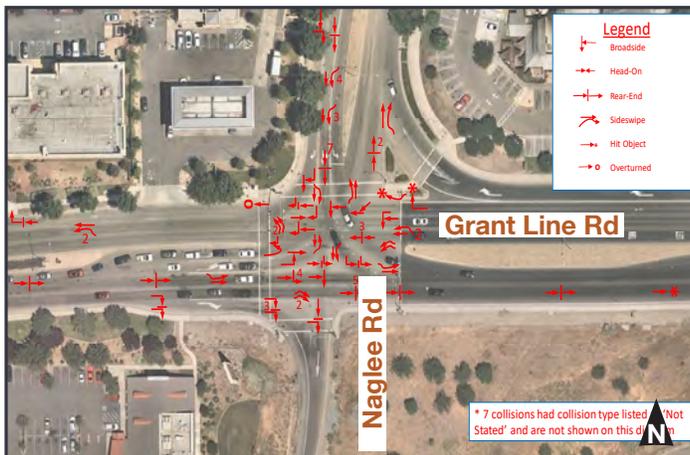
**Project Name:** Tracy LRSP  
**Agency Name:** Tracy  
**Contact Name:** Anju Pillai, P.E.  
**Email:** Anju.Pillai@cityoftracy.org

**Prepared by:** Kimley-Horn  
**Checked by:** Darryl DePencier  
**Date:** February 2022

Project Location Description & Maps:

**Intersection:** Naglee Rd & Grant Line Rd (Signalized Intersection)

**Examples of Similar Intersections:** Grant Line Rd & Toste Rd/I-205, Naglee Rd & Pavillion Parkway



Traffic and Geometric Data:

Collision Data	
<b>Total Collisions</b>	85
<b>Fatal and Injury Collisions</b>	Fatal Injury - 0 Severe Injury - 0 Visible Injury - 6
<b>Top 2 Collision Types</b>	Rear-End (42.4%) Sideswipe (29.4%) Broadside (14.1%)
<b>Total Nighttime Collisions</b>	18
<b>Wet Surface Collisions</b>	9
<b>Drug and Alcohol Related Collisions</b>	3

Traffic Data	
<b>Number of Approaches</b>	4
<b>Total Entering Vehicles</b>	40,765
<b>Crosswalk Condition</b>	3 Legs with Pedestrian Timing
<b>Control Type</b>	Signalized
<b>Lighting</b>	Yes
<b>Highest Posted Speed Limit</b>	40 MPH
<b>Median</b>	Yes

Collision Breakdown		
<b>Veh vs. Veh</b>	<b>Veh vs. Ped</b>	<b>Veh vs. Bike</b>
80	0	0

Additional Notes:

- Top crash location in city
- Southbound right turn traffic observed not stopping on red (conflicts with eastbound U-turns)
- 8-inch signal heads
- Aggressive drivers (adjacent to freeway ramps)
- Wide westbound right slip lane



## Countermeasure Evaluation

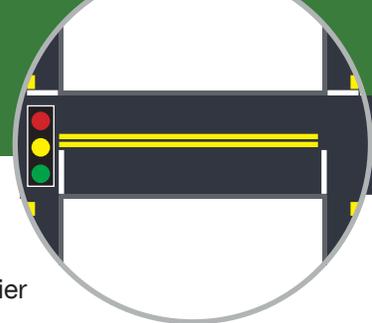
Primary Issues	Potential Countermeasures	Crash Modification Factor (LRSM/CMF ID)	20 Year Safety Benefit	Total 20-Year Costs	Safety Related B/C
All	Install retroreflective backplates	0.85 (S02)	\$1,872,780	\$12,000	156.07
Bike & Pedestrian	Install green paint in bicycle lanes	0.65 (R32PB)	-	\$15,000	-
All	Adjust signal timing (coordination, phasing, red, yellow, operation)	0.85 (S03)	\$1,872,780	\$8,000	234.10
All	Install through arrow signal heads on WB movement to reinforce no LTs	0.70 (NS03)	\$3,743,560	\$75,000	24.97
All	Provide protected left-turn phase	0.70 (S07)	\$3,745,560	\$40,000	93.64
All	Install advanced dilemma zone detection	0.60 (S04)	\$3,745,560	\$34,000	110.16
All	Install High-Visibility Crosswalk	0.81 (4124)	-	\$75,000	-
All	Install raised medians (refuge islands)	0.55 (NS19PB)	\$5,618,340	\$75,000	74.91
All	Upgrade 8" signal heads to 12" signal heads	0.85 (S02)	\$1,872,780	\$12,000	156.07



**Project Template: Location #6**

**Project Name:** Tracy LRSP  
**Agency Name:** Tracy  
**Contact Name:** Anju Pillai, P.E.  
**Email:** Anju.Pillai@cityoftracy.org

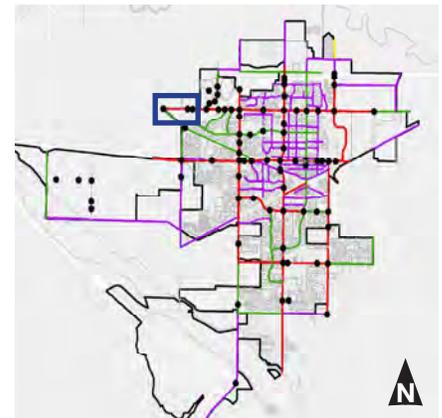
**Prepared by:** Kimley-Horn  
**Checked by:** Darryl DePencier  
**Date:** February 2022



**SEGMENT |**

**Project Location Description & Maps:**

**Segment:** Grant Line Rd - Lammers Rd to Byron Rd (Principal Arterial)  
**Examples of Similar Segments:** Grant Line Rd - N MacArthur Dr to Skylark Way, Byron Rd - Grant Line Rd to Von Sosten Rd



**Traffic and Geometric Data:**

Collision Data	
<b>Total Collisions</b>	23
<b>Fatal and Injury Collisions</b>	Fatal Injury - 0 Severe Injury - 0 Visible Injury - 4
<b>Top 3 Collision Types (percentage)</b>	Rear-End (82.6%) Broadside (4.3%) Head-On (4.3%) Hit Object (4.3%) Overturned (4.3%)
<b>Total Nighttime Collisions</b>	12
<b>Wet Surface Collisions</b>	2
<b>Drug and Alcohol Related Collisions</b>	1

Traffic Data	
<b>Average Daily Traffic (ADT)</b>	10,000
<b>Lighting</b>	No
<b>Highest Posted Speed Limit</b>	40 MPH

Collision Breakdown		
Veh vs. Veh	Veh vs. Ped	Veh vs. Bike
20	0	0

**Additional Notes:**

- Recent/ongoing construction at this location
- Closely spaced driveways
- High speeds observed along Grant Line Rd
- Residential development is recent (4 collisions in 2016, 4 in 2017, 6 in 2018, and 9 in 2019)
- Lammers Rd is recently signalized



### Countermeasure Evaluation

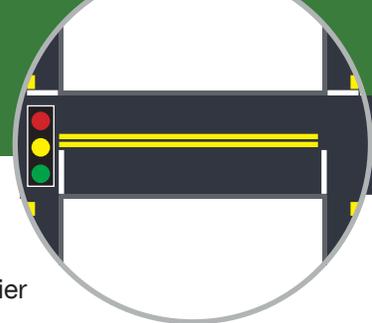
Primary Issues	Potential Countermeasures	Crash Modification Factor (LRSM/CMF ID)	20 Year Safety Benefit	Total 20-Year Costs	Safety Related B/C
All	Install dynamic/variable speed warning systems	0.70 (R26)	\$1,473,000	\$32,000	46.03
All	Install/upgrade larger or additional stop signs/ other intersections warning/regulatory signs (stop signs with LED borders)	0.85 (NS06)	\$736,500	\$9,000	81.83



**Project Template: Location #7**

**Project Name:** Tracy LRSP  
**Agency Name:** Tracy  
**Contact Name:** Anju Pillai, P.E.  
**Email:** Anju.Pillai@cityoftracy.org

**Prepared by:** Kimley-Horn  
**Checked by:** Darryl DePencier  
**Date:** February 2022



**SEGMENT** |

**Project Location Description & Maps:**

**Segment:** Byron Rd - Berg Rd to Belconte Dr (Minor Arterial)

**Examples of Similar Segments:** Beechnut Ave - Tracy Blvd to Sequoia Blvd, E 6th St - N MacArthur Dr to D St



**Traffic and Geometric Data:**

Collision Data	
<b>Total Collisions</b>	7
<b>Fatal and Injury Collisions</b>	Fatal Injury - 0 Severe Injury - 0 Visible Injury - 1
<b>Top Collision Types (percentage)</b>	Broadside (28.6%) Rear-End (28.6%) Sideswipe (14.3%) Hit Object (14.3%) Other (14.3%)
<b>Total Nighttime Collisions</b>	2
<b>Wet Surface Collisions</b>	0
<b>Drug and Alcohol Related Collisions</b>	0

Traffic Data	
<b>Average Daily Traffic (ADT)</b>	6,845
<b>Lighting</b>	No
<b>Highest Posted Speed Limit</b>	45 MPH

Collision Breakdown		
Veh vs. Veh	Veh vs. Ped	Veh vs. Bike
5	0	0

**Additional Notes:**

- Speeding observed - posted speed limit is 45 mph, observed higher speeds
- Lacking continuous street lighting
- No bike lanes here



## Countermeasure Evaluation

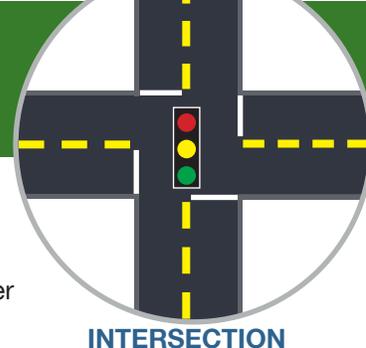
Primary Issues	Potential Countermeasures	Crash Modification Factor (LRSM/CMF ID)	20 Year Safety Benefit	Total 20-Year Costs	Safety Related B/C
All	Install dynamic/variable speed warning systems	0.70 (R26)	\$591,000	\$16,000	36.94
Dark	Add segment lighting	0.65 (R01)	\$312,480	\$28,400	11.00
Bikes & Pedestrians	Add buffered bike lane	0.65 (R33PB)	\$886,500	\$284,000	3.12
All	Install median barrier	0.75 (R03)	\$492,500	\$20,000	24.63



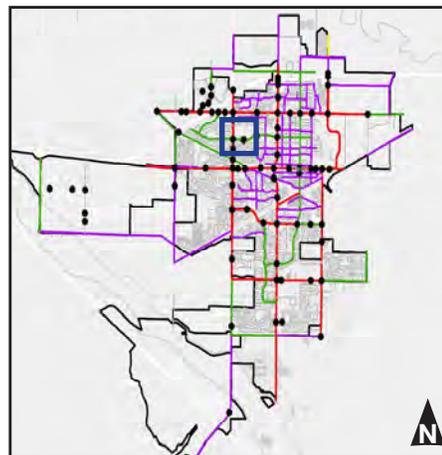
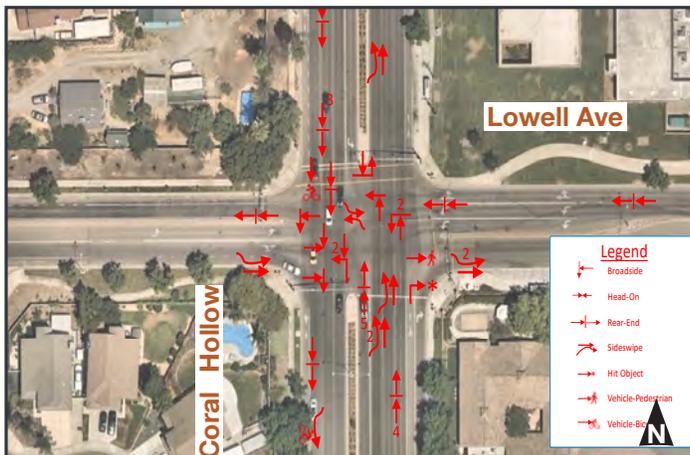
Case Study Sheet: Location #8

**Project Name:** Tracy LRSP  
**Agency Name:** Tracy  
**Contact Name:** Anju Pillai, P.E.  
**Email:** Anju.Pillai@cityoftracy.org

**Prepared by:** Kimley-Horn  
**Checked by:** Darryl DePencier  
**Date:** February 2022



Project Location Description & Maps:



Traffic and Geometric Data:

Collision Data	
<b>Total Collisions</b>	40
<b>Fatal and Injury Collisions</b>	Fatal Injury - 0 Severe Injury - 0 Visible Injury - 4
<b>Top 2 Collision Types</b>	Rear-End (42.5%) Sideswipe (22.5%) Broadside (22.5%)
<b>Total Nighttime Collisions</b>	12
<b>Wet Surface Collisions</b>	5
<b>Drug and Alcohol Related Collisions</b>	1

Traffic Data	
<b>Number of Approaches</b>	4
<b>Total Entering Vehicles</b>	26,101
<b>Crosswalk Condition</b>	3 Legs with Pedestrian Timing
<b>Control Type</b>	Signalized
<b>Lighting</b>	Yes
<b>Highest Posted Speed Limit</b>	40 MPH
<b>Median</b>	Yes

Collision Breakdown		
Veh vs. Veh	Veh vs. Ped	Veh vs. Bike
35	1	3

Additional Notes:

- Tire marks on south leg median, clipped by westbound lane movements
- 3 bicycle involved collisions
- Evidence that this intersection needs pavement upgrades



## Countermeasure Evaluation

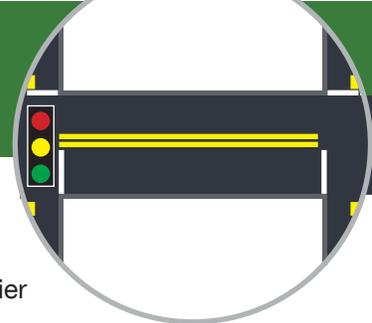
Primary Issues	Potential Countermeasures	Crash Modification Factor (LRSM/CMF ID)	20 Year Safety Benefit	Total 20-Year Costs	Safety Related B/C
Bike & Pedestrian	Install green paint in bicycle lanes	0.65 (R32PB)	\$539,000	\$15,000	35.93
All	Improve signal timing (coordination, phasing, red, yellow, operation)	0.85 (S03)	\$1,237,200	\$8,000	154.65
Bike & Pedestrian	Install High-Visibility crosswalk	0.81 (4124)	\$292,600	\$75,000	3.90
All	Install retroreflective backplates	0.85 (S02)	\$1,237,200	\$12,000	103.10
Bike & Pedestrian	Install advanced dilemma zone detection	0.60 (S04)	\$3,299,200	\$34,000	97.04
All	Install raised medians (refuge islands)	0.55 (NS19PB)	\$3,711,600	\$25,000	148.46
Bike & Pedestrian	Modify signal phasing to implement a Leading Pedestrian Interval (LPI)	0.40 (S21PB)	\$4,948,800	\$8,000	618.60
Bike & Pedestrian	Pedestrian scramble during school hours	0.60 (S19PB)	\$616,000	\$120,000	5.13



**Project Template: Location #3**

**Project Name:** Tracy LRSP  
**Agency Name:** Tracy  
**Contact Name:** Anju Pillai, P.E.  
**Email:** Anju.Pillai@cityoftracy.org

**Prepared by:** Kimley-Horn  
**Checked by:** Darryl DePencier  
**Date:** February 2022

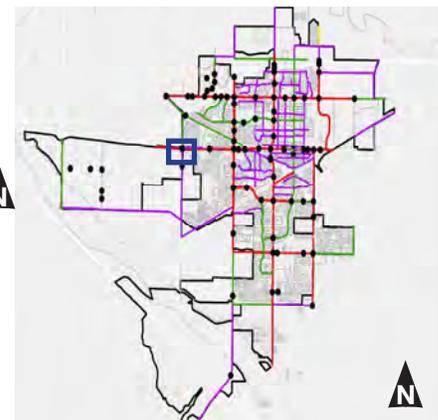
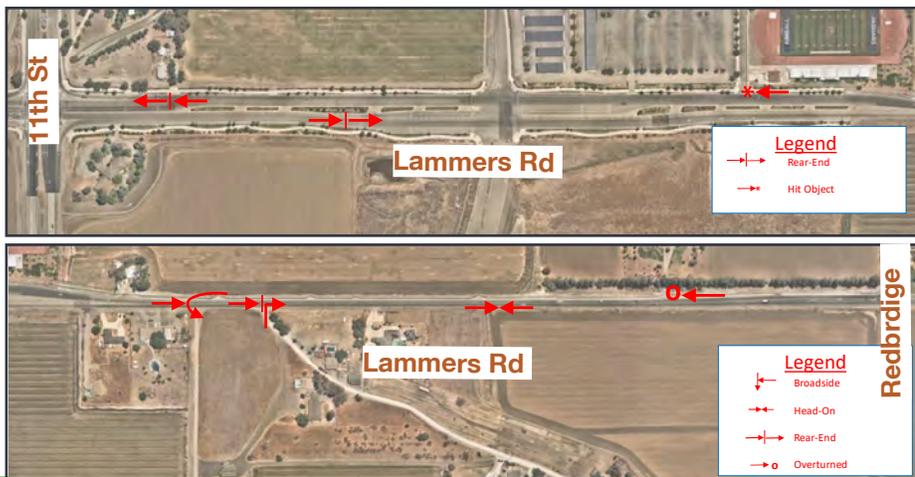


**SEGMENT** |

**Project Location Description & Maps:**

**Segment:** Lammers Rd - 11th St to Redbridge Rd (Collector)

**Examples of Similar Segments:** S Lammers Rd - W Schulte Rd to Valpico Rd, W Schulte Rd - S Lammers Rd to Hansen Rd



**Traffic and Geometric Data:**

Collision Data	
<b>Total Collisions</b>	7
<b>Fatal and Injury Collisions</b>	Fatal Injury - 0 Severe Injury - 0 Visible Injury - 1
<b>Top 3 Collision Types (percentage)</b>	Rear-End (42.9%) Broadside (14.3%) Hit Object (14.3%) Head-On (14.3%) Overturned (14.3%)
<b>Total Nighttime Collisions</b>	2
<b>Wet Surface Collisions</b>	1
<b>Drug and Alcohol Related Collisions</b>	0

Traffic Data	
<b>Average Daily Traffic (ADT)</b>	15,825
<b>Lighting</b>	No
<b>Highest Posted Speed Limit</b>	35 MPH

Collision Breakdown		
Veh vs. Veh	Veh vs. Ped	Veh vs. Bike
5	0	0

**Additional Notes:**

- Adjacent to high school
- Wide roadway and lanes
- High speeding
- During school release there are two outbound lanes from driveway



### Countermeasure Evaluation

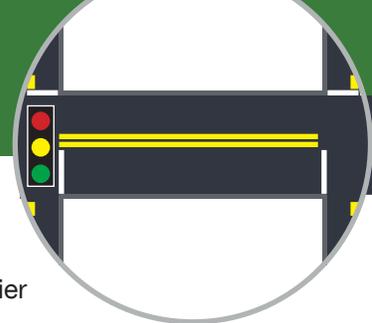
Primary Issues	Potential Countermeasures	Crash Modification Factor (LRSM/CMF ID)	20 Year Safety Benefit	Total 20-Year Costs	Safety Related B/C
All	Install dynamic/variable speed warning systems	0.70 (R26)	\$509,880	\$32,000	15.93
Bikes & Pedestrians	Modify signal phasing to implement a Leading Pedestrian Interval (LPI) at school signal	0.40 (S21PB)	-	\$8,000	-
All	Add safety edges	0.70 (R15)	\$509,880	\$22,000	23.18



**Project Template: Location #10**

**Project Name:** Tracy LRSP  
**Agency Name:** Tracy  
**Contact Name:** Anju Pillai, P.E.  
**Email:** Anju.Pillai@cityoftracy.org

**Prepared by:** Kimley-Horn  
**Checked by:** Darryl DePencier  
**Date:** February 2022

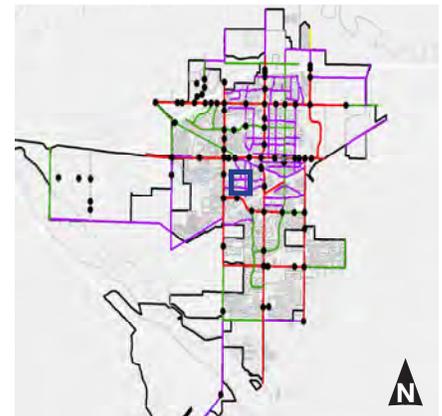
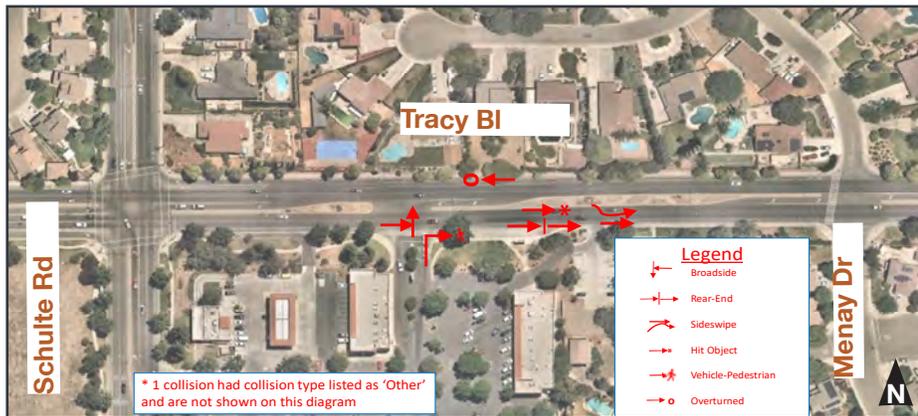


**SEGMENT** |

**Project Location Description & Maps:**

**Segment:** Tracy Blvd - Schulte Rd to Menay Dr (Principal Arterial)

**Examples of Similar Segments:** Sycamore Pkwy - W Schulte Rd to Amberwood Way, Coral Hollow Rd - W Schulte Rd to Golden Leaf Ln



**Traffic and Geometric Data:**

Collision Data	
<b>Total Collisions</b>	7
<b>Fatal and Injury Collisions</b>	Fatal Injury - 0 Severe Injury - 0 Visible Injury - 0
<b>Top 3 Collision Types (percentage)</b>	Rear-End (14.3%) Broadside (14.3%) Hit Object (14.3%)
<b>Total Nighttime Collisions</b>	2
<b>Wet Surface Collisions</b>	1
<b>Drug and Alcohol Related Collisions</b>	0

Traffic Data	
<b>Average Daily Traffic (ADT)</b>	7,604
<b>Lighting</b>	Yes
<b>Highest Posted Speed Limit</b>	45 MPH

Collision Breakdown		
Veh vs. Veh	Veh vs. Ped	Veh vs. Bike
3	1	0

**Additional Notes:**

- One pedestrian involved crash
- Not a high priority location



### Countermeasure Evaluation

Primary Issues	Potential Countermeasures	Crash Modification Factor (LRSM/CMF ID)	20 Year Safety Benefit	Total 20-Year Costs	Safety Related B/C
All	Install dynamic/variable speed warning systems	0.70 (R26)	\$273,960	\$32,000	8.56

TRACY CITY COUNCIL

RESOLUTION 2023-\_\_\_\_\_

---

**APPROVING THE LOCAL ROADWAY SAFETY PLAN AND SETTING A VISION  
ZERO FOR 2050**

**WHEREAS**, City of Tracy has completed a Local Roadway Safety Plan (LRSP), which establishes a framework to identify, analyze, and develop traffic safety enhancements on the City's transportation system; and

**WHEREAS**, the LRSP evaluates the transportation network as well as non-infrastructure programs and policies and identifies the vision to reduce the frequency of traffic fatalities and serious injury related crashes and outlined the goals to achieve it and it was developed in accordance with the latest National and State best practices for statistical roadway analysis; and

**WHEREAS**, the LRSP stakeholders included members from Tracy Police Department, Tracy Unified School District, City of Tracy ADA Compliance Office, the San Joaquin County Fire Department, San Joaquin County Public Health Services, and the City of Tracy Transit Service Division; and

**WHEREAS**, existing plans, policies, and projects that were recently completed, planned, or are on-going within the City of Tracy were compiled, high-level key points regarding transportation improvements and safety-related topics were identified, and several data inputs were used in analysis, namely the roadway network, intersection classification, traffic counts and collision data for the period between January 1, 2015, and December 31, 2019; and

**WHEREAS**, the analysis of collision history on the City's transportation network allowed for opportunities to: 1) identify factors in the transportation network that inhibit safety for all roadway users, 2) improve safety at specific high-collision locations, and 3) develop safety measures using the 5E's of transportation safety: Engineering, Enforcement, Education, Emergency Services, and Emerging Technologies, to encourage safe driver behavior, reduce the frequency and severity of crashes, and to institutionalize a process for monitoring safety and making safety investment decisions; and

**WHEREAS**, A special concurrent meeting of the Tracy City Council and the Tracy Transportation Advisory Commission was held on February 7, 2023, at 6:00 p.m. in the City of Tracy's Council Chambers to present the LSRP and receive feedback from the community; and

**WHEREAS**, Vision Zero is a global movement to end traffic-related fatalities and serious injuries by taking a systemic approach to road safety and the premise of this strategy is that road deaths and injuries are unacceptable and preventable; and

**WHEREAS**, a core principle of Vision Zero is that people should not be killed or severely injured due to mobility; and

**WHEREAS**, Vision Zero sets the goal of reducing traffic-related fatalities and severe injuries to zero - the only acceptable number; and

**WHEREAS**, Vision Zero Network is a non-profit that is the nations' leading voice and advocate for Vision Zero and there are currently 53 cities in the US that are officially members of this network with completed Vision Zero plans, 13 of which are in California; and

**WHEREAS**, many other cities in the US have developed Vision Zero plans or adopted resolutions to support Vision Zero goal but haven't yet joined the Network; and

**WHEREAS**, California Department of Transportation (Caltrans) also adopted a policy on February 15, 2022, that commits to setting a vision to eliminate fatalities and serious injuries on California's roadways by 2050 and provide safer outcomes for all communities; and

**WHEREAS**, it is recommended that in alignment with this global movement, and in solidarity with the adopted Caltrans policy, City should be setting a goal for attaining Vision Zero in the year 2050; now, therefore, be it

**RESOLVED:** That the City Council of the City of Tracy, by resolution, hereby approves the Local Roadway Safety Plan and sets a Vision Zero goal for 2050.

\* \* \* \* \*

The foregoing Resolution 2023-\_\_\_\_\_ was adopted by the Tracy City Council on the 21<sup>st</sup> day of February 2023 by the following vote:

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

---

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

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

Agenda Item 1.F

REQUEST

**Staff recommends that the City Council adopt a resolution: (1) Approving a General Services Agreement with Sweeping Corp of America, LLC to provide street, alley, and parking lot sweeping services for an initial term of two (2) years and a total not to exceed amount \$859,100 annually; (2) Authorizing the City Manager to execute the General Services Agreement, extensions up to five (5) years, and amendments to the Agreement; and (3) Appropriating \$46,000 from the Solid Waste Fund (F531) to fund the Agreement for fiscal year 2023.**

EXECUTIVE SUMMARY

The Operations Division is requesting Tracy City Council approval of a General Services Agreement to provide street, alley, and parking lot sweeping within the City of Tracy for a not-to-exceed annual amount of \$859,100 with Sweeping Corp of America, LLC (“SCA”). Street sweeping services are needed to keep City streets clean and assist with storm water quality.

BACKGROUND AND LEGISLATIVE HISTORY

Street sweeping services are performed throughout the City to maintain clean streets, alleys, and parking lots, and reduce debris entering the City’s storm drain system. The City of Tracy currently has an estimated 12,807 curb miles for streets and alleys and 770,628 parking lot square feet. Sweeping is completed every two weeks on all City streets, except for the downtown business district, which is swept twice a week. Select City paved alleys and parking lots are swept monthly.

The City currently contracts with SCA for street sweeping services. The current contract expired on January 31, 2023. Staff issued a “Notice Inviting Bids” for street sweeping services in preparation of the end of the contract. The notice was published on December 6, 2022. One bid was received on January 9, 2023. SCA was the only responsive bidder.

ANALYSIS

The agreement includes an annual not-to-exceed amount of \$859,100. The annual not-to-exceed amount considers capacity for additional curb miles to be added during the life of this contract, a seven-year contract if all extensions are executed, extra scheduled work, emergency services and an estimated amount for vehicle posting notices. The annual amount for the first two years is \$741,000. \$691,000 is for sweeping and any additional call outs; estimated \$50,000 for any additional City Council acceptance of new streets and a possible vehicle notice posting program.

Staff has taken into consideration a possible pilot project for vehicle noticing prior to sweeping days. Note: to enact a street sweeping posting program, additional discussions with other City departments and City Council will need to occur.

Also included in the overall annual amount is the option for the vendor to request an annual Consumer Price Index (CPI) rate increase each year after the initial two years of the agreement.

Any such increase shall not exceed 5% and is based on the CPI for Urban Wage Earners for Sacramento Area as published by the U.S. Department of Labor, Bureau of Labor Statistics. This increase is an optional request and approved by the City in its sole discretion.

FISCAL IMPACT

An additional appropriation of \$46,000 from the Solid Waste Fund (F531) is needed to fund the new contract through June 30, 2023.

STRATEGIC PLAN

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

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a resolution: (1) Approving a General Services Agreement with Sweeping Corp of America, LLC to provide street, alley, and parking lot sweeping services for an initial term of two (2) years and a total not to exceed amount \$859,100 annually; (2) Authorizing the City Manager to execute the General Services Agreement, extensions up to five (5) years, and amendments to the Agreement; and (3) Appropriating \$46,000 from the Solid Waste Fund (F531) to fund the Agreement for fiscal year 2023.

Prepared By: Robin Kloepfer, Management Analyst

Reviewed By: James A. Jackson, Director of Operations & Utilities  
Sara Cowell, Director of Finance  
Midori Lichtwardt, Assistant City Manager

Approved by: Michael Rogers, City Manager

Attachments: A – GSA Sweeping Corp of America, LLC

**CITY OF TRACY**  
**GENERAL SERVICES AGREEMENT WITH SCA OF CA, LLC**  
*2023-2025 Street Sweeping Contract*

This General Services Agreement (**Agreement**) is entered into between the City of Tracy, a municipal corporation (**City**), and SCA of CA, LLC, a Limited Liability Company (**Contractor**). City and Contractor are referred to individually as "Party" and collectively as "Parties."

**Recitals**

- A. City desires to retain Contractor to perform services consisting of sweeping either by machine or hand in all designated improved public streets including curb returns, median islands, alleys, and designated parking lots; and
- B. On December 6, 2022, the City issued a Notice Inviting Bids for these services, the 2023-2025 Street Sweeping Contract (**Project**). On January 9, 2023, Contractor submitted its bid for the Project to the City and was determined to be the lowest responsible bidder.
- C. After negotiations between the City and Contractor, the Parties have reached an agreement for the performance of services in accordance with the terms set forth in this Agreement.
- D. This Agreement is being executed pursuant to Resolution No. 2023-\_\_\_\_ approved by Tracy City Council on \_\_\_\_\_, 2023.

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

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

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

**2.1 Term.** The term of this Agreement shall begin on March 1, 2023 and end on February 28, 2025, unless terminated in accordance with Section 6. *OPTION TO EXTEND: This Agreement may be extended for an additional five (5) years by the City Manager following a written determination that Contractor has satisfactorily met all the requirements of this Agreement. Extensions will be granted in any combination of years, not to exceed five (5).*

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

**3.1 Not to Exceed Amount.** Contractor's total compensation under this Agreement shall not exceed \$859,100 per fiscal year. Contractor's billing rates shall cover all costs and expenses for Contractor's performance of this Agreement. No work shall be performed by Contractor in excess of the total compensation amount provided in this section without the City's prior written approval. If the City elects to extend the term of this Agreement, effective at the beginning of the term of the extension, Contractor's billing rates under this Agreement may be annually increased in March of each year by the lesser of 5% or the annual increase in the Cost of Living Index – All Items, for the Sacramento Metropolitan Region.

**3.2 Invoices.** Contractor shall submit monthly invoices to the City that describe the services performed, including times, dates, and names of persons performing the services. Additional lines items will be listed for any work performed outside of the regular monthly service.

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

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

**4. Indemnification.** Contractor shall, to the fullest extent permitted by law, indemnify, defend (with independent counsel approved by the City), and hold harmless the City from and against any claims arising out of Contractor's performance or failure to comply with obligations under this Agreement, except to the extent caused by the sole, active negligence or willful misconduct of the City.

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

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

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

**5.1 Commercial General Liability** (with coverage at least as broad as ISO form CG 00 01 01 96) "per occurrence" coverage shall be maintained in an amount not less than \$4,000,000 general aggregate and \$2,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.

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

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

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

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

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

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

**5.6 Notice of Cancellation.** Contractor shall notify the City if the policy is canceled before the expiration date. For the purpose of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation. Contractor shall immediately obtain a replacement policy.

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

**5.8 Insurance Certificate.** Contractor shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance and endorsements, in a form satisfactory to the City, before the City signs this Agreement.

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

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

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

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

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

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

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

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

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

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

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

**8.1 Rates.** These prevailing wage rates are on file with the City and are available online at <http://www.dir.ca.gov/DLSR>. Each Contractor and Subcontractor must pay no less than the specified rates to all workers employed to perform the services described herein. The schedule of per diem wages is based upon a working day of eight hours. The rate for holiday and overtime work must be at least time and one-half. Contractor assumes all responsibility for such payments and shall defend, indemnify and hold the City harmless from any and all claims made by the State of California, the Department of Industrial Relations, any subcontractor, any worker, or any other third party.

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

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

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

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

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

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

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

To City:

Director of Operations & Utilities  
520 S Tracy Blvd  
Tracy, CA 95376  
publicworks@cityoftracy.org

To Contractor:

SCA of CA, LLC  
Attn: Erin Quinn  
4141 Rockside Rd, Ste 100  
Seven Hills, OH 44131

With a copy to:

City Attorney  
333 Civic Center Plaza  
Tracy, CA 95376

**14. Miscellaneous.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[SIGNATURES ON FOLLOWING PAGE]

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

**City of Tracy**

**SCA OF CA, LLC**

By: Michael Rogers  
Title: City Manager  
Date: \_\_\_\_\_

DocuSigned by:  
Matt Spencer  
By: Chief Operating officer  
Title: Chief operating officer  
Date: 2/9/2023 | 2:22 PM PST

Attest:

Federal Employer Tax ID No. 86-1931812

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

Approved as to form:

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

Exhibits:

- A Scope of Work, including personnel and time of performance
- B Compensation

## EXHIBIT A - Scope of Work

### SECTION 1

#### GENERAL REQUIREMENTS

##### 1.01 DEFINITIONS

- A. Additions/Deletion – the CITY reserves the right to add or remove any quantity of areas surfaced by written notification to the Contractor.
- B. Alley – all City owned paved alleys must be swept on a monthly basis. Those alleys not having curbs must be swept along the edge of the pavement.
- C. City Parking Lot – sweeping of City parking lots listed in Exhibit A shall be performed on a monthly basis during business non-operation hours. City reserves the right to add additional parking lots and increase sweeping frequencies.
- D. City Streets – all residential and commercial streets and alleys, including any center of median strip and bulb-outs/turn pockets therein, will be swept along the curb every other week or as agreed between the City and the Contractor.
  - a. Residential streets will be swept between hours of 7:00 am and 5:00 pm.
  - b. Commercial streets will be swept between 5:00 am and 8:00 pm.
  - c. Downtown streets will be swept weekly on Mondays and Fridays from 5:00 am to 6:30 am.
    - i. Tenth Street from Parker Ave to E St
    - ii. Central Ave from 11<sup>th</sup> St to 4<sup>th</sup> St
    - iii. 11<sup>th</sup> St from C St to D St (east and west bound including parking areas)
- E. Curb Mile – curb mile shall be defined as the distance the machine sweeper travels with an effective sweeping width of eight feet from the curb face along an improved street. In all cases, any reduction in sweeping width from the defined either feet will result in corresponding percentage deduction in the price paid per curb mile; i.e. if the effective sweeping width is four feet, payment will be 50 percent of cost per curb mile.
  - a. Estimated 12,808 curb miles.
  - b. **Verification is the responsibility of the selected Contractor.** If Contractor presents any mile verifications and the City confirmed them, adjustments may be issued to reflect either the increase or decrease in the verified areas.
- F. Emergency Work – Work requested by the City that must be responded to within two hours or less and will only be considered if outside regular working hours. Work may include but is not limited to correcting damages due to accidents, vandalism, acts of

- God, spillage, etc. No compensation time shall be given for travel time when responding to Emergency Work.
- G. Extra Work – Requested work that City schedules 24 hours in advance.
  - H. Hand Sweeping/Vacuuming – Contractor shall remove all visible debris along curb and medians. Compensation for hand-sweeping/vacuuming shall be considered as included in the Section 3 - *Cost Proposal* for basic sweeping, service and no separate payment will be made.
  - I. Holiday – The City authorizes only four holidays for the street sweeper to observe: Fourth of July, Thanksgiving Day, Christmas Day and New Year's Day.
  - J. Intersections – all intersections should be fully swept. Any intersection that is multi-lane will be fully swept monthly including all lanes of traffic in multiple directions.
  - K. Refuse – all deposits of dirt, rock, glass, cans, leaves, sticks, paper, or any like materials so designated by the City within the areas to be swept within the terms of this contract and of a size which can be partially removed by mechanical or hand sweeping operations shall be removed.
  - L. Scheduled Machine Street Sweeping – Regular machine sweeping of streets listed in Exhibit A.1 shall be accomplished in accordance with this specification. Sweeper shall not limit the number of times a sweeper debris hopper is emptied for any given route in order to meet quality of standards. Currently, streets are NOT posted for no parking on sweeping days.

### **1.02 SWEEPING LOG REQUIRED**

The Contractor shall have all sweepers equipped with an automatic vehicle location device (GPS) which will report all street sweeping activity to the Contractor. At the start of the contract, the CITY will be granted access, for viewing, by the Operations Division 24/7. A log must be submitted every Wednesday of the following week that shows cubic yards of material collected & disposed of, any missed area, resolved/correction areas and once a month water meter hydrant usage.

### **1.03 QUALITY OF CLEANING**

The work performed by the Contractor will include sweeping all areas of the street, including a minimum eight-foot width as measured from the outside edge of the gutter broom in a single pass, as close as practicable to the face of curb, or to the edge of pavement where no curb exists for both street edge curb on both sides of the street and a curbed median will receive at least four passes with

sweeping equipment to be considered swept. Noses or ends of curbed median areas and curb returns are to be maintained on the same frequency as the median or intersection for which they are associated.

Cul-de-sacs, curb returns (radii) and curb bulb-outs/turn-pockets, and gutters behind detached curb bulb-outs/turn-pockets of all streets will be swept along their entire length and free of debris on scheduled sweep days. Storm drain inlets are to remain free of debris and not collect sweeping debris during operations of the curb sweeping process.

The Contractor will remove all loose debris and material normally picked up and removable by a fully operational mechanical or vacuum street sweeper. This includes, but is not limited to: sand, gravel, glass, nails, bottles, cans, leaves, silt, mud, and litter.

All debris along the sweeping path, no matter what quantity, is to be removed from the public right-of-way and properly disposed of. Sweeping will normally consist of a single pass over an area, however, the Contractor will make additional passes, or such extra effort as may be required to reasonably clean the street.

The street sweeper must leave designated areas of sweeping free of dirt, litter, debris, obstructions, smears, and visible dust to the maximum extent practicable. If streets do not meet maximum extent practicable standards for sweeping on the scheduled sweeping day, the Contractor must sweep the deficient street within 48 hours after the normal sweeping day at no cost to the City. The determination of maximum extent practicable will be at the sole discretion of the Operations Superintendent or their designee.

#### **1.04 DELAYS IN SWEEPING SCHEDULE**

A. Weather: In the event of extreme rainwater flowing down the storm drain, the Contractor will not be required to perform the regular sweeping schedule. The Contractor will, if requested by Operations Superintendent, sweep any streets which become littered with storm debris.

B. Mechanical: In the event of a mechanical breakdown, service will be provided by the Contractor with sufficient backup equipment. The Contractor must have at least two sweepers available for immediate use on a 24-hours basis.

C. Obstructions: Non-swept or non-sweep-able items such as small tree limbs, palm fronds, rocks, silt, mud, trash, and debris must be collected and removed by the Contractor from the normal

sweeping path. Larger obstructions such as tree limbs, construction, or landscaping debris, Contractor must be immediately reported to the Operations Superintendent or their designee.

C.1. Reporting obstructions: Using the City's current service request system, Contractor must submit a request stating the location, description and picture of item blocking the path of travel. Failure to report will constitute the area as default for that curb mile or day.

## 1.05 SWEEPERS

A. Storage: Equipment must be stored within 60 minutes from 520 S Tracy Blvd, Tracy CA 95376 and make available an adequate number of street sweepers to the City complete each shift on regular scheduled basis.

B. Air Quality: All sweepers utilized must be Certified PM10 Efficient. Sweeper capabilities will be no less than four cubic yards capacity and will be sufficient to perform the work required herein, and at an absolute minimum will include two primary sweepers and one back-up sweeper. The primary sweepers will not be more than three years old, and the backup sweeper will not be more than five years old.

Attention is directed to the current California Air Resources Board, Environmental Protection Agency (EPA), San Joaquin Valley Pollution Control District, and Occupational Safety and Health Administration (OSHA) Standards. All equipment, tools, and materials that are furnished and/or installed as part of this Agreement must meet or exceed the aforementioned standards in order to be considered acceptable. The Contractor will need to have access to a broom-type sweeper in the event regenerative air sweepers are not capable of removing heavy debris.

C. Equipment: The Contractor's equipment will be subject to periodic inspection by the City. Copies of all equipment repair work will be sent to the Operations Superintendent for their designee within 15 days of repair(s). Machines must be equipped with an adequate water spray-system for dust control.

The Contractor will supply all labor, equipment, supplies, and appurtenances to fulfill the requirements of this work. All equipment used for the performance of this Agreement will be heavy-duty mechanical broom sweeping and vacuum equipment necessary to properly clean streets.

Equipment will be properly maintained both as to condition and appearance so as to ensure a high level of street sweeping services and must meet all state regulations and requirements.

All sweepers must be capable of performing to the minimum criteria outlined herein and must be maintained both mechanically and visually throughout the term of this Agreement with capability to insure scheduled routine maintenance and proper adjustment for sweepers.

Sweepers must be capable of sweeping a minimum eight-foot width as measured from the outside edge of the gutter broom in a single pass. Street sweepers must have a minimum hopper capacity of four cubic yards. Sweepers must also be equipped with a left-gutter broom for median work. Alternative street sweepers may be considered at the sole discretion of the Operations Superintendent or their designee.

Sweeping equipment will be equipped with adequate warning devices and lights for safe operation and must meet all vehicle operation requirements of the State of California Department of Motor Vehicles and the California Highway Patrol.

All street sweepers must be equipped with an automatic vehicle location device (vehicle location and management system (e.g. GPS)) which will report all street sweeping activity to the Contractor and will be accessible for viewing by the Operations Superintendent or their designee 24/7.

The Contractor must keep a sufficient supply of spare parts, including brooms, to ensure continuous operation.

Brooms must be replaced periodically and adjusted to ensure maximum efficiency. No additional compensation will be made for periodic maintenance or for the replacement of parts to the equipment.

All equipment must be properly registered and insured in accordance with state and local laws. The Contractor will submit proof of ownership or a signed lease for the machinery proposed to be used to perform work under this Agreement.

All equipment must meet minimum safety standards as outlined by the Department of Transportation (DOT) in regard to strobe lights, arrow board, and if applicable, use of a shadow vehicle with an arrow board and impact attenuator.

D. Labeling: All units must be clearly and prominently marked with the Contractor's name, unit number and contact information.

E. Water: Usage is required to assist with the dust and storm water quality. The City prefers usage of recycled or non-potable water. If recycled or non-potable is not available, then potable water may be used. Any water received from the City and must be reported through the City Construction Hydrant Meter program or similar program. Contractor is responsible for staying up to date on State and local drought regulations and make adjustments to service as required. The City must be notified of any changes.

#### **1.06 SWEEPER SPEED**

The sweeper must be operated at a safe speed, which will allow for maximum debris pick-up. Speeds should not exceed three to five miles per hour in heavy buildup of debris and six to eight miles per hour in light buildup. Contractor will not be compensated for streets swept while vehicle exceeds eight miles per hour.

#### **1.07 DISPOSAL OF SWEEPINGS**

A. Refuse Dumping: The City will be responsible for the cost associated with the disposal of the street sweeper refuse collected in City limits. The Contractor will dispose of all CITY refuse collected, by hauling to Tracy Delta Disposal located at 30703 S. MacArthur Drive, Tracy, CA 95377. Any waste not accepted by Tracy Delta Disposal must be disposed of at another site following all proper State and Federal regulations. Notification must be sent to the City for any off hauling. No refuse will be stored on the street. If refuse must be loaded into bins, they must be emptied upon conclusion of sweeping cycle for the day.

B. Driveway Clearing: The Contractor must immediately remove debris swept onto driveway aprons, sidewalks, and access ramps. The cost for manually removing debris, swept from the roadway and onto driveway aprons, sidewalks, and access ramps is included in the Agreement price, and no additional compensation will be given.

## 1.08 SWEEPING PERSONNEL

A. Background/Security: All Contractor personnel engaged in performance of this work must be employees of Contractor and as such will be warranted to possess sufficient experience and security records to perform this work. Contractor must conduct a thorough background investigation of each Contractor employee providing services under this Agreement, including but not limited to, investigation of employment and police records and must maintain copy of that request.

B. Supervision: The Contractor will provide a supervisor(s) who communicates effectively both in written and oral English and who will be available and randomly check the operators' sweeping schedules and routes during Contractor's operations. Contact information provide must be for someone available 24/7. Any order of communication given to the Supervisor shall be deemed as delivered to the Contractor.

C. Identification: Contractor must provide uniforms and name badges displaying company name for all field personnel which must be worn at all times during performance of the work.

D. Conduct: No workman will be employed on any work under these Specifications who is found to be incompetent, disorderly, troublesome, intemperate, or otherwise objectionable. Any employee who fails or refuses to perform the work properly and acceptably, as determined by the Contractor's Supervisor, will be discharged immediately and not be re-employed on the Agreement. Contractor will effectuate removal of requested Contractor personnel within three business days. City reserves the right to ask for employees to be removed from the City's service.

E. Sweeping Operators: The same operators will be used throughout the Agreement period for uniformity and knowledge of areas. Contractor will provide adequately trained operators to minimize disruption of service. Contractor is responsible for ensuring that any and all new sweeping operators will be adequately trained by Contractor. Any change in operators, require notification in writing and approved by the Operations Superintendent.

- a. *The Contractor's operators must maintain the following requirements:*
  - i. Possess appropriate State of California driver's license prior to commencing work.
  - ii. Possess a valid DOT medical card
  - iii. Pass a pre-hire drug screen

- iv. Be subject to random drug and alcohol screening
- v. Have their Motor Vehicle Record (MVR) reviewed annually
- vi. Be tested for cause on all accidents
- vii. Must wear American National Standards Institute (ANSI) Class 3 safety vest at all times
- viii. Participate in monthly safety meetings with their employer
- ix. Obtain and keep valid a CITY business license at time of award.
- x. Obtain all applicable permits

**1.09 STREET SWEEPING COMPLAINTS**

A. Investigate: The Contractor must investigate any complaints which may concern or involve the performance listed in these Specifications. The complaints may be sent by email or CITY’s customer service system and must be replied to in the same manner notified by.

B. Report/Correct: The Contractor will report to the Operations Superintendent or their designee, via email or service request system to include GPS tracking, on the following working day as to the action or procedure taken with reference to any complaints, and when necessary, complete the service request form which will remain on file in the City offices. Care must be taken to avoid damage to existing installations and to all public and private property. Any such damage will be repaired at the Contractor’s expense and to the satisfaction of the City.

**1.10 PENALTIES**

Failure of the Contractor to complete the work in accordance with these specifications or that result in damages being sustained by the City, payment will be withheld in the amounts below. Penalties or Damages may be withheld from monthly payment.

A. Payment Penalties

1.	Failure to report Wednesday log	Assess \$50/day for each late day after the first occurrence
2.	Failure to sweep; insufficient dust control; exceed speed limits	50% per curb mile missed or incorrectly done
3.	Failure to respond to Callback	Assess \$100 per callback

#### B. Liquidated Damages

In the event that the Contractor fails to perform fully and of the Contractor's obligation under this Agreement and is in breach of this Agreement, the City may impose Liquidated Damages upon the Contractors. The City will notify the Contractor, in Writing, of any breach. In the case the Contractor does not correct the breach within twenty-four hours of notice, the City may impose a \$200.00 per incident fine that will be withheld from the monthly payment.

#### 1.11 QUALITY OF WORK

The standards of performance, which the Contractor is obligated to perform hereunder, are those standards which are considered to be good street sweeping practices and which are subject to approval by the CITY. The CITY at its discretion may conduct periodic audits to ensure the quality of work is in compliance with the CITY's street sweeping expectations.

#### 1.12 CHANGE OF SCHEDULE

The City may require changes to the sweeping schedule. Input from the bidder may be requested when redesigning the schedule. The City will be final say on any schedule changes. Bidder is expected to execute all changes within 60 days of written notification from the City.

#### 1.13 CALLBACK

In the event a street is inadequately swept, the Contractor shall, within 24 hours after notification, re-sweep the section in question. No additional payment will be made for callbacks as result of inadequate sweeping. The CITY reserves the right to enforce Section 1.10 – *Penalties*.

#### 1.14 PROTECTION OF EXSISTING PROPERTY

The Contractor will be responsible for the protection of public and private property, adjacent to the work, from damages, and must exercise due caution to avoid damage to such property. The Contractor must repair or replace all damaged property as a result of its operations. The sweepers shall carry an emergency spill kit in the event of mechanical leak and must report any event of damage as soon as possible.

**1.15 SUBCONTRACTORS** No sub-Contractors will be allowed to be added to this Agreement without prior consent of the CITY.

**1.16 COMPLIANCE WITH LAWS**

The Contractor, its agents, sub-Contractors and employees, must comply with all laws, ordinances, rules and regulations of the Federal, State, County and CITY, and all governing bodies having jurisdiction applying to work done or to be done under these specifications.

**1.17 PERFORMANCE BOND**

The Contractor must provide the City with a performance bond issued by a corporate surety authorized to conduct business as such by the State, or other equivalent security approved by the City Attorney, naming the CITY as obligee, in an amount equal to the estimated street sweeping charges for full three-month period. Said performance bond will be included as part of the Agreement and must stay active for the entirety of the contract.

**1.18 DEFAULT BY CONTRACTOR**

The Agreement may be canceled by the CITY without liability for damage, when in the CITY's opinion the Contractor is not complying in good faith, is repeatedly charged liquidated damages pursuant to Section 1.10 for violations, has become insolvent, or has assigned or subcontracted any part of the work without the CITY's consent. In the event of such cancellation, the Contractor will be paid the actual amount due based on the unit prices and the quantity of work completed at the time of cancellation. Damages caused to the CITY by acts of the Contractor will be subtracted from this said amount. The Contractor, in having tendered a Bid, will be deemed to have waived any and all claims for damages because of cancellation of the Agreement for any such reason.

If the City declares the Agreement canceled for any of the above reasons, written notice to the effect will be served upon the Surety. The Surety will, within five business days, assume control and perform the works as successor to the Contractor.

If the Contractor or its Surety does not comply with such notice within five business days after receiving it, or fails to continue after starting to comply, the City may exclude it from the premises and take possession of all material and equipment. The City may complete the work by its own forces, or by contracting the unfinished work to another Contractor, or by a combination of such methods. In any event, the cost of completing the work will be charged against the Contractor and its Surety and may be deducted from any monies due to from the City. If the sums due under the Agreement are insufficient,

the Contractor or Surety must pay to the City, within five business days after the completion, all costs in excess of the sums due.

If the Surety assumes any part of the work, it will take the Contractor's place in all respects for that part and will be paid by the City for all work performed by it in accordance with the Agreement. If the Surety assumes the entire Agreement, all money due the Contractor at the time of its default will be payable to the Surety as the work progresses, subject to the terms of the Agreement.

The provisions of this section will be in addition to all other rights and remedies available to the City under law.

## **SECTION 2**

### **Vehicle Notice Posting**

#### **Section 2.1 City Optional Vehicle Posting**

The City may request, at an approved additional cost, an enhanced service, be added at any time during the contract. The Bidder would be responsible for posting notification on vehicle(s) 72 hours prior to any street sweeping. Proposer would be required to start notification program sixty (60) days after written notification from the City to start the program.

The City would require all vehicles parked on a City streets or parking lots to be noticed a minimum of 72 hours in advance of pending sweeping.

Labor, material, and any additional cost associated with the program must be included in this City price.

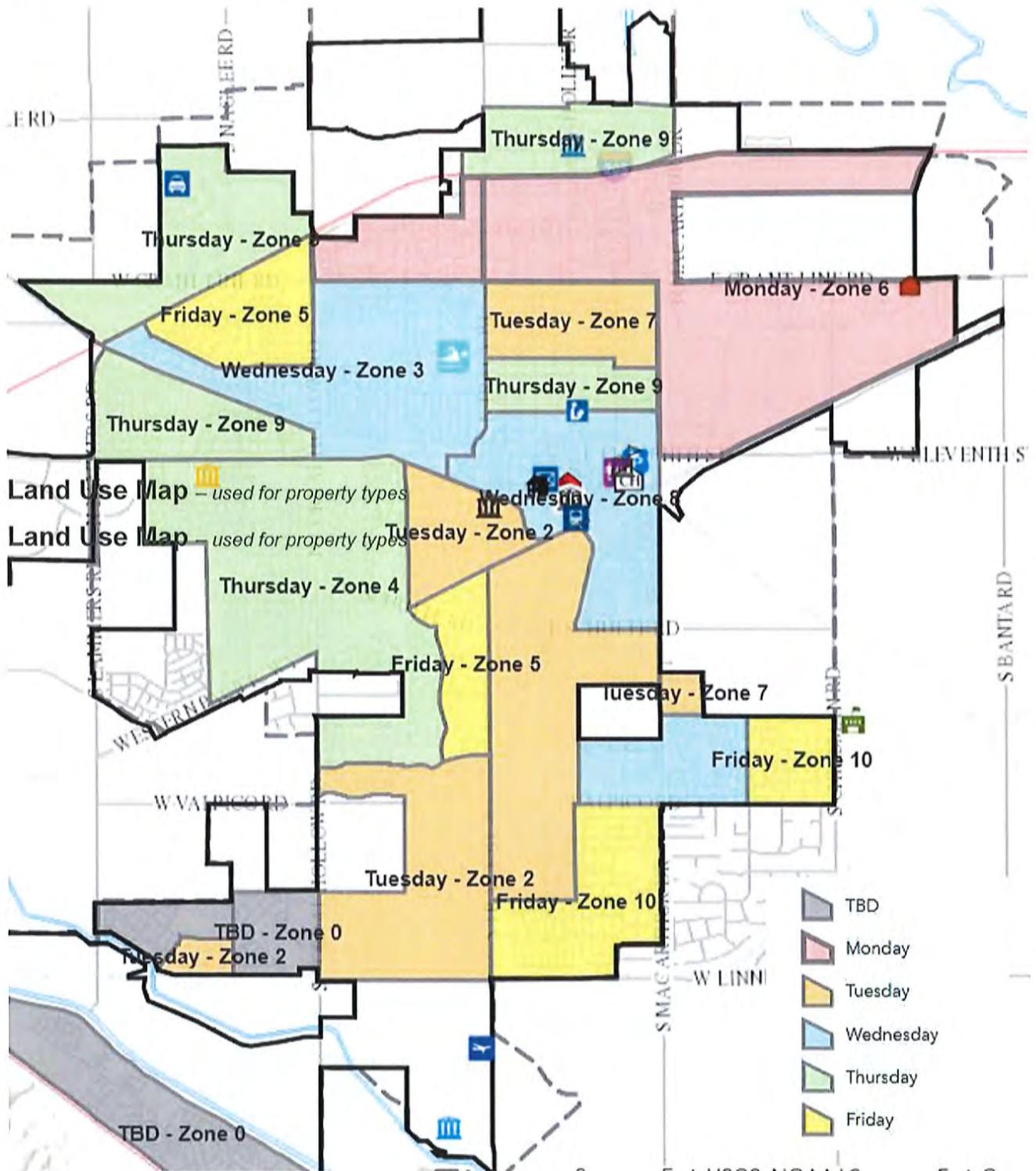
#### **Section 2.2 Costing**

- a. The current rate will be based on an hourly rate for time and materials.
- b. The City will amend the contract at such time a permanent program is instituted.

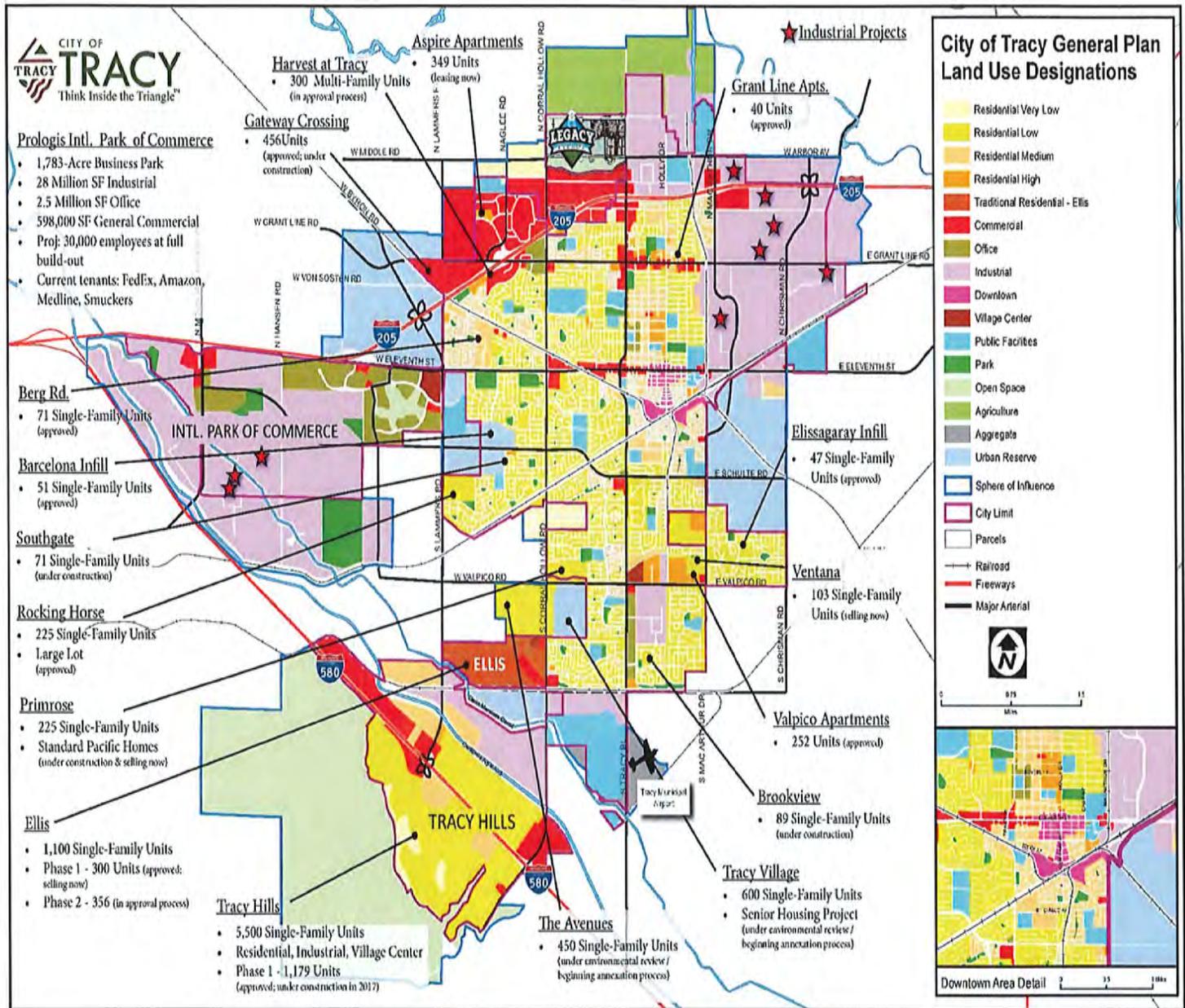
**Exhibit A.1 – Locations**

<b>Parking Lots</b>		
<b>Description</b>	<b>Location</b>	<b>Estimate Square Footage</b>
Downtown – 11 <sup>th</sup> St	32 E 11 <sup>th</sup> St	13,504
Downtown - 6 <sup>th</sup> St	20 Block of W 6 <sup>th</sup> St	980
Downtown - Gillette Alley	Gillette Alley to the south, B St & W 9th	74,048
Dr. Powers Park	900 W Lowell Ave	48,030
El Pescadero Park *	301 W Grant Line Rd	46,900
Lincoln Park (Library & E Eaton)	200 E Eaton	25,476
Tiago Park	1260 Eastlake Cir	4736
Legacy	4901 N Tracy Blvd	296,213
Ritter Ball Park	2300 N Tracy Blvd	42,153
Ritter Ball Park – Legion Lot	1960 N Tracy Blvd	23,938
Tracy Sports Complex (two lots & back road)	955 Crossroads	112,002
Community Center	950 East St	18,519
City Hall	333 Civic Center Plaza	2,676
Police Department	1000 Civic Center	1,819
Plascencia Fields	12100 Krohn Rd	3,147
Transit Station	50 E 6 <sup>th</sup> St	2,125
Boyd Service Center**	520 S Tracy Blvd	4,378
<i>* Twice-A-Month Service</i>		<i>** Once a quarter service (Friday off)</i>

### City Zone Sweeping Map Schedule



### City Land Use Map – used for property types



**Section 3  
EXHIBIT B - Compensation**

<b>Item No.</b>	<b>Description</b>	<b>Unit</b>	<b>Unit Price</b>	<b>Annual Amount</b>
1.	Annual basic sweeping services based on the street and alley routes and schedule defined in Exhibit A	\$/Month	\$ 51,666	\$619,992
2.	Annual basic sweeping services based on the parking lots and schedule defined in Exhibit A	\$/Month	\$5,834	\$70,008
3.	Curb miles - Addition/Deletions	\$/Mile	\$65	
4.	Parking Lots - Addition/Deletions	\$/SqFT	\$0.01	
5.	Scheduled Extra Work	\$/Hr	\$200	
6.	Emergency Work	\$/Hr	\$240	

**Annual Total \$690,000**

**City Optional Item – Vehicle Positioning**

<b>Item No.</b>	<b>Description</b>	<b>Unit</b>	<b>Unit Price</b>	<b>Annual Amount</b>
1.	72 hours notification services based on the street, alley and parking routes and schedule defined in Exhibit A	\$/hour	\$50	\$TBA

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

**TRACY CITY COUNCIL**

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

**(1) APPROVING A GENERAL SERVICES AGREEMENT WITH SWEEPING CORP OF AMERICA, LLC TO PROVIDE STREET, ALLEY, AND PARKING LOT SWEEPING SERVICES FOR AN INITIAL TERM OF TWO (2) YEARS AND A TOTAL NOT TO EXCEED AMOUNT OF \$859,100 ANNUALLY; AND**

**(2) AUTHORIZING THE CITY MANAGER TO EXECUTE THE GENERAL SERVICES AGREEMENT, EXTENSIONS UP TO FIVE (5) YEARS, AND AMENDMENTS TO THE AGREEMENT; AND**

**(3) APPROPRIATING \$46,000 FROM THE SOLID WASTE FUND (F531) TO FUND THE AGREEMENT FOR FISCAL YEAR 2023**

**WHEREAS**, street sweeping services are performed throughout the City of Tracy to maintain clean streets, alleys, and parking lots, and reduce debris entering the City's storm drain system; and

**WHEREAS**, the City currently has an estimated 12,807 curb miles for streets and alleys and 770,628 parking lot square feet; and

**WHEREAS**, the City requires a vendor to provide street sweeping services throughout the City;

**WHEREAS**, the City issued a Notice Inviting Bids to perform such services, and Sweeping Corp of America, LLC (SCA) was the only bidder; and

**WHEREAS**, the City has reached an agreement with SCA to perform such services, for an initial term of two (2) years, an annual not-to-exceed amount of \$859,100, and a potential extension of the term up to five (5) years (General Services Agreement); now, therefore, be it

**RESOLVED:** That the City Council hereby approves a General Services Agreement with Sweeping Corp of America, LLC to provide street, alley, and parking lot sweeping services for a term of two (2) years and a total not to exceed amount of \$859,100 annually; and be it

**FURTHER RESOLVED:** That the City County hereby authorized the City Manager to execute the General Services Agreement, extensions up to five (5) years, and amendments to the Agreement; and be it

**FURTHER RESOLVED:** The City Council hereby appropriates \$46,000 from the solid waste fund (F531) to fund the agreement for fiscal year 2023.

The foregoing Resolution 2023-\_\_\_\_\_ was adopted by the Tracy City Council on February 21, 2023, by the following vote:

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

---

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

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

Agenda Item 1.G

RECOMMENDATION

**Adopt a resolution declaring the intention to reimburse expenditures from proceeds of tax-exempt obligations to be issued by the City for and on behalf of City of Tracy Community Facilities District No. 2016-2 (ECFD).**

EXECUTIVE SUMMARY

Federal tax law allows the City to use proceeds of tax-exempt debt to reimburse expenditures on capital projects that are made prior to issuance of the debt if the City has declared its intention to make such reimbursements. After consulting with bond counsel (Jones Hall, A Professional Law Corporation), staff recommends that the City make such a reimbursement declaration with respect to City of Tracy Community Facilities District No. 2016-2 (ECFD).

BACKGROUND AND LEGISLATIVE HISTORY

The City Council previously conducted proceedings under the Mello-Roos Community Facilities Act of 1982, as amended, to establish City of Tracy Community Facilities District No. 2016-2 (ECFD) (the "CFD"), an initial improvement area (Improvement Area No. 1) and a related future annexation area. The purpose of the CFD is to provide financing for capital facilities related to the Ellis project being developed by Surland Communities LLC (the "Facilities"), including through the issuance of federally tax-exempt bonds by the City for the CFD. In most cases, the bonds will finance the City's acquisition of Facilities built by the Ellis developers, but sometimes the bonds will finance development impact fees to be used by the City or another public agency to construct the Facilities.

The purpose of the future annexation area and the improvement areas is to establish a streamlined process whereby future phases of the Ellis project can annex into the CFD as they are ready to develop and, as a result, increase the bonding capacity of the CFD. Since the original formation, property in the future annexation area has annexed into the CFD as two additional improvement areas (Improvement Area No. 2 and Improvement Area No. 3) and staff anticipates an additional annexation into Improvement Area No. 4 in the near future.

The City previously issued bonds for the CFD with respect to Improvement Area No. 2 to finance Facilities, and staff anticipates seeking City Council approval for a bond financing for Improvement Area No. 3 in the near future.

Federal tax law allows the City to use proceeds of tax-exempt debt to reimburse expenditures on Facilities that are made prior to issuance of the debt if the City has declared its intention to make such reimbursements.

Staff recommends that the City declare the intention to reimburse itself or other public agencies, including the Jefferson School District, with tax-exempt bond proceeds for amounts expended on the Facilities prior to issuance of such bonds. Surland Communities LLC has asked the City to finance development impact fees (or mitigation payments) that the developer will pay to the Jefferson School District for construction of school facilities. Staff expects to ask

the City Council in the near future to approve an agreement among the City, the Jefferson School District and Surland Communities LLC that will govern the financing of these development impact fees, including the reimbursement of prior expenditures made by Jefferson School District.

#### STRATEGIC PLAN

This agenda item indirectly supports Council's Strategic Priority of Quality of Life by providing necessary infrastructure and also supports City's Economic Development efforts to provide facilities for attracting new developments.

#### FISCAL IMPACT

This resolution will have no fiscal impact on the City because it does not commit the City to issue bonds, and if the City does issue bonds for the CFD, the bonds will be payable only from special taxes levied in the CFD.

#### ACTION REQUESTED OF THE CITY COUNCIL

The City Council adopt a resolution declaring the intention to reimburse expenditures from proceeds of tax-exempt obligations to be issued by the City for and on behalf of City of Tracy Community Facilities District No. 2016-2 (ECFD).

Prepared by: Sara Cowell, Finance Director

Reviewed by: Karin Schnaider, Assistant City Manager

Approved by: Michael Rogers, City Manager

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

**TRACY CITY COUNCIL**

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

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**ADOPT A RESOLUTION DECLARING THE INTENTION TO REIMBURSE EXPENDITURES FROM PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE CITY FOR AND ON BEHALF OF CITY OF TRACY COMMUNITY FACILITIES DISTRICT NO. 2016-2 (ECFD)**

**WHEREAS**, the Council previously conducted proceedings under and pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), to establish (i) "City of Tracy Community Facilities District No. 2016-2 (ECFD)" (the "CFD"), (ii) an initial improvement area in the CFD designated "Improvement Area No. 1 of the City of Tracy Community Facilities District No. 2016-2 (ECFD)" ("Improvement Area No. 1"), and (iii) a future annexation area of the CFD (the "Future Annexation Area"); and

**WHEREAS**, pursuant to Resolution No. 2017-021, adopted by the Council on February 7, 2017 (the "Resolution of Formation"), the Council provided for, among other things, (i) the financing of certain authorized facilities (the "Facilities") by the CFD, (ii) the annexation of parcels in the Future Annexation Area to the CFD pursuant to a unanimous approval (a "Unanimous Approval") of the owner or owners of such parcels and (iii) in any such Unanimous Approval, the designation as a new improvement area (each, a "Future Improvement Area") of any territory annexing to the CFD and the identification and approval of the maximum amount of bonded indebtedness and other debt and the rate and method of apportionment of special tax for such Future Improvement Area; and

**WHEREAS**, pursuant to Resolution No. 2017-022, adopted by the Council on February 7, 2017, the Council declared the necessity to issue and sell bonds and incur other debt to finance the Facilities, including (i) an amount not to exceed \$27,000,000 for Improvement Area No. 1 (the "Improvement Area No. 1 Indebtedness Limit") and (ii) an amount not to exceed \$53,000,000 in those portions of the CFD that are not in Improvement Area No. 1 (the "Non-Improvement Area No. 1 Indebtedness Limit"); and

**WHEREAS**, subsequently, property in the Future Annexation Area was annexed into the CFD as Improvement Area No. 2 of the City of Tracy Community Facilities District No. 2016-2 (ECFD) ("Improvement Area No. 2") pursuant to the execution and delivery by the property owner therein of a Unanimous Approval, and \$16,000,000 of the Non-Improvement Area No. 1

Indebtedness Limit was allocated to Improvement Area No. 2, all of which was confirmed by the City Council pursuant to Resolution No. 2019-074, adopted on April 16, 2019; and

**WHEREAS**, thereafter, property in the Future Annexation Area was annexed into the CFD as Improvement Area No. 3 of the City of Tracy Community Facilities District No. 2016-2 (ECFD) ("Improvement Area No. 3") pursuant to the execution and delivery by the property owner therein of a Unanimous Approval, and \$25,000,000 of the Non-Improvement Area No. 1 Indebtedness Limit was allocated to Improvement Area No. 2, all of which was confirmed by the City Council pursuant to Resolution No. 2019-244, adopted on December 17, 2019; and

**WHEREAS**, the City previously issued for the CFD with respect to Improvement Area No. 1 the \$15,385,000 Improvement Area No. 1 of the City of Tracy Community Facilities District No. 2016-2 (ECFD) Special Tax Bonds, Series 2019 for the purpose of providing funds to finance the acquisition and construction of the Facilities; and

**WHEREAS**, the City subsequently issued the \$13,055,000 Improvement Area No. 2 of the City of Tracy Community Facilities District No. 2016-2 (ECFD) Special Tax Bonds, Series 2021 for the CFD with respect to Improvement Area No. 2 for the purpose of providing funds to finance the acquisition and construction of the Facilities; and

**WHEREAS**, United States Income Tax Regulations section 1.150-2 provides generally that proceeds of tax-exempt debt are not deemed to be expended when such proceeds are used for reimbursement of expenditures made prior to the date of issuance of such debt unless certain procedures are followed, one of which is a requirement that (with certain exceptions), prior to the payment of any such expenditure, the issuer declares an intention to reimburse such expenditure; and

**WHEREAS**, it is in the public interest and for the public benefit that the City declares its official intent to reimburse the expenditures related to the Facilities with the proceeds of bonded indebtedness and other debt issued by the City for the CFD; now therefore be it

**RESOLVED**: That the City Council of the City of Tracy hereby finds the foregoing recitals are all true and correct; and be it further

**RESOLVED**: The City intends to issue bonded indebtedness and other debt for the CFD with respect to Improvement Area No. 1, Improvement Area No. 2, Improvement Area No. 3 and Future Improvement Areas in one or more series for the purpose of paying the costs of the Facilities, by future action, as appropriate; and be it further

**RESOLVED**: The City hereby declares its intention to reimburse expenditures for certain Facilities from the proceeds of any such bonded indebtedness and other debt, including (i) certain costs of the Facilities paid by the City prior to the date of issuance of such bonded indebtedness and other debt and (ii) certain costs of the Facilities paid by other local agencies prior to the date of issuance of such bonded indebtedness and other debt; and be it further

**RESOLVED**: The maximum principal amount of such bonded indebtedness and other debt is (i) \$11,615,000 with respect to Improvement Area No. 1, (ii) \$2,945,000 with respect to Improvement Area No. 2, (iii) \$25,000,000 with respect to Improvement Area No. 3 and (iv) \$12,000,000 with respect to those portions of the CFD that are not in Improvement Area No. 1, Improvement Area No. 2 or Improvement Area No. 3; and be it further

**RESOLVED:** This resolution shall take effect from and after its adoption, and to the extent the provisions of any previous resolutions in any way are inconsistent with the provisions hereof in and for the issuance of the Bonds as herein described, the provisions of this resolution shall prevail.

\* \* \* \* \*

The foregoing Resolution 2023-\_\_ was adopted by the Tracy City Council on February 21, 2023, by the following vote:

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

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

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

Agenda Item 1.H

RECOMMENDATION

**Adopt a resolution declaring the intention to reimburse expenditures from proceeds of tax-exempt obligations to be issued by the City for and on behalf of City of Tracy Community Facilities District No. 2016-1 (Tracy Hills).**

EXECUTIVE SUMMARY

Federal tax law allows the City to use proceeds of tax-exempt debt to reimburse expenditures on capital projects that are made prior to issuance of the debt if the City has declared its intention to make such reimbursements. After consulting with bond counsel (Jones Hall, A Professional Law Corporation), staff recommends that the City make such a reimbursement declaration with respect to City of Tracy Community Facilities District No. 2016-1 (Tracy Hills).

BACKGROUND AND LEGISLATIVE HISTORY

The City Council previously conducted proceedings under the Mello-Roos Community Facilities Act of 1982, as amended, to establish City of Tracy Community Facilities District No. 2016-1 (Tracy Hills) (the "CFD"), an initial improvement area (Improvement Area No. 1) and a related future annexation area. The purpose of the CFD is to provide financing for capital facilities related to the Tracy Hills project (the "Facilities"), including through the issuance of federally tax-exempt bonds by the City for the CFD. In most cases, the bonds will finance the City's acquisition of Facilities built by the Tracy Hills project developer, but sometimes the bonds will finance development impact fees to be used by the City or another public agency to construct the Facilities.

The purpose of the future annexation area and the improvement areas is to establish a streamlined process whereby future phases of the Tracy Hills project can annex into the CFD as they are ready to develop and, as a result, increase the bonding capacity of the CFD. Since the original formation, property in the future annexation area has annexed into the CFD as an additional improvement area (Improvement Area No. 2).

The City previously issued bonds for the CFD with respect to Improvement Area No. 1 to finance Facilities staff anticipates seeking City Council approval for a bond financing for Improvement Area No. 2 in the near future.

Federal tax law allows the City to use proceeds of tax-exempt debt to reimburse expenditures on Facilities that are made prior to issuance of the debt if the City has declared its intention to make such reimbursements.

Staff recommends that the City declare the intention to reimburse itself or other public agencies, including the Jefferson School District, with tax-exempt bond proceeds for amounts expended on the Facilities prior to issuance of such bonds. The Tracy Hills Project developer has asked the City to finance development impact fees (or mitigation payments) that the developer will pay to the Jefferson School District for construction of school facilities. Staff expects to ask the City Council in the near future to approve an agreement among the City, the Jefferson School District and the Tracy Hills project developers that will govern the financing of these

development impact fees, including the reimbursement of prior expenditures made by Jefferson School District.

STRATEGIC PLAN

This agenda item indirectly supports Council's Strategic Priority of Quality of Life by providing necessary infrastructure and also supports City's Economic Development efforts to provide facilities for attracting new developments.

FISCAL IMPACT

This resolution will have no fiscal impact on the City because it does not commit the City to issue bonds, and if the City does issue bonds for the CFD, the bonds will be payable only from special taxes levied in the CFD.

ACTION REQUESTED OF THE CITY COUNCIL

The City Council adopt a resolution declaring the intention to reimburse expenditures from proceeds of tax-exempt obligations to be issued by the City for and on behalf of City of Tracy Community Facilities District No. 2016-1 (Tracy Hills).

Prepared by: Sara Cowell, Finance Director

Reviewed by: Karin Schnaider, Assistant City Manager

Approved by: Michael Rogers, City Manager

**TRACY CITY COUNCIL**

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

---

**ADOPT A RESOLUTION DECLARING THE INTENTION TO REIMBURSE  
EXPENDITURES FROM PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE  
ISSUED BY THE CITY FOR AND ON BEHALF OF CITY OF TRACY COMMUNITY  
FACILITIES DISTRICT NO. 2016-1 (TRACY HILLS)**

**WHEREAS**, the Council previously conducted proceedings under and pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), to establish (i) "City of Tracy Community Facilities District No. 2016-1 (Tracy Hills)" (the "CFD"), (ii) an initial improvement area in the CFD designated "Improvement Area No. 1 of the City of Tracy Community Facilities District No. 2016-1 (Tracy Hills)" ("Improvement Area No. 1"), and (iii) a future annexation area of the CFD (the "Future Annexation Area"); and

**WHEREAS**, pursuant to Resolution No. 2016-157, adopted by the Council on July 19, 2016 (the "Resolution of Formation"), the Council provided for, among other things, (i) the financing of certain authorized facilities (the "Facilities") by the CFD, (ii) the annexation of parcels in the Future Annexation Area to the CFD pursuant to a unanimous approval (a "Unanimous Approval") of the owner or owners of such parcels and (iii) in any such Unanimous Approval, the designation as a new improvement area (each, a "Future Improvement Area") of any territory annexing to the CFD and the identification and approval of the maximum amount of bonded indebtedness and other debt and the rate and method of apportionment of special tax for such Future Improvement Area; and

**WHEREAS**, pursuant to Resolution No. 2016-158, adopted by the Council on July 19, 2016, the Council declared the necessity to issue and sell bonds and incur other debt to finance the Facilities, including (i) an amount not to exceed \$70,000,000 for Improvement Area No. 1 (the "Improvement Area No. 1 Indebtedness Limit") and (ii) an amount not to exceed \$215,000,000 in those portions of the CFD that are not in Improvement Area No. 1 (the "Non-Improvement Area No. 1 Indebtedness Limit"); and

**WHEREAS**, subsequently, the Council undertook change proceedings, including a landowner vote, which culminated in the adoption by the City Council on August 21, 2018, of Resolution No. 2018-169, entitled "Resolution of Change," which, among other things, (i)

increased the Improvement Area No. 1 Indebtedness Limit to \$80,000,000 and (ii) increased the Non-Improvement Area No. 1 Indebtedness Limit to \$305,000,000; and

**WHEREAS**, the City previously issued the following bonds for the CFD with respect to Improvement Area No. 1 for the purpose of providing funds to finance the acquisition and construction of the Facilities:

- (i) \$32,625,000 Improvement Area No. 1 of the City of Tracy Community Facilities District No. 2016-1 (Tracy Hills) Special Tax Bonds, Series 2018,
- (ii) \$14,850,000 Improvement Area No. 1 of the City of Tracy Community Facilities City No. 2016-1 (Tracy Hills) Special Tax Bonds, Series 2019, and
- (iii) \$18,160,000 Improvement Area No. 1 of the City of Tracy Community Facilities District No. 2016-1 (Tracy Hills) Special Tax Bonds, Series 2020; and

**WHEREAS**, subsequently, property in the Future Annexation Area generally described as Phase 1B was annexed into the CFD as Improvement Area No. 2 of the City of Tracy Community Facilities District No. 2016-1 (Tracy Hills) ("Improvement Area No. 2") pursuant to the execution and delivery by the property owners therein of one or more Unanimous Approvals, and \$50,000,000 of the Non-Improvement Area No. 1 Indebtedness Limit was allocated to Improvement Area No. 2, all of which was approved by the City Council pursuant to Resolution No. 2022-130, adopted on September 6, 2022; and

**WHEREAS**, United States Income Tax Regulations section 1.150-2 provides generally that proceeds of tax-exempt debt are not deemed to be expended when such proceeds are used for reimbursement of expenditures made prior to the date of issuance of such debt unless certain procedures are followed, one of which is a requirement that (with certain exceptions), prior to the payment of any such expenditure, the issuer declares an intention to reimburse such expenditure; and

**WHEREAS**, it is in the public interest and for the public benefit that the City declares its official intent to reimburse the expenditures related to the Facilities with the proceeds of bonded indebtedness and other debt issued by the City for the CFD; now therefore be it

**RESOLVED**: That the City Council of the City of Tracy hereby finds the foregoing recitals are all true and correct; and be it further

**RESOLVED**: The City intends to issue bonded indebtedness and other debt for the CFD with respect to Improvement Area No. 1, Improvement Area No. 2 and Future Improvement Areas in one or more series for the purpose of paying the costs of the Facilities by future action, as appropriate; and be it further

**RESOLVED**: The City hereby declares its intention to reimburse expenditures for certain Facilities from the proceeds of any such bonded indebtedness and other debt, including (i) certain costs of the Facilities paid by the City prior to the date of issuance of such bonded indebtedness and other debt and (ii) certain costs of the Facilities paid by other local agencies prior to the date of issuance of such bonded indebtedness and other debt; and be it further

**RESOLVED**: The maximum principal amount of such bonded indebtedness and other debt is (i) \$14,365,000 with respect to Improvement Area No. 1, (ii) \$50,000,000 with respect to

Improvement Area No. 2, and (iii) \$255,000,000 with respect to those portions of the CFD that are not in Improvement Area No. 1 or Improvement Area No. 2; and be it further

**RESOLVED:** This resolution shall take effect from and after its adoption, and to the extent the provisions of any previous resolutions in any way are inconsistent with the provisions hereof in and for the issuance of the Bonds as herein described, the provisions of this resolution shall prevail.

\* \* \* \* \*

The foregoing Resolution 2023-\_\_ was adopted by the Tracy City Council on February 21, 2023, by the following vote:

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

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

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

Agenda Item 1.I

RECOMMENDATION

**Staff recommends that the City Council adopt a resolution amending the City's Operating and Capital Budget for the Fiscal Year ending June 30, 2023, and authorize the Budget Officer to amend the City's position control roster for FY2022-23.**

EXECUTIVE SUMMARY

On June 24, 2022, Council adopted the Fiscal Year (FY) 2022-23 Operating and Capital Budget. This report provides an update of the City's current financial performance, for Second Quarter (Q2), through December 31, 2022. This financial summary identifies Q2 General Fund revenue and expenditure actuals and encumbrances, minor amendments to the FY 2022-23 budget.

BACKGROUND AND LEGISLATIVE HISTORY

Quarterly, staff prepares a report to the City Council on the year-to-date revenues and expenditures as compared to the amended budget. This report provides an update and summary of the City's current financial performance, for FY 2022-23 Second Quarter (Q2) through December 31, 2022, and requests that Council amend revenue and expenditures for the FY 2022-23 budget.

ANALYSIS

As of December 31, 2022, the General Fund expenditures are approximately 39% of the approved operating budget. General Fund revenues collected in Q2 (as of December 31, 2022), reflect approximately 28% of estimated revenues. City revenues tend to lag a quarter behind, and many revenues will appear low or zero as a result. For example, General Fund revenues in Property Tax, as well as VLF/Property Tax, are distributed in December and April and will appear in the second and fourth quarter reports. The City's Sales Tax are one-quarter in arrears and will appear after the second quarter, and first quarter collections represent advances from the State based on prior year collections, not necessarily actual collection by the State. General Fund revenues in Franchise Fees and Business Licenses are typically reported in the third and fourth quarter of the fiscal calendar.

The chart below reviews year-to-date revenues and expenditures as compared to the amended budget as of December 31, 2022 (Second Quarter-Q2). For comparison, FY 2021-22 Q2 actuals are also provided.

**FY 2022-23 General Fund Budget to Actuals**

<u>REVENUES</u> (in thousands)	<u>FY 21/22</u> <u>Q2</u>	<u>FY 22/23</u> <u>Adopted</u>	<u>FY 22/23</u> <u>Amended</u>	<u>FY 22/23</u> <u>Q2</u>	<u>% of</u> <u>Budget</u>
Property Tax	\$ 8,892	\$ 31,090	\$ 31,090	\$ 9,365	30%
Sales Tax	20,473	69,680	69,680	21,576	31%
Sales Tax Measure V	4,952	14,770	14,770	2,438	17%
Other Taxes	1,322	2,870	2,870	1,243	43%
Other Revenues	8,738	19,579	20,035	4,200	21%
<b>TOTAL REVENUES</b>	<b>\$ 44,377</b>	<b>\$ 137,989</b>	<b>\$ 138,445</b>	<b>\$ 38,822</b>	<b>28%</b>
<u>EXPENDITURES</u> (in thousands)					
Personnel	\$ 22,662	\$ 53,986	\$ 54,988	\$ 24,586	45%
Purchased Services and Supplies	7,271	40,167	42,156	17,138	41%
Utilities	1,018	2,395	2,395	1,230	51%
Capital	5	300	546	279	51%
Debt		2,672	2,672	1,658	62%
Net Transfers In/(Out)	1,900	12,452	12,452	-	0%
<b>TOTAL EXPENDITURES</b>	<b>\$ 32,856</b>	<b>\$ 111,972</b>	<b>\$ 115,209</b>	<b>\$ 44,891</b>	<b>39%</b>
<b>Total Change in Net Position</b>	<b>\$ 11,521</b>	<b>\$ 26,017</b>	<b>\$ 23,236</b>	<b>\$ (6,069)</b>	

**FY 2022-23 Second Quarter (Q2) Operating Budget Augmentations**

The following table is a summary of all recommended Q2 budget augmentations for FY 2022-23. They are listed by department, with General and Non-General Fund totals separated, and categorized as one time or on-going expenses.

<b>Department</b>	<b>Description</b>	<b>General Fund</b>	<b>Other Fund</b>	<b>One Time</b>	<b>On Going</b>
City Manager's Office	Contract Services	\$25,000			\$25,000
City Council	Contract Services	\$50,000			\$50,000
Mobility & Housing - Economic Dev	Contract Services	\$199,000		\$199,000	
Operations & Utilities	Personnel (5), Contract Services, & Supplies	\$811,000	\$1,912,000	\$1,469,000	\$1,254,000
Police Department	Contracted Services	\$271,000		\$240,000	\$31,000

**Total: \$1,356,000 \$1,912,000 \$1,908,000 \$1,360,000**

General Fund Non-Personnel Augmentations

Department	Description	General Fund	One Time	On Going
City Manager's Office	Contract Services	\$25,000		\$25,000
City Council	Contract Services	\$50,000		\$50,000
Mobility & Housing - Economic Dev	Contract Services	\$199,000	\$199,000	
Operations & Utilities	Contract Services, Supplies	\$625,000	\$320,000	\$305,000
Police Department	Contracted Services	\$271,000	\$240,000	\$31,000
<b>Total:</b>		<b>\$1,170,000</b>	<b>\$759,000</b>	<b>\$411,000</b>

City Manager's Office – The City Manager's Office is requesting to increase their contract services for travel to account for the second Assistant City Manager.

City Council – The City Manager' Office is requesting to increase Council's contract services to account for increased travel for conferences.

Mobility & Housing – The Mobility & Housing Department is requesting to increase the Economic Development divisions contract services for a consultant that provide services focused on malls and for updating their strategic plan.

Operations & Utilities – The Operations & Utilities Department is requesting to increase the Operations contract services and supplies for addressing traffic and street light maintenance, and one-time funds for mapping and equipment repairs.

Police Department - The Police Department is requesting an increase to contract services for one-time software purchases and system integrations along with their on-going annual costs.

~continue to next page~

General Fund Personnel Augmentations

Department	Description	General Fund	One Time	On Going
Operations & Utilities	Electrician (1)	\$180,000		\$180,000
Operations & Utilities	Electrician - Equipment	\$6,000	\$6,000	
<b>Total:</b>		\$186,000	\$6,000	\$180,000

Operations & Utilities – (1) Electrician – The Operations & Utilities Department is requesting the addition of one electrician to address the increased maintenance of streetlights & traffic signals.

Other Fund Non-Personnel Augmentations

Department	Description	Funding Source	One Time	On Going
Operations & Utilities	Contracted Services	Wastewater	\$285,000	
Operations & Utilities	Fuel Increase	Central Garage	\$610,000	
Operations & Utilities	Supplies & Equipment	Central Garage	\$225,000	
			\$1,120,000	
<b>Total:</b>			<b>\$1,120,000</b>	

Operations & Utilities – The Operations & Utilities Department is requesting an increase to contracted services for a consultant to update the Sewer System Report, increase in fuel costs, and additional supplies & equipment to for servicing the cities fleet.

Other Fund Personnel Augmentations

Department	Description	Funding Source	One Time	On Going
Operations & Utilities	(1) Equipment Mechanic I/II	Central Garage	\$4,000	\$139,000
Operations & Utilities	(5) Maintenance Workers I/II	Gas Tax Funds	\$19,000	\$630,000
			\$23,000	\$769,000
<b>Total:</b>			<b>\$792,000</b>	

Operations & Utilities –

(1) Equipment Mechanic I/II – The Operations & Utilities Internal Maintenance division is requesting the addition of one Equipment Mechanic I/II to the cities central garage to maintain the increasing demands to maintain the increasing fleet.

(5) Maintenance Workers I/II – The Operations & Utilities Streets & Right of Way Maintenance division is requesting the addition of five Maintenance Worker I/II's to increase service levels to complete deferred maintenance focused on improving the cities pavement condition index (PCI).

**FY 2022-23 Second Quarter (Q2) Capital Improvement Project (CIP) Augmentations**

Staff is making the following recommendations for increased appropriations for current CIPs, and are summarized in the following table:

<b>NEW APPROPRIATIONS</b>		
<b>CIP</b>	<b>Amount</b>	<b>Fund</b>
74168-Recycled Water System Expansion	\$2,000,000	368 – TIMP Recycled Water
74168-Recycled Water System Expansion	\$20,000,00	525 – Wastewater Grants

FISCAL IMPACT

Quarterly, staff prepares a report to the City Council on the year-to-date revenues and expenditures as compared to the amended budget as of December 31, 2022 (Second Quarter Q2). Staff is recommending amendments to the City Operating and Capital Budget for FY 2022-23. The FY 2022-23 proposed budget appropriations of \$1.4 million are from the general fund.

**SUMMARY OF NEW BUDGET AUGMENTATIONS**  
**FOR (Q2) FY 2022-23**

<b>Department</b>	<b>General Fund</b>	<b>Other Fund</b>	<b>One Time</b>	<b>On Going</b>
City Manager's Office	\$25,000			\$25,000
City Council	\$50,000			\$50,000
Mobility & Housing - Economic Dev	\$199,000		\$199,000	
Operations & Utilities	\$811,000	\$1,263,000	\$1,469,000	\$1,254,000
Police Department	\$271,000		\$240,000	\$31,000
	<b><u>\$1,356,000</u></b>	<b><u>\$1,263,000</u></b>	<b><u>\$1,908,000</u></b>	<b><u>\$1,360,000</u></b>

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STRATEGIC PLAN

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

ACTION REQUESTED OF THE CITY COUNCIL

The City Council, adopt a resolution amending the City’s Operating and Capital Budget for Fiscal Year 2022-23 and authorize the Budget Officer to amend the City’s position control roster for FY2022-23.

Prepared by: Felicia Galindo, Budget Officer

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

Approved by: Michael Rogers, City Manager

**TRACY CITY COUNCIL**

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

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**AMEND THE CITY'S OPERATING AND CAPITAL BUDGET FOR FISCAL YEAR  
ENDING JUNE 30, 2023 AND AUTHORIZE THE BUDGET OFFICER TO  
AMEND THE CITY'S POSITION CONTROL ROSTER FOR FY2022-23**

**WHEREAS**, The City Council, on June 24, 2022, adopted the FY 2022-23 Operating and Capital Budget for the City of Tracy, and

**WHEREAS**, Based upon a review of revenues and expenditures, the City Manager has prepared and proposed additional amendments to the FY 2022-23 budget, and

**WHEREAS**, The City Manager's Office will be getting an increase to contract services for travel to account for the second Assistant City Manager, and

**WHEREAS**, City Council will be getting an increase to contract services to account for increased travel, and

**WHEREAS**, The Mobility & Housing Department will be getting a one-time funding for contract services for a consultant that provide services focused on malls and for updating their strategic plan, and

**WHEREAS**, The Operations & Utilities Department will be getting an increase to contract services and supplies for addressing traffic, street light, vehicle maintenance, and one-time funds for mapping and equipment repairs, and

**WHEREAS**, The Police Department will be getting an increase for contract services for one-time software purchases and system integrations along with their on-going annual costs, and

**WHEREAS**, The Budget Officer will be adding to the Operations & Utilities position control roster (1) Electrician, (5) Maintenance Workers I/II and (1) Equipment Mechanic I/II, and

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

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

**RESOLVED:** That the City Council of the City of Tracy hereby adopts the Amended Operating and Capital Budget for Fiscal Year 2022-23 as evidenced by the attached summaries and authorize the Budget Officer to amend the City's position control roster for FY2022-23.

\* \* \* \* \*

The foregoing Resolution 2023-\_\_\_\_\_ was adopted by the Tracy City Council on February 21, 2023, by the following vote:

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

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

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

<u>REVENUES</u>	<u>FY 21/22</u>	<u>FY 22/23</u>	<u>FY 22/23</u>	<u>FY 22/23</u>	<u>% of</u>
(in thousands)	<u>Q2</u>	<u>Adopted</u>	<u>Amended</u>	<u>Q2</u>	<u>Budget</u>
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<u>EXPENDITURES</u>					
(in thousands)					
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<b>Total Change in Net Position</b>	<b>\$ 11,521</b>	<b>\$ 26,017</b>	<b>\$ 23,236</b>	<b>\$ (6,069)</b>	

<b>Department</b>	<b>General Fund</b>	<b>Other Fund</b>	<b>One Time</b>	<b>On Going</b>
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	<b>\$1,356,000</b>	<b>\$1,263,000</b>	<b>\$1,908,000</b>	<b>\$1,360,000</b>

<b>NEW APPROPRIATIONS</b>		
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74168-Recycled Water System Expansion	\$20,000,00	525 – Wastewater Grants

Agenda Item 3.A

RECOMMENDATION

Staff recommends that the City Council:

1. **Conduct a hearing on the Resolutions of Necessity (RON) to authorize the acquisition of fee simple interests, permanent easements and/or temporary construction easements for the I-580/Patterson Road Interchange Project (Project) and to make the required findings for five properties owned by and located at:**
  1. **ARP Minimart Corporation – 25775 Patterson Pass Road (Assessor’s Parcel Number 209-100-040) (Minimart).**
  2. **Debra Ann Leal & Janice Lynn Gee – 26116 Patterson Pass Road (Assessor’s Parcel Number 209-090-21) (Leal/Gee).**
  3. **Harminder Kaur; Rajwinder Kaur; Gupreet Singh; Charnit Singh and Ramandeep Kaur, Trustees – 25883 S. Patterson Pass Road (Assessor’s Parcel Number 209-100-280) (Kaur et al).**
  4. **Pankaj Kalra and Tanu Kalra, Trustees; Kanwar Raj Singh and Priya Aggarwal, Trustees; Smile Dhir and Antima Ghai, Trustees; Atul Arora and Shefali Arora, Trustees; Tabir Singh Dhillon- 26106 Patterson Pass Road (Assessor’s Parcel Number 209-100-300) (Kalra et al).**
  5. **Jet Mulch, Inc. – Via Nicolo Road (Assessor’s Parcel Number 209-100-310) (Jet Mulch).**
2. **Adopt RONs for Minimart, Leal/Gee, Kaur et al, Kalra et al, and Jet Mulch, finding that the Public Interest, Convenience and Necessity require the Acquisition of Certain Property Interests for the Project, Authorizing the Acquisition Thereof, and directing the City Attorney to file Eminent Domain Proceedings.**

EXECUTIVE SUMMARY

The City of Tracy (City), in partnership with the California Department of Transportation (Caltrans), has completed designs for improvements at the Interstate 580 (I-580)/Patterson Pass Road Interchange (Project). The Project will construct a new interchange, freeway auxiliary lanes, and connecting roadways at the existing Patterson Pass Road/International Parkway overcrossing on I-580. In order to complete construction of the interchange, acquisition of fee simple interests, permanent easements, and temporary construction easements are needed from the properties listed above. The total project cost (including right-of-way, construction, and support) is approximately \$52.3 Million and will be funded through a combination of City Transportation Impact Fee (TIMF) funds, City Regional Transportation Impact Fee (RTIF) funds, Measure K, and SB1 Trade Corridor Enhancement Program (TCEP) funding. The SB1 TCEP funding totals \$24.9 Million, which needs to be obligated by the California Transportation Commission (CTC) at their June 2023 meeting. Should funding not be obligated by the June CTC meeting, the City could lose the TCEP grant funding.

Based on the timing of the Project and critical right-of-way certification, it is necessary for the City of Tracy to consider the adoption of Resolutions of Necessity (RON) authorizing the City to acquire, by eminent domain, the property interests needed for public use, namely for public street and state highway purposes, public utility, and all uses necessary or convenient thereto in

connection with the Project.

Prior to initiating condemnation proceedings to acquire needed right-of-way for a programmed project, the City Council must first adopt Resolutions of Necessity in which they declare that they have made the specific findings identified under Section 1245.230 of the Code of Civil Procedure.

### BACKGROUND AND LEGISLATIVE HISTORY

This staff report is submitted for review by the City Council prior to the recommended adoption of the proposed and attached Resolutions of Necessity (RONs) for Minimart, Leal/Gee, Kaur et al, Kalra et al, and Jet Mulch, to authorize the acquisition, by eminent domain, of certain property interests from such five (5) properties for the Project. As set forth below, the Project proposes to construct a new interchange, auxiliary lanes, and connecting roadways at the I-580/International Parkway Interchange to reduce traffic and increase safety.

The property interests required for the Project are located within the area the Project will be constructed. For each property from which property interests are required for the Project, a Resolution of Necessity (RON) must be adopted prior to the commencement of eminent domain proceedings pursuant to Code of Civil Procedure section 1245.220. The statutory requirement that a public entity adopt a RON before initiating a condemnation action “is designed to ensure that public entities will verify and confirm the validity of their intended use of the power of eminent domain prior to the application of that power in any one particular instance”. (*San Bernardino Flood Control Dist. v. Grabowski* (1988) 205 Cal.App.3d 885, 897).

A RON must contain a general statement of the public uses for which the property is to be taken, a reference to the statute authorizing the exercise of eminent domain, a description of the property, and a declaration stating that each of the following have been found and determined by the City Council (Code of Civil Procedure section 1245.230):

1. The public interest and necessity require the proposed project;
2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
3. The property described in the resolution is necessary for the proposed project; and
4. That either the offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record or the offer has not been made because the owner cannot be located with reasonable diligence.

In addition, to the extent the property interests that are proposed to be acquired are already devoted to a public use, the RON must include a finding that the use of the property interests sought to be acquired for the Project are a compatible use that will not unreasonably interfere with or impair the continuance of the public use as it presently exists or may reasonably be expected to exist in the future (California Code of Civil Procedure section 1240.510) or the use of the property interests sought to be acquired for the Project is a more necessary public use than is the presently existing public use (California Code of Civil Procedure section 1240.610).

The RONs should also confirm that the requirements under CEQA have been satisfied for the Project that the City has complied with the notice requirements set forth in Code of Civil Procedure section 1245.235, and that all conditions and statutory requirements to exercise the power of eminent domain to acquire the properties described in the resolutions of necessity

have been complied with by the City.

This staff report provides data and information addressing each of these issues.

## THE PUBLIC INTEREST AND NECESSITY REQUIRE THE PROJECT

### A. Description of Existing Conditions

Mountain House Parkway is a north-south arterial running from Byron Road in Mountain House to the eastbound (EB) I-205 ramp intersection, where it becomes International Parkway. North of I-205, Mountain House Parkway is a median-separated four-lane roadway with a posted speed limit of 45 miles per hour (mph), which serves primarily residential and agricultural uses. From the EB I-205 ramp intersection to Berkeley Road, International Parkway narrows to one lane in each direction with a 45-mph speed limit with limited adjacent land uses. From South of Berkeley Road to Schulte Road, International Parkway widens to two southbound lanes and one northbound lane adjacent to large-scale light-industrial uses, eventually widening to two lanes in each direction at its intersection with Schulte Road. South of Schulte Road, International Parkway narrows to one lane in each direction at the intersection of I-580 and becomes Patterson Pass Road south of I-580. International Parkway is planned to be widened to four lanes (two lanes in each direction) as part of the Cordes Ranch development project as outlined in the adopted Specific Plan. Within the project area, Patterson Pass Road-International Parkway is a two-lane road with 12-foot lanes, 4-foot outside shoulders and no median or sidewalks.

I-580 is a major west-east freeway that connects the San Francisco Bay Area to the Central Valley. I-580, between I-680 in Dublin and the junction at I-5, is designated as a route on the Rural and Single Interstate Routing System. In the Project vicinity I-580 essentially travels in a north-south direction, originating in Marin County and running through Alameda County to San Joaquin County, eventually terminating at its intersection with I-5 southeast of Tracy. The existing I-580/I-205 freeway-to-freeway interchange is 2.15 miles to the west of the I-580/Patterson Pass Road-International Parkway interchange, which is less than the standard 3 mile spacing required between a local interchange and a freeway-to-freeway interchange, and the I-580/Corral Hollow Road interchange is 5.4 miles to the east. West of I-205, I-580 provides four mixed-flow lanes in each direction with a posted speed limit of 70 mph. Between I-205 and I-5, I-580 provides two lanes in each direction with a posted speed limit of 70 mph. Through the Project area, I-580 is a four-lane freeway with 12-foot lanes, 10-foot outside shoulders, 5-foot inside shoulders, and a median width of approximately 74 feet.

The freeway to freeway (I-580/I-205) interchange provides connectors between I-205 westbound (WB) and I-580 WB, and between I-580 EB and I-205 EB. Ramps at Mountain House Parkway/Patterson Pass Road provide the nearest access to the future developments adjacent to I-580.

The existing interchange of I-580/International Parkway is a tight diamond interchange with a two-lane road overcrossing. The ramps are one-lane in all directions; the off-ramps are currently controlled by signals.

As the Project sponsor, the City of Tracy, has been actively involved in the development of the Project in partnership with Caltrans. The Draft Environmental Document was approved for public circulation on June 10, 2020, and the Draft Project Report was approved on June 23,

2020. Community outreach took place during circulation of the Draft Environmental Document in July 2020. A public hearing was offered but there was no request for one.

The Final Initial Study/Mitigated Negative Declaration (IS/MND) (CEQA Approval) and Categorical Exclusions (CE) (NEPA Approval) were obtained on February 25, 2021. The CEQA and NEPA Approvals and all studies and documents related thereto are incorporated herein by reference as if fully set forth in full and are available for review.

#### B. Public Need and Necessity

The Project is needed to reduce congestion resulting from ongoing and planned development as well as to improve local traffic circulation. The Project is needed to accommodate the increase in traffic demand projected as part of the planned development in the Cordes Ranch Specific Plan area and nearby areas in the City of Tracy and to discourage highway traffic from using local roadways, thereby improving local circulation.

The Cordes Ranch Specific Plan Environmental Impact Report (EIR) concluded that traffic resulting from the specific plan development would cause a significant impact on the intersections of International Parkway and the on-ramps and off-ramps of I-580. The Project was identified as a mitigation measure to reduce potential impacts to a less than significant level in the EIR for the Cordes Ranch Specific Plan.

Under existing conditions, the I-580/International Parkway Interchange serves a combination of traffic to and from the Cordes Ranch Specific Plan area and regional traffic from Schulte Road in Tracy. Because of the congestion on I-580, I-205, and the Altamont Pass to and from the Bay Area, a significant amount of commuter traffic uses the I-580/International Parkway Interchange and Patterson Pass Road to bypass Altamont Pass during the morning and evening peak periods, resulting in congestion and delays at the existing side street intersections. Under existing pre-Project conditions, congestion and delays at three of the four intersections examined by the CEQA Approval operate at an unacceptable level of service, which is defined as the measure of the quality of performance of intersections and road or highway segments related to traffic flow and time delay.

The Project is designed to accommodate traffic resulting from congestion as described above, and the ongoing and planned development, primarily of the Cordes Ranch Specific Plan area.

The Project as proposed will bring substantial benefits to the public and the local community by reducing traffic congestion and delay on the freeways and intersections and increasing safety.

THE PROJECT IS PLANNED OR LOCATED IN THE MANNER THAT WILL BE MOST COMPATIBLE WITH THE GREATEST PUBLIC NEED AND LEAST PRIVATE INJURY

#### A. Project Alternatives

Several design alternatives were reviewed by Caltrans and the City of Tracy as a part of the Project development. These included a No Project Alternative, the Diverging Diamond Interchange (DDI) Alternative, a Compact Diamond (Type L-1) Alternative, and a Partial Cloverleaf (Type L-9) Alternative.

The No Project Alternative would result in continued and worsening traffic and congestion on

intersections and freeway operations, with impacts to the community from traffic associated with nearby freeways and the Cordes Ranch Specific Plan area. Three of the four studied intersections would worsen to unacceptable levels of service. By 2043, all four intersections would worsen to unacceptable levels of service. At the International Parkway/I-580 westbound ramps, levels of service for morning and evening peak hours would worsen to unacceptable level of service. At the International Parkway diagonal off ramp, levels of service would decrease to unacceptable conditions in the morning peak hours, and by 2043, all westbound segments would operate at unacceptable conditions in the morning peak hours and all eastbound segments would operate at unacceptable level of service during the evening peak hours. The current poor traffic operation is primarily due to commuter traffic which results in long delays on mainline I-580 and heavy congestion at local intersections.

The DDI Alternative, which is the Project, allows a compact diamond configuration with minor realignments to the existing ramps that will reduce the footprint of the interchange, and maintain access to an existing gas station while accomplishing the goals of reducing congestion resulting from ongoing and planned development as well as improving local traffic circulation. Vehicle delay will be reduced for almost all travel lanes, and overall intersection operation will be improved at all studied locations by at least one level of service letter grade. This Alternative [the Project] will improve operation of the International Parkway/ I-580 westbound ramp connection, Patterson/Frontage Road ramp, and Patterson Pass Road/I-580 eastbound ramp, alleviate congestion on I-580, and significantly reduce intersection vehicle delay in almost all travel lanes.

The Type L-1 Alternative was considered but rejected due to poor operational performance. It was not compatible with the greatest public good.

The Type L-9 Alternative was considered but rejected because the DDI Alternative [the Project] achieves comparable operational performance with a significantly smaller footprint, lower cost, and significant reduction of right-of-way acquisition, meaning less private property would be needed to construct the Project.

In sum, the DDI Alternative was selected because it improves traffic flow and safety, while providing the best total project cost and requires the least impact to private properties. Therefore, the Project is planned or located in the manner that will be most compatible with the greatest public need and least private injury.

## B. Project Features

The Project will divert traffic in both directions to the opposite side of the road while crossing I-580, providing direct left turns to I-580 on-ramps and from I-580 off-ramps. Traffic will be signalized where it crosses to the other side of the road in either direction.

The existing Patterson Pass Road overcrossing will be widened to the east to accommodate three 14-foot northbound lanes, two 14-foot southbound lanes, 6-foot outside and inside shoulders, a 15-foot-wide multi-use (bicycle and pedestrian) path in the middle of the overcrossing, and 6-foot-wide Class II Bike Lanes are also provided through the interchange.

The EB on-ramp will be realigned to allow for three lanes, including a HOV lane at the entrance ramp. The WB on-ramp will consist of two general purpose lanes and an HOV lane.

The WB off-ramp will be a two-lane exit ramp that will widen to four lanes: two left turn lanes to Patterson Pass Road and two right-turn lanes to International Parkway. The Project will also add a 1,500-foot auxiliary lane for the WB off-ramp. The EB off-ramp will remain a single-lane exit ramp that will widen to three lanes: two left-turn lanes and a single right-turn lane to Patterson Pass Road.

The Project maintains access to the existing gas station in the southwest quadrant of the interchange through a modified driveway along Patterson Pass Road and a new public road being acquired. Modification to the EB off-ramp will require realigning the existing private road and converting it to a public road to connect to Patterson Pass Road south of the gas station. A new driveway to the gas station is proposed to connect to the new public road with an intersection to provide access to Patterson Pass Road approximately 500 feet from the intersection of Patterson Pass Road and the EB ramps. Improvements will conform to Patterson Pass Road extending south approximately to the intersection with Via Nicolo Road to provide adequate distance for reducing the number of travel lanes from four lanes through the interchange to the existing two lanes on Patterson Pass Road. The public road will have public parking to accommodate tired commuters, allow for park and ride opportunities, and to allow the City of Tracy, as well as other public entities to conduct maintenance of their facilities. Improvements north of I-580 on Patterson Pass Road will conform just south of the existing California Aqueduct Overcrossing.

The existing underground drainage systems and cross culverts in the interchange area will be modified/replaced as needed for the new and modified interchange ramps. Roadside ditches will be reconstructed/added to continue to convey surface runoff generally to the existing low point along I-580 just east of the existing OC and ultimately to the north to the California Aqueduct. The existing Caltrans right-of-way along I-580 at the approaches to the interchange will be maintained while additional right-of-way in the interchange area will be needed for the ramp modifications. The limits of access control will be extended south along Patterson Pass Road and north along International Parkway to accommodate the ramp modifications.

The Project is, therefore, planned or located in the manner that will be most compatible with the greatest public need. Moreover, as explained above, it is also planned to minimize impacts to private properties.

#### THE PROPERTY INTERESTS DESCRIBED IN THE RESOLUTIONS OF NECESSITY ARE NECESSARY FOR THE PROJECT

10,262 square feet of a Temporary Construction Easement (TCE) is needed from the property located at 25775 Patterson Pass Road in unincorporated San Joaquin County APN 209-100-040 to construct the Project and conform the existing paving to meet the new roadway surfaces. Access to the Property will be maintained. The duration of the TCE is for a period of 30 months. After the construction is complete, all previous land rights and use of the land revert back to the fee owner. Without the TCE, the Project cannot be constructed. The Easement language, legal description, and plat map are attached to the RON for Minimart as Exhibits A and B.

4,237 square feet of a perpetual easement for communication purposes is needed from the property located on Via Nicolo Road (No Situs Address), Tracy, California in unincorporated San Joaquin County, 95377 APN: 209-100-310 to relocate an existing AT&T utility line in order to construct the proposed Project. The acquisition area is a strip of land located to the rear of the subject property running parallel to the northeastern property boundary near the freeway

frontage. The permanent easement covers a 4,237 square foot area of the 35.31-acre site. The Easement language, legal description, and plat map are attached to the RON for Jet Mulch as Exhibits A and B.

Two fee simple acquisitions totaling 3.67 acres, 8,315 square feet of permanent easement for retaining wall and maintenance purposes, and 10,219 square feet of a perpetual easement for communication purposes is needed from the property located on 26106 Patterson Pass Road in unincorporated San Joaquin County, California, APN 209-100-300 to construct the Project, for construction and maintenance of a retaining wall to be located in the proposed freeway right-of-way, new roadway to provide access to the interchange, pedestrian facilities, traffic signals/lighting, grading and drainage facilities related to the new roadway, and to relocate an existing AT&T utility line. The acquisition areas are depicted and described in Exhibits A, B, A-1, B-1, A-2, B-2, A-3, B-3 in the RON for Kalra et al.

Two fee simple acquisitions totaling 3.12 acres are needed to relocate a private road and to convert it to a public road to provide access for the City and other public entities to provide connectivity, conduct maintenance of their facilities and to provide parking spaces to the general public, 1,490 square feet of permanent easement for communication purposes, and two TCEs totaling 2.29 acres are needed from the property located on 25883 S. Patterson Pass Road in unincorporated San Joaquin County, California, APN 209-100-280 to construct the Project, the public road, and for excavation, construction, installation, use, operation, maintenance, repair, or replacement of communication facilities, and to relocate an existing underground AT&T utility line. The duration of the TCE is for 30 months. The Property is 43.4 acres. The acquisition areas are depicted and described in Exhibits A, B, A-1, B-1, A-2, B-2, A-3, B-3, A-4, B-4 to the RON for Kaur et al.

12,354 square feet in fee simple is needed from the property located on 26116 Patterson Pass Road, in unincorporated San Joaquin County, California, APN 209-090-21 to construct roadway/freeway ramp improvements, and grading/drainage facilities related to the Project. The acquisition area is a strip of land located at the southeast portion of the Property situated on the northeast side of I-580. The acquisition area is 12,354 square feet of the 136.62-acre site. The fee simple take legal description, and plat map are attached to the RON for Leal/Gee as Exhibit A and B. A tentative settlement has been reached with the property owner, but we must proceed with adoption of the RON to stay on schedule in case there is a delay in finalizing the settlement.

The various property interests being acquired for the Project are referred collectively as the Subject Property Interests.

#### STATUTORY AUTHORIZATION FOR EXERCISING EMINENT DOMAIN

The City is authorized to acquire the Subject Property Interests and to exercise the power of eminent domain for the public uses set forth herein pursuant to Article 1, Section 19 of the Constitution of the State of California, Section 37350.5 and 40404 of the California Government Code, and Sections 1240.010-1240.050, 1240.110, 1240.120, 1240.150, 1240.220, 1240.410, 1240.610, and 1240.650 of the California Code of Civil Procedure.

Under Government Code section 37350.5, cities are authorized to “acquire by eminent domain any property necessary to carry out any of its powers or functions.” Cities have “considerable

discretion in identifying and implementing public uses.” (*City of Oakland v. Oakland Raiders* (1982) 32 Cal.3d 60, 70).

Under Government Code section 40404, cities “may acquire private property by condemnation or otherwise when it is necessary to take or damage such property for (a) Establishing, laying out, extending, and widening streets and other public highways and places within the city. (b) Rights-of-way for drains, sewers, and aqueducts...(f) Any other purposes authorized by law.”

Based on the foregoing, the City is authorized to acquire the Subject Property Interests by eminent domain.

### COMPLIANCE WITH EMINENT DOMAIN REQUIREMENTS

#### 1. Notice of Decision to Appraise

As a part of the right-of-way acquisition process, the City sent the owners a notice of decision to appraise on the dates listed below:

- ARP Minimart Corporation – 7/15/2022
- Debra Ann Leal & Janice Lynn Gee – 6/6/2022
- Harminder Kaur; Rajwinder Kaur; Gupreet Singh; Charnit Singh and Ramandeep Kaur, Trustees – 7/26/2022
- Pankaj Kalra and Tanu Kalra, Trustees; Kanwar Raj Singh and Priya Aggarwal, Trustees; Smile Dhir and Antima Ghai, Trustees; Atul Arora and Shefali Arora, Trustees; Tabir Singh Dhillon – 6/10/2022
- Jet Mulch, Inc. – 6/10/2022

The Notices of Decision to Appraise are incorporated herein by reference and available for review.

#### 2. Government Code Offer

The City extended a written offer pursuant to Government Code Section 7267.2 for the purchase of the property interests needed for the Project at the dates listed below:

- ARP Minimart Corporation – 11/23/2022
  - Approximate 10,262 square foot 30-month Temporary Construction Easement.
- Debra Ann Leal & Janice Lynn Gee – 12/15/2022
  - Approximate 12,354 square foot Fee Simple.
- Harminder Kaur; Rajwinder Kaur; Gupreet Singh; Charnit Singh and Ramandeep Kaur, Trustees – 12/15/2022
  - Two fee simple acquisitions totaling 3.12 acres.

- Approximate 1,490 square foot Permanent Easement for communication purposes.
- Two TCEs totaling 2.29 acres.
- Pankaj Kalra and Tanu Kalra, Trustees; Kanwar Raj Singh and Priya Aggarwal, Trustees; Smile Dhir and Antima Ghai, Trustees; Atul Arora and Shefali Arora, Trustees; Tabir Singh Dhillon – 11/23/2022
  - Two fee simple acquisitions totaling 3.67 acres.
  - Approximate 8,315 square foot Permanent Easement for retaining wall and maintenance Purposes.
  - Approximate 10,129 square foot Permanent Easement for communication purposes.
- Jet Mulch Inc. – 12/15/2022
  - Approximate 4,237 square foot Permanent Easement for communication purposes.

The City's written offer included an informational pamphlet describing the eminent domain process and the record owner's rights under the Eminent Domain Law. In accordance with Government Code Section 7267.2, the City's written offer contained a written statement of, and summary of the basis for, the amount it established as just compensation. The City provided a copy of the independent appraisal, prepared by a qualified appraiser, to the owners which described the date of value utilized by the appraiser and explained the appraiser's opinion of the highest and best use of the larger parcel, and the applicable zoning and General Plan designation of the larger parcel. The appraisal also included the principal transactions relied on by the appraiser to arrive at the appraiser's opinion of value and explained the appraiser's valuation analysis, including severance damages. Further, the City offered, pursuant to Code of Civil Procedure Section 1263.025, to pay the record owner the reasonable costs, up to \$5,000.00, for an independent appraisal of the parcels. The offer packages sent to each property owner is incorporated herein by reference and made a part of this staff report and are available for review.

### 3. Good Faith Negotiations

The City has attempted to negotiate with the owners in good faith to purchase all the property interests needed for the Project. As of the date of this staff report, the parties have not finalized a negotiated agreement for the City's purchase of the needed property interests. Based on the timing of the Project, critical right-of-way certification and funding deadlines, it is necessary for the City to consider the adoption of Resolutions of Necessity at this time. The City continues to work with owners in attempts to avoid condemnation and reach an amicable settlement. A tentative settlement has been reached with the property owners of 26116 Patterson Road, Debra Ann Leal and Janice Lynn Gee, but to avoid any delay to the critical right-of-way certification and funding deadlines staff is requesting that the RON be adopted as to this parcel. However, if a RON is adopted, a Complaint will not be filed and instead the Settlement will be finalized. Only if the settlement cannot be finalized will a complaint in eminent domain be filed as to this parcel.

#### 4. Notices of Intent to Adopt RONs Were sent to Each of the Record Owners

The notice of hearing as to the RONs for Minimart, Leal/Gee, Kaur et al, Kalra et al, and Jet Mulch, incorporated herein by reference, were mailed by certified mail, return receipt requested to all of the record property owner(s) which evidence that the required statutory notice has been provided. The notices to the record owner(s) provided notice of and a reasonable opportunity to appear and be heard before the City Council on the following matters:

- a. whether the public interest and necessity require the Project.
  - b. whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
  - c. whether the Subject Property Interests are necessary for the Project.
  - d. whether the offer required by Government Code section 7267.2 has been made to all owners of record unless the owner(s) could not be located with reasonable diligence.
- Notice was provided to the private record owner(s)' legal representative to the extent such owner(s) notified the City they were being represented by counsel. These notices are available for review and are a part of this staff report.

#### FISCAL IMPACT

The total project costs (including construction, right-of-way, and support) is approximately \$52.3 Million and will be funded through a combination of City TIMF, City RTIF, Measure K, and SB1 TCEP funding. The SB1 TCEP funding is a total \$24.9 Million, which needs to be obligated by the California Transportation Commission (CTC) at their June 2023 meeting. If this funding is not obligated by the June CTC meeting, the City will lose the TCEP share of the funding.

#### PUBLIC OUTREACH / INTEREST

Caltrans and the City of Tracy circulated the draft Initial Study/Mitigated Negative Declaration (IS/MND) for public comment and review on July 1, 2020. An opportunity for a public meeting was offered, but none was requested. All written comments received were addressed in the final IS/MND for CEQA and Categorical Exclusion for NEPA.

The project was submitted as the City of Tracy 2023 regional transportation submittal for congressional appropriation requests during the San Joaquin Council of Government's (SJCOG) One Voice trip to Washington D.C.

#### COORDINATION

The City's Engineering Division coordinated with several stakeholders including Caltrans staff, SJCOG staff, Federal Highway Administration (FHWA), resource agency staff, California Public Utilities Commission (CPUC), California Highway Patrol, public and private utility companies.

#### CEQA DETERMINATION

The Final IS/MND (CEQA Approval) and CE (NEPA Approval) were obtained on February 25, 2021. Those documents as well as all related studies and reports are incorporated by reference and made a part of this staff report.

## 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.

## ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt the Resolutions of Necessity for all of the subject parcels.

Prepared by: Anju Pillai, PE, Senior Engineer

Reviewed by: Koosun Kim, PE, Interim City Engineer  
Jaylen French, Development Services Director  
Sara Cowell, Finance Director  
Midori Lichtwardt, Assistant City Manager

Approved by: Michael Rogers, City Manager

## ATTACHMENTS

- Attachment A – RON FOR ARP Minimart Corporation – 25775 Patterson Pass Road  
(Assessor's Parcel Number 209-100-040).
- Attachment B – RON for Debra Ann Leal & Janice Lynn Gee – 26116 Patterson Pass Road  
(Assessor's Parcel Number 209-090-21).
- Attachment C – RON for Harminder Kaur; Rajwinder Kaur; Gupreet Singh; Charnit Singh  
and Ramandeep Kaur, Trustees – 25883 S. Patterson Pass Road  
(Assessor's Parcel Number 209-100-280).
- Attachment D – RON for Pankaj Kalra and Tanu Kalra, Trustees; Kanwar Raj Singh and  
Priya Aggarwal, Trustees; Smile Dhir and Antima Ghai, Trustees; Atul Arora and  
Shefali Arora, Trustees; Tabir Singh Dhillon- 26106 Patterson Pass Road  
(Assessor's Parcel Number 209-100-300).
- Attachment E – RON for Jet Mulch, Inc. – Via Nicolo Road  
(Assessor's Parcel Number 209-100-310).

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION 2023-\_\_\_\_\_

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**A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF TRACY FINDING AND DETERMINING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN PROPERTY INTERESTS FOR A PUBLIC PROJECT (I-580/PATTERSON PASS ROAD INTERCHANGE PROJECT), AUTHORIZING THE ACQUISITION THEREOF, AND DIRECTING THE CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS**

**(ARP MINI MART, APN 209-100-040)**

**WHEREAS**, the City of Tracy (City), in cooperation with the California Department of Transportation (Caltrans), seeks to construct the proposed Interstate 580 (I-580)/Patterson Pass Road Interchange Project (Project), which consists of modifications to the existing interchange, freeway auxiliary lanes, and connecting roadways at the existing Patterson Pass Road Interchange at I-580 in Tracy; and

**WHEREAS**, the City and the State of California, acting through Caltrans, entered into Cooperative Agreement (Agreement 10-516) on February 4, 2021, which set forth the obligations of the parties in connection with the Project. Pursuant to Agreement 10-516, Caltrans is the lead agency under the National Environmental Policy Act of 1969, as amended (Pub. L. 91-190, 42 U.S.C. 4321-4347, January 1, 1970, as amended by Pub. L. 94-52, July 3, 1975, Pub. L. 94-83, August 9, 1975, and Pub. L. 97-258, § 4(b), Sept. 13, 1982) (NEPA) and under the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, *et seq.* The City is the sponsor of the Project, and is the implementing agency for plans, specifications, estimates, and right-of-way activities; and

**WHEREAS**, pursuant to Agreement 10-516, the parties agreed that the City is authorized to hear and adopt Resolutions of Necessity in connection with the Project and in accordance with applicable law; and

**WHEREAS**, it is desirable and necessary for the City to acquire certain real property specifically a 10,262 square foot Temporary Construction Easement (TCE) from the improved property located at 25775 Patterson Road in the unincorporated area of San Joaquin County, California, Assessor's Parcel Number 209-100-040 (Subject Property), for the Project; and

**WHEREAS**, the City is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19 of the Constitution of the State of California, Section 37350.5 and 40404 of the California Government Code, and Sections 1240.010-1240.050, 1240.110, 1240.120, 1240.150, 1240.220, 1240.410, 1240.610, and 1240.650 of the California Code of Civil Procedure; and

**WHEREAS**, pursuant to the provisions of Section 7267.2 of the California Government Code, the City made an offer to the owners of record to acquire the TCE described and depicted in **Exhibits A** and **B** for the amount which it established to be just compensation; and

**WHEREAS**, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure, written notice of the intent to consider the adoption of this resolution of necessity was sent on January 20, 2023, to ARP Minimart Corporation, the owners of record of the Subject Property providing them notice and granting them a reasonable opportunity to appear and be heard before the City Council at the Resolution of Necessity hearing held on February 21, 2023 on the following matters:

- a. Whether the public interest and necessity require the Project;
- b. Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- c. Whether the TCE described and depicted in **Exhibits A** and **B** is necessary for the Project; and
- d. Whether the offer required by Government Code Section 7267.2 has been made to all owners of record;

**WHEREAS**, due consideration of all oral and documentary evidence introduced has been given;

**NOW, THEREFORE**, be it, by vote of four (4/5) or more of its members, the City Council of the City of Tracy found and:

**RESOLVED**: That the recitals contained herein are true and correct; and be it further

**RESOLVED**: That the public interest and necessity require the Project which is intended to reduce traffic congestion and improve local traffic circulation; and be it further

**RESOLVED**: That the Project is planned or located in a manner that will be the most compatible with the greatest public good and the least private injury; and be it further

**RESOLVED**: That the taking of the TCE more particularly described and depicted in **Exhibits A** and **B** is necessary for the Project; and be it further

**RESOLVED**: That the offer to purchase required by California Government Code section 7267.2 has been made to the record owner(s) of the Subject Property; and be it further

**RESOLVED**: That the necessary notice of hearing on this Resolution has been given as required by Code of Civil Procedure section 1245.235; and be it further

**RESOLVED**: That the City has fully complied with the California Environmental Quality Act ("CEQA") with respect to the Project and the acquisition of the TCE, as The Final IS/MND (CEQA Approval) and CE (NEPA Approval) were obtained on February 25, 2021; and be it further

**RESOLVED:** That the City has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain (the “right to take”) to acquire the TCE; and be it further

**RESOLVED:** That the City declares its intention to acquire the TCE in accordance with the provision of the laws of the State of California governing condemnation procedures; and be it further

**RESOLVED:** That the City finds that if any portion of the TCE has been appropriated to some public use, the public uses to which it is to be applied by the City for the Project, as described above, are more necessary and paramount public uses, pursuant to Code of Civil Procedure section 1240.610, or, alternatively, are compatible with those other uses pursuant to Code of Civil Procedure section 1240.510; and be it further

**RESOLVED:** That the City is AUTHORIZED AND EMPOWERED:

- 1) To acquire in the name of the City of Tracy, by condemnation, the TCE in accordance with the provisions of the eminent domain law, the Code of Civil Procedure, the Government Code and the Constitution of California;
- 2) To prepare and prosecute in the name of the City of Tracy, such proceedings in the proper court as are necessary for such acquisition; and
- 3) To deposit the probable amounts of compensation, based on appraisals, and to apply to said court for an order permitting the City of Tracy to take immediate possession and use said TCE for said public uses and purposes.

\*\*\*\*\*

The foregoing Resolution 2023-\_\_\_\_\_ was adopted by the Tracy City Council on 21<sup>st</sup> day of February 2023 by the following vote:

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

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

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

# EXHIBIT A

## Exhibit A

### **DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENT**

Temporary Construction Easement ("TCE") Area: This TCE shall cover the area over, across, under, and through the real property situated in the County of San Joaquin, State of California, described in Exhibits A and B attached ("TCE Area") for construction and related purposes for the City of Tracy's I-580/Patterson Pass Road Interchange Project ("Project")

Rights. The City of Tracy, a municipal corporation ("City") and its successors and assigns shall have the rights, without limitation, to enter upon the TCE Area with personnel, vehicles and equipment for construction of the Project, and all other related activities, to remove all improvements, trees and vegetation that interfere with the Project, to conform the TCE Area to the Project, and do any and all other actions necessary and appropriate to the construction of the Project. As used here, "CITY" includes its officers, agents, contractors, and employees, and other governmental agencies responsible for review or construction of any portion of the Project and their officers, agents, contractors, and employees. If access to the TCE Area is across Owner's Property, Owner shall maintain the rights of ingress and egress at all times during the construction period.

Term; This Temporary Construction Easement is for a period of 30 months, to begin upon effective possession.

Restoration. At no additional cost to CITY, CITY has the right to enter upon GRANTOR's Property, where necessary, to reconstruct or perform any warranty or related work during or after the expiration of the TCE and any extension and/or the completion of the Project. The work may include related driveways, walkways, lawn, landscaped and hardscaped areas, irrigation systems, sidewalks or any area where reconstruction or warranty work on GRANTOR's Property is necessary.

Conformance with laws. All work performed by CITY in the TCE Area shall conform to applicable building, fire, and sanitary laws, ordinances and regulations relating to the work and shall be done in a good and worker-like manner.

**EXHIBIT “A”**  
**LEGAL DESCRIPTION**  
**TEMPORARY CONSTRUCTION EASEMENT**

**PARCEL 17571-1**

All that real property in the unincorporated area of County of San Joaquin, situated in Section 33, Township 2 South, Range 4 East, Mount Diablo Meridian, being a portion of the lands described in that GRANT DEED, recorded August 31, 2005, as Document Number 2005-216968, San Joaquin County Official Records, more particularly described as follows:

**BEGINNING** at the most southerly corner of said GRANT DEED, said corner being the southeasterly terminus of that course shown as “N 20°50’49” W 206.16” on that certain Map of Survey, filed June 10, 1969, in Book 19 of Surveys Page 62, San Joaquin County Records, also lying on the northwesterly right-of-way of Patterson Pass Road, as said terminus delineated on the “Proposed Relinquishment map to the County of San Joaquin”, filed in State Highway Book No. 15, at Page 29 as described in the Highway Commission Resolution R932 “RELINQUISHMENT OF HIGHWAY RIGHT-OF-WAY IN THE COUNTY OF SAN JOAQUIN, ROAD 10-SJ-580-13.5 REQUEST NO. 51”, recorded on April 15, 1967, in Book 3117 at Page 19, San Joaquin County Official Records, said southerly corner being the **POINT OF BEGINNING** of this description;

Thence along said course of said GRANT DEED, North 20°49’23” West, 155.39 feet;

Thence leaving said course and proceeding along the following ten (10) courses:

- 1) North 64°41’15” East, 5.01 feet
- 2) South 20°49’32” East, 41.50 feet
- 3) North 56°00’12” East, 6.07 feet
- 4) South 20°49’23” East, 73.73 feet
- 5) North 55°04’34” East, 6.06 feet
- 6) South 36°20’03” East, 33.04 feet

- 7) North 55°07'52" East, 209.92 feet
- 8) North 34°52'08" West, 55.25 feet
- 9) North 13°48'41" East, 88.38 feet
- 10) North 32°26'00" West, 81.46 feet to the northwesterly line of said GRANT DEED;

Thence along said northwesterly line, North 55°07'52" East, 44.20 feet to the northeasterly line of said GRANT DEED;

Thence leaving said northwesterly line along said northeasterly line the following four (4) courses:

- 11) South 35°37'49" East, 44.73 feet to the beginning of a tangent curve to the right.
- 12) Thence, along said curve, having a radius of 65.00 feet, through a central angle of 48°48'27", an arc length of 55.37 feet.
- 13) Thence, South 13°10'38" West, 75.51 feet to the beginning of a tangent curve to the left.
- 14) Thence, along said curve, having a radius of 73.99 feet, through a central angle of 48°48'21", an arc length of 62.60 feet to the southeasterly line of said GRANT DEED and said northwesterly right-of-way of Patterson Pass Road;

Thence along the southeasterly line thereof and said northwesterly right-of-way, South 55°07'52" West, 249.99 feet to the **POINT OF BEGINNING**.

Containing 10,262 square feet acres, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 2, Epoch 2010.00. Multiply the above distances by 1.000077186 to obtain ground level distances.

This real property description has been prepared at Mark Thomas & Company Inc. by me or under my direction in conformance with the Professional Land Surveyors' Act.

  
\_\_\_\_\_  
Bob R. Knuth, LS 7938



January 9, 2022  
Date

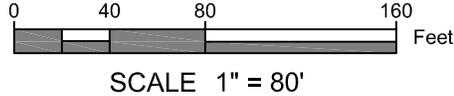
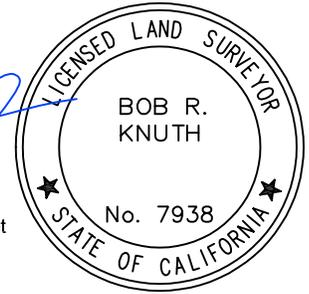
# EXHIBIT B

**LEGEND**

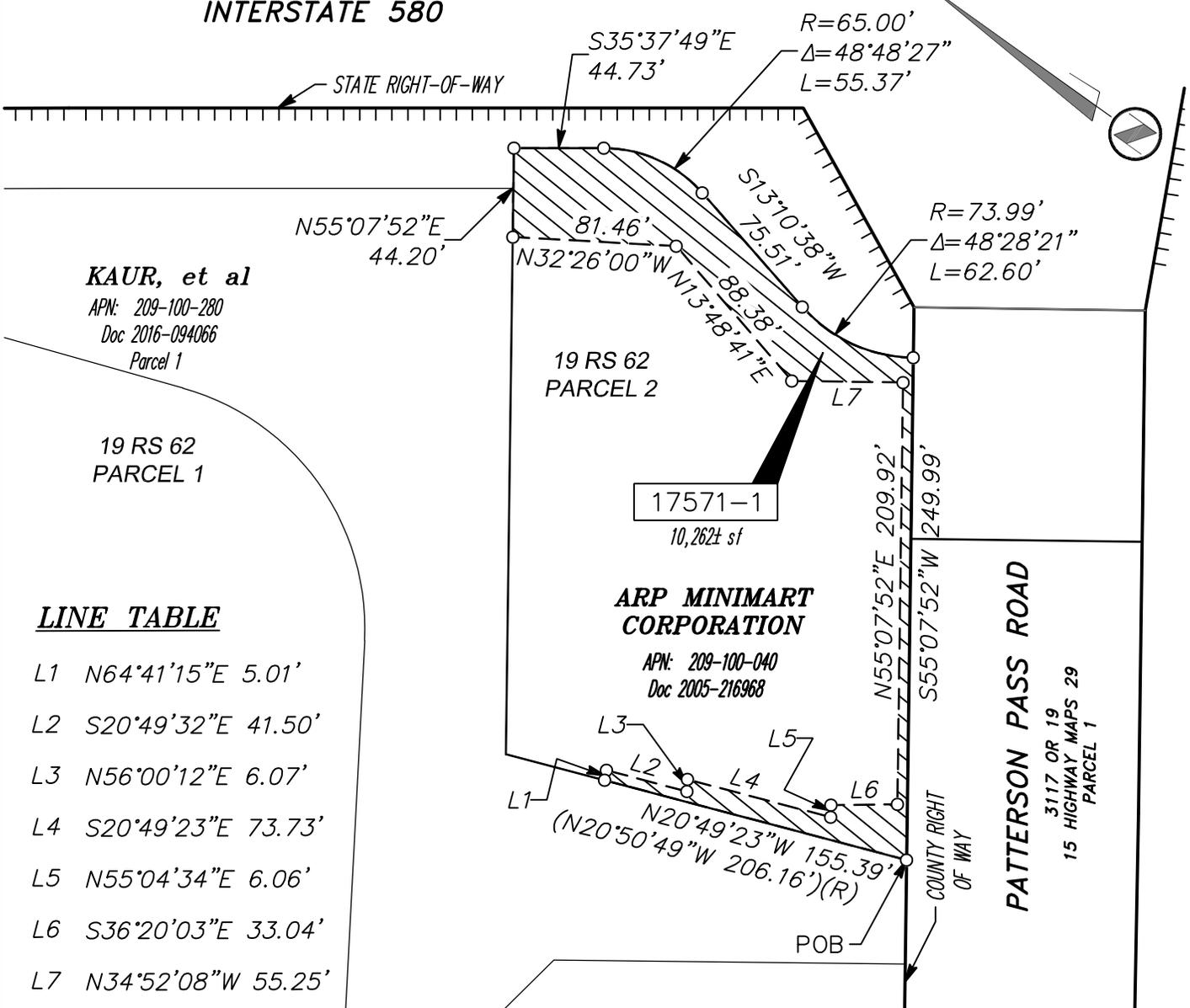
- POB POINT OF BEGINNING
- DIMENSION POINT
-  TEMPORARY CONSTRUCTION EASEMENT
-  ACCESS CONTROLLED
- (R) RECORD DATA PER 19 RS 62

SECTION 33  
T2S, R4E M.D.M.

*Bob R Knuth*



**INTERSTATE 580**



**KAUR, et al**  
APN: 209-100-280  
Doc 2016-094066  
Parcel 1

19 RS 62  
PARCEL 1

19 RS 62  
PARCEL 2

17571-1  
10,262± sf

**ARP MINIMART CORPORATION**

APN: 209-100-040  
Doc 2005-216968

**PATTERSON PASS ROAD**  
3117 OR 19  
15 HIGHWAY MAPS 29  
PARCEL 1

**LINE TABLE**

- L1 N64°41'15"E 5.01'
- L2 S20°49'32"E 41.50'
- L3 N56°00'12"E 6.07'
- L4 S20°49'23"E 73.73'
- L5 N55°04'34"E 6.06'
- L6 S36°20'03"E 33.04'
- L7 N34°52'08"W 55.25'

**SHEET 1 OF 1**



Scale: 1" = 80'  
Date Jan 2023  
Drawn By MLP  
Checked By BRK

**Exhibit B**  
**Parcel 17571-1**  
**APN 209-100-040**  
**Plat to Accompany Legal Description**  
**In the County of San Joaquin, California**

Bearings and distances are based on the California Coordinate System of 1993, Zone 2, Epoch 2010.00. Multiply distances shown by 1.000077186 to obtain ground level distances.

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION 2023-\_\_\_\_\_

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**A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF TRACY FINDING AND DETERMINING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN PROPERTY INTERESTS FOR A PUBLIC PROJECT (I-580/PATTERSON PASS ROAD INTERCHANGE PROJECT), AUTHORIZING THE ACQUISITION THEREOF, AND DIRECTING THE CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS**

**(DEBRA ANN LEAL & JANICE LYNN GEE –  
ASSESSOR'S PARCEL NUMBER 209-090-21)**

**WHEREAS**, the City of Tracy (City), in cooperation with the California Department of Transportation (Caltrans), seeks to construct the proposed Interstate 580 (I-580)/Patterson Pass Road Interchange Project (Project), which consists of modifications to the existing interchange, freeway auxiliary lanes, and connecting roadways at the existing Patterson Pass Road Interchange at I-580 in Tracy; and

**WHEREAS**, the City and the State of California, acting through Caltrans, entered into Cooperative Agreement (Agreement 10-516) on February 4, 2021, which set forth the obligations of the parties in connection with the Project. Pursuant to Agreement 10-516, Caltrans is the lead agency under the National Environmental Policy Act of 1969, as amended (Pub. L. 91-190, 42 U.S.C. 4321-4347, January 1, 1970, as amended by Pub. L. 94-52, July 3, 1975, Pub. L. 94-83, August 9, 1975, and Pub. L. 97-258, § 4(b), Sept. 13, 1982) (NEPA) and under the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, *et seq.* The City is the sponsor of the Project, and is the implementing agency for plans, specifications, and estimates, and for right-of-way activities; and

**WHEREAS**, pursuant to Agreement 10-516, the parties agreed that the City is authorized to hear and adopt Resolutions of Necessity in connection with the Project and in accordance with applicable law; and

**WHEREAS**, it is desirable and necessary for the City to acquire certain real property, specifically a 12,354 square foot fee simple interest described and depicted in **Exhibits A and B** from the property located at 26116 Patterson Pass Road, unincorporated San Joaquin County, California, and identified as San Joaquin County Assessor's Parcel Number 209-090-21 ("Subject Property Interest") for the Project; and

**WHEREAS**, the City is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19 of the Constitution of the State of California, Section 37350.5 and 40404 of the California Government Code, and Sections 1240.010-1240.050, 1240.110,

1240.120, 1240.150, 1240.220, 1240.410, 1240.610, and 1240.650 of the California Code of Civil Procedure; and

**WHEREAS**, pursuant to the provisions of Section 7267.2 of the California Government Code, the City made an offer to the owners of record to acquire the fee simple interest described and depicted in **Exhibits A** and **B** for the amount which it established to be just compensation; and

**WHEREAS**, Pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure, written notice of the intent to consider the adoption of this resolution of necessity was sent on January 20, 2023, to Debra Ann Leal and Janice Lynn Gee, the owners of record of the Subject Property Interest providing them notice and granting them a reasonable opportunity to appear and be heard before the City Council at the Resolution of Necessity hearing held on February 21, 2023 on the following matters:

- a. Whether the public interest and necessity require the Project;
- b. Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- c. Whether the Subject Property Interest described and depicted in **Exhibits A** and **B** is necessary for the Project; and
- d. Whether the offer required by Government Code Section 7267.2 has been made to all owners of record; and

**WHEREAS**, Due consideration of all oral and documentary evidence introduced has been given;

**NOW, THEREFORE**, be it, by vote of four (4/5) or more of its members, the City Council of the City of Tracy found and:

**RESOLVED**: That the recitals contained herein are true and correct; and be it further

**RESOLVED**: That the public interest and necessity require the Project which is intended to reduce traffic congestion and improve local traffic circulation; and be it further

**RESOLVED**: That the Project is planned or located in a manner that will be the most compatible with the greatest public good and the least private injury; and be it further

**RESOLVED**: That the Subject Property Interest described and depicted in **Exhibits A** and **B** is necessary for the Project; and be it further

**RESOLVED**: That the offer to purchase required by California Government Code section 7267.2 has been made to the record owner(s) of the Subject Property Interest; and be it further

**RESOLVED**: That the necessary notice of hearing on this Resolution has been given as required by Code of Civil Procedure section 1245.235; and be it further

**RESOLVED:** That the City has fully complied with the California Environmental Quality Act (“CEQA”) with respect to the Project and the acquisition of the Property, as The Final IS/MND (CEQA Approval) and CE (NEPA Approval) were obtained on February 25, 2021; and be it further

**RESOLVED:** That the City has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain (the “right to take”) to acquire the Subject Property Interest; and be it further

**RESOLVED:** That the City declares its intention to acquire the Subject Property Interest in accordance with the provision of the laws of the State of California governing condemnation procedures; and be it further

**RESOLVED:** That the City finds that if any portion of the Subject Property Interest has been appropriated to some public use, the public uses to which it is to be applied by the City for the Project, as described above, are more necessary and paramount public uses, pursuant to Code of Civil Procedure section 1240.610, or, alternatively, are compatible with those other uses pursuant to Code of Civil Procedure section 1240.510; and be it further

**RESOLVED:** That the City of Tracy is AUTHORIZED AND EMPOWERED:

1. To acquire in the name of the City of Tracy, by condemnation, the said Subject Property Interest in accordance with the provisions of the eminent domain law, the Code of Civil Procedure, the Government Code and the Constitution of California;
2. To prepare and prosecute in the name of the City of Tracy, such proceedings in the proper court as are necessary for such acquisition; and
3. To deposit the probable amounts of compensation, based on appraisals, and to apply to said court for an order permitting the City of Tracy to take immediate possession and use said Subject Property Interest for said public uses and purposes.

\*\*\*\*\*

The foregoing Resolution 2023-\_\_\_\_\_ was adopted by the Tracy City Council on 21<sup>st</sup> day of February 2023 by the following vote:

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

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

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

# EXHIBIT A

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**PARCEL 17570-1**

All that real property in the unincorporated area of County of San Joaquin, State of California, situated in Section 28, Township 2 South Range 4 East, Mount Diablo Meridian, being a portion of the lands described and designated as "Parcel One" in that certain GRANT DEED, recorded October 13, 2020, as Document Number 2020-136322, San Joaquin County Official Records, lying southwesterly of the following described lines:

**BEGINNING** at a found 3/4" iron pipe with plug stamped "CA266", located at the northwesterly terminus of that course shown as "N 42°22'15" W 1,738.06" on that certain "Department of Water Resources Right of Way Map", Drawing No. 01008-39-04, said course shown also on State Record Right of Way Map, RW-022 SJ 580 Sheet 2, recorded at the Department of Transportation, State of California;

Thence along the southeasterly line of said GRANT DEED, South 42°21'23" East, 321.42 feet more or less to the Quarter Section line of said Section 28, and the **POINT OF TERMINATION**;

Thence from said **POINT OF BEGINNING**, North 44°47'10" West, 310.05 feet to a point on the northeasterly right-of-way line of Interstate 580 as shown on said State Record Right of Way Map, and the **POINT OF TERMINATION**.

Containing 12,354 square feet, more or less.

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights, including access rights, appurtenant to grantor's remaining property, in and to said freeway.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 2, Epoch 2010.00. Multiply the above distances by 1.000077186 to obtain ground level distances.

This real property description has been prepared at Mark Thomas & Company Inc. by me or under my direction in conformance with the Professional Land Surveyors' Act.



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Bob R. Knuth, LS 7938



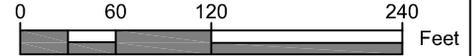
November 8, 2022  
Date

# EXHIBIT B

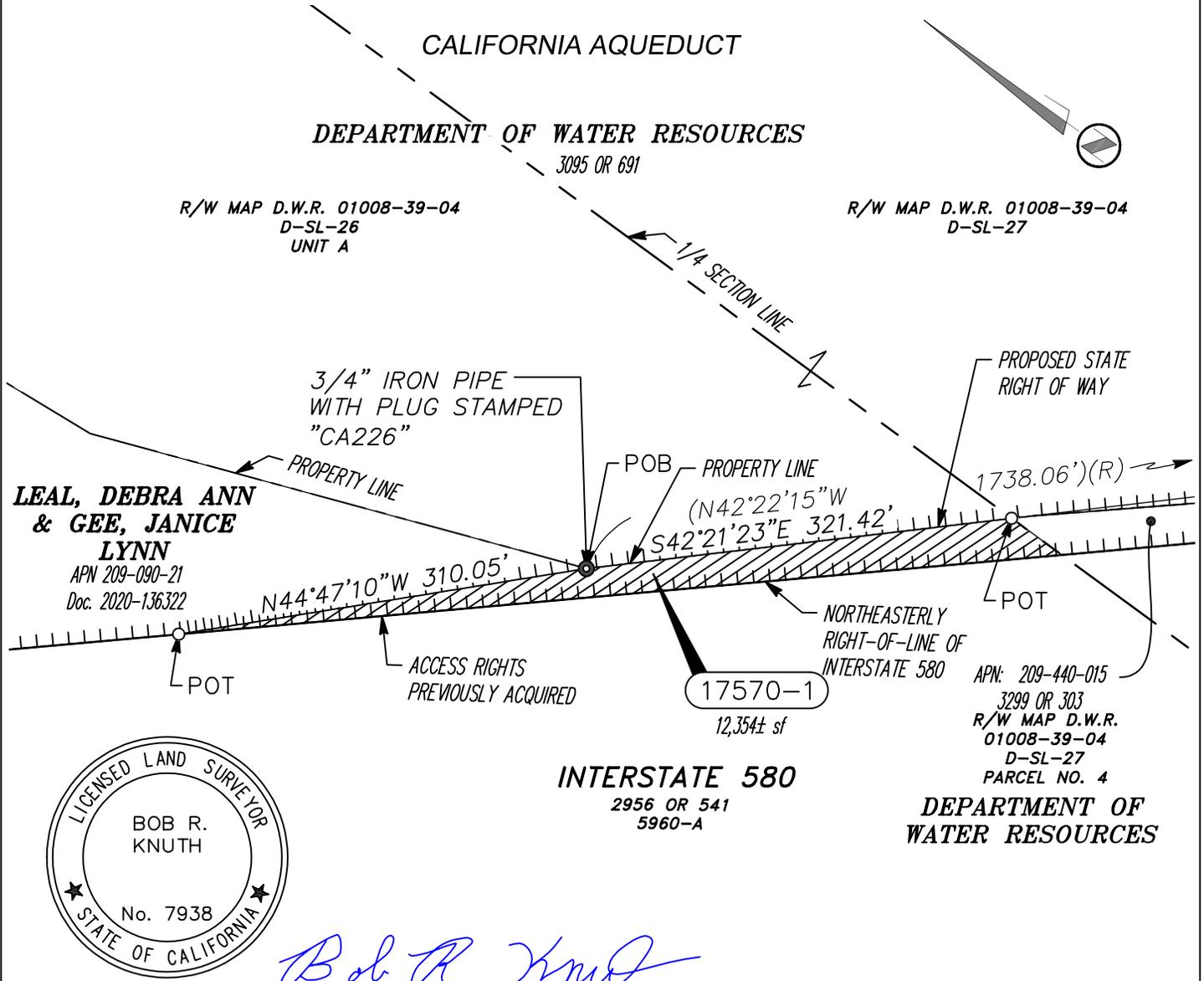
**LEGEND**

- POB POINT OF BEGINNING
  - POT POINT OF TERMINATION
  - FOUND MONUMENT AS NOTED
  - DIMENSION POINT
  - ▨ PARCEL TO BE TRANSFERRED
  - ||| ACCESS CONTROLLED
  - ↔ COMMON OWNERSHIP
  - (R) RECORD DATA PER STATE RECORD
- RIGHT OF WAY MAP, RW-022 SJ 580

SECTION 28  
T2S, R4E M.D.M.



SCALE 1" = 120'



SHEET 1 OF 1



Scale: 1" = 120'  
Date Nov. 2022  
Drawn By MLP  
Checked By BRK

**Exhibit B**  
**Parcel 17570-1**  
**APN 209-090-21**  
**Plat to Accompany Legal Description**  
**In the County of San Joaquin, California**

Bearings and distances are based on the California Coordinate System of 1993, Zone 2, Epoch 2010.00. Multiply distances shown by 1.000077186 to obtain ground level distances.

APPROVED AS TO FORM AND LEGALITY

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

**TRACY CITY COUNCIL**

**RESOLUTION 2023-\_\_\_\_\_**

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**A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF TRACY FINDING AND DETERMINING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN PROPERTY INTERESTS FOR A PUBLIC PROJECT (I-580/PATTERSON PASS ROAD INTERCHANGE PROJECT), AUTHORIZING THE ACQUISITION THEREOF, AND DIRECTING THE CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS**

**(HARMINDER KAUR; RAJWINDER KAUR; GUPREET SINGH; CHARNIT SINGH AND RAMANDEEP KAUR, TRUSTEES – ASSESSOR'S PARCEL NUMBER 209-100-280)**

**WHEREAS**, the City of Tracy (City), in cooperation with the California Department of Transportation (Caltrans), seeks to construct the proposed Interstate 580 (I-580)/Patterson Pass Road Interchange (Project), which consists of modifications to the existing interchange, freeway auxiliary lanes, and connecting roadways at the existing Patterson Pass Road Interchange at I-580 in Tracy; and

**WHEREAS**, the City and the State of California, acting through Caltrans, entered into Cooperative Agreement (Agreement 10-516) on February 4, 2021, which set forth the obligations of the parties in connection with the Project. Pursuant to Agreement 10-516, Caltrans is the lead agency under the National Environmental Policy Act of 1969, as amended (Pub. L. 91-190, 42 U.S.C. 4321-4347, January 1, 1970, as amended by Pub. L. 94-52, July 3, 1975, Pub. L. 94-83, August 9, 1975, and Pub. L. 97-258, § 4(b), Sept. 13, 1982) (NEPA) and under the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, *et seq.* The City is the sponsor of the Project, and is the implementing agency for plans, specifications, and estimates, and for right-of-way activities; and

**WHEREAS**, pursuant to Agreement 10-516, the parties agreed that the City is authorized to hear and adopt Resolutions of Necessity in connection with the Project and in accordance with applicable law; and

**WHEREAS**, it is desirable and necessary for the City to acquire certain real property, specifically, two fee simple acquisitions totaling 3.12 acres, 1,490 square feet of permanent easement for communication purposes, and two TCEs totaling 2.29 acres described and depicted in **Exhibits A, B, A-1, B-1, A-2, B-2, A-3, B-3, A-4, and B-4** from the property located at 25883 S. Patterson Pass Road in unincorporated San Joaquin County, California, Assessor's Parcel Number 209-100-280 ("Subject Property Interests") for the I-580/Patterson Pass Road Interchange Project (Project); and

**WHEREAS**, the City is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19 of the Constitution of the State of California, Section 37350.5 and 40404 of the California Government Code, and Sections 1240.010-1240.050, 1240.110, 1240.120, 1240.150, 1240.220, 1240.410, 1240.610, and 1240.650 of the California Code of Civil Procedure; and

**WHEREAS**, pursuant to the provisions of Section 7267.2 of the California Government Code, the City made an offer to the owners of record to acquire the Subject Property interests described and depicted in **Exhibits A, B, A-1, B-1, A-2, B-2, A-3, B-3, A-4, and B-4** for the amount which it established to be just compensation; and

**WHEREAS**, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure, written notice of the intent to consider the adoption of this resolution of necessity was sent on January 20, 2023, to Harminder Kaur; Rajwinder Kaur; Gupreet Singh; Charnit Singh and Ramandeep Kaur, Trustees who are the owners of record of the Subject Property Interests providing them notice and granting them a reasonable opportunity to appear and be heard before the City Council at the Resolution of Necessity hearing held on February 21, 2023 on the following matters:

- a. Whether the public interest and necessity require the Project;
- b. Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- c. Whether the Subject Property Interests described and depicted in **Exhibits A, B, A-1, B-1 [fee simple acquisitions], A-2 and B-2 [permanent easement for communication purposes], and A-3, B-3, A-4, and B-4 [TCEs]** are necessary for the Project; and
- d. Whether the offer required by Government Code Section 7267.2 has been made to all owners of record; and

**WHEREAS**, due consideration of all oral and documentary evidence introduced has been given;

**NOW, THEREFORE**, be it, by vote of four (4/5) or more of its members, the City Council of the City of Tracy found and:

**RESOLVED**: That the recitals contained herein are true and correct; and be it further

**RESOLVED**: That the public interest and necessity require the Project which is intended to reduce traffic congestion and improve local traffic circulation; and be it further

**RESOLVED**: That the Project is planned or located in a manner that will be the most compatible with the greatest public good and the least private injury; and be it further

**RESOLVED**: That the Subject Property Interests are necessary for the Project; and be it further

**RESOLVED:** That the offer to purchase required by California Government Code section 7267.2 has been made to the record owner(s) of the Subject Property Interests; and be it further

**RESOLVED:** That the necessary notice of hearing on this Resolution has been given as required by Code of Civil Procedure section 1245.235; and be it further

**RESOLVED:** That the City has fully complied with the California Environmental Quality Act ("CEQA") with respect to the Project and the acquisition of the Subject Property Interests, as The Final IS/MND (CEQA Approval) and CE (NEPA Approval) were obtained on February 25, 2021; and be it further

**RESOLVED:** That the City has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain (the "right to take") to acquire the Subject Property Interests; and be it further

**RESOLVED:** That the City declares its intention to acquire the Subject Property Interests in accordance with the provision of the laws of the State of California governing condemnation procedures; and be it further

**RESOLVED:** That the City finds that if any portion of the Subject Property Interests has been appropriated to some public use, the public uses to which it is to be applied by the City for the Project, as described above, are more necessary and paramount public uses, pursuant to Code of Civil Procedure section 1240.610, or, alternatively, are compatible with those other uses pursuant to Code of Civil Procedure section 1240.510; and be it further

**RESOLVED:** That the City is AUTHORIZED AND EMPOWERED:

1. To acquire in the name of the City of Tracy, by condemnation, the said Subject Property Interests in accordance with the provisions of the eminent domain law, the Code of Civil Procedure, the Government Code and the Constitution of California;
2. To prepare and prosecute in the name of the City of Tracy, such proceedings in the proper court as are necessary for such acquisition; and
3. To deposit the probable amounts of compensation, based on appraisals, and to apply to said court for an order permitting the City of Tracy to take immediate possession and use said Subject Property Interests for said public uses and purposes.

\* \* \* \* \*

The foregoing Resolution 2023-\_\_\_\_\_ was adopted by the Tracy City Council on 21<sup>st</sup> day of February 2023 by the following vote:

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

---

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

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

# EXHIBIT A

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**PARCEL 17574-1**

All that real property in the unincorporated area of County of San Joaquin, State of California, situated in Section 33, Township 2 South, Range 4 East, Mount Diablo Meridian, being a portion of the lands described and designated as "Parcel "1" Per PA 1600069" in that certain NOTICE OF LOT LINE ADJUSTMENT, recorded August 11, 2016, as Document Number 2016-094066, San Joaquin County Official Records, lying northeasterly of the following described line:

**BEGINNING** from a point on the southwesterly right-of-way line of Interstate 580 as described in that AMENDED PARCEL NO. 4-A of that certain FINAL ORDER OF CONDEMNATION, recorded January 3, 1967 in Book 3095 at Page 691, San Joaquin County Official Records, said point being South 35°37'49" East (Record=N.35°38'41"E.), 321.65 feet from the northerly terminus of that course shown as "N. 35°38'41" W., 365.25 feet" in that FINAL ORDER OF CONDEMNATION;

Thence leaving said southwesterly right-of-way line South 20°22'01" East, 53.26 feet more or less to a point on said southwesterly right-of-way line and the **POINT OF TERMINATION** of this line description.

Containing 306 square feet, more or less.

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights, including access rights, appurtenant to grantor's remaining property, in and to said freeway.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 2, Epoch 2010.00. Multiply the above distances by 1.000077186 to obtain ground level distances.

This real property description has been prepared at Mark Thomas & Company Inc. by me or under my direction in conformance with the Professional Land Surveyors' Act.



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Bob R. Knuth, LS 7938



November 8, 2022  
Date

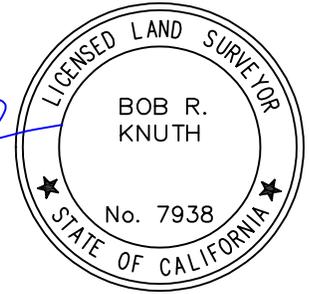
# **EXHIBIT B**

**LEGEND**

- POB POINT OF BEGINNING
- POT POINT OF TERMINATION
- o DIMENSION POINT
-  PARCEL TO BE TRANSFERRED
-  ACCESS CONTROLLED
- (R) RECORD DATA PER 3095 OR 691

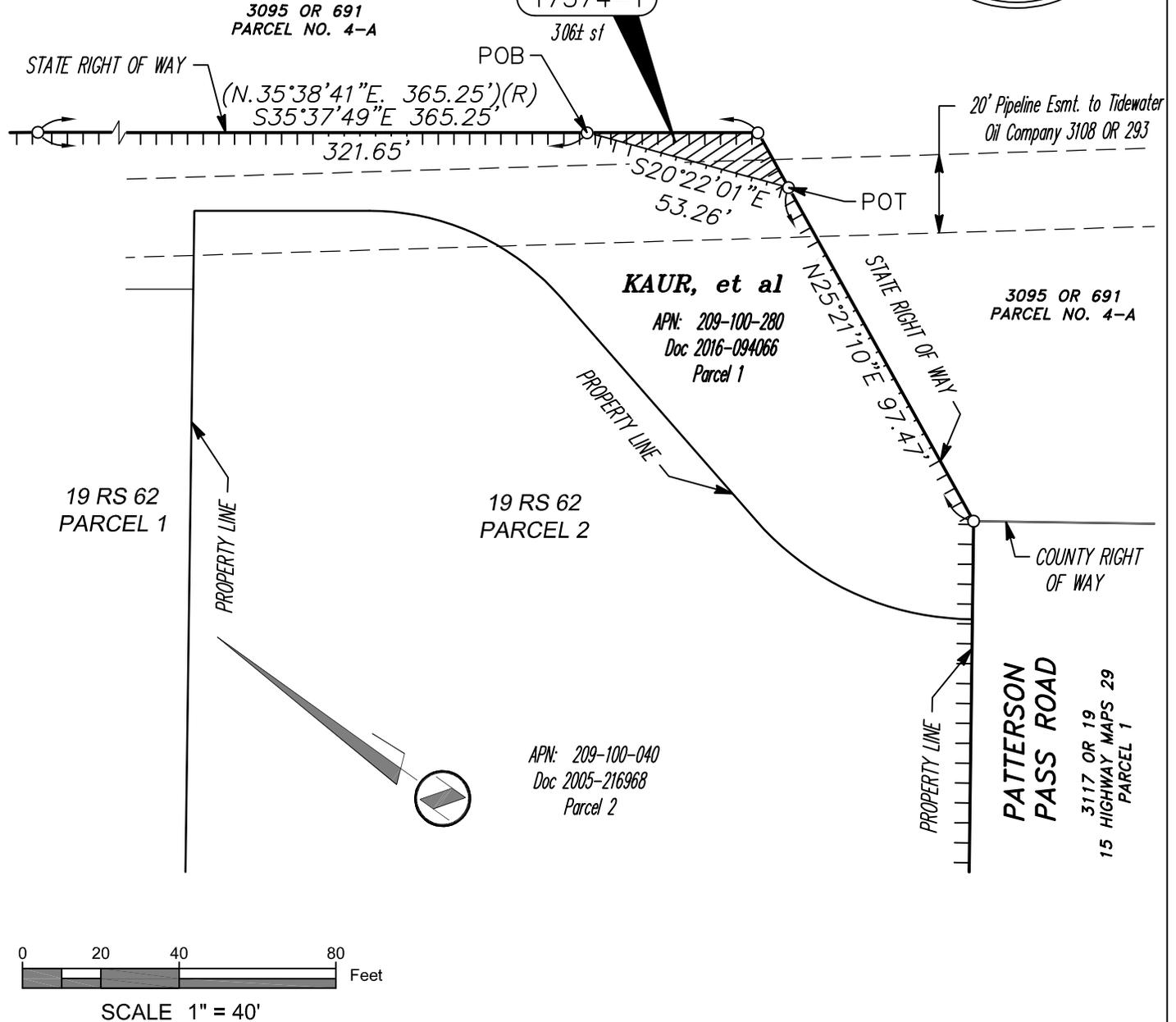
SECTION 33  
T2S, R4E M.D.M.

*Bob R Knuth*



**INTERSTATE 580**

17574-1



SCALE 1" = 40'

The plat shows only the easements that are not subject of relocation.

**SHEET 1 OF 1**



**MARK THOMAS**

Scale: 1" = 40'  
 Date Oct. 2022  
 Drawn By MLP  
 Checked By BRK

**Exhibit B**  
**Parcel 17574-1**  
**APN 209-100-280**  
**Plat to Accompany Legal Description**  
**In the County of San Joaquin, California**

Bearings and distances are based on the California Coordinate System of 1993, Zone 2, Epoch 2010.00. Multiply distances shown by 1.000077186 to obtain ground level distances.

# EXHIBIT A-1

**EXHIBIT "A-1"**

**LEGAL DESCRIPTION**

**PARCEL 17574-2**

All that real property in the unincorporated area of County of San Joaquin, situated in Section 33, Township 2 South, Range 4 East, Mount Diablo Meridian, being a portion of the lands described and designated as "Parcel "1" Per PA 1600069" in that certain Notice of Lot Line Adjustment, recorded August 11, 2016, as Document Number 2016-094066, San Joaquin County Official Records, more particularly described as follows:

**BEGINNING** at the most easterly corner of said Parcel "1", said corner being the southeasterly terminus of that course shown as "N 20°50'49" W 206.16'" on that certain Map of Survey, filed for record on June 10, 1969, in Book 19 of Surveys at Page 62, San Joaquin County Records, also being situated on the northwesterly right-of-way of Patterson Pass Road, as right-of-way is delineated in "Proposed Relinquishment to the County of San Joaquin", filed in the State Highway Book No. 15, at Page 29 and described in "RELINQUISHMENT OF HIGHWAY RIGHT-OF-WAY IN THE COUNTY OF SAN JOAQUIN, ROAD 10-SJ-580-13.5 REQUEST NO. 51", recorded on April 13, 1967 in Book 3117 at Page 19, San Joaquin County Official Records;

Thence along the easterly and northeasterly lines of said Parcel "1", the following two (2) courses:

- 1) North 20°49'23" West, 206.15 feet
- 2) North 55°07'52" East, 281.58 feet;

Thence leaving said northeasterly line the following eight (8) course:

- 1) North 35°37'49" West, 221.09 feet to the beginning of a non-tangent curve to the left to which a radial line bears North 54°22'11" East;
- 2) Thence along said curve, having a radius of 9910.00 feet, through a central angle of 0°49'55", an arc length of 143.92 feet
- 3) North 37°13'30" West, 135.86 feet;

- 4) South  $19^{\circ}57'04''$  East, 349.59 feet to the beginning of a tangent curve to the right;
- 5) Thence along said curve, having a radius of 124.00 feet, through a central angle of  $77^{\circ}16'32''$ , an arc length of 167.24 feet
- 6) South  $57^{\circ}19'26''$  West, 487.68 feet to the beginning of a tangent curve to the left;
- 7) Thence along said curve, having a radius of 140.00 feet, through a central angle of  $99^{\circ}12'41''$ , an arc length of 242.42 feet;
- 8) South  $41^{\circ}53'15''$  East, 169.26 feet to a point on said northwesterly right-of-way line;

Thence along said northwesterly right-of-way line the following two (2) course:

- 1) North  $34^{\circ}46'45''$  East, 20.55 feet;
- 2) North  $48^{\circ}08'19''$  East, 134.07 feet to the beginning of a non-tangent curve to the right to which a radial line bears South  $14^{\circ}52'40''$  East;

Thence leaving said northwesterly right-of-way line the following six (6) course:

- 1) Thence along said curve, having a radius of 86.00 feet, through a central angle of  $59^{\circ}35'14''$ , an arc length of 89.44 feet;
- 2) North  $45^{\circ}17'26''$  West, 47.11 feet to the beginning of a tangent curve to the right;
- 3) Thence along said curve, having a radius of 85.00 feet, through a central angle of  $100^{\circ}25'18''$ , an arc length of 148.98 feet
- 4) North  $55^{\circ}07'52''$  East, 255.34 feet;
- 5) South  $80^{\circ}19'43''$  East, 36.07 feet;
- 6) South  $34^{\circ}57'59''$  East, 174.69 feet to said northwesterly right-of-way line;

Thence along said northwesterly right-of-way line, North  $55^{\circ}07'51''$  East, 51.79 feet to the **POINT OF BEGINNING**.

Containing 3.11 acres, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 2, Epoch 2010.00. Multiply the above distances by 1.000077186 to obtain ground level distances.

This real property description has been prepared at Mark Thomas & Company Inc. by me or under my direction in conformance with the Professional Land Surveyors' Act.



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Bob R. Knuth, LS 7938



November 8, 2022  
Date

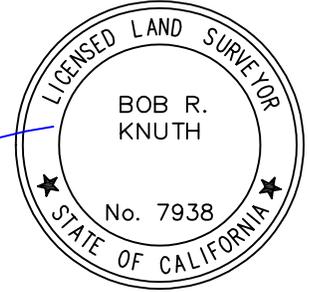
# EXHIBIT B-1

**LEGEND**

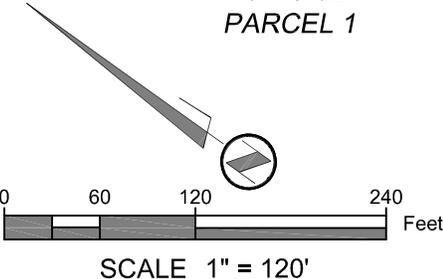
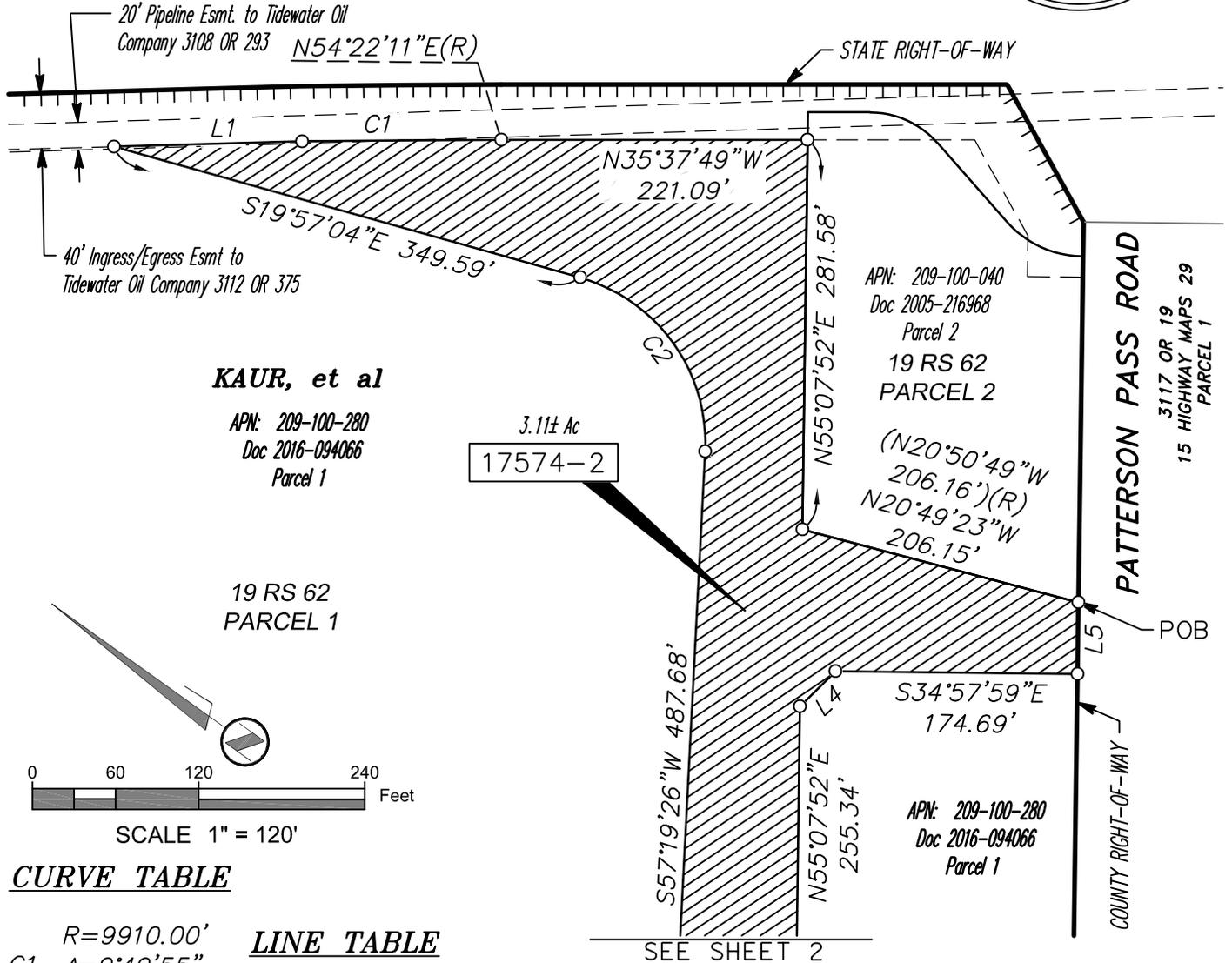
- POB POINT OF BEGINNING
- DIMENSION POINT
- (R) RADIAL BEARING
- ▨ PARCEL TO BE TRANSFERRED
- ||| ACCESS CONTROLLED
- (R) RECORD DATA PER 19 RS 62

SECTION 33  
T2S, R4E M.D.M.

*Bob R Knuth*



**INTERSTATE 580**



**CURVE TABLE**

$R=9910.00'$	<b>LINE TABLE</b>
C1 $\Delta=0^{\circ}49'55''$	L1 N37°13'30"W 135.86'
L=143.92'	
$R=124.00'$	L4 S80°19'43"E 36.07'
C2 $\Delta=77^{\circ}16'32''$	L5 N55°07'51"E 51.79'
L=167.24'	

**SHEET 1 OF 2**

**MARK THOMAS**

Scale: 1" = 120'  
Date Nov 2022  
Drawn By MLP  
Checked By BRK

**Exhibit B-1**  
**Parcel 17574-2**  
**APN 209-100-280**  
**Plat to Accompany Legal Description**  
**In the County of San Joaquin, California**

Bearings and distances are based on the California Coordinate System of 1993, Zone 2, Epoch 2010.00. Multiply distances shown by 1.000077186 to obtain ground level distances.

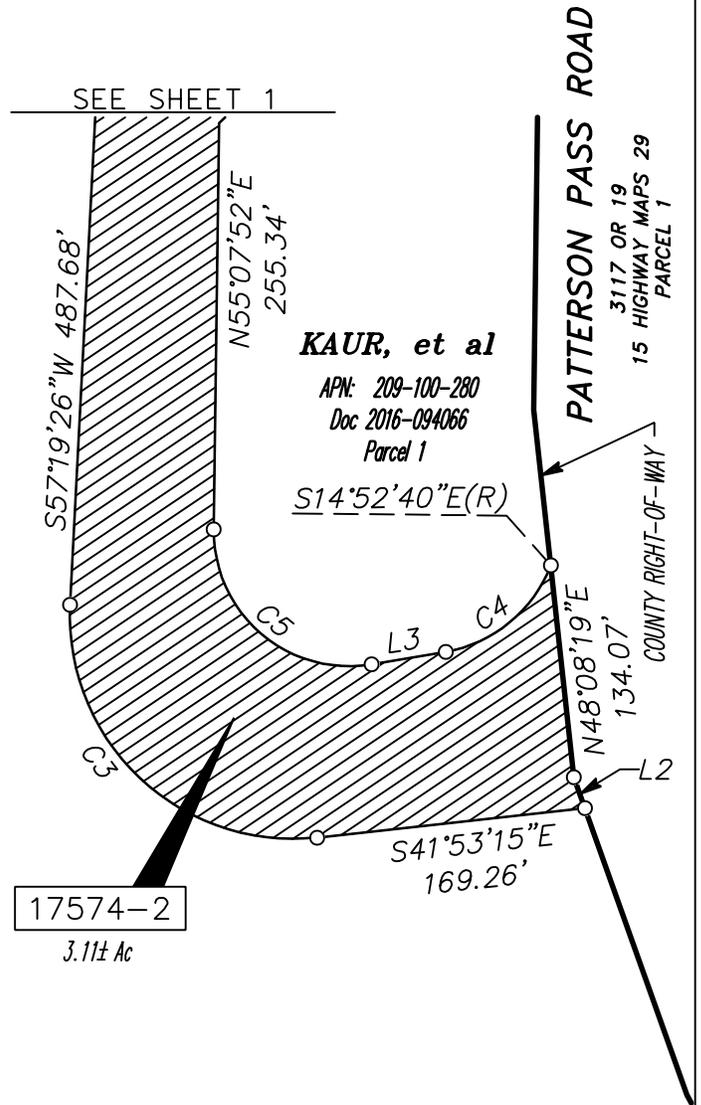
**LEGEND**

- POB POINT OF BEGINNING
- DIMENSION POINT
- ▨ PARCEL TO BE TRANSFERRED
- (R) RADIAL BEARING

SECTION 33  
T2S, R4E M.D.M.

**KAUR, et al**  
APN: 209-100-280  
Doc 2016-094066  
Parcel 1

**19 RS 62  
PARCEL 1**

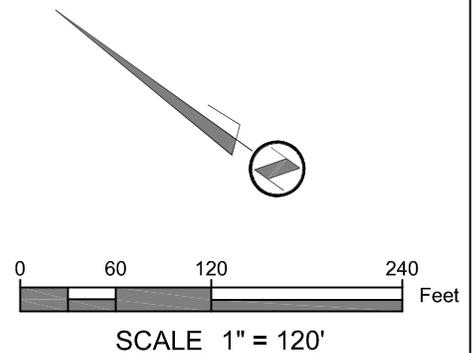


**CURVE TABLE**

- $R=140.00'$
- C3  $\Delta=99^{\circ}12'41''$   
 $L=242.42'$
- $R=86.00'$
- C4  $\Delta=59^{\circ}35'14''$   
 $L=89.44'$

**LINE TABLE**

- $R=85.00'$
- C5  $\Delta=100^{\circ}25'18''$   
 $L=148.98'$
- L2 N34°46'45"E 20.55'
- L3 N45°17'26"W 47.11'



**SHEET 2 OF 2**



**MARK THOMAS**

Scale: 1" = 120'  
Date Nov 2022  
Drawn By MLP  
Checked By BRK

**Exhibit B -1  
Parcel 17574-2  
APN 209-100-280  
Plat to Accompany Legal Description  
In the County of San Joaquin, California**

Bearings and distances are based on the California Coordinate System of 1993, Zone 2, Epoch 2010.00. Multiply distances shown by 1.000077186 to obtain ground level distances.

# EXHIBIT A-2

## Exhibit A-2

### **DESCRIPTION OF PERPETUAL EASEMENT FOR COMMUNICATION PURPOSES**

The City of Tracy, a municipal corporation ("CITY") and its successor's and assigns shall have the rights to a perpetual easement for the excavation, construction, installation, use, operation, maintenance, repair, or replacement (in the original or any other size) as CITY shall from time to time elect, of underground communication facilities consisting of suspended and underground wires, fiber optic conduits, cables, fixtures and appurtenances, with associated above ground pedestals, to and for each of said uses, in, over, under, and across a strip of land as hereinafter set forth ("Easement") and also for the right of ingress thereto and egress therefrom, for all purposes useful or convenient in connection with or incidental to the Easement in the lands situated in the City of Tracy, County of San Joaquin, State of California, described as follows:

Easement as described in Exhibit "A-2" and shown in Exhibit "B-2" attached hereto.

Owner reserves the right to use said easement area for purposes which will not interfere with the CITY's full enjoyment of the rights hereby granted; provided that OWNER, its successors or assigns, shall not excavate, erect, place or construct any permanent building or other structures, septic system, leach field, construct any fence, trees, place underground utilities, drill, or operate any well, or construct any reservoir or other obstruction within said easement area, or diminish or install anything that will interfere with the rights herein granted to the CITY within said easement area.

**EXHIBIT “A-2”**

**LEGAL DESCRIPTION**

**FOR A 10 WIDE FOOT COMMUNICATION EASEMENT**

All that real property in the unincorporated area of County of San Joaquin, situated in Section 33, Township 2 South, Range 4 East, Mount Diablo Meridian, being a portion of the lands described and designated as “Parcel 1 per PA 1600069” in that certain NOTICE OF LOT LINE ADJUSTMENT, recorded August 11, 2016, as Document Number 2016-094066, San Joaquin County Official Records, more particularly described as follows:

Being a strip of land of a uniform width of 10.00 feet lying westerly and contiguous to the following described line:

**BEGINNING** at the easterly common corner between Parcel 1 and Parcel 2 as shown on that certain Map of Survey, filed for record on June 10, 1969, in Book 19 of Surveys at Page 62, San Joaquin County Records, said corner being situated on the northwesterly right-of-way of Patterson Pass Road, as right-of-way is delineated in “PROPOSED RELINQUISHMENT TO THE COUNTY OF SAN JOAQUIN”, filed in the State Highway Book No. 15, at Page 29 and described in “RELINQUISHMENT OF HIGHWAY RIGHT-OF-WAY IN THE COUNTY OF SAN JOAQUIN, ROAD 10-SJ-580-13.5 REQUEST NO. 51”, recorded on April 13, 1967 in Book 3117 at Page 19, San Joaquin County Official Records;

Thence along the easterly line of said Parcel 1 and said northwesterly right-of-way North 55°07'52” East (Record= N. 55°07' E.), 25.03 feet to the northeasterly terminus of that course shown as “N. 55°07' E., 530.32 feet” in said “PROPOSED RELINQUISHMENT TO THE COUNTY OF SAN JOAQUIN”;

Thence leaving said northwesterly right-of-way and continuing along said easterly line and southwesterly Interstate 580 right-of-way line North 25°21'10” East, 97.47 feet, said right-of-way lines being described in that AMENDED PARCEL NO. 4-A, described in that certain FINAL ORDER OF CONDEMNATION, recorded January 3, 1967 in Book 3095 at Page 691, San Joaquin County Official Records;

Thence leaving said easterly line and said northwesterly right-of-way North 20°22'01” West, 15.27 feet more or less to the **POINT OF TERMINATION** of the line herein being described.

Said strip is bounded on the north by the southwesterly line of a 10-foot easement granted to The Pacific Telephone and Telegraph Company, recorded July 6, 1967 in Book 3136, at Page 28, San Joaquin County Official Records, and on the south by the common line between said Parcel 1 and Parcel 2.

Containing 1,490 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 2, Epoch 2010.00. Multiply the above distances by 1.000077186 to obtain ground level distances.

This real property description has been prepared at Mark Thomas & Company Inc. by me or under my direction in conformance with the Professional Land Surveyors' Act.



---

Bob R. Knuth, LS 7938



November 8, 2022

Date

# EXHIBIT B-2



# EXHIBIT A-3

## Exhibit A-3

### **DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENT**

Temporary Construction Easement ("TCE") Area: This TCE shall cover the area over, across, under, and through the real property situated in the County of San Joaquin, State of California, described in Exhibits A-3 and B-3 attached ("TCE Area") for construction and related purposes for the City of Tracy's I-580/Patterson Pass Road Interchange Project ("Project").

Rights. The City of Tracy, a municipal corporation ("City") and its successors and assigns shall have the rights, without limitation, to enter upon the TCE Area with personnel, vehicles and equipment for construction of the Project, and all other related activities, to remove all improvements, trees and vegetation that interfere with the Project, to conform the TCE Area to the Project, and do any and all other actions necessary and appropriate to the construction of the Project. As used here, "CITY" includes its officers, agents, contractors, and employees, and other governmental agencies responsible for review or construction of any portion of the Project and their officers, agents, contractors, and employees. If access to the TCE Area is across Owner's Property, Owner shall maintain the rights of ingress and egress at all times during the construction period.

Term; This Temporary Construction Easement is for a period of 30 months, to begin upon effective possession.

Restoration. At no additional cost to CITY, CITY has the right to enter upon GRANTOR's Property, where necessary, to reconstruct or perform any warranty or related work during or after the expiration of the TCE and any extension and/or the completion of the Project. The work may include related driveways, walkways, lawn, landscaped and hardscaped areas, irrigation systems, sidewalks or any area where reconstruction or warranty work on GRANTOR's Property is necessary.

Conformance with laws. All work performed by CITY in the TCE Area shall conform to applicable building, fire, and sanitary laws, ordinances and regulations relating to the work and shall be done in a good and worker-like manner.

**EXHIBIT "A-3"**

**LEGAL DESCRIPTION**

**TEMPORARY CONSTRUCTION EASEMENT**

**PARCEL 17574-3**

All that real property in the unincorporated area of County of San Joaquin, situated in Section 33, Township 2 South, Range 4 East, Mount Diablo Meridian, being a portion of the lands described and designated as "Parcel "1" Per PA 1600069" in that certain NOTICE OF LOT LINE ADJUSTMENT, recorded August 11, 2016, as Document Number 2016-094066, San Joaquin County Official Records, more particularly described as follows:

**BEGINNING** from a point on the southwesterly right-of-way line of Interstate 580 described as AMENDED PARCEL NO. 4-A in that FINAL ORDER OF CONDEMNATION, recorded January 3, 1967 in Book 3095 at Page 691, San Joaquin County Official Records, said point being South 35°37'49" East (Record=N.35°38'41"W.), 321.65 feet from the northerly terminus of course (40) in said FINAL ORDER OF CONDEMNATION;

Thence, running southeasterly along said southwesterly right-of-way, South 35°37'49" East, 321.65 feet;

Thence, leaving said southwesterly right-of-way the following five (5) courses:

- 1) South 20°22'01" East, 37.99 feet;
- 2) North 35°37'49" West, 37.99 feet;
- 3) South 20°22'01" East, 47.70 feet,
- 4) South 25°21'10" West, 90.59 feet;
- 5) South 55°07'52" West, 21.76 feet to the beginning of a non-tangent curve to the right to which a radial line bears South 62°28'05" West to the southeasterly line of said "Parcel "1" Per PA 1600069";

Thence along said southeasterly line, the following five (5) courses:

- 6) Thence along said curve, having a radius of 73.99 feet, through a central angle of 40°42'33" an arc length of 52.57 feet;

- 7) North  $13^{\circ}10'38''$  East, 75.51 feet to the beginning of a tangent curve to the left;
- 8) Thence along said curve, having a radius of 65.00 feet, through a central angle of  $48^{\circ}48'27''$  an arc length of 55.37 feet;
- 9) North  $35^{\circ}37'49''$  West, 44.73 feet;
- 10) South  $55^{\circ}07'52''$  West, 20.00 feet;

Thence leaving said southeasterly line and running northwesterly the following four (4) courses:

- 11) North  $35^{\circ}37'49''$  West, 221.09 feet to the beginning of a tangent curve to the left;
- 12) Thence along said curve, having a radius of 9,910.00 feet, through a central angle of  $0^{\circ}49'55''$  an arc length of 143.92 feet;
- 13) North  $37^{\circ}13'30''$  West, 169.19 feet;
- 14) North  $52^{\circ}46'30''$  East, 40.00 feet to said southwesterly right-of-way line;

Thence along said southwesterly right-of-way line the following two (2) courses:

- 15) South  $37^{\circ}13'30''$  East, 169.45 feet to the beginning of a non-tangent curve to the right to which a radial line bears North  $53^{\circ}32'10''$  East;
- 16) Thence along said curve, having a radius of 9,950.00 feet, through a central angle of  $0^{\circ}50'11''$  an arc length of 144.77 feet to the **POINT OF BEGINNING**;

Containing 0.67 acres, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 2, Epoch 2010.00. Multiply the above distances by 1.000077186 to obtain ground level distances.

This real property description has been prepared at Mark Thomas & Company Inc. by me or under my direction in conformance with the Professional Land Surveyors' Act.



Bob R. Knuth, LS 7938



January 11, 2023  
Date

# EXHIBIT B-3

SECTION 33  
T2S, R4E M.D.M.

3095 OR 691  
PARCEL NO. 4-A

**INTERSTATE 580**

0.67± Ac

17574-3

S20°22'01"E

37.99'

N35°37'49"W

37.99'

(N.35°38'41"W. 365.25')(R)

S35°37'49"E 365.25'

S20°22'01"E

47.70'

S25°21'10"W

90.59

STATE RIGHT-OF-WAY

169.45'

S37°13'30"E

R=9950.00'

Δ=0°50'01"

L=144.77'

POB

R=9910.00'

Δ=0°49'55"

L=143.92'

N35°37'49"W

221.09'

R=65.00'

Δ=48°48'27"

L=55.37'

R=73.99'

Δ=40°42'33"

L=52.57'

PROPERTY LINE

**ARP MINIMART CORPORATION**

APN: 209-100-040

Doc 2005-216968

Parcel 2

19 RS 62

PARCEL 2

S62°28'05"W(R)

COUNTY RIGHT-OF-WAY

**PATTERSON PASS ROAD**

3117 OR 19  
15 HIGHWAY MAPS 29  
PARCEL 1

N37°13'30"W

169.19'

L4

321.65'

N13°10'38"E

75.51'

L1

**LINE TABLE**

L1 S55°07'52"W 21.76'

L2 N35°37'49"W 44.73'

L3 S55°07'52"W 20.00'

L4 N52°46'30"E 40.00'

**KAUR, et al**

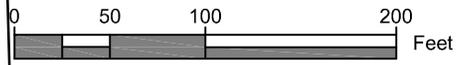
APN: 209-100-280

Doc 2016-094066

Parcel 1

19 RS 62

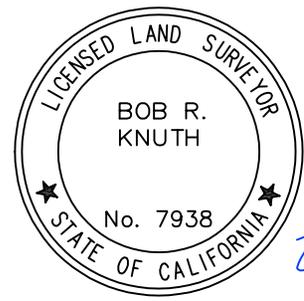
PARCEL 1



SCALE 1" = 100'

**LEGEND**

- POB POINT OF BEGINNING
- DIMENSION POINT
- ▨ TEMPORARY CONSTRUCTION EASEMENT
- ||| ACCESS CONTROLLED
- (R) RECORD DATA PER 3095 OR 691



*Bob R Knuth*

SHEET 1 OF 1



**MARK THOMAS**

Scale: 1" = 100'  
Date Jan 2023  
Drawn By MLP  
Checked By BRK

**Exhibit B-3**  
**Parcel 17574-3**  
**APN 209-100-280**

**Plat to Accompany Legal Description**  
**In the County of San Joaquin, California**

Distances are based on the California Coordinate System of 1993, Zone 2, Epoch 2010.00. Multiply distances shown by 1.000077186 to obtain ground level distances.

# EXHIBIT A-4

## Exhibit A-4

### **DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENT**

Temporary Construction Easement ("TCE") Area: This TCE shall cover the area over, across, under, and through the real property situated in the County of San Joaquin, State of California, described in Exhibits A-4 and B-4 attached ("TCE Area") for construction and related purposes for the City of Tracy's I-580/Patterson Pass Road Interchange Project ("Project")

Rights. The City of Tracy, a municipal corporation ("City") and its successors and assigns shall have the rights, without limitation, to enter upon the TCE Area with personnel, vehicles and equipment for construction of the Project, and all other related activities, to remove all improvements, trees and vegetation that interfere with the Project, to conform the TCE Area to the Project, and do any and all other actions necessary and appropriate to the construction of the Project. As used here, "CITY" includes its officers, agents, contractors, and employees, and other governmental agencies responsible for review or construction of any portion of the Project and their officers, agents, contractors, and employees. If access to the TCE Area is across Owner's Property, Owner shall maintain the rights of ingress and egress at all times during the construction period.

Term; This Temporary Construction Easement is for a period of 30 months, to begin upon effective possession.

Restoration. At no additional cost to CITY, CITY has the right to enter upon GRANTOR's Property, where necessary, to reconstruct or perform any warranty or related work during or after the expiration of the TCE and any extension and/or the completion of the Project. The work may include related driveways, walkways, lawn, landscaped and hardscaped areas, irrigation systems, sidewalks or any area where reconstruction or warranty work on GRANTOR's Property is necessary.

Conformance with laws. All work performed by CITY in the TCE Area shall conform to applicable building, fire, and sanitary laws, ordinances and regulations relating to the work and shall be done in a good and worker-like manner.

**EXHIBIT "A-4"**  
**LEGAL DESCRIPTION**  
**TEMPORARY CONSTRUCTION EASEMENT**

**PARCEL 17574-4**

All that real property in the unincorporated area of County of San Joaquin, situated in Section 33, Township 2 South, Range 4 East, Mount Diablo Meridian, being a portion of the lands described and designated as "Parcel "1" Per PA 1600069" in that certain Notice of Lot Line Adjustment, recorded August 11, 2016, as Document Number 2016-094066, San Joaquin County Official Records, more particularly described as follows:

**COMMENCING** at the most easterly corner of said Parcel "1", said corner being the southeasterly terminus of that course shown as "N 20°50'49" W 206.16'" on that certain Map of Survey, filed for record on June 10, 1969, in Book 19 of Surveys at Page 62, San Joaquin County Records, also being situated on the northwesterly right-of-way of Patterson Pass Road, as right-of-way is delineated in "Proposed Relinquishment to the County of San Joaquin", filed in the State Highway Book No. 15, at Page 29 and described in "RELINQUISHMENT OF HIGHWAY RIGHT-OF-WAY IN THE COUNTY OF SAN JOAQUIN, ROAD 10-SJ-580-13.5 REQUEST NO. 51", recorded on April 13, 1967 in Book 3117 at Page 19, San Joaquin County Official Records;

Thence along the southeasterly line of said Parcel "1" and said northwesterly right-of-way line, South 55°07'52" West, 51.79 feet to the **POINT OF BEGINNING**;

Thence continuing along said southeasterly line and said northwesterly right-of-way line the following two (2) courses:

- 1) South 55°07'52" West, 203.52 feet,
- 2) South 48°08'19" West, 98.45 feet to the beginning of a non-tangent curve to the right to which a radial line bears South 14°52'40" East;

Thence leaving said southeasterly line and said northwesterly right-of-way line the following six (6) course:

- 3) Thence along said curve, having a radius of 86.00 feet, through a central angle of 59°35'14", an arc length of 89.44 feet;

- 4) North 45°17'26" West, 47.11 feet to the beginning of a tangent curve to the right;
- 5) Thence along said curve, having a radius of 85.00 feet, through a central angle of 100°25'18", an arc length of 148.98 feet
- 6) North 55°07'52" East, 255.34 feet;
- 7) South 80°19'43" East, 36.07 feet;
- 8) South 34°57'59" East, 174.69 feet to said to the **POINT OF BEGINNING**.

Containing 1.62 acres, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 2, Epoch 2010.00. Multiply the above distances by 1.000077186 to obtain ground level distances.

This real property description has been prepared at Mark Thomas & Company Inc. by me or under my direction in conformance with the Professional Land Surveyors' Act.



---

Bob R. Knuth, LS 7938



January 11, 2023  
Date

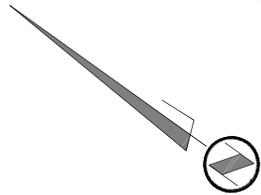
# EXHIBIT B-4

**LEGEND**

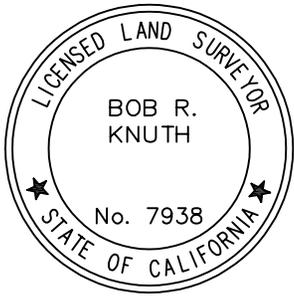
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- DIMENSION POINT
- ▨ TEMPORARY CONSTRUCTION EASEMENT
- (R) RECORD DATA PER 19 RS 62

**KAUR, et al**

APN: 209-100-280  
Doc 2016-094066  
Parcel 1

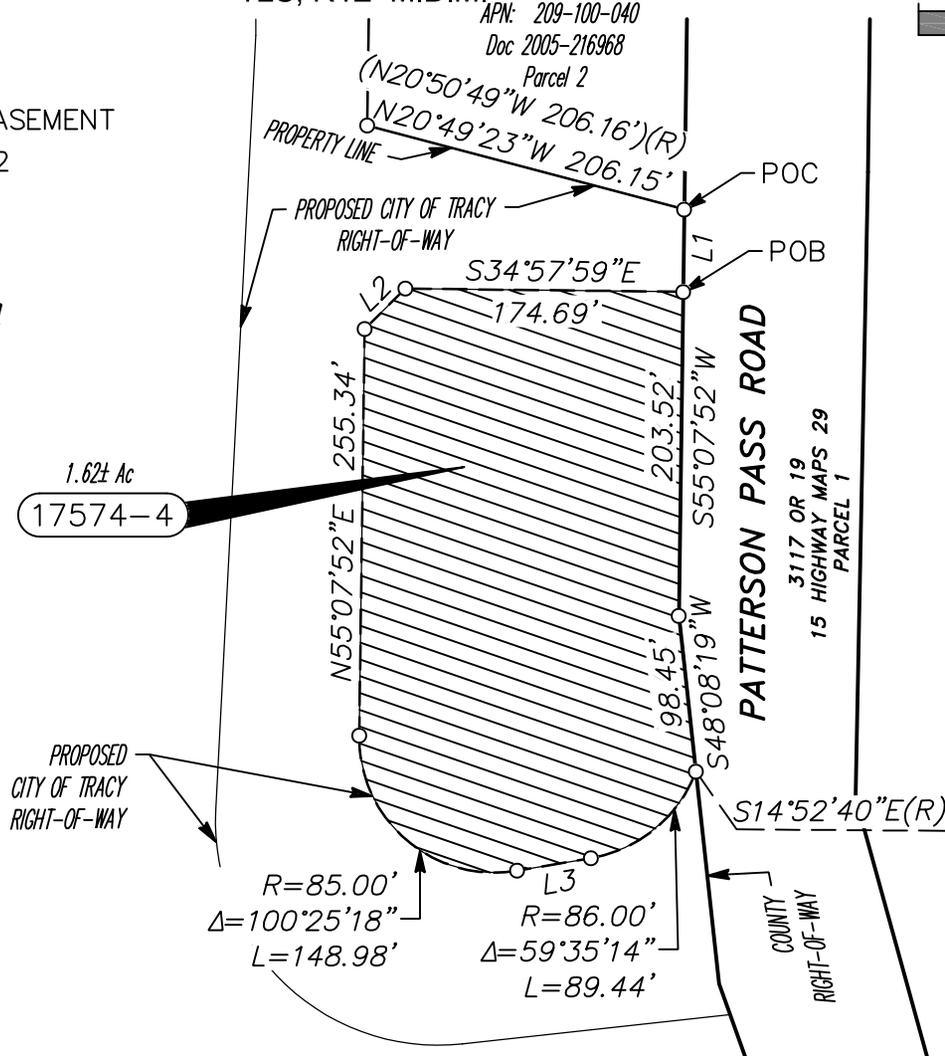


19 RS 62  
PARCEL 1



*Bob R Knuth*

SECTION 33  
T2S, R4E M.D.M.



SCALE 1" = 120'

**LINE TABLE**

- L1 S55°07'52"W 51.79'
- L2 S80°19'43"E 36.07'
- L3 N45°17'26"W 47.11'

SHEET 1 OF 1



**MARK THOMAS**

Scale: 1" = 120'  
Date Jan 2023  
Drawn By MLP  
Checked By BRK

Exhibit B-4  
Parcel 17574-4  
APN 209-100-280

Plat to Accompany Legal Description  
In the County of San Joaquin, California

Distances are based on the California Coordinate System of 1993, Zone 2, Epoch 2010.00. Multiply distances shown by 1.000077186 to obtain ground level distances.

APPROVED AS TO FORM AND LEGALITY

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

**TRACY CITY COUNCIL**

**RESOLUTION 2023-\_\_\_\_\_**

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**A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF TRACY FINDING AND DETERMINING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN PROPERTY INTERESTS FOR A PUBLIC PROJECT (I-580/PATTERSON PASS ROAD INTERCHANGE PROJECT), AUTHORIZING THE ACQUISITION THEREOF, AND DIRECTING THE CITY ATTORNEY TO FILE OF EMINENT DOMAIN PROCEEDINGS**

**(PANKAJ KALRA AND TANU KALRA, TRUSTEES; KANWAR RAJ SINGH AND PRIYA AGGARWAL, Trustees; SMILE DHIR AND ANTIMA GHAI, TRUSTEES; ATUL ARORA AND SHEFALI ARORA, TRUSTEES; TABIR SINGH DHILLON – ASSESSOR'S PARCEL NUMBER 209-100-300)**

**WHEREAS**, the City of Tracy (City), in cooperation with the California Department of Transportation (Caltrans), seeks to construct the proposed Interstate 580 (I-580)/Patterson Pass Road Interchange (Project), which consists of modifications to the existing interchange, freeway auxiliary lanes, and connecting roadways at the existing Patterson Pass Road Interchange at I-580 in Tracy; and

**WHEREAS**, the City and the State of California, acting through Caltrans, entered into Cooperative Agreement (Agreement 10-516) on February 4, 2021, which set forth the obligations of the parties in connection with the Project. Pursuant to Agreement 10-516, Caltrans is the lead agency under the National Environmental Policy Act of 1969, as amended (Pub. L. 91-190, 42 U.S.C. 4321-4347, January 1, 1970, as amended by Pub. L. 94-52, July 3, 1975, Pub. L. 94-83, August 9, 1975, and Pub. L. 97-258, § 4(b), Sept. 13, 1982) (NEPA) and under the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, *et seq.* The City is the sponsor of the Project, and is the implementing agency for plans, specifications, and estimates, and for right-of-way activities; and

**WHEREAS**, pursuant to Agreement 10-516, the parties agreed that the City is authorized to hear and adopt Resolutions of Necessity in connection with the Project and in accordance with applicable law; and

**WHEREAS**, it is desirable and necessary for the City to acquire certain real property, specifically two fee simple acquisitions totaling 3.67 acres, 8,315 square feet permanent easement for retaining wall and maintenance purposes, and 10,219 square feet permanent easement for communication purposes from the property located at 26106 Patterson Pass Road Assessor's Parcel Number 209-100-300, unincorporated area of San Joaquin County, and

identified as San Joaquin County Tax Assessor's Parcel Number APN 209-100-300 ("Subject Property Interests") for the Project; and

**WHEREAS**, the City is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19 of the Constitution of the State of California, Section 37350.5 and 40404 of the California Government Code, and Sections 1240.010-1240.050, 1240.110, 1240.120, 1240.150, 1240.220, 1240.410, 1240.610, and 1240.650 of the California Code of Civil Procedure; and

**WHEREAS**, pursuant to the provisions of Section 7267.2 of the California Government Code, the City made an offer to acquire the Subject Property Interests described and depicted in **Exhibits A, B, A-1, and B-1 [Fee takes], A-2 and B-2 [retaining wall permanent easement], and A-3 and B-3 [permanent easement for communication purposes]** for the amount which it established to be just compensation; and

**WHEREAS**, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure, written notice of the intent to consider the adoption of this resolution of necessity was sent on January 20, 2023, to Pankaj Kalra and Tanu Kalra, Trustees; Kanwar Raj Singh and Priya Aggarwal, Trustees; Smile Dhir and Antima Ghai, Trustees; Atul Arora and Shefali Arora, Trustees; Tabir Singh Dhillon, the owners of record of the Subject Property Interests providing them notice and granting them a reasonable opportunity to appear and be heard before the City Council at the Resolution of Necessity hearing held on February 21, 2023 on the following matters:

- a. Whether the public interest and necessity require the Project;
- b. Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- c. Whether the Subject Property Interests described and depicted in **Exhibits A, B, A-1, and B-1** [fee simple acquisition], **Exhibits A-2 and B-2** [permanent easement for retaining wall], and **Exhibit A-3 and B-3** [permanent easement for communication purposes] are necessary for the Project; and
- d. Whether the offer required by Government Code Section 7267.2 has been made to all owners of record; and

**WHEREAS**, due consideration of all oral and documentary evidence introduced has been given;

**NOW, THEREFORE**, be it, by vote of four (4/5) or more of its members, the City Council of the City of Tracy found and:

**RESOLVED:** That the recitals contained herein are true and correct; and be it further

**RESOLVED:** That the public interest and necessity require the Project which is intended to reduce traffic congestion and improve local traffic circulation; and be it further

**RESOLVED:** That the Project is planned or located in a manner that will be the most compatible with the greatest public good and the least private injury; and be it further

**RESOLVED:** That the Subject Property Interests described and depicted in **Exhibits A, B, A-1, and B-1** [fee simple acquisition], **Exhibits A-2 and B-2** [permanent easement for retaining wall], and **Exhibit A-3 and B-3** [permanent easement for communication purposes] are necessary for the Project; and be it further

**RESOLVED:** That the offer to purchase required by California Government Code section 7267.2 has been made to the record owner(s) of the Subject Property Interests; and be it further

**RESOLVED:** That the necessary notice of hearing on this Resolution has been given as required by Code of Civil Procedure section 1245.235; and be it further

**RESOLVED:** That the City has fully complied with the California Environmental Quality Act (“CEQA”) with respect to the Project and the acquisition of the Property, as The Final IS/MND (CEQA Approval) and CE (NEPA Approval) were obtained on February 25, 2021; and be it further

**RESOLVED:** That the City has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain (the “right to take”) to acquire the Subject Property Interests; and be it further

**RESOLVED:** That the City declares its intention to acquire the Subject Property Interests in accordance with the provision of the laws of the State of California governing condemnation procedures; and be it further

**RESOLVED:** That the City finds that if any portion of the Subject Property Interests has been appropriated to some public use, the public uses to which it is to be applied by the City for the Project, as described above, are more necessary and paramount public uses, pursuant to Code of Civil Procedure section 1240.610, or, alternatively, are compatible with those other uses pursuant to Code of Civil Procedure section 1240.510; and be it further

**RESOLVED:** That the City of Tracy is AUTHORIZED AND EMPOWERED:

1. To acquire in the name of the City of Tracy, by condemnation, the said Subject Property Interests in accordance with the provisions of the eminent domain law, the Code of Civil Procedure, the Government Code and the Constitution of California;
2. To prepare and prosecute in the name of the City of Tracy, such proceedings in the proper court as are necessary for such acquisition; and
3. To deposit the probable amounts of compensation, based on appraisals, and to apply to said court for an order permitting the City of Tracy to take immediate possession and use said Subject Property Interests for said public uses and purposes.

\*\*\*\*\*

The foregoing Resolution 2023-\_\_\_\_\_ was adopted by the Tracy City Council on 21<sup>st</sup> day of February 2023 by the following vote:

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

---

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

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

# EXHIBIT A

**EXHIBIT “A”**

**LEGAL DESCRIPTION**

**PARCEL 17575-1**

All that real property in the unincorporated area of County of San Joaquin, State of California, situated in Section 33, Township 2 South, Range 4 East, Mount Diablo Meridian, being a portion of the lands described and designated as “Parcel One” in that certain GRANT DEED, recorded June 19, 2018, as Document Number 2018-067359, San Joaquin County Official Records, lying northeasterly of the following described line:

**COMMENCING** from a point on the southwesterly right-of-way line of Interstate 580 as described in AMENDED PARCEL NO. 4-A of that certain FINAL ORDER OF CONDEMNATION, recorded January 3, 1967 in Book 3095 at Page 691, San Joaquin County Official Records, said point being the southwesterly terminus of course (24) shown as “S. 64°20’37” W., 129.20 feet” in said FINAL ORDER OF CONDEMNATION;

Thence leaving said southwesterly right-of-way line, and running southwesterly along the easterly right-of-way line of Patterson Pass Road as right-of-way is delineated in “Proposed Relinquishment to the County of San Joaquin”, filed in the Book 15 of State Highway Book, at Page 29 San Joaquin County Records and described in “RELINQUISHMENT OF HIGHWAY RIGHT-OF-WAY IN THE COUNTY OF SAN JOAQUIN, ROAD 10-SJ-580-13.5 REQUEST NO. 51”, recorded on April 13, 1967 in Book 3117 at Page 19, San Joaquin County Official Records, South 55°07’52” West (record N.55°07’E.), 115.13 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving said easterly right-of-way line and proceeding along the following four (4) courses:

- (1) South 34°52’44” East, 168.54 feet,
- (2) North 56°54’41” East, 127.51 feet,
- (3) North 68°06’15” East, 164.56 feet,
- (4) South 55°28’07” East, 804.05 feet more or less to said southwesterly right-of-way line and the **POINT OF TERMINATION** of this line description.

Containing 1.54 acres, more or less.

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights, including access rights, appurtenant to grantor's remaining property, in and to said freeway.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 2, Epoch 2010.00. Multiply the above distances by 1.000077186 to obtain ground level distances.

This real property description has been prepared at Mark Thomas & Company Inc. by me or under my direction in conformance with the Professional Land Surveyors' Act.



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Bob R. Knuth, LS 7938



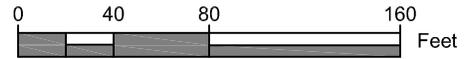
November 8, 2022  
Date

# **EXHIBIT B**

**LEGEND**

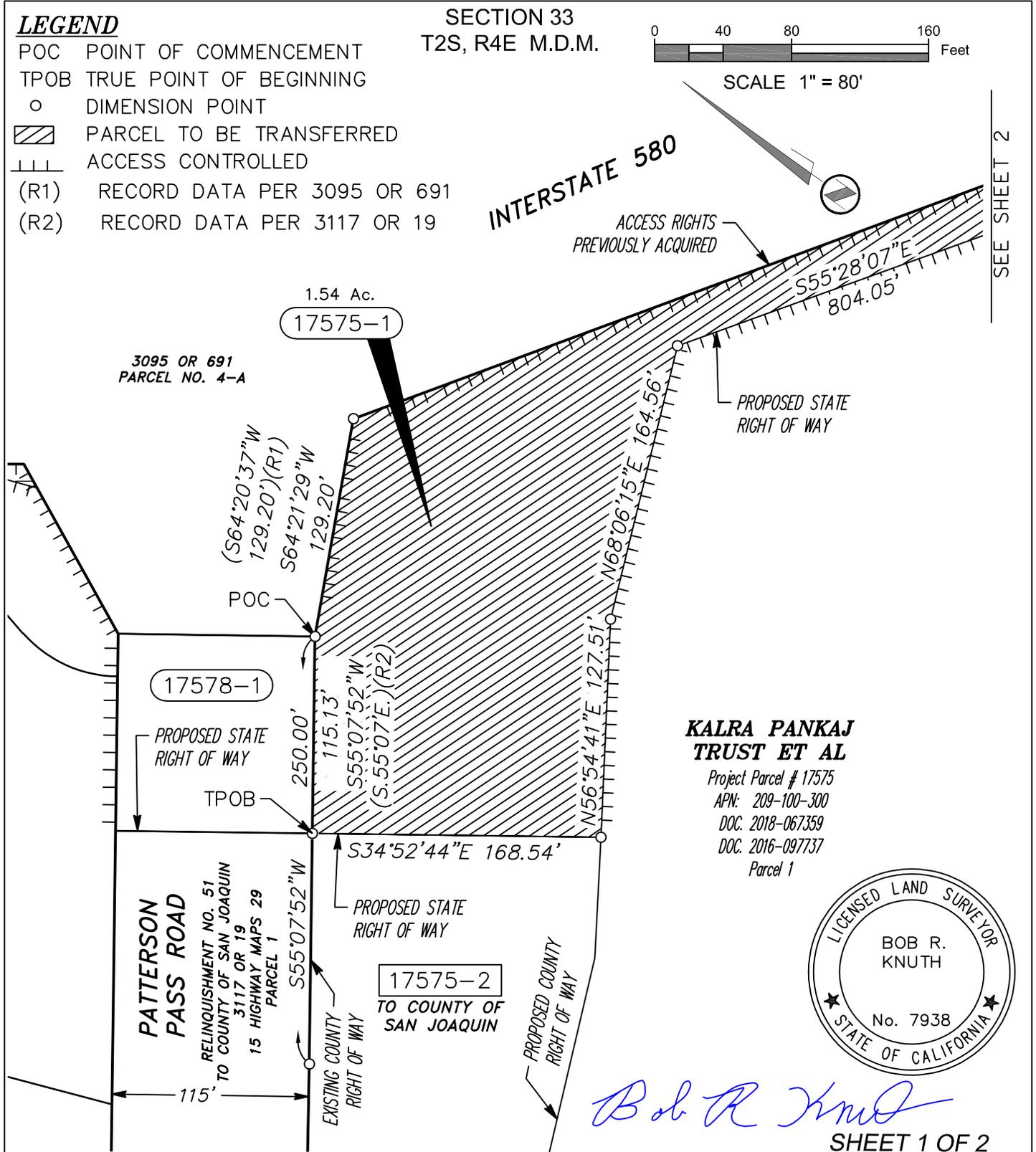
- POC POINT OF COMMENCEMENT
- TPOB TRUE POINT OF BEGINNING
- DIMENSION POINT
-  PARCEL TO BE TRANSFERRED
-  ACCESS CONTROLLED
- (R1) RECORD DATA PER 3095 OR 691
- (R2) RECORD DATA PER 3117 OR 19

SECTION 33  
T2S, R4E M.D.M.



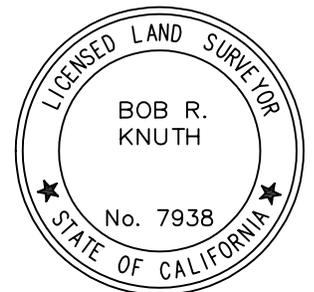
SCALE 1" = 80'

SEE SHEET 2



**KALRA PANKAJ  
TRUST ET AL**

Project Parcel # 17575  
APN: 209-100-300  
DOC. 2018-067359  
DOC. 2016-097737  
Parcel 1



*Bob R Knuth*

SHEET 1 OF 2



Scale: 1" = 80'  
Date Nov. 2022  
Drawn By MLP  
Checked By BRK

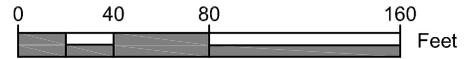
**Exhibit B**  
**Parcel 17575-1**  
**APN 209-100-300**  
**Plat to Accompany Legal Description**  
**In the County of San Joaquin, California**

Bearings and distances are based on the California Coordinate System of 1993, Zone 2, Epoch 2010.00. Multiply distances shown by 1.000077186 to obtain ground level distances.

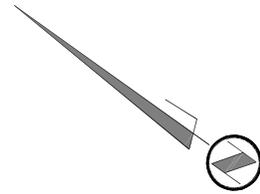
**LEGEND**

- POT POINT OF TERMINATION
- DIMENSION POINT
- ▨ PARCEL TO BE TRANSFERRED
- ▤▤▤ ACCESS CONTROLLED

SECTION 33  
T2S, R4E M.D.M.



SCALE 1" = 80'



**INTERSTATE 580**

3095 OR 691  
PARCEL NO. 4-A

STATE RIGHT OF WAY

ACCESS RIGHTS  
PREVIOUSLY ACQUIRED

POT

SEE SHEET 1

PROPOSED STATE  
RIGHT OF WAY

S55°28'07"E 804.05'

17575-1

1.54 ± Ac

**KALRA PANKAJ TRUST ET AL**

Project Parcel # 17575  
 APN: 209-100-300  
 DOC. 2018-067359  
 DOC. 2016-097737  
 Parcel 1

**SHEET 2 OF 2**



**MARK THOMAS**

Scale: 1" = 80'  
 Date Nov 2022  
 Drawn By MLP  
 Checked By BRK

**Exhibit B**  
**Parcel 17575-1**  
**APN 209-100-300**  
**Plat to Accompany Legal Description**  
**In the County of San Joaquin, California**

Bearings and distances are based on the California Coordinate System of 1993, Zone 2, Epoch 2010.00. Multiply distances shown by 1.000077186 to obtain ground level distances.

# EXHIBIT A-1

**EXHIBIT "A-1"**

**LEGAL DESCRIPTION**

**PARCEL 17575-2**

All that real property in the unincorporated area of County of San Joaquin, State of California, situated in Section 33, Township 2 South, Range 4 East, Mount Diablo Meridian, being a portion of the lands described and designated as "Parcel One" in that certain Grant Deed, recorded June 19, 2018, as Document Number 2018-067359, San Joaquin County Official Records, lying southwesterly, and northwesterly of the following described line:

**COMMENCING** from a point situated on the southwesterly right-of-way line of Interstate 580 as described in AMENDED PARCEL NO. 4-A of that certain FINAL ORDER OF CONDEMNATION, recorded January 3, 1967 in Book 3095 at Page 691, San Joaquin County Official Records, said point being the southwesterly terminus of course (19) shown as "S 64°20'37" W, 129.20'" in said FINAL ORDER OF CONDEMNATION;

Thence leaving said southwesterly right-of-way line, and running southwesterly along the easterly right-of-way line of Patterson Pass Road as right-of-way is delineated in "Proposed Relinquishment to the County of San Joaquin", filed in the Book 15 of State Highway Book, at Page 29 San Joaquin County Records and described in "RELINQUISHMENT OF HIGHWAY RIGHT-OF-WAY IN THE COUNTY OF SAN JOAQUIN, ROAD 10-SJ-580-13.5 REQUEST NO. 51", recorded on April 13, 1967 in Book 3117 at Page 19, San Joaquin County Official Records, South 55°07'52" West, 115.13 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving said easterly right-of-way line, and proceeding along the following seven (7) courses:

- 1) South 34°52'44" East, 168.54 feet
- 2) South 57°18'34" West, 70.67 feet,
- 3) South 67°30'48" West, 315.74 feet,
- 4) South 61°40'57" West, 339.92 feet,
- 5) South 26°36'31" West, 171.25 feet,
- 6) South 8°18'35" West, 539.25 feet,

7) North 83°41'40" West, 27.67 feet to easterly right-of-way line and the **POINT OF TERMINATION** of this line description.

Containing 2.13 acres, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 2, Epoch 2010.00. Multiply the above distances by 1.000077186 to obtain ground level distances.

This real property description has been prepared at Mark Thomas & Company Inc. by me or under my direction in conformance with the Professional Land Surveyors' Act.



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Bob R. Knuth, LS 7938



November 8, 2022  
Date

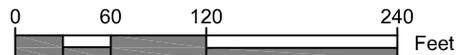
# EXHIBIT B-1

# INTERSTATE 580

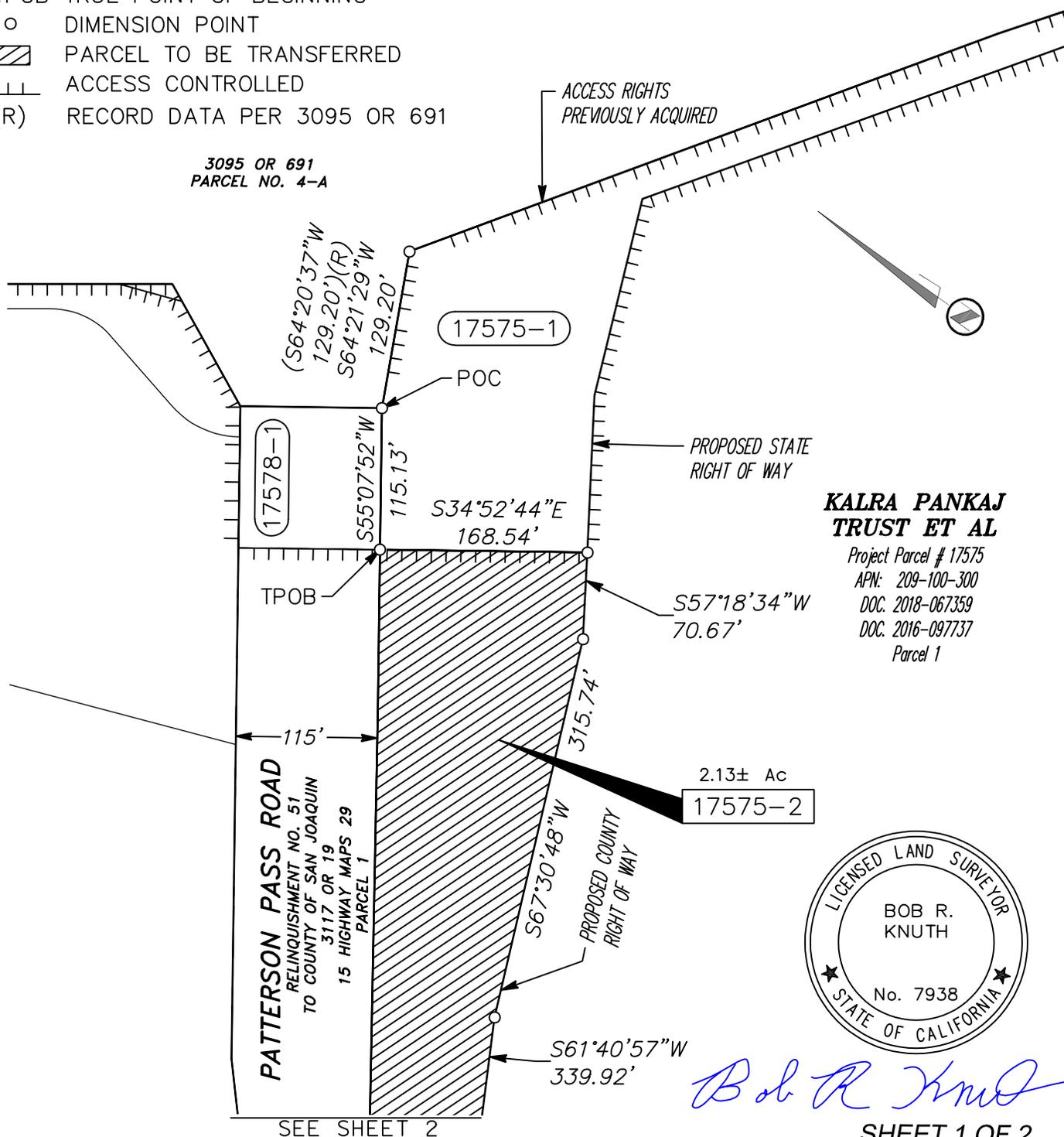
## LEGEND

- POC POINT OF COMMENCEMENT
- TPOB TRUE POINT OF BEGINNING
- DIMENSION POINT
-  PARCEL TO BE TRANSFERRED
-  ACCESS CONTROLLED
- (R) RECORD DATA PER 3095 OR 691

SECTION 33  
T2S, R4E M.D.M.



SCALE 1" = 120'



SHEET 1 OF 2



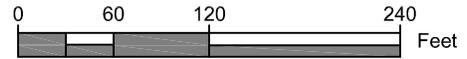
MARK THOMAS

Scale: 1" = 120'  
Date Nov 2022  
Drawn By MLP  
Checked By BRK

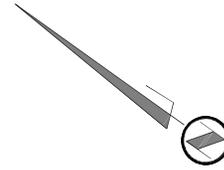
Exhibit B-1  
Parcel 17575-2  
APN 209-100-300  
Plat to Accompany Legal Description  
In the County of San Joaquin, California

Bearings and distances are based on the California Coordinate System of 1993, Zone 2, Epoch 2010.00. Multiply distances shown by 1.000077186 to obtain ground level distances.

SECTION 33  
T2S, R4E M.D.M.



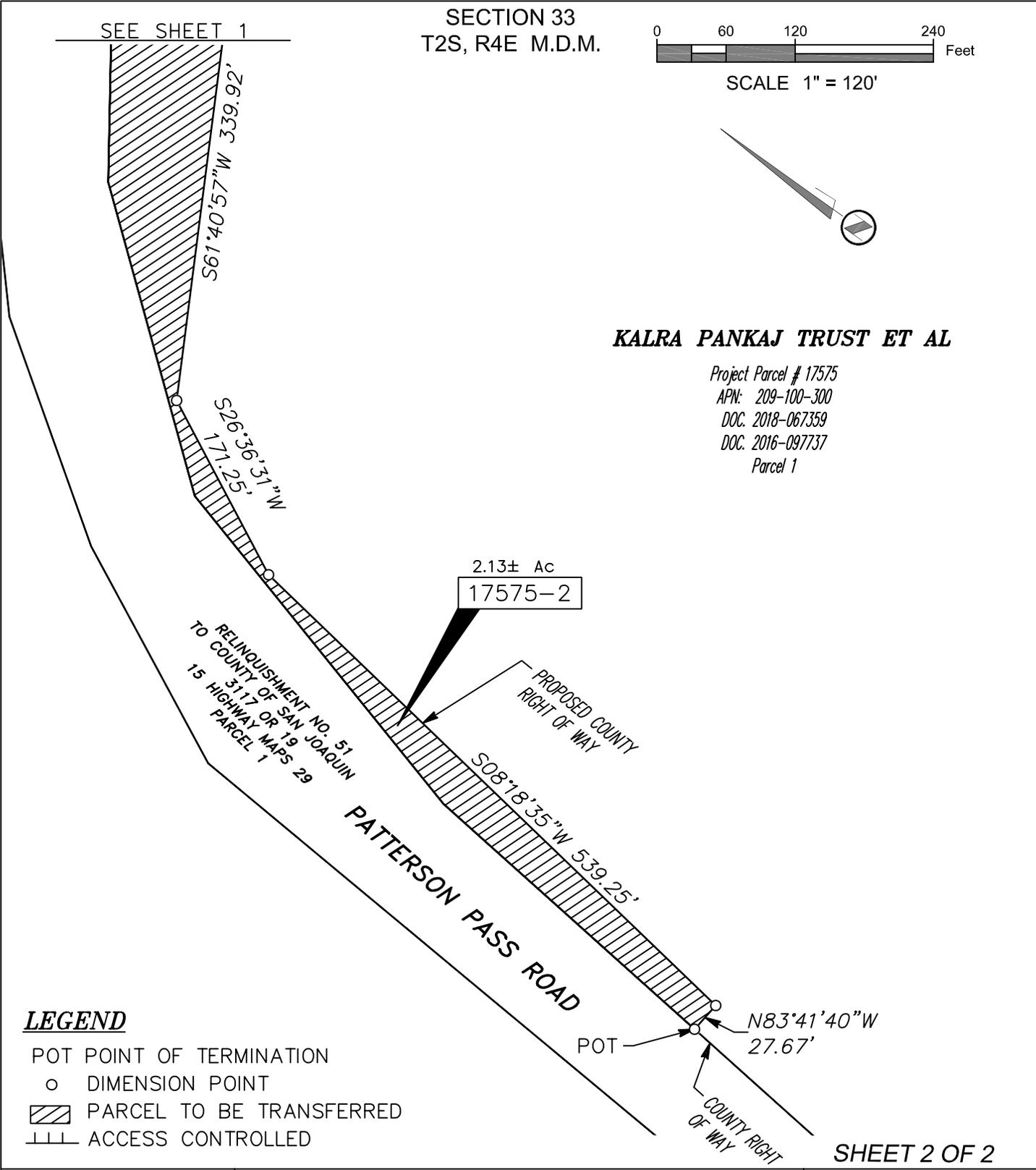
SCALE 1" = 120'



SEE SHEET 1

**KALRA PANKAJ TRUST ET AL**

Project Parcel # 17575  
APN: 209-100-300  
DOC. 2018-067359  
DOC. 2016-097737  
Parcel 1



**LEGEND**

- POT POINT OF TERMINATION
- DIMENSION POINT
- ▨ PARCEL TO BE TRANSFERRED
- ▤ ACCESS CONTROLLED

**SHEET 2 OF 2**



**MARK THOMAS**

Scale: 1" = 120'  
Date Nov 2022  
Drawn By MLP  
Checked By BRK

**Exhibit B-1**  
**Parcel 17575-2**  
**APN 209-100-300**  
**Plat to Accompany Legal Description**  
**In the County of San Joaquin, California**

Bearings and distances are based on the California Coordinate System of 1993, Zone 2, Epoch 2010.00. Multiply distances shown by 1.000077186 to obtain ground level distances.

# EXHIBIT A-2

## Exhibit A-2

### **DESCRIPTION OF RETAINING WALL AND MAINTENANCE EASEMENT**

This is a permanent easement for the purpose of lateral support for a retaining wall and the right and privilege to maintain said retaining wall, as the City of Tracy, a municipal corporation ("CITY") deems necessary, inclusive of all lateral supports, in, under, over, along, upon and across, all that real property in the County of San Joaquin, State of California, described as:

Easement as described and depicted in Exhibits "A-2" and "B-2" attached hereto.

Also together with the right of ingress to and egress from said easement area over and across said lands by means of roads and lanes thereon, if such there be, otherwise by such route or routes as shall occasion the least practicable damage and inconvenience to the Owner, provided that such right of ingress and egress shall not extend to any portion of said lands which is isolated from said easement area by any public road or highway, now crossing or hereafter crossing said lands.

Owner reserves the right to use said easement area for purposes which will not interfere with the CITY's full enjoyment of the rights hereby granted; provided that Owner, its successors or assigns, shall not excavate, erect, place or construct any permanent building or other structures, septic system, leach field, construct any fence, trees, place underground utilities, drill, or operate any well, or construct any reservoir or other obstruction within said easement area, or diminish or install anything that will interfere with the rights herein granted to the CITY within said easement area.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto.

**EXHIBIT “A-2”**

**LEGAL DESCRIPTION**

**FOR A 10 WIDE FOOT RETAINING WALL CONSTRUCTION AND  
MAINTENANCE EASEMENT**

All that real property in the unincorporated area of County of San Joaquin, State of California, situated in Section 33, Township 2 South, Range 4 East, Mount Diablo Meridian, being a portion of the lands described and designated as Parcel One in that certain GRANT DEED, recorded June 19, 2018, as Document Number 2018-067359, San Joaquin County Official Records, more particularly described as follows:

Being a strip of land of a uniform width of 10.00 feet lying southerly and contiguous to the following described line:

**COMMENCING** from the most easterly corner of said Parcel One, situated on the southwesterly right-of-way line of Interstate 580 as described in that AMENDED PARCEL NO. 4-A of that certain FINAL ORDER OF CONDEMNATION, recorded January 3, 1967 in Book 3095 at Page 691, San Joaquin County Official Records, being also the southeasterly terminus of course (16) shown as “N. 43°46’ W., 301.91 feet” in said FINAL ORDER OF CONDEMNATION;

Thence along said southwesterly right-of-way line, and northeasterly line of said Parcel One, North 43°45’08” West (record N.43°46’W.), 210.63 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving said easterly right-of-way and northeasterly line, North 55°28’07” West, 804.05 feet more or less to the proposed State right-of-way line and the **POINT OF TERMINATION** of this line description.

The southerly line of said strip will extend to the southwesterly right-of-way line of Interstate 580.

Containing 8,315 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 2, Epoch 2010.00. Multiply the above distances by 1.000077186 to obtain ground level distances.

This real property description has been prepared at Mark Thomas & Company Inc. by me or under my direction in conformance with the Professional Land Surveyors' Act.



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Bob R. Knuth, LS 7938



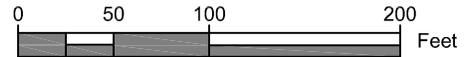
November 8, 2022  
Date

# EXHIBIT B-2

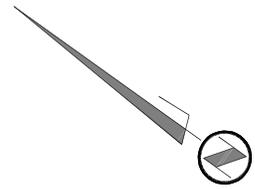
**LEGEND**

- POC POINT OF COMMENCEMENT
- TPOB TRUE POINT OF BEGINNING
- POT POINT OF TERMINATION
- o DIMENSION POINT
-  RETAINING WALL CONSTRUCTION AND MAINTENANCE EASEMENT
-  ACCESS CONTROLLED
- (R) RECORD DATA PER 3095 OR 691

SECTION 33  
T2S, R4E M.D.M.

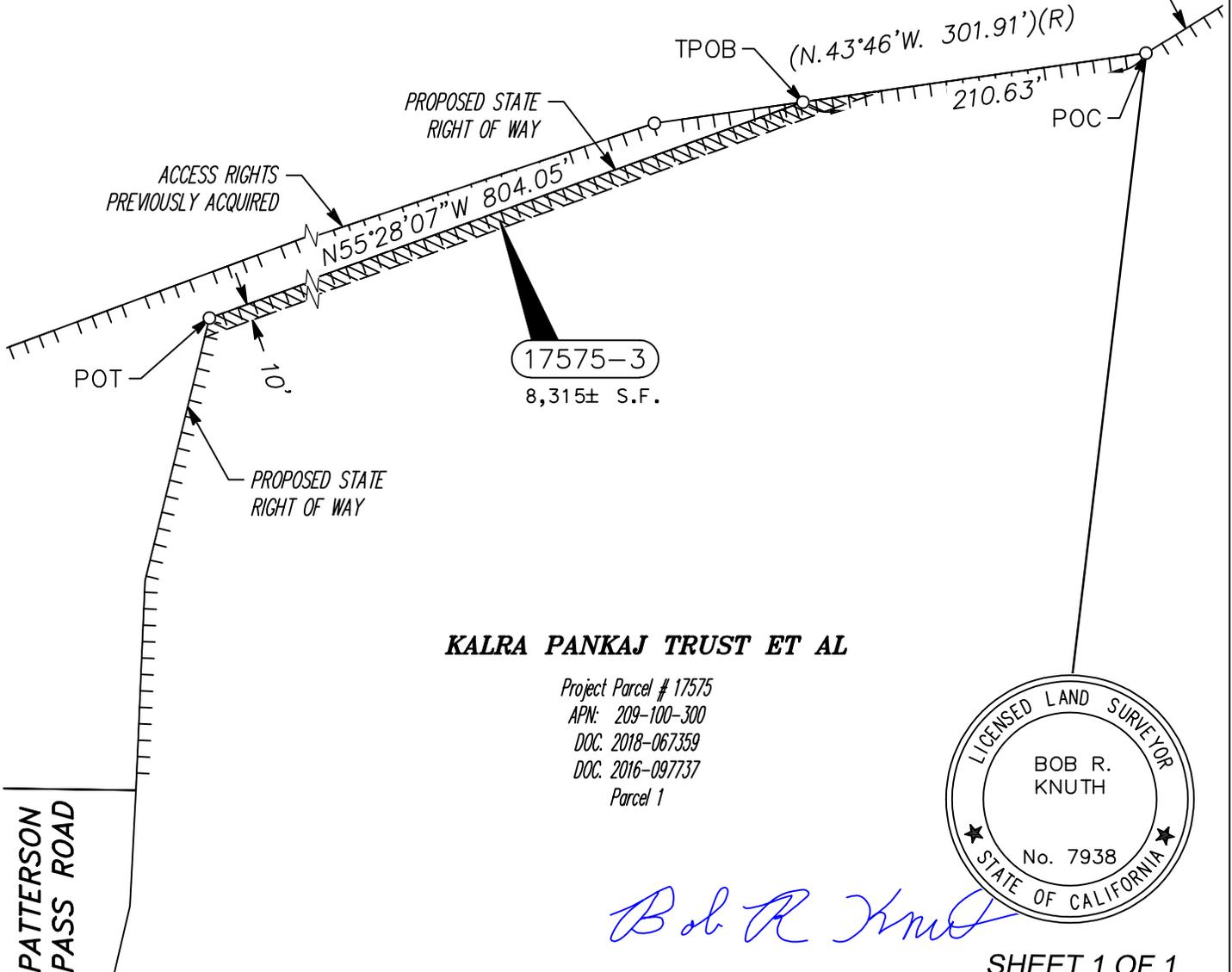


SCALE 1" = 100'



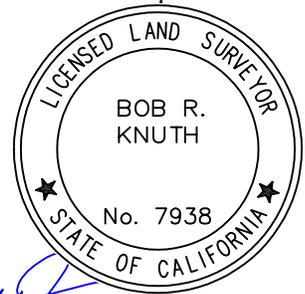
**INTERSTATE 580**  
3095 OR 691  
PARCEL NO. 4-A

STATE RIGHT OF WAY



**KALRA PANKAJ TRUST ET AL**

Project Parcel # 17575  
 APN: 209-100-300  
 DOC. 2018-067359  
 DOC. 2016-097737  
 Parcel 1



*Bob R Knuth*

SHEET 1 OF 1



**MARK THOMAS**

Scale: 1" = 100'  
 Date Nov. 2022  
 Drawn By MLP  
 Checked By BRK

**Exhibit B-2**  
**Parcel 17575-3**  
**APN 209-100-300**  
**Plat to Accompany Legal Description**  
**In the County of San Joaquin, California**

Bearings and distances are based on the California Coordinate System of 1993, Zone 2, Epoch 2010.00. Multiply distances shown by 1.000077186 to obtain ground level distances.

# EXHIBIT A-3

### **Exhibit A-3**

#### **DESCRIPTION OF PERPETUAL EASEMENT FOR COMMUNICATION PURPOSES**

The City of Tracy, a municipal corporation ("CITY") and its successor's and assigns shall have the rights to a perpetual easement for the excavation, construction, installation, use, operation, maintenance, repair, or replacement (in the original or any other size) as CITY shall from time to time elect, of underground communication facilities consisting of suspended and underground wires, fiber optic conduits, cables, fixtures and appurtenances, with associated above ground pedestals, to and for each of said uses, in, over, under, and across a strip of land as hereinafter set forth ("Easement") and also for the right of ingress thereto and egress therefrom, for all purposes useful or convenient in connection with or incidental to the Easement in the lands situated in the City of Tracy, County of San Joaquin, State of California, described as follows:

Easement as described in Exhibit "A-3" and shown in Exhibit "B-3" attached hereto.

Owner reserves the right to use said easement area for purposes which will not interfere with the CITY's full enjoyment of the rights hereby granted; provided that OWNER, its successors or assigns, shall not excavate, erect, place or construct any permanent building or other structures, septic system, leach field, construct any fence, trees, place underground utilities, drill, or operate any well, or construct any reservoir or other obstruction within said easement area, or diminish or install anything that will interfere with the rights herein granted to the CITY within said easement area.

**EXHIBIT “A-3”**

**LEGAL DESCRIPTION**

**FOR A 10 WIDE FOOT COMMUNICATION EASEMENT**

All that real property in the unincorporated area of County of San Joaquin, State of California, situated in Section 33, Township 2 South, Range 4 East, Mount Diablo Meridian, being a portion of the lands described and designated as Parcel One in that certain Grant Deed, recorded June 19, 2018, as Document Number 2018-067359, San Joaquin County Official Records, more particularly described as follows:

Being a strip of land of a uniform width of 10.00 feet lying southerly and contiguous to the following described line:

**COMMENCING** from the most easterly corner of said Parcel One, shown as being situated on the southwesterly Interstate 580 right-of-way line as described in that **AMENDED PARCEL NO. 4-A** of that certain **FINAL ORDER OF CONDEMNATION** by the State of California, acting by and through the Department of Water Resources and the Department of Public Works, recorded January 3, 1967 in Book 3095 at Page 691, San Joaquin County Official Records, being also the southeasterly terminus of that course shown as “N. 43°46’ W., 301.91 feet” in that **FINAL ORDER OF CONDEMNATION**;

Thence leaving said southwesterly right-of-way line, and along the southeasterly line of said Parcel One, South 61°07’42” West, 40.65 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving said southeasterly line the following two (2) courses:

(1) North 43°47’00” West, 286.91 feet

(2) North 55°28’07” West, 725.08 feet more or less to the **POINT OF TERMINATION** of this line description.

Said strip is bounded on the southeast by the southeasterly line of said Parcel One and on the northwest by the proposed I-580 State right-of-way line.

Containing 10,129 square feet.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 2, Epoch 2010.00. Multiply the above distances by 1.000077186 to obtain ground level distances.

Bearings shown are in terms of said FINAL ORDER OF CONDEMNATION by the State of California, acting by and through the Department of Water Resources and the Department of Public Works, recorded January 3, 1967 in Book 3095 at Page 691, San Joaquin County Official Records.

This real property description has been prepared at Mark Thomas & Company Inc. by me or under my direction in conformance with the Professional Land Surveyors' Act.



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Bob R. Knuth, LS 7938



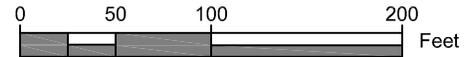
November 8, 2022  
Date

# EXHIBIT B-3

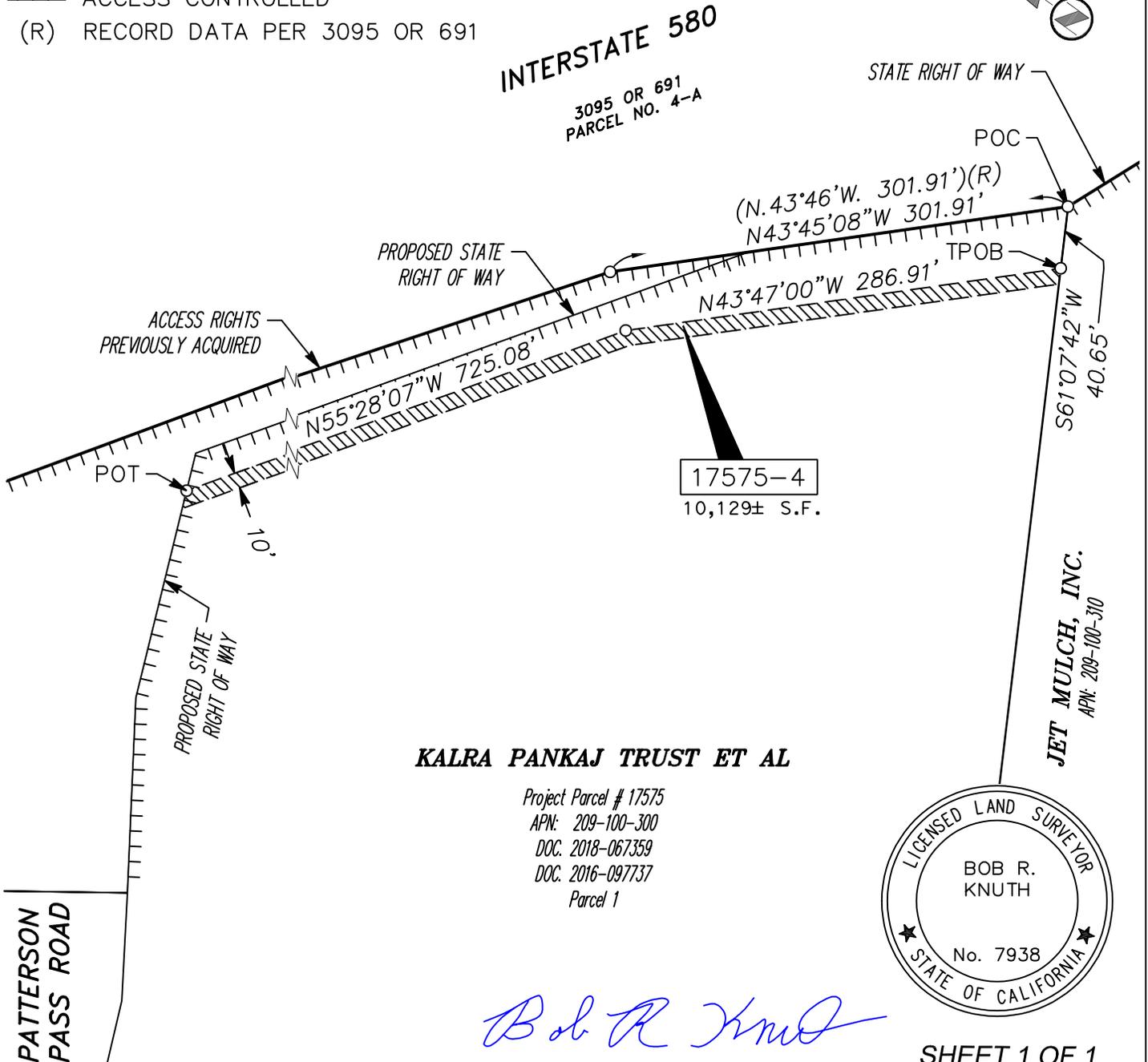
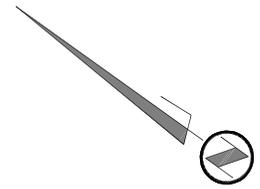
**LEGEND**

- POC POINT OF COMMENCEMENT
- TPOB TRUE POINT OF BEGINNING
- POT POINT OF TERMINATION
- DIMENSION POINT
- ▨ AT&T COMMUNICATION EASEMENT PARCEL
- ||| ACCESS CONTROLLED
- (R) RECORD DATA PER 3095 OR 691

SECTION 33  
T2S, R4E M.D.M.



SCALE 1" = 100'



SHEET 1 OF 1



**MARK THOMAS**

Scale: 1" = 100'  
 Date Oct. 2022  
 Drawn By MLP  
 Checked By BRK

**Exhibit B-3**  
**Parcel 17575-4**  
**APN 209-100-300**  
**Plat to Accompany Legal Description**  
**In the County of San Joaquin, California**

Bearings and distances are based on the California Coordinate System of 1993, Zone 2, Epoch 2010.00. Multiply distances shown by 1.000077186 to obtain ground level distances.

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION 2023-\_\_\_\_\_

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**A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF TRACY FINDING AND DETERMINING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN PROPERTY INTERESTS FOR A PUBLIC PROJECT (I-580/PATTERSON PASS ROAD INTERCHANGE PROJECT), AUTHORIZING THE ACQUISITION THEREOF, AND DIRECTING THE CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS**

**(JET MULCH INC., APN 209-100-310)**

**WHEREAS**, the City of Tracy (City), in cooperation with the California Department of Transportation (Caltrans), seeks to construct the proposed Interstate 580 (I-580)/Patterson Pass Road Interchange Project (Project), which consists of modifications to the existing interchange, freeway auxiliary lanes, and connecting roadways at the existing Patterson Pass Road Interchange at I-580 in Tracy; and

**WHEREAS**, the City and the State of California, acting through Caltrans, entered into Cooperative Agreement (Agreement 10-516) on February 4, 2021, which set forth the obligations of the parties in connection with the Project. Pursuant to Agreement 10-516, Caltrans is the lead agency under the National Environmental Policy Act of 1969, as amended (Pub. L. 91-190, 42 U.S.C. 4321-4347, January 1, 1970, as amended by Pub. L. 94-52, July 3, 1975, Pub. L. 94-83, August 9, 1975, and Pub. L. 97-258, § 4(b), Sept. 13, 1982) (NEPA) and under the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, *et seq.* The City is the sponsor of the Project, and is the implementing agency for plans, specifications, and estimates, and for right-of-way activities; and

**WHEREAS**, pursuant to Agreement 10-516, the parties agreed that the City is authorized to hear and adopt Resolutions of Necessity in connection with the Project and in accordance with applicable law; and

**WHEREAS**, it is desirable and necessary for the City to acquire certain real property specifically a 4,237 square foot permanent easement for communication purposes described and depicted in **Exhibits A** and **B** for the Project from the property located at Via Nicolo Road, unincorporated area of San Joaquin County, and identified as San Joaquin County Tax Assessor's Parcel Number (APN) 209-100-310 ("Subject Property Interest"), for the I-580/Patterson Pass Road Interchange Project (Project); and

**WHEREAS**, the City is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19 of the Constitution of the State of California, Section 37350.5 and 40404 of the California Government Code, and Sections 1240.010-1240.050, 1240.110,

1240.120, 1240.150, 1240.220, 1240.410, 1240.610, and 1240.650 of the California Code of Civil Procedure; and

**WHEREAS**, pursuant to the provisions of Section 7267.2 of the California Government Code, the City made an offer to the owners of record to acquire the permanent easement interest described and depicted in **Exhibits A** and **B** for the amount which it established to be just compensation; and

**WHEREAS**, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure, written notice of the intent to consider the adoption of this resolution of necessity was sent on January 20, 2023, to **JET MULCH INC.**, the owners of record of the Subject Property Interest providing them notice and granting them a reasonable opportunity to appear and be heard before the City Council at the Resolution of Necessity hearing held on February 21, 2023 on the following matters:

- a. Whether the public interest and necessity require the Project;
- b. Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- c. Whether the Subject Property Interest described and depicted in **Exhibits A** and **B** is necessary for the Project; and
- d. Whether the offer required by Government Code Section 7267.2 has been made to all owners of record; and

**WHEREAS**, due consideration of all oral and documentary evidence introduced has been given;

**NOW, THEREFORE**, be it, by vote of four (4/5) or more of its members, the City Council of the City of Tracy found and:

**RESOLVED:** That the recitals contained herein are true and correct; and be it further

**RESOLVED:** That the public interest and necessity require the Project which is intended to reduce traffic congestion and improve local traffic circulation; and be it further

**RESOLVED:** That the Project is planned or located in a manner that will be the most compatible with the greatest public good and the least private injury; and be it further

**RESOLVED:** That the Subject Property Interest described and depicted in **Exhibits A** and **B** is necessary for the Project; and be it further

**RESOLVED:** That the offer to purchase required by California Government Code section 7267.2 has been made to the record owner(s) of the Subject Property Interest; and be it further

**RESOLVED:** That the necessary notice of hearing on this Resolution has been given as required by Code of Civil Procedure section 1245.235; and be it further

**RESOLVED:** That the City has fully complied with the California Environmental Quality Act (“CEQA”) with respect to the Project and the acquisition of the Subject Property Interest, as The Final IS/MND (CEQA Approval) and CE (NEPA Approval) were obtained on February 25, 2021; and be it further

**RESOLVED:** That the City has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain (the “right to take”) to acquire the Subject Property Interest; and be it further

**RESOLVED:** That the City declares its intention to acquire the Subject Property Interest in accordance with the provision of the laws of the State of California governing condemnation procedures; and be it further

**RESOLVED:** That the City finds that if any portion of the area of the Subject Property Interest has been appropriated to some public use, the public uses to which it is to be applied by the City for the Project, as described above, are more necessary and paramount public uses, pursuant to Code of Civil Procedure section 1240.610, or, alternatively, are compatible with those other uses pursuant to Code of Civil Procedure section 1240.510; and be it further

**RESOLVED:** That the City of Tracy is AUTHORIZED AND EMPOWERED:

1. To acquire in the name of the City of Tracy, by condemnation, the said Subject Property Interest in accordance with the provisions of the eminent domain law, the Code of Civil Procedure, the Government Code and the Constitution of California;
2. To prepare and prosecute in the name of the City of Tracy, such proceedings in the proper court as are necessary for such acquisition; and
3. To deposit the probable amounts of compensation, based on appraisals, and to apply to said court for an order permitting the City of Tracy to take immediate possession and use said Subject Property Interest for said public uses and purposes.

\*\*\*\*\*

The foregoing Resolution 2023-\_\_\_\_\_ was adopted by the Tracy City Council on 21<sup>st</sup> day of February 2023 by the following vote:

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

---

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

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

# EXHIBIT A

## Exhibit A

### **DESCRIPTION OF PERPETUAL EASEMENT FOR COMMUNICATION PURPOSES**

The City of Tracy, a municipal corporation ("CITY") and its successor's and assigns shall have the rights to a perpetual easement for the excavation, construction, installation, use, operation, maintenance, repair, or replacement (in the original or any other size) as CITY shall from time to time elect, of underground communication facilities consisting of suspended and underground wires, fiber optic conduits, cables, fixtures and appurtenances, with associated above ground pedestals, to and for each of said uses, in, over, under, and across a strip of land as hereinafter set forth ("Easement") and also for the right of ingress thereto and egress therefrom, for all purposes useful or convenient in connection with or incidental to the Easement in the lands situated in the City of Tracy, County of San Joaquin, State of California, described as follows:

Easement as described in Exhibit "A" and shown in Exhibit "B" attached hereto.

Owner reserves the right to use said easement area for purposes which will not interfere with the CITY's full enjoyment of the rights hereby granted; provided that OWNER, its successors or assigns, shall not excavate, erect, place or construct any permanent building or other structures, septic system, leach field, construct any fence, trees, place underground utilities, drill, or operate any well, or construct any reservoir or other obstruction within said easement area, or diminish or install anything that will interfere with the rights herein granted to the CITY within said easement area.

# EXHIBIT B

**EXHIBIT “A”**

**LEGAL DESCRIPTION**

**FOR A 10 WIDE FOOT COMMUNICATION EASEMENT**

All that real property in the unincorporated area of County of San Joaquin, State of California, situated in Section 33, Township 2 South, Range 4 East, Mount Diablo Meridian, being a portion of the lands described in that certain GRANT DEED, recorded March 13, 2019, as Document No. 2019-025385, San Joaquin County Official Records, more particularly described as follows:

Being a strip of land of a uniform width of 10.00 feet lying southerly and contiguous to the following described line:

**COMMENCING** at the northwesterly corner of parcel described in said GRANT DEED, shown as being situated on the southwesterly Interstate 580 right-of-way line as described in that AMENDED PARCEL NO. 4-A of that certain FINAL ORDER OF CONDEMNATION by the State of California, acting by and through the Department of Water Resources and the Department of Public Works, recorded January 3, 1967 in Book 3095 at Page 691, San Joaquin County Official Records, being the northwesterly terminus of that course shown as “S. 67°28’34” E., 207.42 feet” in that Final Order of Condemnation;

Thence along the northwesterly line of said parcel South 61°07’42” West, 40.65 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving said northwesterly line the following three (3) courses:

- (1) South 43°47’00” East, 19.66 feet;
- (2) South 67°29’34” East, 210.69 feet;
- (3) South 52°28’20” East, 187.50 feet more or less to the **POINT OF TERMINATION** of this line description.

Said strip is bounded on the east by the easterly line of said parcel and on the west by the northwesterly line of said parcel.

Containing 4,237 square feet.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 2, Epoch 2010.00. Multiply the above distances by 1.000077186 to obtain ground level distances.

Bearings shown are in terms of said FINAL ORDER OF CONDEMNATION by the State of California, acting by and through the Department of Water Resources and the Department of Public Works, recorded January 3, 1967 in Book 3095 at Page 691, San Joaquin County Official Records.

This real property description has been prepared at Mark Thomas & Company Inc. by me or under my direction in conformance with the Professional Land Surveyors' Act.



---

Bob R. Knuth, LS 7938



November 8, 2022  
Date

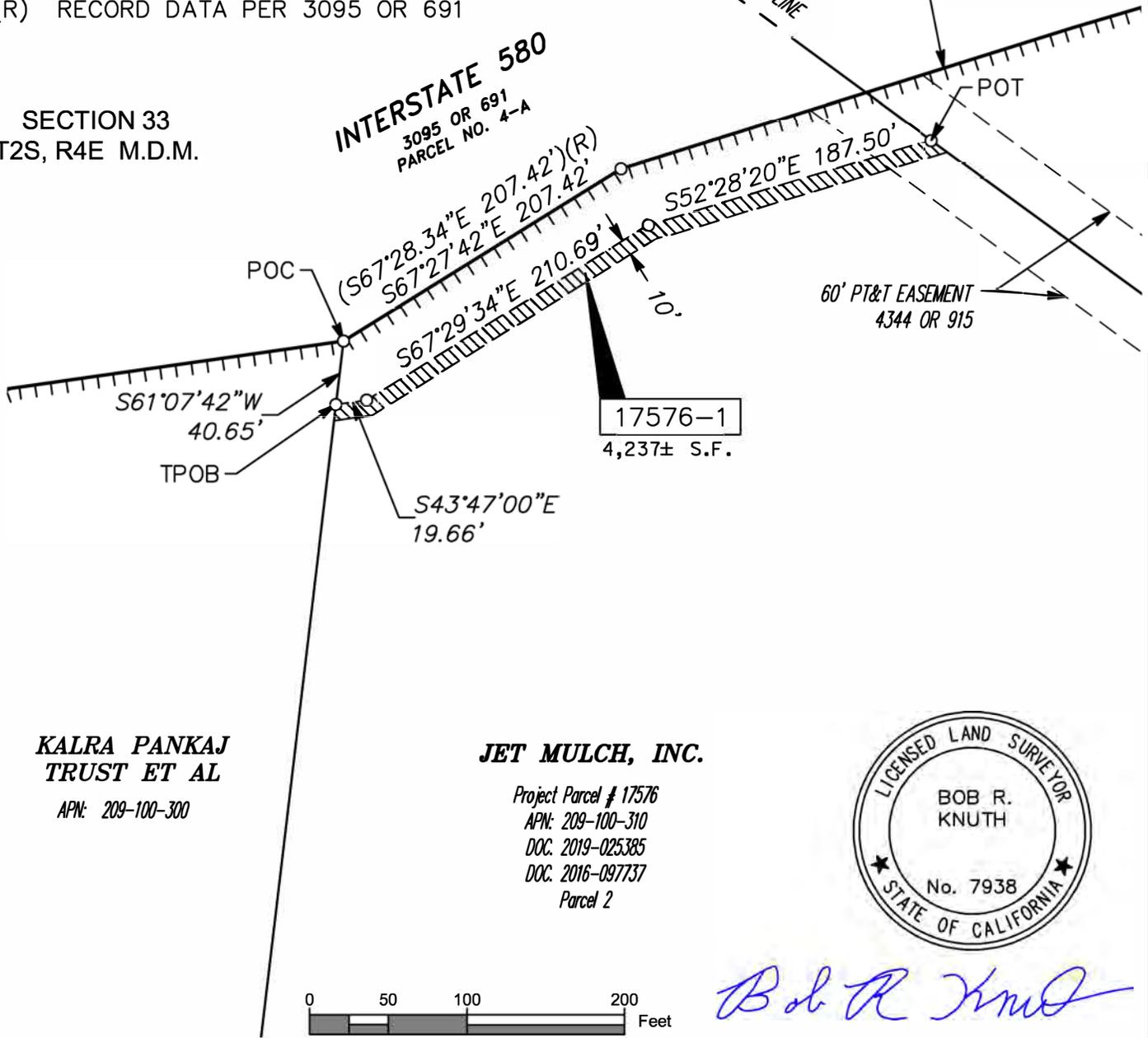
**LEGEND**

- POC POINT OF COMMENCEMENT
- TPOB TRUE POINT OF BEGINNING
- POT POINT OF TERMINATION
- DIMENSION POINT
- ▨ AT&T COMMUNICATION EASEMENT PARCEL
- ▬ ACCESS CONTROLLED
- (R) RECORD DATA PER 3095 OR 691

SECTION 34  
T2S, R4E M.D.M.

SECTION 33  
T2S, R4E M.D.M.

**INTERSTATE 580**  
3095 OR 691  
PARCEL NO. 4-A



**KALRA PANKAJ  
TRUST ET AL**  
APN: 209-100-300

**JET MULCH, INC.**

Project Parcel # 17576  
APN: 209-100-310  
DOC. 2019-025385  
DOC. 2016-097737  
Parcel 2



*Bob R Knuth*



SCALE 1" = 100'

SHEET 1 OF 1



**MARK THOMAS**

Scale: 1" = 100'  
Date Nov. 2022  
Drawn By MLP  
Checked By BRK

**Exhibit B**  
**Parcel 17576-1**  
**APN 209-100-310**  
**Plat to Accompany Legal Description**  
**In the County of San Joaquin, California**

Bearings and distances are based on the California Coordinate System of 1993, Zone 2, Epoch 2010.00. Multiply distances shown by 1.000077186 to obtain ground level distances.

Agenda Item 3.B

RECOMMENDATION

**Staff recommends that the City Council receive an informational report regarding the City of Tracy Police Department's Annual Report for 2022.**

EXECUTIVE SUMMARY

The Tracy Police Department has prepared the City of Tracy Police Department's 2022 Annual Report. The report provides the residents of Tracy with a statistical review of the Department's performance, efforts, and accomplishments.

DISCUSSION

This report is intended to provide statistical information related to crime trends, events, and law enforcement activities for the past year. The statistics serve the role of informing the public about the Department's decisions, but the statistics alone do not give a complete image of the role and activities of the Department's personnel. The Department recognizes the importance of a strong partnership with the community and it constantly seeks areas of improvement in its delivery of services.

During 2022, the Department received 33,062 emergency calls through the 911 system, a decrease from the prior year. Department personnel handled 69,113 calls for service which is also a decrease from the prior year, which resulted in 1,737 arrests of adults and 61 juvenile arrests. Other than 911 calls, the most frequent calls coming into the Police Department's dispatch center are related to disturbances, alarms, Municipal Code violations and suspicious vehicles and persons.

Building off of the technological advancements and grant funding that were already implemented in 2021, the Department was able to install license plate reader (LPR) cameras in 15 strategic intersections throughout the City, as well as in each Patrol car. Through the use of LPR cameras, the Department has been able to respond to 201 Calls for Service.

In 2022, the Department introduced a comprehensive strategy for assisting to address the City's unsheltered population with the implementation of the Familiar Faces team. The Department also saw a drastic increase in face-to-face community engagement events, which allows community members the ability to become more familiar with officers and the happenings of the City of Tracy.

FISCAL IMPACT

There is no fiscal impact associated with this action. This report provides statistical data only.

STRATEGIC PLAN

This agenda item is a routine operational item and relates to the Department's Strategic Plan goal to increase transparency and communication through consistent and clear communication regarding the Department's vision.

RECOMMENDATION

Staff recommends that the City Council receive an informational report regarding the City of Tracy Police Department's Annual Report for 2022.

Prepared by: Kaylin Heefner, Police Community Relations Coordinator

Approved by: Sekou Millington, Chief of Police

ATTACHMENTS

Attachment A: City of Tracy Police Department's Annual Report for 2022

Attachment B: Powerpoint Presentation

# Tracy Police

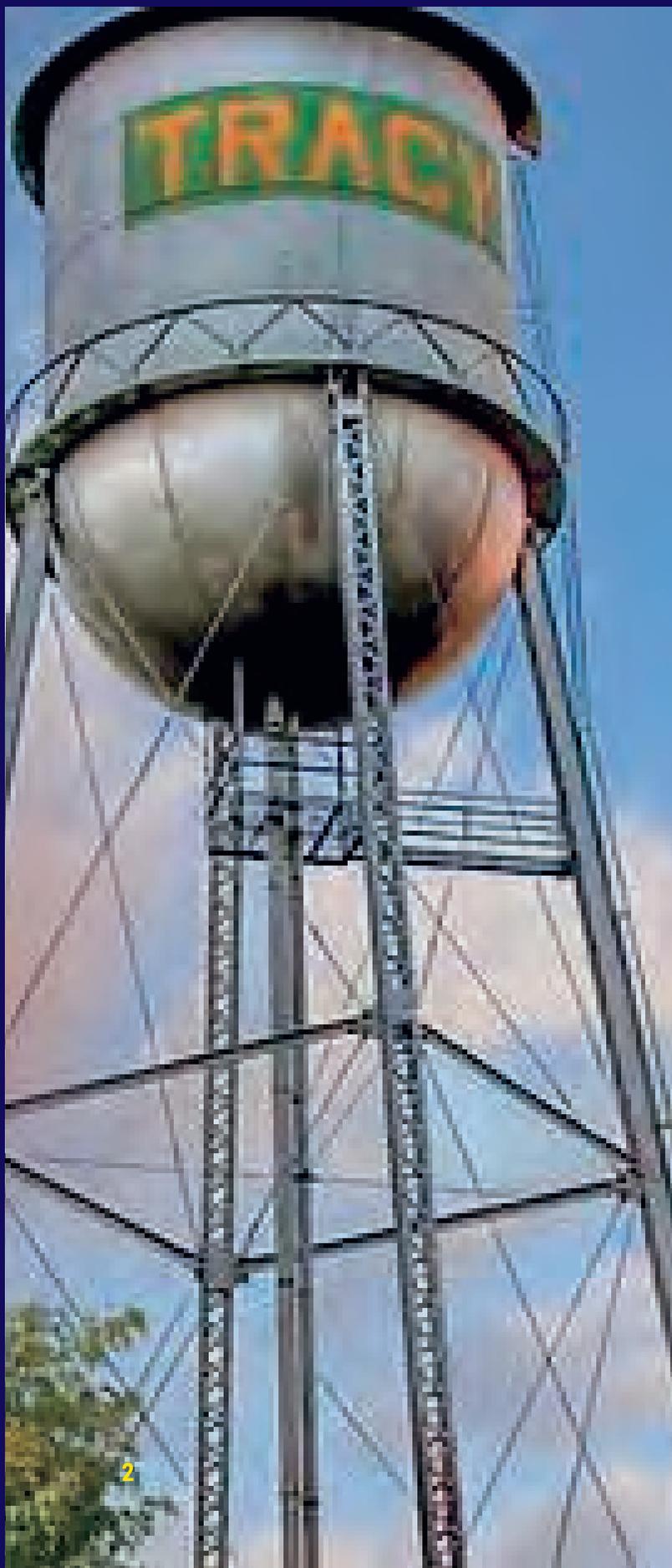
## DEPARTMENT



# 2022

# ANNUAL REPORT

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46. Award of Excellence – Michael Richards
47. Award of Excellence – Community Service Division
48. Award of Excellence – Code Enforcement
49. Department Recognition Award – Alex Contreras
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51. Police Employee of the Year – Carlo Fanto
52. Police Officer of the Year – Brian Azevedo

# Message from the Chief



Welcome to the Tracy Police Department's 2022 Annual Report. As I reflect on the past year, and all of our achievements, I can't help but notice how we continue to make advancements that allow us to serve our community. It's time to look ahead, challenge ourselves, and continue to advance in community-police relationships and elevate our noble profession. We're in a new time, a new era of policing that requires new, forward-thinking, and adaptability. Our caring and dedicated staff have again prepared this robust report to provide our community with easy access to information about our Department. This report includes statistics, organizational operations, accomplishments, goals, and information about our programs and community outreach. The Tracy Police Department has established the values of an organization steeped in Service, Integrity, and Excellence for over one hundred years.

This report lays out the framework for our continued vision of addressing quality-of-life issues through innovative programs that will serve as a model for other agencies, deepening our engagement with community stakeholders, and continuously seeking advancements in technology that can lead to a reduction in crime.

The Tracy Police Department has a long history of judicious, lawful, and minimal uses of force, supported by firm policy, training, supervision, progressive thinking, community engagement, and community expectations.

We are proud to be an organization that is continuously seeking to improve, grow, and enhance our commitment to protect and preserve life under an umbrella of accountability. The men and women of the Tracy Police Department continue to demonstrate their adaptability and innovation by using new technologies to provide outstanding service on a day-to-day basis. I'm incredibly proud of the dedicated work our Officers and Professional Staff have accomplished this year.

As your Chief of Police, I'm committed to leading the men and women of the Tracy Police Department to provide respectful, responsible, and conscientious public safety services. I've shared with every member of the Tracy Police Department my values that would be our north star to guide us forward, the foundation of which is that the sanctity of life is the most precious of all our duties. By being committed to Fairness, Integrity, Respect, Service, and Teamwork, we can continue to create an environment where every citizen, business, and visitor to the City of Tracy can live, work, and play free from crime or fear of crime. We have a great deal of work to do, and I am relentlessly committed to working with our community to strengthen our trustworthiness and legitimacy with all we serve. I look forward with high hopes and humility to all of the fantastic accomplishments that will take place this coming year.

*Sekou Millington*

**SEKOU MILLINGTON**

*Chief of police*

# Organizational Values



## SERVICE

Always seek long term resolutions to problems.  
Provide honest, open, and timely (HOT) feedback.  
Support organizational goals and strive to achieve them.  
Stand against gossip and rumors.  
Provide prompt response to requests and communicators.  
Promote proactive attitudes.

## INTEGRITY

Honesty in thought and actions. Address behaviors, not reputations. Practice organizational loyalty over personal loyalties. Place organizational priorities over personal agendas.

## EXCELLENCE

Challenge the status quo by promoting new creative and innovative ideas. Always be proud of your profession and Department.  
Ascribe to being a lifelong learner. Always perform at Department's highest level or organizational standards.  
Lead by example. Always go the extra step to meet the community's needs.

## VISION STATEMENT

The Tracy Police Department works to preserve the safety and high quality of life in Tracy through value-based policing.

## MISSION STATEMENT

The Tracy Police Department aims to keep Tracy a safe place in which to live, work, and invest.

# Tracy Police Executive Staff



Sekou Millington  
**CHIEF OF POLICE**



Trevin Freitas  
Lieutenant  
**PROFESSIONAL STANDARDS  
& TRAINING DIVISION**



Beth Lyons-McCarthy  
Manager  
**BUREAU OF  
SUPPORT SERVICES**

- Fiscal Management
- Animal Services
- Communications
- Records



Luis Mejia  
Captain  
**BUREAU OF  
FIELD OPERATIONS**

- Patrol Division
- Special Enforcement Team
- Community Services Division
- SWAT
- Traffic Safety Unit
- Drone Cadre



Alex Neicu  
Captain  
**BUREAU OF  
INVESTIGATIONS**

- General Investigations
- Special Investigations
- Hi-Tech Crimes
- Crime Scene Unit

# Honorable City Council and City Manager



**MAYOR**

Nancy Young



**MAYOR PRO TEM**

Veronica Vargas



**COUNCIL MEMBER**

Dan Arriola



CITY OF  
**TRACY**  
Think Inside the Triangle™



**COUNCIL MEMBER**

Mateo Bedolla



**CITY MANAGER**

Michael Rogers



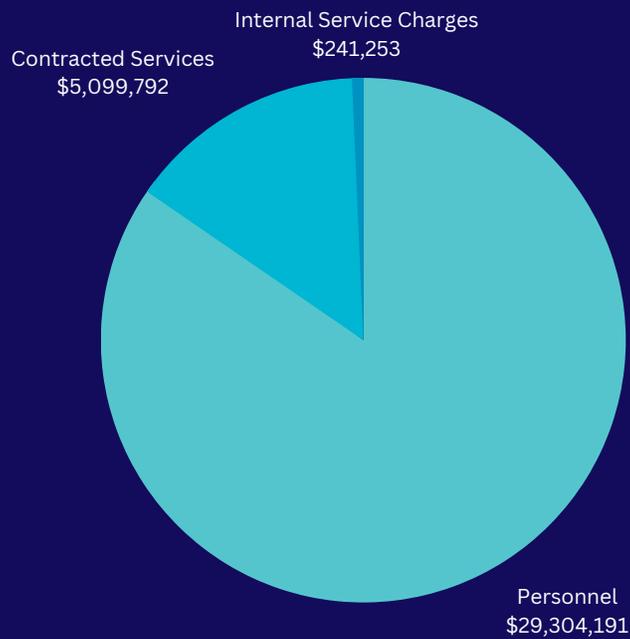
**COUNCIL MEMBER**

Elassia Davis

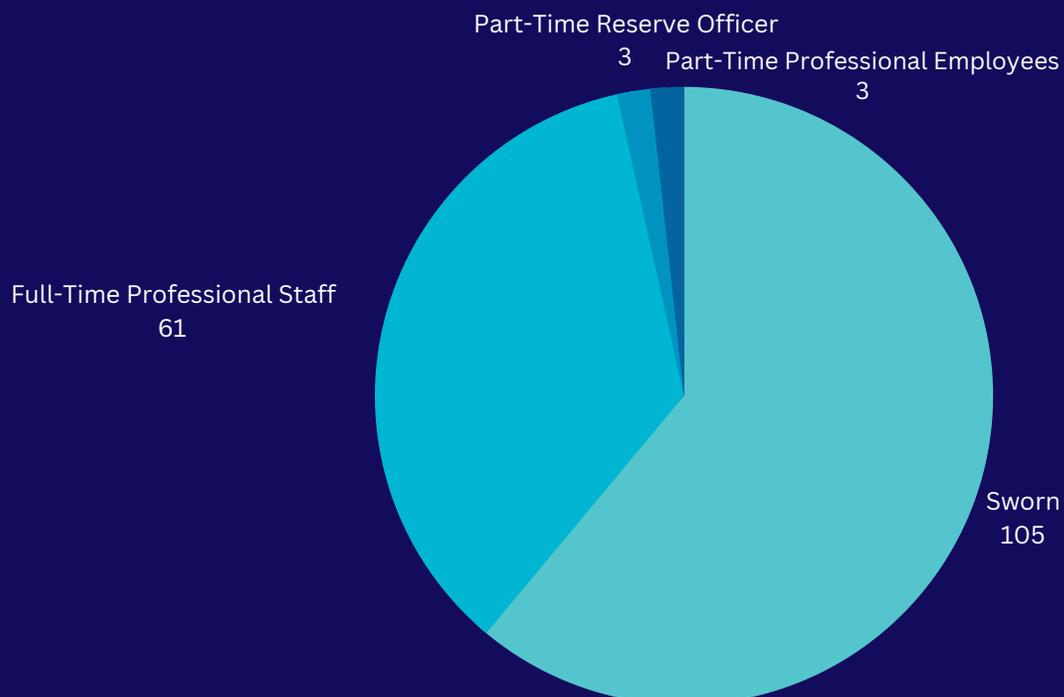
# Department Personnel

The Tracy Police Department budget (\$34,645,236) was allocated to 105 full-time sworn officers, 61 full-time professional staff, 3 part-time reserve officers, and 3 part-time professional employees. The following chart shows the distribution and cost of personnel.

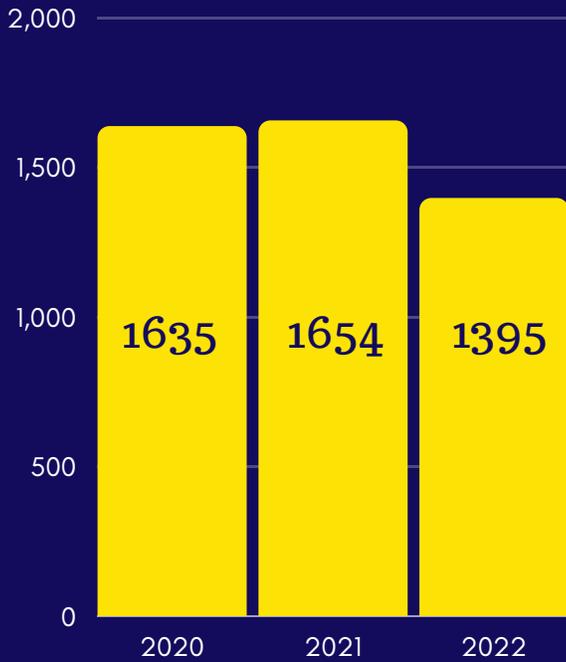
## BUDGET ALLOCATION



## PERSONNEL ALLOCATION



# Uniform Crime Reporting



## PROPERTY CRIMES

BURGLARY, LARCENY, AUTO THEFT  
AND ARSON.

## UNIFORM CRIME REPORTING

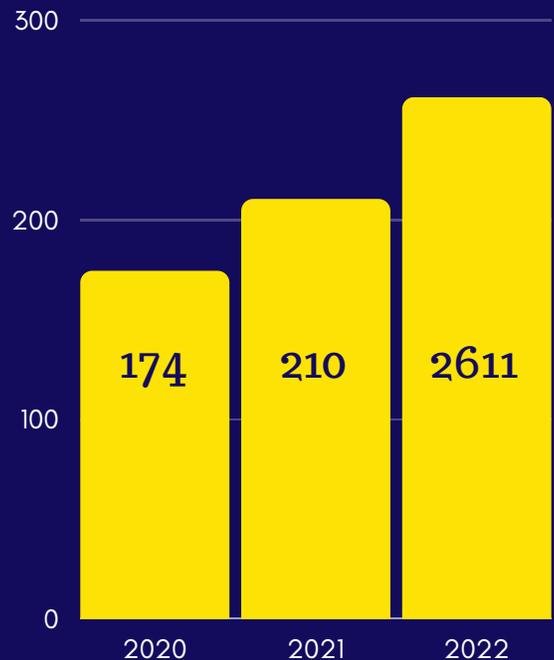
Tracy Police Department reports its monthly crime statistics to the Federal Bureau of Investigations (FBI) through the National Incident-Based Reporting System (NIBRS). Part 1 crimes are the most serious crimes and are divided into two categories:

**Violent Crimes:** homicide, rape, robbery, and aggravated assault.

**Property Crimes:** burglary, larceny, auto theft, and arson.

## VIOLENT CRIMES

HOMICIDE, RAPE, ROBBERY AND  
AGGRAVATED ASSAULT.



# Office of the Chief of Police

The Office of the Chief of Police is lead by the Chief of Staff, and is staffed by the Department's Executive Assistant, a Police Support Services Technician, and the Police Community Relations Coordinator.

The team is responsible for the overall management of policy directives and operations. Additionally, the team is responsible for sharing information and department wide messaging, both internally and externally.



**Sergeant Mario Ysit**  
Chief of Staff



**Melissa Chamberlain**  
Executive Assistant



**Grace Segura**  
Police Support Services Technician



**Kaylin Heefner**  
Police Community Relations Coordinator

# Professional Standards and Training Division

The Professional Standards and Training Division is staffed by a full-time lieutenant and sergeant that oversee the development and maintenance of department policies, training, and administrative investigations. Additionally, they are responsible for audits, compliance processes, and coordinating outside entities that inspect the Tracy Police Department such as Public Health, California Peace Officers' Standards and Training (POST), and the California Department of Corrections and Rehabilitation to help ensure the organization achieves the highest professional standards.

The division oversees all department training, which includes the Field Training Program, firearms instruction, defensive tactics, de-escalation, and professional development. This training includes ensuring compliance with POST and legislative mandates such as CPR, emergency vehicle operations, perishable skills, etc.



**Trevin Freitas**  
**Lieutenant**

“

Although often unnoticed, the work we do helps put the officers doing the work day to day and the community they serve in the best possible position to be safe and successful.

”

# Personnel Investigations

**Total: 4**

Personnel investigations are conducted by the Professional Standards and Training Division and submitted to the Chief of Police for review.

The Chief of Police believes both uses of force incidents and personnel investigations are of the utmost importance to critically review to ensure compliance with policy and law. This process helps the Tracy Police Department improve, and ensure accountability to the Community who places their trust in the Tracy Police Department.

## PERSONNEL INVESTIGATIONS

Category	Exonerated	Not Sustained	Sustained	Unfounded	Admin. Closure	Pending	Total
Administrative Complaints	0	0	0	0	0	0	0
Citizen Complaints	0	0	0	3	0	1	4

# Use of Force

**Total: 25**

The following shows a statistical review of the use of force by members of the Tracy Police Department and personnel complaints from the community or generated internally.

Each use of force incident is reviewed to ensure compliance with policy, law, training, and best practices. The review process is completed by a member of the department's command staff and every one is reviewed and approved by the Chief of Police.

## USE OF FORCE

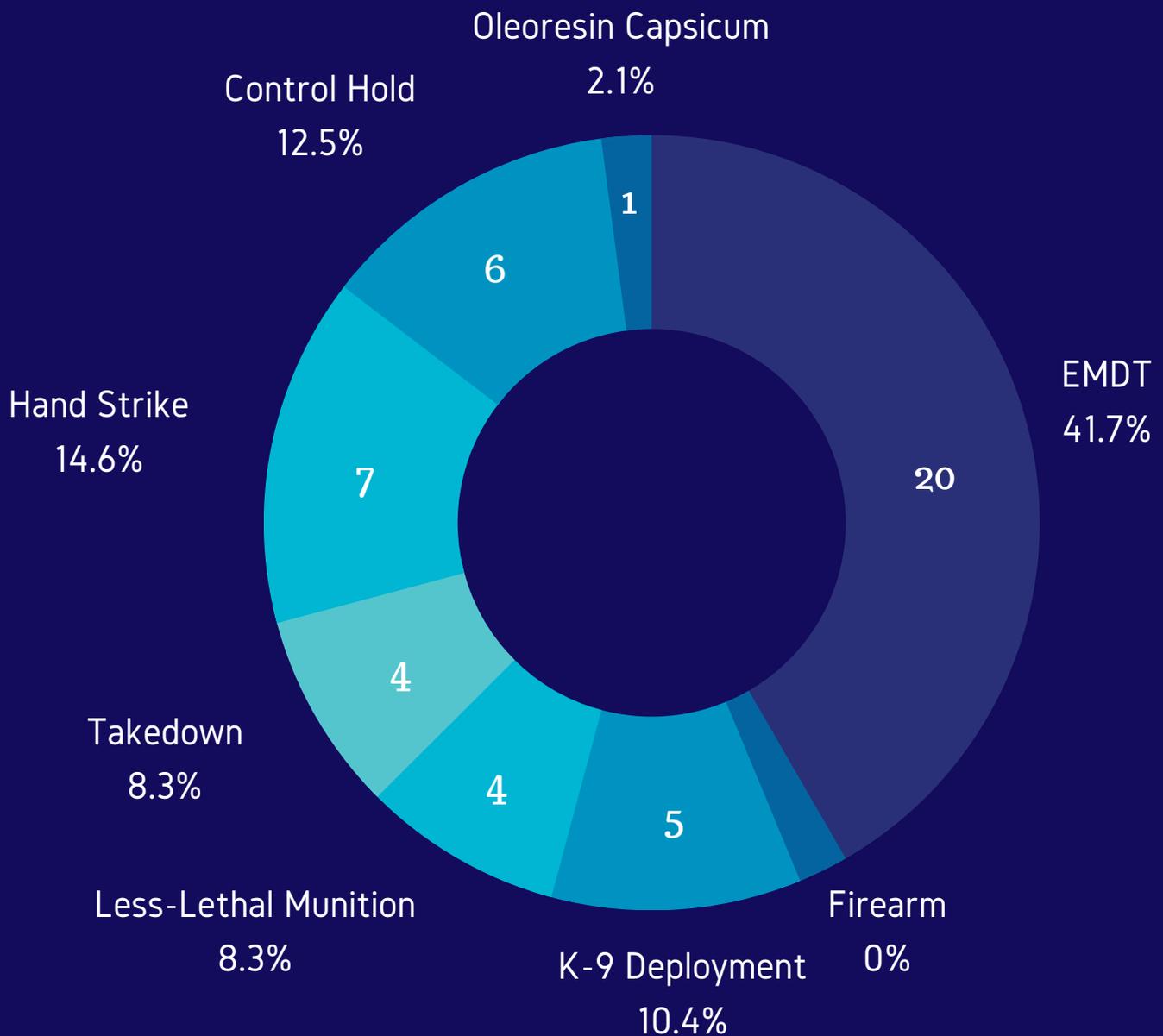
Suspect Characteristics		Reason for Contact		Race/Ethnicity	
Suspect Age	Incidents	Reason	Incidents	Race/Ethnicity	Incidents
0-20	4	Calls for Service	18	African-American	6
21-30	5	Self-Initiated	7	Hispanic	17
31-40	8	Activity		White	2
41+	8			Other	20

# Types of Force Used

Total uses of force: 25\*

Total applications of force: 49

Force was used on 25 times by Tracy Police in 2022 to arrest or detain a community member. In some incidents of force, more than one force option was applied to gain compliance.



# BUREAU OF FIELD OPERATIONS

The Bureau of Field Operations (BFO) is led by a captain and five lieutenants who share the leadership responsibilities for completing our operational mission with nine sergeants. The Bureau of Field Operations has the most contact with our community, of the 105 sworn members in the Tracy Police Department, 77 are in this bureau, and most are uniform patrol officers.

The Bureau of Field Operations includes many specialized units that address a wide variety of policing problems, such as the Special Enforcement Team (SET), Traffic Unit, and Community Preservation Unit.

The backbone of the Bureau of Field Operations is the uniformed police officer who is responsible for providing the round-the-clock “first responder” capability of the Police Department. The officers of the Bureau of Field Operations respond to all types of calls, from parking complaints to homicides.

When not answering calls for service, officers are responsible for enhancing quality of life through self-initiated activity in enforcing our laws or preventing crime through their interaction with the public.



**Luis Mejia**  
Captain

“  
We cannot become what  
we need by remaining  
what we are.

– John C Maxwell

”

# Patrol Operations



The Patrol Division is considered the backbone of the police department and is staffed by uniformed personnel, organized into six patrol teams and one Special Enforcement Team. Each team is supervised by a sergeant, providing 24/7 service to the community, and is managed by one Captain and four Lieutenants.

In addition to sworn police officers, the Patrol Division also has civilian Community Service Officers who are trained to respond to calls for service that do not require suspect contact.

The primary role of the patrol officer is to respond to calls for service with officers responding to 68,859 calls in 2022.

The Patrol Division continues to incorporate technology in their daily activities through the use of unmanned aerial vehicles (drones) that are assigned to each shift, and the Axon Fleet 3 Automatic License Plate Readers that each patrol car is equipped with. Additionally, the Flock Safety Automatic License Plate Reader (ALPR) cameras that were installed have resulted in 204 calls for service.



**CALLS FOR SERVICE**

**RESPONSE TIMES**

**PRIORITY 1- 9:15**

**PRIORITY 2- 5:32**

**PRIORITY 3- 6:42**

# Special Enforcement Team

The Special Enforcement (SET) Team consists of one sergeant, one corporal, and four officers. The SET team works closely with both the Patrol Division and the investigations units. SET's primary mission is street-level enforcement, including gang enforcement, narcotics enforcement, and fugitive apprehension. The SET team is frequently utilized to reduce criminal activity by focusing on trending crimes, and operating in an overt or covert capacity. The SET team has the flexibility to adjust their work schedules as necessary to accomplish a mission, as well as attend community events and career fairs at the high schools.

Due to an increase in individuals recklessly riding dirt bikes throughout Tracy, SET, our partners from both the San Joaquin County Sheriff's Department and the California Highway Patrol, Operation Whiskey Throttle was conducted to curb the enthusiasm of the reckless motorcycle riders in town. During the operation, 6 dirt bikes were impounded for 30 days. Due to the increased transparency on social media posting about the seizures, complaints about reckless dirt bike riders around Tracy decreased.

Additionally, at the end of 2022, after the Patrol Unit responded to a reported mail theft at an apartment complex, SET officers authored and served a search warrant at a residence in Stockton with the assistance of GIU, locating dozens of victims of mail and identity theft, 30 grams of methamphetamine, and a loaded un-serialized P80 Glock style pistol was also located during the search.

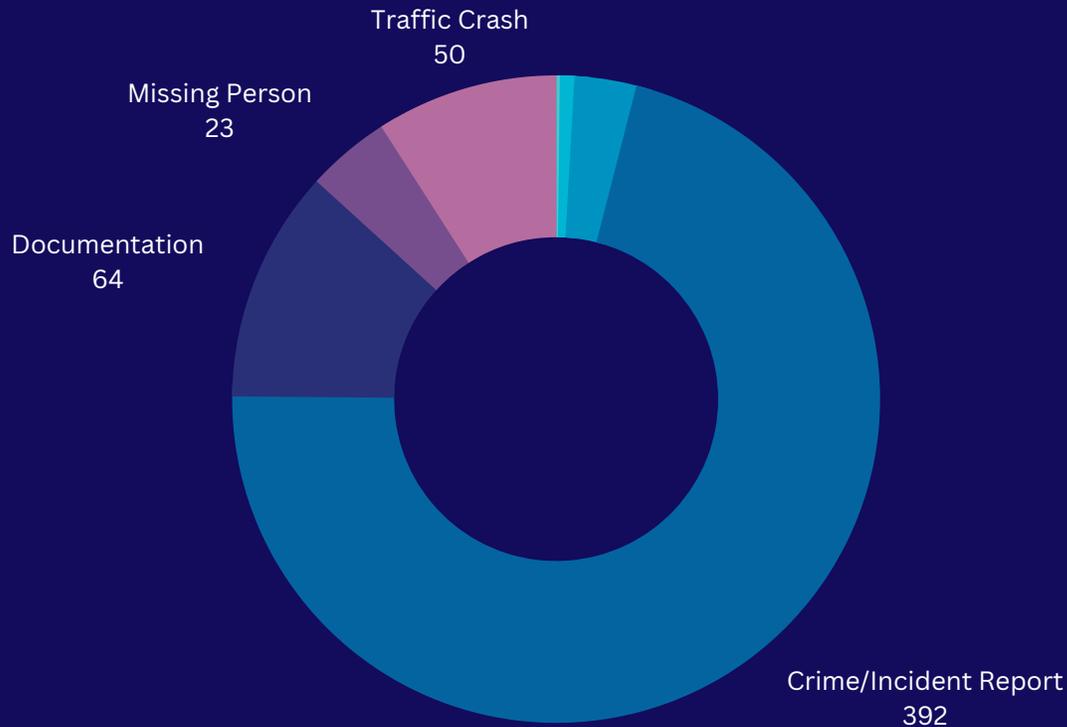
SET briefly conducted a special operation at El Pescadero Park, due to growing concern from community members about potential violence at the Park. During the operation, SET issued 9 citations, towed 9 vehicles, completed 19 Field Interviews, and 20 arrests.



# Community Service Officers

Community Service Officers perform a variety of field and administrative activities in support of police services and programs for the City's Police Department; provide comprehensive professional staff support to Police Department supervisory and management personnel on a wide variety of law enforcement programs, projects, and services; responds to public requests; and performs related duties, as assigned.

In 2022, Community Service Officers handled 1,047 Calls for Service and wrote 551 Reports.



Cathy Taylor



Andres Mendez



Bryan Desousa

# Community Service Division



The Community Services Division are responsible for the coordination of the Police Departments community outreach efforts. This division not only enforces laws for the safety of our community, but also deals with quality-of-life issues by working with the Tracy Unified School District, faith-based organizations, and other local services.

The units assigned to the Community Service Division are:

- Traffic Safety Unit
- Neighborhood Resource Officer
- Familiar Faces Homeless Outreach Program
- School Resource Officer
- Crime Prevention Specialist
- Code Enforcement
- D.A.R.E.
- Volunteers in Police Service

Community is  
the Foundation  
to Success.

– Kristen Jones

# Traffic Safety Unit

The Traffic Safety Unit is tasked with investigating all major injury collisions and collisions involving fatalities. Our unit's primary goal is to reduce collisions within the City of Tracy, through daily vehicle code enforcement, high police vehicle visibility, citizen tips through our Go Tracy app and social media posts. Our aim is to also educate the public on the California vehicle code and vehicle safety operations. There are five traffic safety officers and one sergeant, who make up this six-person unit.

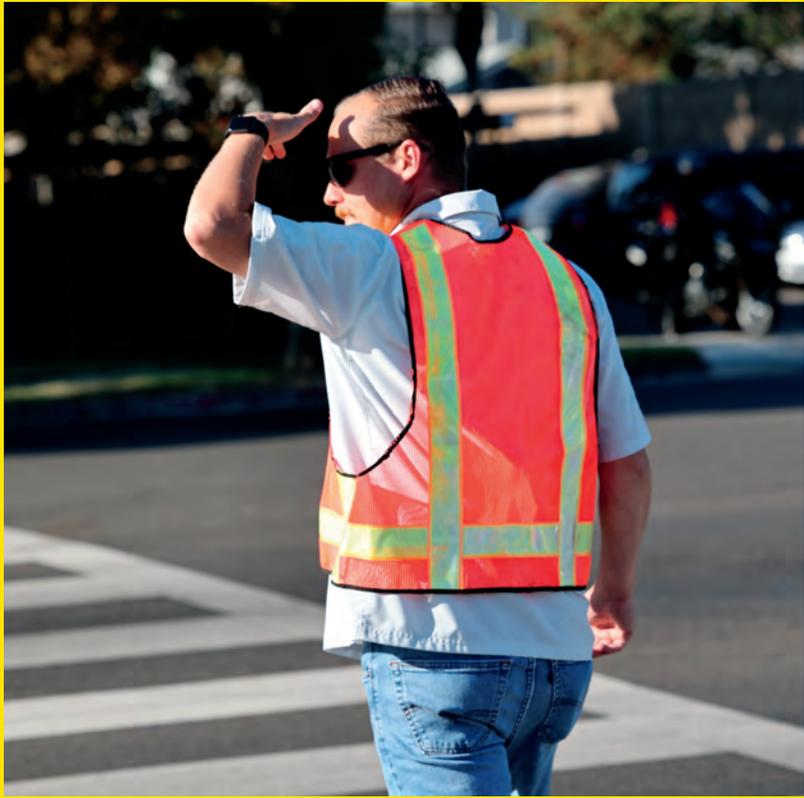
Some of our unit's continuous goals and safety operations involve pedestrian safe crosswalks, child restraint/safety belt events, commercial truck route enforcement, Saturation Traffic Enforcement Program, which involves other agencies of San Joaquin working together to enforce unsafe vehicle code violations together in Tracy and other neighboring cities, operation school bus, and distracted driver enforcement. During the November S.T.E.P. operations, officers made 246 enforcement stops for violations such as speeding, use of a cell phone. Additionally, 7 drivers were cited for driving without a license and 3 were cited for driving with a suspended license.

During 2022, the Tracy PD Traffic Safety Unit responded to and investigated 188 injury collisions, with eleven (11) resulting in fatalities.

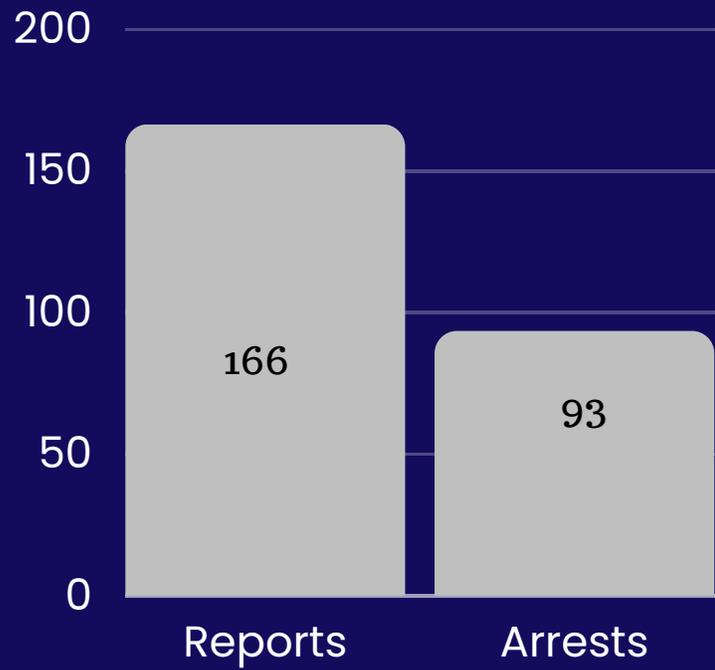
The goals for 2023 include continuous daily vehicle code enforcement, public education of the vehicle code's rules of the road through citizen contacts, social media and our city's websites, and more unit safety vehicle code enforcement operations. The Traffic Safety Unit will continue to work diligently to provide the citizens and motorists of Tracy, every opportunity to be aware and reminded of speed limits, stop signs, crosswalks, and school zones, in an effort to reduce and eliminate collisions of any kind. Additionally, the Tracy Safety Unit will continue to use the Office of Traffic Safety grants, which will allow us to purchase more safety equipment, and attend specialized training, and fund patrol units to conduct DUI enforcement through various months of the year.



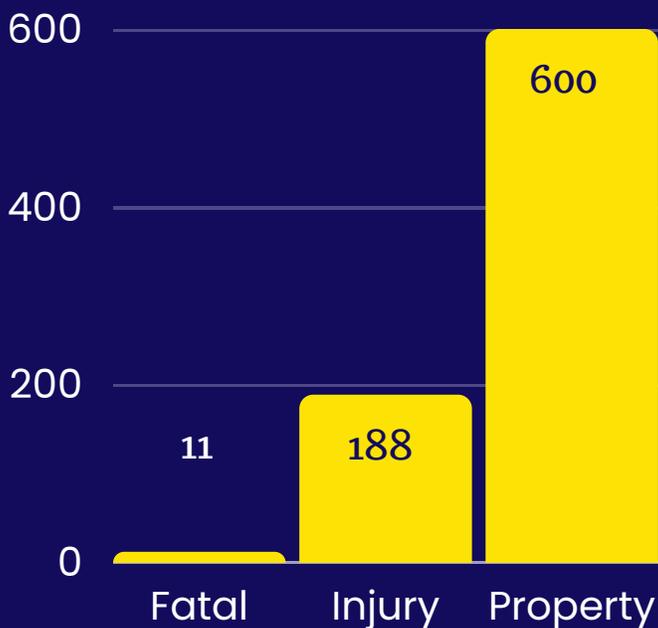
# Traffic Safety Unit- Data



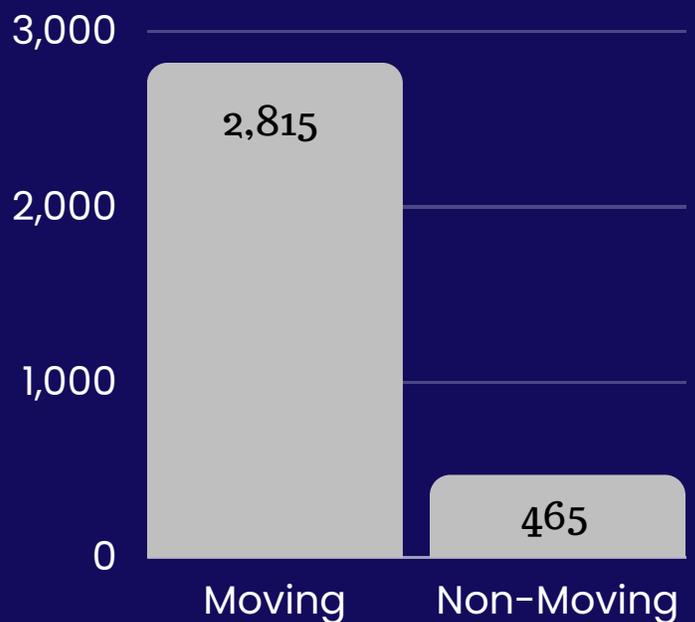
## DUI REPORTS



## COLLISIONS



## CITATIONS



# Neighborhood Resource Officers

The Neighborhood Resource Officer (NRO) positions exemplify community oriented policing in its truest and purest form. The NRO is a law enforcement officer that acts as a liaison between the Tracy Police Department, the community, non-profits, and a variety of city and other government agencies.

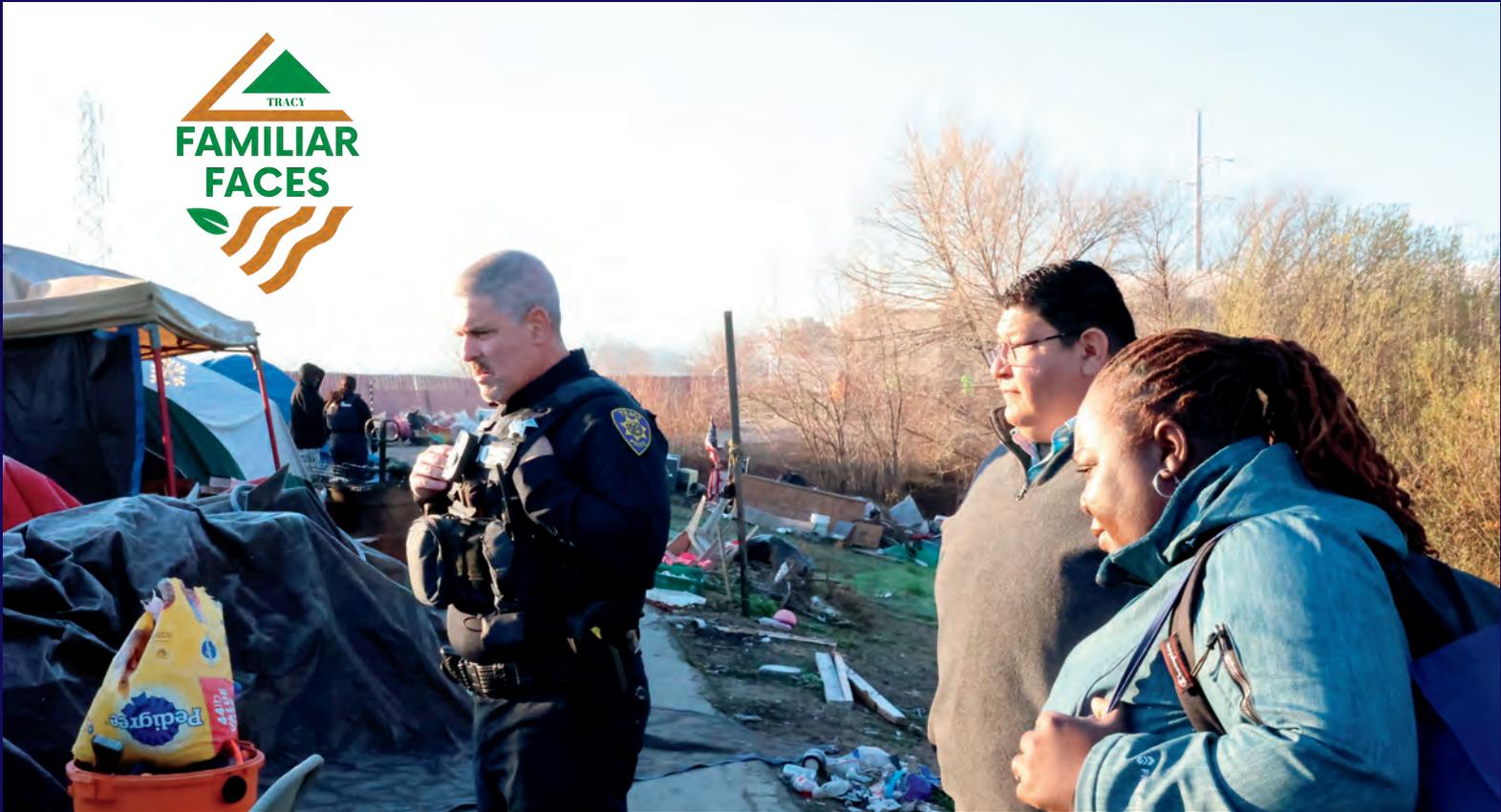
NROs work with citizens, civic groups, schools, and property owners, in organizing and evaluating effective crime prevention programs and problem solving. The NROs are responsible for issues and concerns in a neighborhood or business district, that are ongoing or simply demand more attention, investigative work or time than can be reasonably allotted during the course of a routine patrol call.

The NROs have proactive interactions with the citizens of Tracy in a wide variety of public relation efforts such as Neighborhood Watch Programs, homeless outreach, residential safety, personal/business crime prevention, crime information bulletins/alerts, bank and business security presentations, recruitment for Citizens Academy and internet safety programs.

Throughout 2022, Neighborhood Resource Officers have continued to be a vital part in assisting with Operation Helping Hands, by conducting outreach efforts twice a month to offer services to the unsheltered population of Tracy. The NRO team grew to a team of three (3) officers to allow for an officer to be integrated into the Familiar Faces Homes Outreach Program, funded in partnership with the San Joaquin County of Behavioral Health through a \$213,000 grant to be used for equipment, training, and a consultant, allowing the program to serve as a model for other local agencies.



# Familiar Faces



The Tracy Police Department's response to calls for service will now include our Familiar Faces Homeless Outreach Team. The Familiar Faces program will serve as an initial call, triage level, and follow-up response team. Through their work of identifying, engaging, and assisting unsheltered individuals in the community, they will be able to build relationships and work with them to develop solutions that may include transporting them and their belongings to existing homeless services or health care providers. While working closely with Tracy Police Department Officer, they will serve as a vital resource for connecting individuals to Homeless Services and will work alongside the City of Tracy's Homeless Services Manager, Homeless Advisory Committee, San Joaquin County Continuum of Care, South San Joaquin County Fire Authority, Tracy Community Connections Center, and City Net.



# School Resource Officers



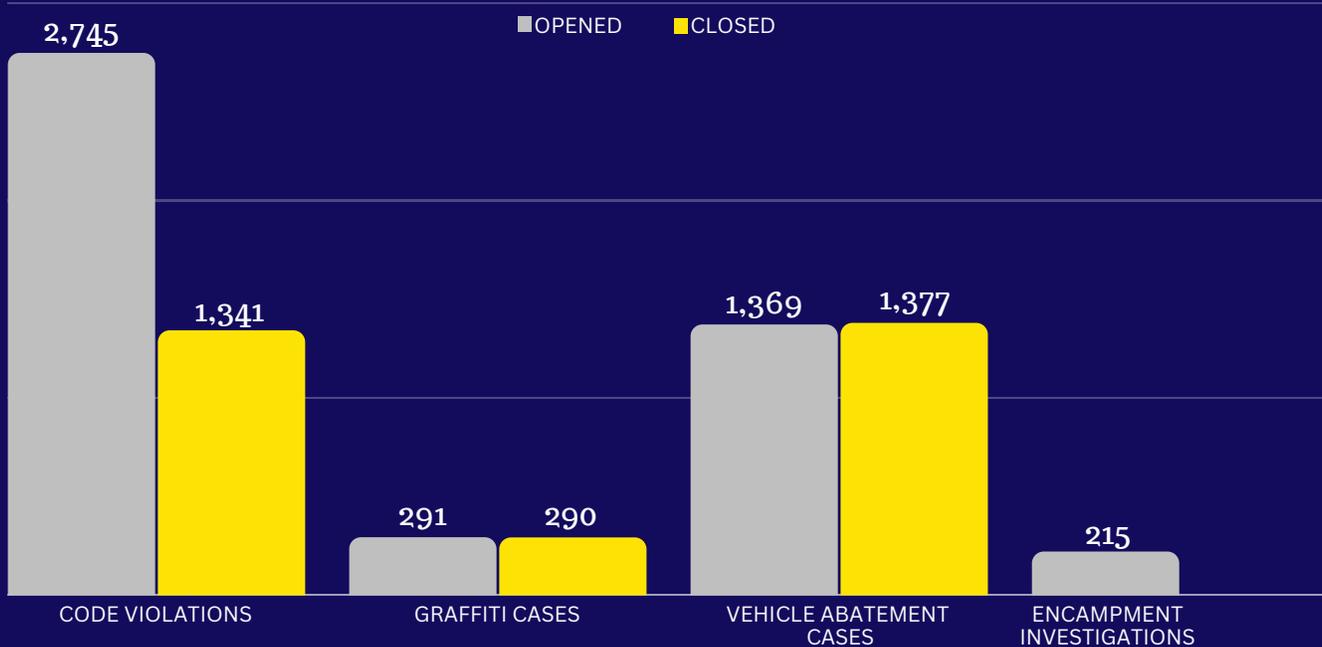
The Tracy Police Department continues its partnership with the Tracy Unified School District (TUSD) to provide three School Resource Officers (SRO) to ensure a safe learning environment for TUSD students and staff. Each SRO is a sworn, full-time officer and each is assigned to one of the three major high schools: Tracy High, West High and Kimball High. The SRO's also have responsibility for servicing the remaining elementary and middle school sites within TUSD.

In 2022, community engagement and creating connections with students and staff was a focal point of the SRO program. Our SRO team has spearheaded numerous school and youth related programs to include: the PAL Boxing program, 3 on 3 Basketball, career days at the high schools, crosswalk patrol, distributing a monthly bulletin for High teachers addressing trends amongst teens, and starting Team Diabetes on Campus (TDOC).



# Code Enforcement

The Code Enforcement Unit consists of four Code Enforcement Officers, one Code Case Analyst, one Administrative Assistant, two part-time traffic interns, and one Code Enforcement Manager. The Unit provides reactive, regulatory enforcement services for a broad range of adopted local, state, and federal laws. These codes include but are not limited to, the Tracy Municipal Code, 2019 California Building, Plumbing, Electrical, Mechanical, Residential, and Energy Codes, California Vehicle Code, California Health and Safety Code, and the Code for the Abatement of Dangerous Buildings. Through education and responsive enforcement, Code Enforcement aims to work with private property stakeholders, residents, and business community, to educate, preserve and promote safe and healthy communities through enforcement of these adopted standards.



## Noteworthy Cases:

Cleared two large homeless encampments; one on property adjacent to Home Depot on W. Grant Line Road and the second on MacArthur Drive immediately north of the I-205 freeway.

Revocation of a Conditional Use Permit – Leia’s Nightclub – Consideration of a revocation of the Conditional Use Permit for Leia’s Nightclub was considered by the Planning Commission on May 11, 2022. The Commission’s decision to uphold staff’s recommendation to revoke the permit was appealed by the applicant and considered by City Council during its meeting on June 21, 2022. City Council upheld the Planning Commission’s recommendation to revoke the use permit due to its detrimental effects on the community resulting from increased calls for service, unreported criminal activities and with violations of the conditions of approval imposed at the time of the Conditional Use Permit approval.

Former Long John Silver Building – After many years of being vacant, the property was sold, and the new property owner demolished the structure to make way for a gas station/convenience store concept. The Planning Commission approved the project in early 2021 and building permits issued on March 8, 2022. The gas station/convenience store is currently under construction.

The Great Plate – Following lengthy litigation on this case relating to structural deficiencies of the structure, the San Joaquin County Superior Court executed a final stipulated judgement in the City of Tracy v. BBS Adventures case. The judgement provided BBS 90 days from the filing of the judgement to complete all repairs identified in Council Resolution No. 2018-098. As a result of non-compliance with the deadline date established by the courts, the City applied for and was issued a Demolition Permit on July 22, 2022, and the demolition was completed in November of 2022.



# Code Enforcement

In late June 2022, Tracy Police Department Officers investigated an attempted murder of a male victim at El Pescadero Park, where the suspect fled the scene. The General Investigations Unit Detectives identified the suspect and requested the Special Investigations Unit (SIU) assist in apprehending the individual. Detectives from SIU had previously received tips of illegal activity taking place at Motel 6 and were actively conducting investigations at this location. Through this investigation, Detectives learned the suspect was living at Motel 6 with his mother, who was the motel manager.

Following execution of the search warrant, at which time the Code Enforcement team was requested to respond to address numerous building code violations. During Code Enforcement's inspection, it was discovered that two of the motel rooms were converted to living quarters. The unpermitted work included doorways cut out between rooms serving as access points to adjacent rooms, compromised load bearing walls, installation of kitchens, required fire clearances from ignition sources, electrical hazards, compromised fire rated construction, missing/faulty smoke detectors, missing toilets, missing vent screens, an unmaintained swimming pool, trash, debris and dead vegetation. Code Enforcement coordinated inspections of all 133 motel guest rooms and all maintenance rooms, for fire and building code violations as well as violations of the initial development conditions imposed as part of the development approval process. Development condition violations include unmarked handicap parking spaces, unmet landscaping requirements, lack of enclosed garbage dumpster locations, and other similar type of requirements.

A series of compliance inspections have taken place since the August 2, 2022, to track progress of correcting the deficiencies noted. As of November 22, 2022, the few remaining violations include repair of the pool equipment, required landscaping (trees) and inspection of two remaining guest rooms (currently under eviction proceedings). The City provided a deadline date of December 22, 2022, to finalize the remaining corrections. A follow up inspection will take place the first week in January of 2023 at which time we expect the remaining violations will be abated. Motel 6 Corporate and on-site management have been cooperative and accommodating to staff's requests to inspect. They are making a concentrated effort to remedy the nuisances and violations at their motel and to provide a higher level of services and amenities to their guests. They have expressed appreciation to City staff for its guidance in addressing then nuisances, violations, and illegal activities experienced at the motel.

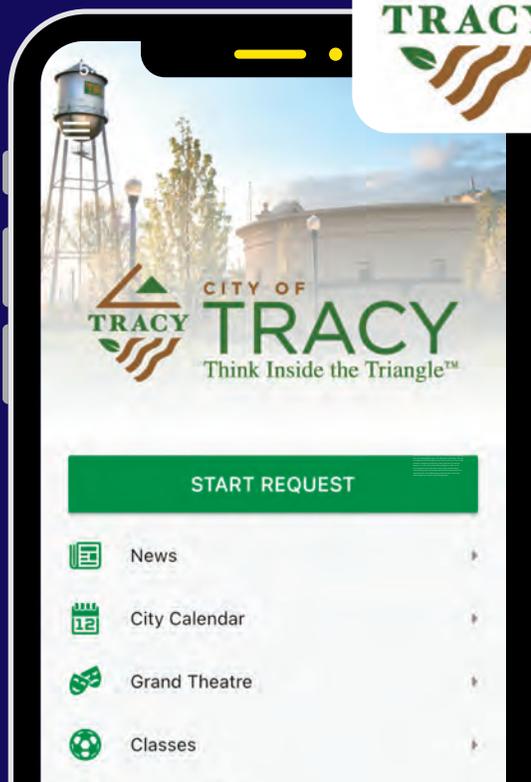


## Go Tracy! App

Community members are continued to be encouraged to report code enforcement violations using the Go Tracy App.

Through the app, the community is able to report graffiti, abandoned shopping carts, downed trees, abandoned vehicles, & much more!

DOWNLOAD THE APP!



# Crime Prevention Specialist



Our Crime Prevention Specialist focuses on proactive crime prevention. The Crime Prevention Specialist also develops and implements a variety of crime prevention programs, presentations and materials for businesses and the community, and performs services such as Crime Prevention Through Environmental Design inspections and community outreach events. increasing opportunities for our officers and professional staff to engage with the public. The Crime Prevention Specialist also serves as the primary liaison for more than 40 block captains that are apart of Neighborhood Watch. Additionally, the Crime Prevention Specialist also helps manage our volunteer program (VIPS) and large-scale events for the Police Department, including the Community Academy and National Night Out.

In 2022, our partnerships with community organizations and members were strengthened and enthusiastically renewed this year as the community was eager to continue to come out to events. This year the department hosted or attended a total of 180 community events including National Night Out, Stuff the Cruiser (school supply donation drive), Coffee with a Cop, Etch and Catch, Badges for Books, and Fries with the Good Guys.



# Volunteers in Police Services



Volunteers in Police Service (VIPS) is a citizen volunteer organization within the Police Department. VIPS members have volunteered thousands of hours each year as part of the department's Community Oriented Policing philosophy.

The Volunteers in Police Services are led by our Crime Prevention Specialist with their assistance to the Police Department and City far-reaching. They routinely participate in programs that include: patrol duties, special events, tours of police facilities, traffic control, citizens academy, community partnerships, home, and business security checks, Neighborhood Watch, shredding events, and community relations events.

In 2022, the volunteers logged approximately 3,541 hours. While our VIPS program lost two long time members, Rich and Lee Cava, they are going into 2023 with a hopeful outlook to continue engaging and supporting the growing in-person community events and police functions they've traditionally supported, as their membership continues to grow.

**"HEART AND  
SOUL OF OUR  
DEPARTMENT"**

# BUREAU OF INVESTIGATIONS

The Bureau of Investigations (BOI) is led by a Police Captain and a Police Lieutenant who share the leadership responsibilities for a variety of specialized units with unique responsibilities dedicated to serving community needs.

Units assigned to the BOI are:

- General Investigations Unit
- Special Investigations Unit
- Crime Scene Investigations
- Hi-Tech
- Evidence and Property
- Crime Analyst

Each of these units are focused on supporting community-oriented policing and problem-solving initiatives undertaken by the police department. All units are tasked with meeting specific goals and duties with the highest level of professionalism and ethical commitment to the community members of Tracy.



Alex Neicu  
Captain

“ Seeking justice through fact finding investigations with resiliency in pursuit of the truth.

– Anonymous

”

# General Investigations Unit

The General Investigations Unit (GIU) is responsible for investigating cases that are more time consuming and consist of more in-depth investigations for the department. In 2022 there were eight detectives, one crime analyst and one sergeant that were assigned to conduct 24/7 investigations involving homicides, robberies, crimes against children, sexual assaults, property, financial and gang related crimes. In addition, the General Investigations Unit has one detective that is assigned to the county wide auto theft taskforce that is investigating auto theft related crimes and catalytic converter thefts. These detectives also provided investigative training to patrol officers on how to document, interview victims/witnesses, and process crime scenes. This training helps officers with providing a better level of service to the community, and increases the solvability when the detectives continued the investigations.

In 2022, the General Investigations Unit investigated a total of 518 cases, with 329 cases closed.



**Cases Assigned: 518**  
**Cases Closed: 329**

# Special Investigations Unit

The Special Investigations Unit (SIU) is tasked with investigating cases involving illegal drugs, prostitution, and human trafficking. The four investigators and one sergeant who make up the unit, rely on tips from the community, leads from other units within the department or outside agencies, as well as self-developed intelligence.

SIU is regularly involved in providing safety presentations for community groups, developing specialized training sessions for TPD personnel, and collaborating with other local, state, and federal agencies on large-scale investigations. Throughout 2022, SIU detectives became subject matter experts in human trafficking, and now provide expert courtroom testimony and training on the subject to other departments in the region.

In 2022, SIU detectives spent a significant amount of time assisting other TPD units with surveillance, apprehensions, and search warrant services. SIU detectives authored 136 reports while handling 17 misdemeanor and 15 felony arrests.



# CSI & Property Unit

The CSI and Property Unit serves multiple functions within the Police Department. The unit is under the Investigations Division, and is staffed with one crime scene technician supervisor, four crime scene technicians (CST), and one Senior Property and Evidence Technician. The CST's/CST Supervisor respond to all types of crime scenes and critical incidents, to perform various methods of evidence documentation, collection, and processing. In addition, the Unit is responsible for intake on all evidence/property booked in by police department personnel. They coordinate the submission of evidence to the State of California Criminalistics laboratories, SERI Laboratory, and IBIS/ATF, for analysis. They also work closely with the San Joaquin County District Attorney's Office for prosecution of our cases. This includes providing all the discovery materials for trials, and testimony in court.

The Unit is tasked with the heavy responsibility of maintaining the integrity of evidence and property, by properly documenting, packaging, preserving, securing, and tracking all items booked by members of the Police Department. The Evidence and Property Technician coordinates the subsequent release, auction, and destruction of this evidence/property, making sure proper notifications and clearances are completed. This involves extensive research by all members of the Unit, through the court system to see which cases are adjudicated and eligible for destruction/release. All items are disposed of in accordance with local, state, and federal laws.

In 2022, Unit members booked over 4,966 items of evidence and wrote over 2,020 supplemental reports, as well as, 19 fingerprint hits made from fingerprints developed on scenes.



# BUREAU OF SUPPORT SERVICES

The Bureau of Support Services (BSS) is one of the three major divisions of the Tracy Police Department. The Support Operations Division has four specialized units with unique responsibilities dedicated to serving the needs of the community.

Units assigned to the Support Operations Division are:

- Animal Services Unit
- Communications Unit
- Fiscal Management and Planning Unit
- Police Records Unit

Our dedicated Support Services staff play an important role in providing essential services efficiently and effectively to officers, detectives, command staff, and community members.



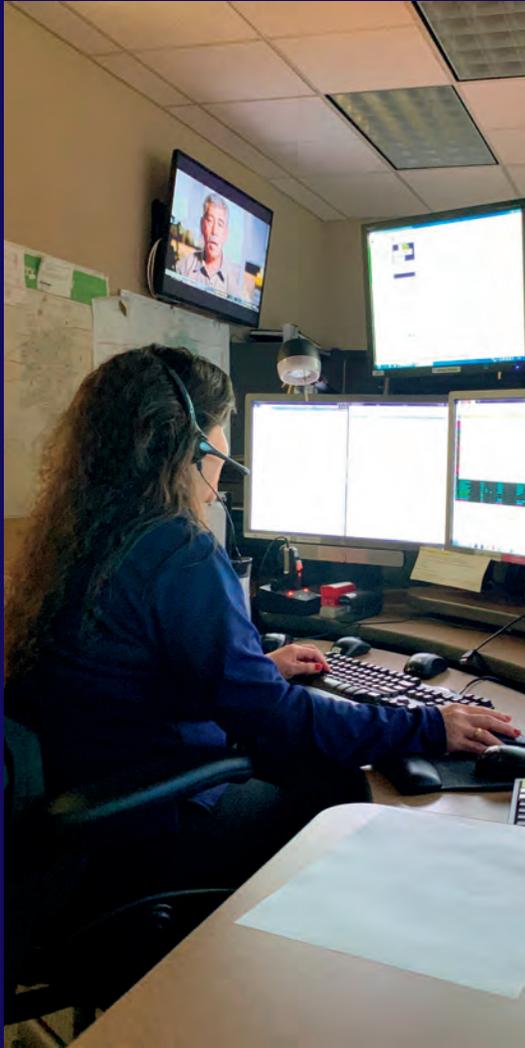
**Beth Lyons-McCarthy**  
Support Services  
Manager

“  
Perpetual optimism is a  
force multiplier.

– Colin Powell

”

# Communications Unit



The Communications Unit is staffed with a total of 15 Public Safety Dispatchers and two Communications Supervisors. The Tracy Police Department Public Safety Dispatchers provide emergency and non-emergency police communications 24 hours a day, 365 days a year. In 2022, the Tracy Police Department's Public Safety Dispatchers handled a total of 79,922 telephone calls, including 18,404 9-1-1 calls.

In 2022, 99.34% of the 9-1-1 calls that the Unit received were answered in under 15 seconds, exceeding the NENA standard of 95% of calls must be answered within 20 seconds

The Communications Unit implemented the Tracy RAVE Alerting system allowing for citizens to opt-in to alerts via text message, email, and phone call.

In 2023, the Communication Unit will start looking at the approved cloud based phone systems CalOES systems to update the current phone system that is in place. Along with continue working with the City of Tracy Geographic Information System (GIS) vendor GEOCOMM to update maps in Mark43.

## 2022 TOTAL CALLS TO DISPATCH



127,926

## 2022 CALLS FOR SERVICE



69,113

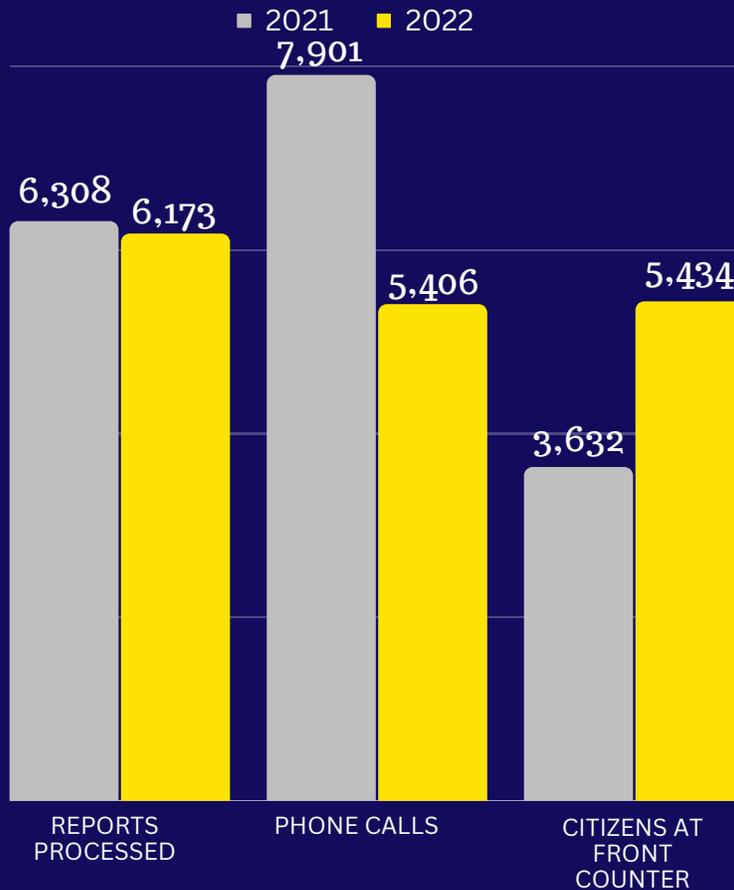
## 9-1-1 CALLS



33,062

# Records Unit

The Records Unit is staffed with seven full-time Police Records Assistants, two full-time Senior Police Records Assistant, and a Supervisor. Staff is responsible for all aspects of report processing and document control within the Tracy Police Department, providing support to police officers, and service and assistance to the public who need to obtain copies of police reports, vehicle releases, Live Scan fingerprinting, and other similar requests.



# Animal Services



The Animal Services Unit is comprised of nine (9) employees consisting of a Supervisor, three (3) Animal Services Officers, three (3) Kennel Aides, and two (2) Administrative Assistants. Staff is responsible for the operation and maintenance of the Tracy Animal Shelter, the care and welfare of animals housed in the shelter, responding to animal-related calls and complaints, and enforcing animal-related laws.

In 2022, Animal Services accomplished several goals. We were the award recipient of several grants totaling over \$24,000, one of which provided the shelter the ability to provide early spay/neuter to any pet in the shelter longer than two weeks, shortening the animal's length of stay in the shelter, as the pet can go home the same day that they are adopted.

The Animal Shelter also began to reopen for general walk-throughs. They found that doing so was causing stress, resulting in a lowered ability to match adopters with animals. With this realization, staff changed practices leading to four long-time dogs being adopted.

Dogs	Cats
289 Adoptions	243 Adoptions
8 Euthanasia	98 Euthanasia
2 Died	27 Died
39 Rescue/Transfer	231 Rescue/Transfer
231 Returned to owner	8 Returned to owner
Total: 569	Total: 349

Additionally, in 2022 Animal Services focused on participating in, and hosting, community events, and for the first time staff participated in the Fourth of July parade, held multiple Best Friends Adoption weekends, launched their Youth Ambassador program, and brought back The Fast and The Furriest Fun Run, which saw hundreds of community members come out to raise money for shelter animals.

Animal Services will continue to focus on growing their knowledge of animal behavior to help educate and assist the community.





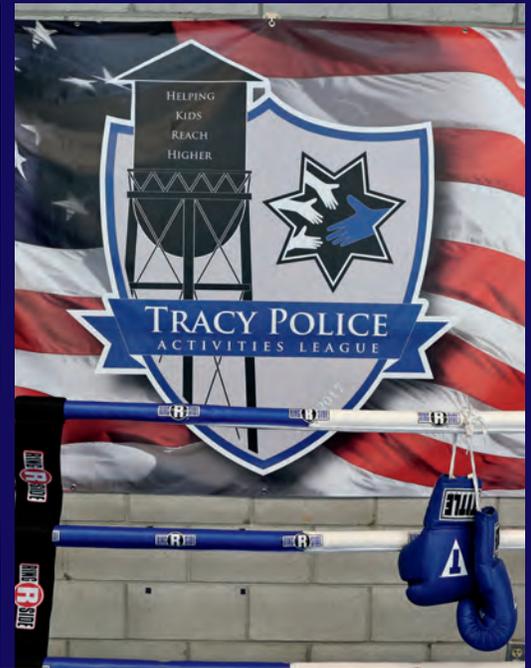
**Honor Guard**



**Field Training**



**Tactical Dispatch**



**PAL Program**



**Bicycle Patrol**



**Motor Cadre**



**Reserve Program**



**D.A.R.E.**



**Police Chaplaincy**



DOWNLOAD THE TRACY POLICE  
DEPARTMENT WELLNESS APP

**Peer Support**



## Police Explorers



## Tactical Medics



## Special Weapons and Tactics



## Crisis Negotiations



## Defensive Tactics



## Canine Unit



## Range Cadre



## Recruitment

Tracy Police Department



## Drone Cadre

# Promotions



**Nestor Mejia**  
Sergeant



**Wesley Bancroft**  
Corporal



**Graham Hawkinson**  
Corporal



**Daniel Garcia**  
Sergeant



**Gus Cisneros**  
Corporal



**Estefania Rodriguez**  
Police Officer



**Scott Criswell**  
Sergeant



**Crissy Shevlin**  
Sr Public Safety Dispatcher



**Jeff Berdosh**  
Sergeant

# Promotions



Jake Pineo  
Corporal



Matt Grijalva  
Corporal



Eric Smith  
Corporal



Matthew Sieperda  
Sr Public Safety Dispatcher



# New Team Members



James Vincent  
Public Safety Dispatcher II



Gabriel Alvarez  
Animal Services Officer I



Joseph Bourassa  
Police Officer



Abel Perez-Miranda  
Police Officer



Bonnie Crawford  
Animal Services Aide



Shelby Zaragoza  
Public Safety Dispatcher I



Wazhma Palmer  
Community Services Officer



Brock DeWitt  
Police Officer



John Hostetler  
Police Officer

# New Team Members



Gabriel Silva-Quezada  
Police Officer



Kaylin Heefner  
Community Relations Coordinator



James Sams  
Police Officer



Charles Blizinski  
Police Officer



Jacob Eakin  
Police Officer



Emily Galindo  
Police Officer



Arturo Ortega  
Police Officer



Vanessa Erickson  
Animal Services Aide



Heather Macias  
Animal Services Aide

# New Team Members



Lluslenny Velazquez  
Police Officer Trainee



Ahmad Patang  
Police Officer Trainee



Bryant Tlazalo  
Police Officer Trainee



Joseph Blair  
Police Officer



Noel DeLoza  
Police Officer



Adrian Macias  
Police Officer



Sergio Molina  
Police Officer



Martin Vargas  
Administrative Assistant



Alexandra Warner  
Crime Analyst

# New Team Members



Heidi Horner

Public Safety Dispatch Supervisor



Andres Mendez

Community Service Officer



Ayesha Nic-Gongora

Homeless Outreach Coordinator



Hector Jaimes

Homeless Outreach Coordinator



Mitchell Van Dyk

Police Officer



# Department Recognition Award

## ALEX CONTRERAS SCHOOL RESOURCE OFFICER



The Department Recognition Award may be awarded to an individual or group of employees for outstanding performance of duties under unusual or complicated conditions over a period of time, or in recognition of a proactive philosophy as demonstrated by projects or community involvement.

Officer Alex Contreras joined the Tracy Police Department (TPD) in 2016 to serve in his hometown after four years of service with Ripon Police Department.

Since he has been with TPD, Officer Contreras transferred into the School Resource Officer (SRO) position in 2021, assigned to West High School, serves as a new SWAT Operator, and is the Vice President of the TPD Police Activities League (PAL) Board. While these duties are all time consuming and demanding, Officer Contreras juggles them seamlessly and enthusiastically. In addition to his demanding work duties, Officer Contreras continues to coach youth sports (baseball and football).

In his two years as a SRO an PAL Vice President, Officer Contreras has organized and assisted in several youth engagement events including lunch time basketball tournaments, football skills camp, baseball skills camp, and boxing club coach, while also volunteering to organize a Crab Feed to ensure funding for future Tracy PAL endeavors. These events have an obvious enrichment factor for the kids who participate, but equally, and maybe more importantly, it shines a humanizing light of compassion and care when a police officer shows up to help and teach in a non-enforcement setting. These interactions may be the course-changing event that pushes a child into the police calling later in life, or stirs them away from the wrong path.

Officer Contreras exemplifies the departments commitment to Service, as well as the Trust and Legitimacy Pillar of 21st Century Policing. Officer Contreras' genuine care and compassion for the City's youth makes him an asset to the Tracy Police Department and deserving of the 2022 Department Recognition Award.

# Medal of Meritorious Service

## JAKE PINEO POLICE CORPORAL



The Medal of Meritorious Service is given to an employee who, while serving in an official capacity, distinguishes themselves by meeting contributing significantly towards the Department in attaining goals and objectives, service that significantly impacts the Department in a positive manner, and lastly is involved in a great deal of responsibility and personal initiative.



Corporal Pineo has made significant contributions to the department, dedicating his time to attend outside trainings where he became a regionally recognized expert in tactics and officer safety. Due to this advanced level of education, Corporal Pineo has been tasked with leading active shooter response/awareness training to our own officers, City of Tracy Employees, South San Joaquin County Fire Authority, and the Tracy Unified School District.

Through hours of research, Corporal Pineo wrote a paper that was published in the California Association of Tactical Officers monthly magazine and invited to speak at the 2022 CATO conference about his published article.

Corporal Pineo's knowledge has greatly benefitted the Department's ability to train officers to be safer in the field, making the City safer for everyone.

Congratulations on your Meritorious Service Medal!

# Award of Excellence

## COMMUNITY SERVICE DIVISION & CODE ENFORCEMENT UNIT



The Award of Excellence is an achievement award that may be presented to an employee or work group, based upon their outstanding accomplishments during the past 12 months, and who practices the concepts in the Tracy Police Department's Mission Statement.

When it comes to assisting the Homeless problems in the City of Tracy, two teams within the Community Service Division exemplified teamwork, coordination, and perseverance.

The Neighborhood Resource Officer team and Code Enforcement Unit have exemplified and demonstrated the Department's core values of Service, Integrity, and Excellence. Our Neighborhood Resource Officer team took ownership of these pressing community matters while using teamwork to tackle the issues, establishing the Mobile Evaluation Team (MET) by partnering with San Joaquin County Behavioral Health and the Familiar Faces Homeless Outreach team. Code Enforcement Officers were instrumental when it came to coordinating homeless encampment cleanups with our NROs, addressing blight, and recurring trash and debris while treating the unsheltered with dignity and respect.

Congratulations on your Award of Excellence!



# Award of Excellence

## MICHAEL RICHARDS POLICE SERGEANT



The Award of Excellence is an achievement award that may be presented to an employee or work group, based upon their outstanding accomplishments during the past 12 months, and who practices the concepts in the Tracy Police Department's Mission Statement.



With over fifteen years with the Tracy Police Department, Sergeant Mike Richards exudes the leadership qualities of a highly respected leader. Sergeant Richards is a fair sergeant with simple and clear team expectations that he holds his entire team accountable to, never deviating from the expectations of his officers, and has always been humble about admitting if he is wrong about something.

Sergeant Richards genuinely cares about the officers assigned to his team which is apparent by his "open door policy." Officers know if they have a personal or professional problem, he is there to listen and offer them any support they may need.

Sergeant Richards motivates all the officers on his team to be the best they can be simply by his actions during each shift, this is due to his hard-working ethic and leadership qualities we witness daily.

Congratulations on your Award of Excellence!

# Volunteer of the Year

## CHARLES HARRISON VOLUNTEER IN POLICE SERVICE



The Police Volunteer of the Year Award serves to recognize an outstanding volunteer within our Department who contributes to the efficiency and effectiveness of the Department, and who demonstrates the qualities set forth by the Tracy Police Department's Mission Statement.

Volunteer Charles "Chuck" Harrison has been with the Tracy Police Department's Volunteer in Police Service (VIPS) program since 2019. He has been a constant and dedicated member of the fleet team, losing himself in his contributions to this department's mission.

Chuck's persistent dedication to ensuring that the Tracy Police Department's fleet is maintained and managed is an essential duty that keeps rubber to the road and ensures that our Officers can respond to all calls for help or service. Arriving in the waking hours of the morning, usually before the sun is up, Chuck and his fleet partners arrive quietly and shuffle vehicles to and from the Boyd Service Center with little fanfare or noise.

In 2022 Chuck logged over 430 hours of volunteer time, which by any measure of a volunteer is a commendable feat and reminds us that our volunteers are the embodiment of service. Chuck demonstrates daily, the power of giving with his contributions to the mission, going unnoticed by many because of his selflessness. Chuck's actions are essential and greatly appreciated as a valuable member of the Tracy PD VIPS and deserving of the 2022 Volunteer of the Year Award.



# Police Employee of the Year

## CARLO FANTO

### INFORMATION TECHNOLOGY SPECIALIST



The Employee of the Year may be awarded to professional staff of any rank who looks for ways to improve the Department's efficiency and effectiveness, and who demonstrates the qualities set forth by the Tracy Police Department's Mission Statement.

Carlo Fanto exemplifies Service, Integrity, and Excellence daily when assisting Department employees. He is highly reliable and often accommodates his work hours to meet organizational needs. Carlo continuously does an outstanding performance in his duties year after year without ever seeking recognition. His humble yet open-minded approach makes him a pleasure to work with on complicated projects. Carlo at a moment's notice will stop what he is doing and handle any technical issues that arise without delay. His positive outlook and incredible work ethic make him a great asset and value to TPD. As the primary IT Specialist for the Department, Carlo not only helps support and maintain virtually all technology third-party vendor programs but takes care of all fleet-related technology maintenance. He often does work in the background to ensure all systems are operating correctly and his work goes unnoticed until systems fail.

In addition to his daily duties, in 2202 Carlo played a crucial role in upgrading the Wireless Cradle Points in all Patrol vehicles, resolving latency issues that compromised officer safety due to lagged GPS, while also replacing and upgrading Patrol vehicle MDC/MDT.

These projects are just some examples of how his work improved the department's efficiency and effectiveness, demonstrated great customer service both internally and externally, and aligns with our department's strategic goals while exemplifying our values.

Congratulations on your Employee of the Year Award!

# Police Officer of the Year

## BRIAN AZEVEDO DETECTIVE



The Police Officer of the Year Award is granted for outstanding achievement by an officer that brings credit to the Department, and which involves performance well above and beyond that which is required by an officer's basic assignment.

Over the last two years, Detective Azevedo has worked on many high-level investigations, oftentimes having to respond to work either late at night or early in the morning.

Through his hard work, Detective Azevedo has received a Chief's Commendation for his dedication to the City of Tracy and the Department, his teamwork, and his ability to coordinate with multiple agencies. Detective Azevedo's tenacity, dedication, and willingness to work with other Detectives, make him a valuable member of the General Investigations Unit. Additionally, Detective Azevedo always makes himself available to help Patrol officers on any of the cases they have, and helps train new Detectives in writing search warrants and reviewing them.

Congratulations on your Officer of the Year Award!





# Tracy Police Department 2022 Annual Review

Service | Integrity | Excellence

# Value Statements

## SERVICE

Always seek long-term resolutions to problems. Provide honest, open, and timely (HOT) feedback. Support organizational goals and strive to achieve them. Stand against gossip and rumors. Provide prompt responses to requests and communicators. Promote proactive attitudes.

## EXCELLENCE

Challenge the status quo by promoting new creative and innovative ideas. Always be proud of your profession and Department. Ascribe to being a lifelong learner. Always perform at Department's highest level or organizational standards. Lead by example. Always go the extra step to meet the community's needs.

## INTEGRITY

Honesty in thought and actions. Address behaviors, not reputations. Practice organizational loyalty over personal loyalties. Place organizational priorities over personal agendas.

## VISION STATEMENT

The Tracy Police Department works to preserve the safety and high quality of life in Tracy through value-based policing.

## MISSION STATEMENT

The Tracy Police Department aims to keep Tracy a safe place in which to live, work, and invest.



# F.I.R.S.T.

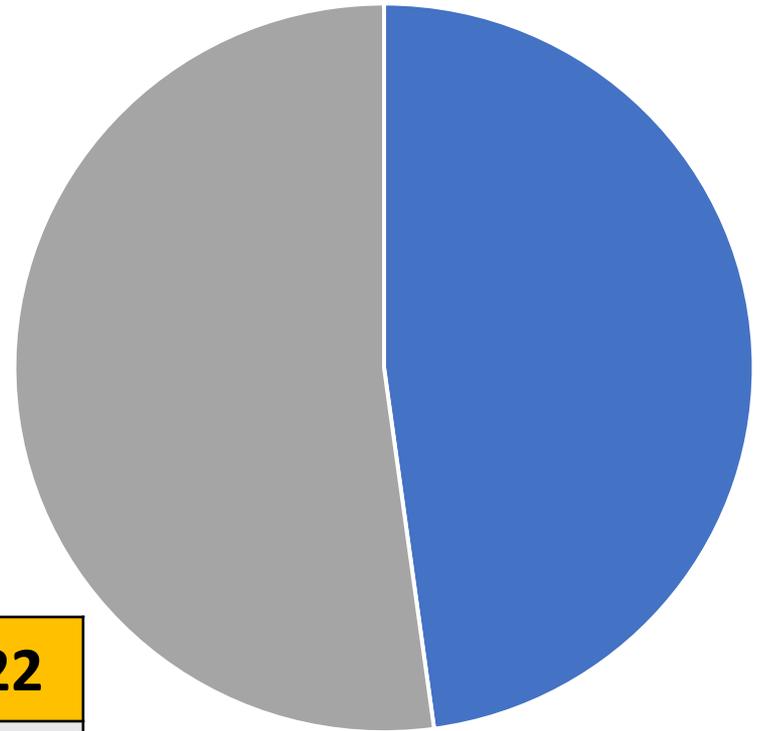


- FAIRNESS
- INTEGRITY
- RESPECT
- SERVICE
- TEAMWORK



Think Inside the 'Triangle'

# 2022 CALLS FOR SERVICE



■ 9-1-1 ■ Non-Emergency

Type	2021	2022
Calls for service	70,565	69,113
9-1-1 calls	36,257	33,062
Non-Emergency	34,308	36,051



Think Inside the 'Triangle'

# 2022 RESPONSE TIMES

In an effort to reduce the use of force and community concerns, officers use the *P.A.T.R.O.L.* response to calls.

- **P.** Plan (when time permits). Stage and formulate a clear plan.
- **A.** Assess; is there a crime? Type of crime, immediate danger to the public, need for Crisis Response Unit.
- **T.** Time- Distance and cover; slow things down.
- **R.** React team. Contingency Plan/Flight/Surrender
- **O.** Other resources needed? Mobile crisis, Drone, Bearcat, other agencies.
- **L.** Lines of communication- Establish incident commander, public address, phone, and text. Notify the chain of command.

PRIORITY	2020	2021	2022
1	6:50	9:58	9:09
2	12:42	20:22	18:02
3	22:11	27:46	26:29



Think Inside the Triangle®

# PROPERTY AND VIOLENT CRIMES

## PART 1 CRIMES

YEAR	PART 1 CRIME TOTALS	CHANGE FROM PREVIOUS YEAR
2021	1865	Decrease
2022	1656	

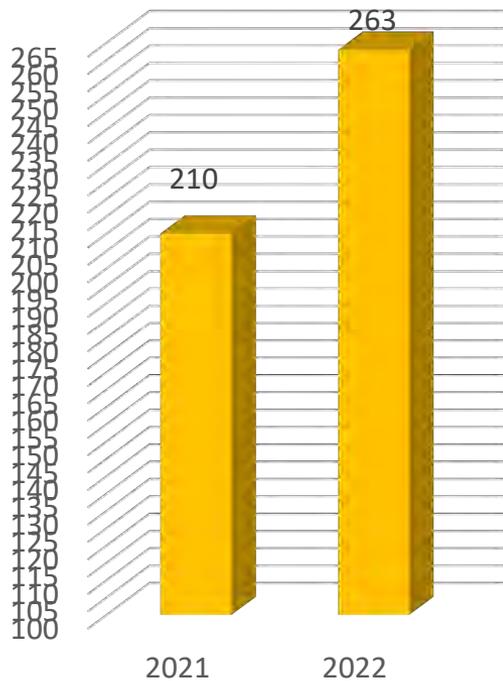
## VIOLENT CRIMES

YEAR	Homicide	Rape	Robbery	Aggravated Assault	Totals
2021	4	18	52	136	210
2022	2	24	59	176	261

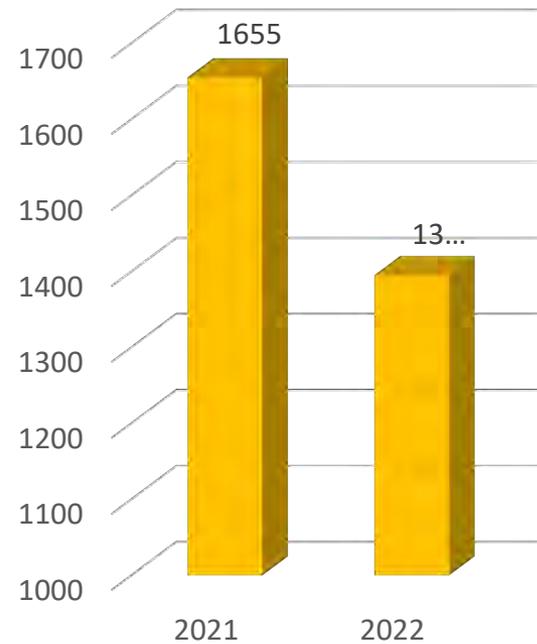
## PROPERTY

YEAR	Burglary	Larceny	Auto Theft	Arson	Totals
2021	143	1217	283	12	1654
2022	150	1024	206	15	1395

# PROPERTY AND VIOLENT CRIMES



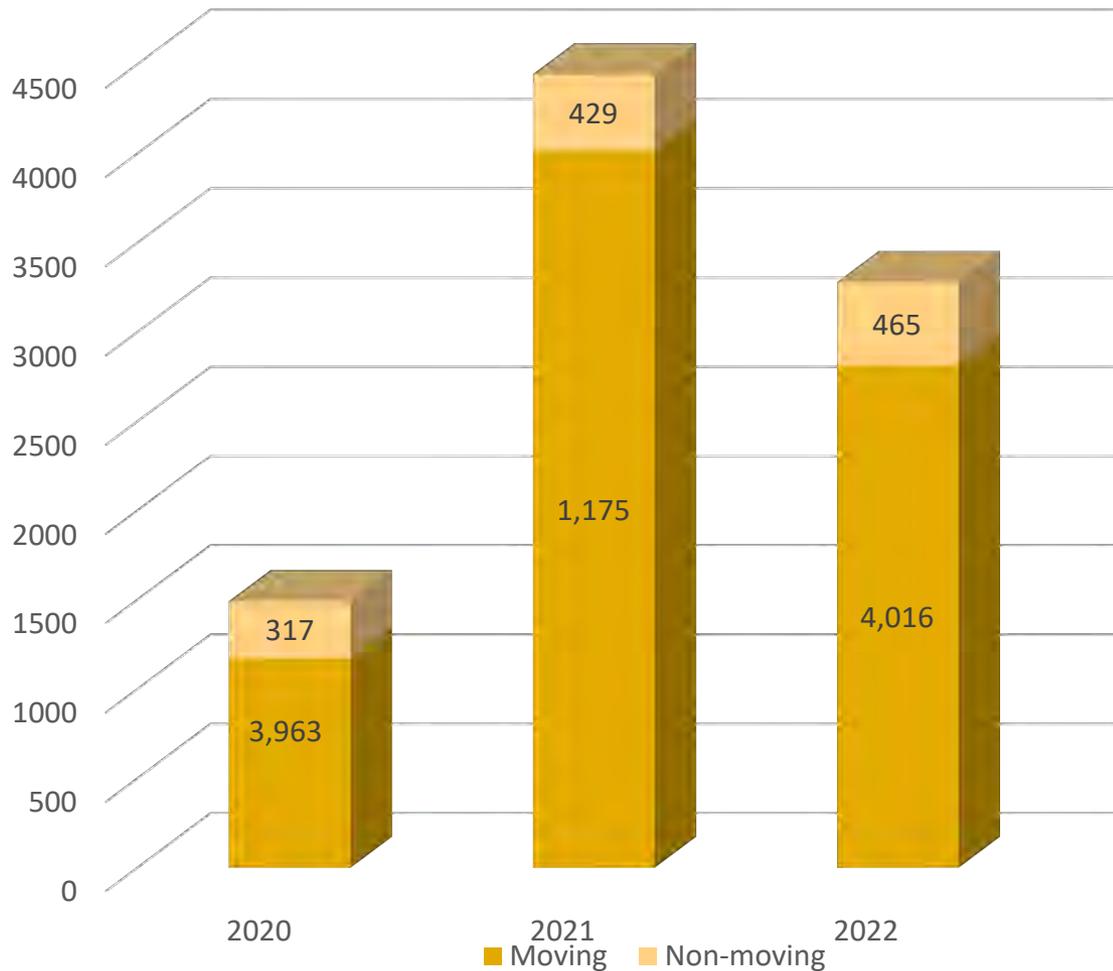
**VIOLENT CRIMES**



**PROPERTY CRIMES**

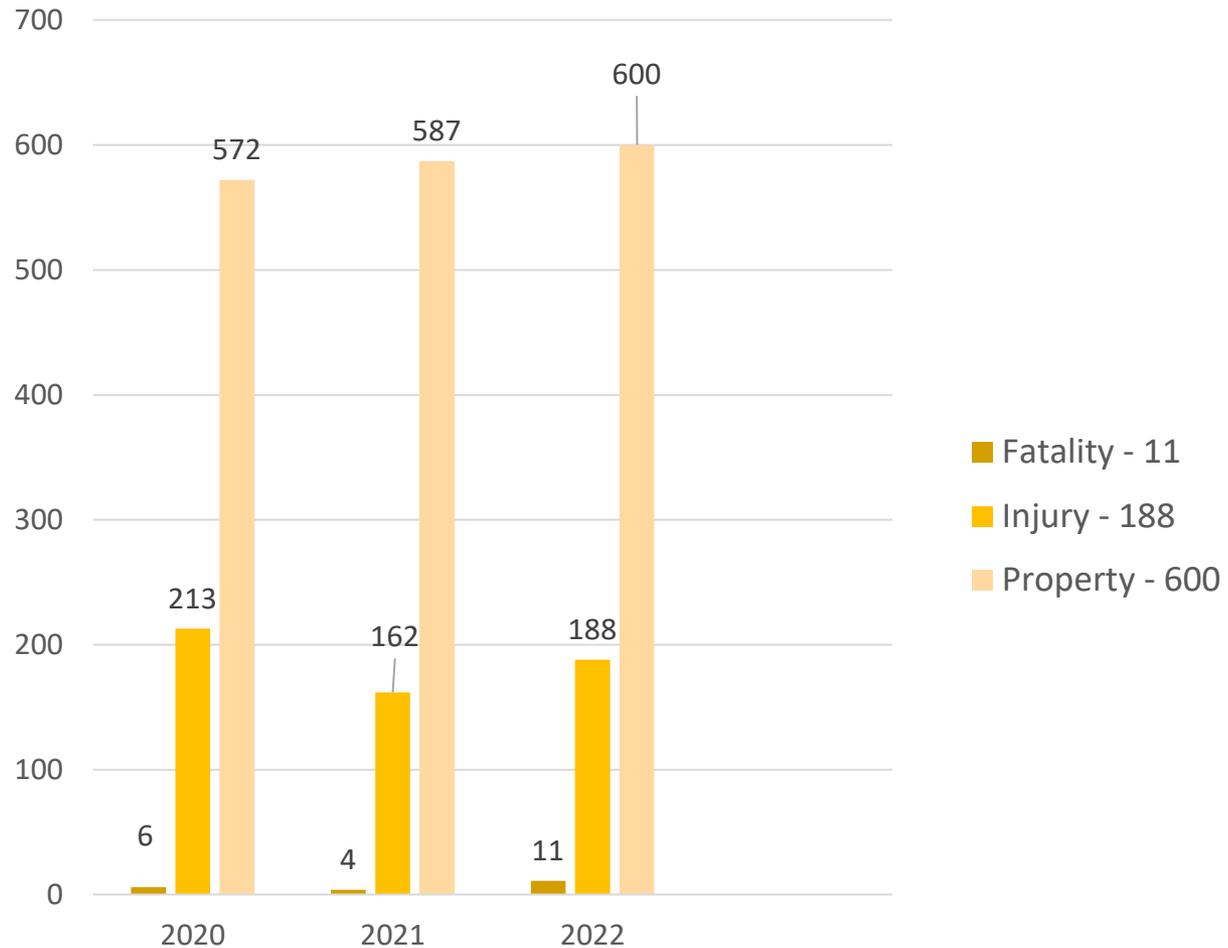
# CITATIONS

**2022 Total Citations = 3,280**

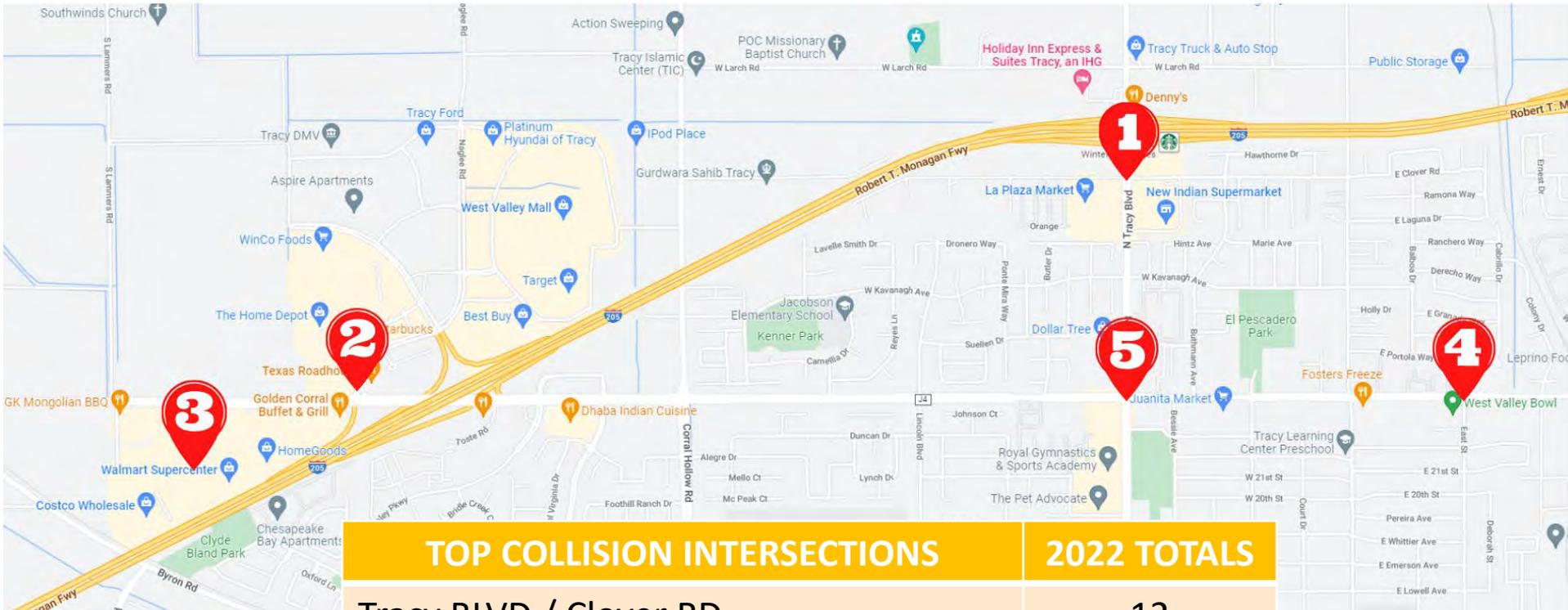


# COLLISIONS

## 2022 Total Collisions = 799



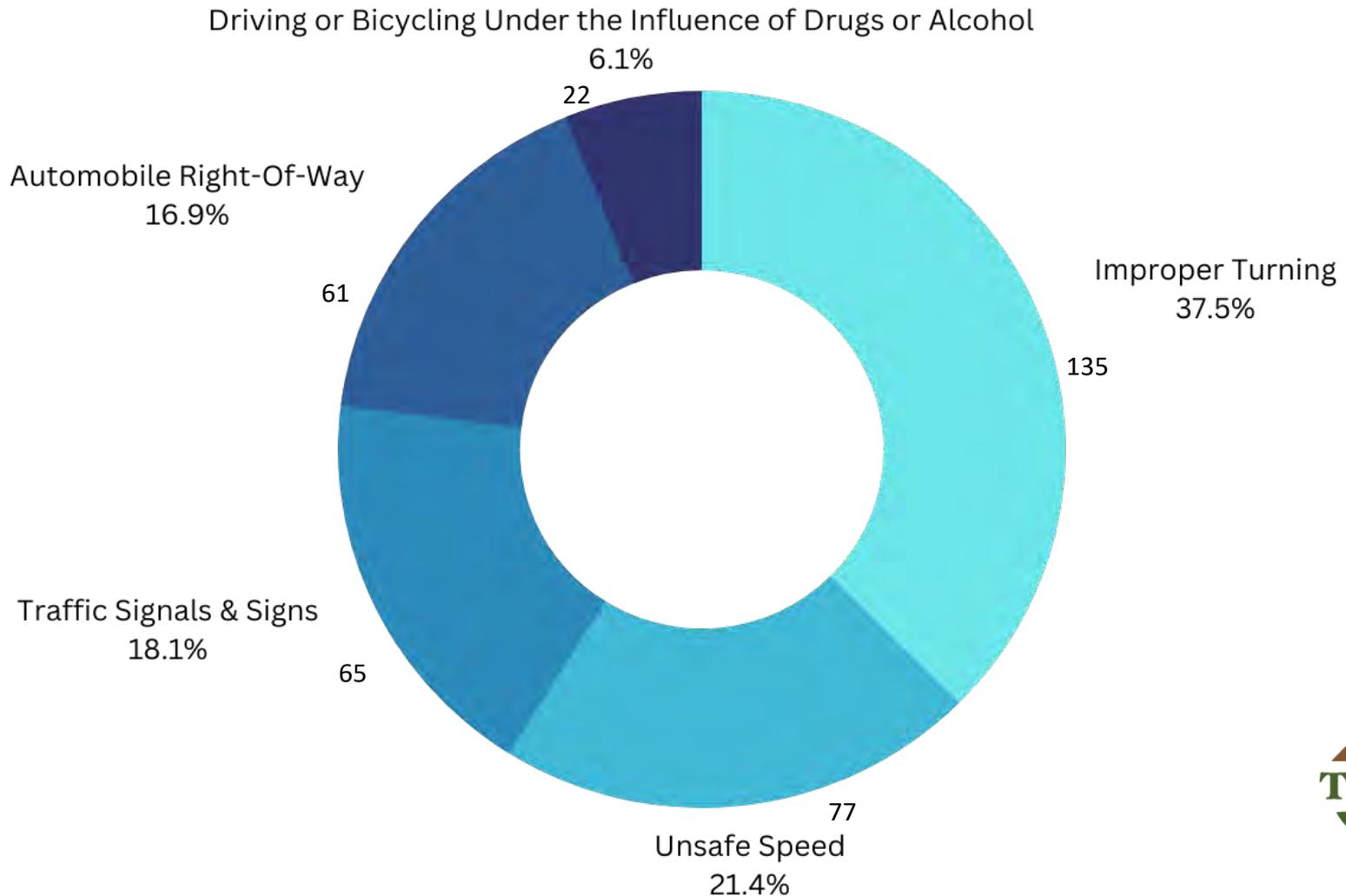
# TOP 5 COLLISION LOCATIONS



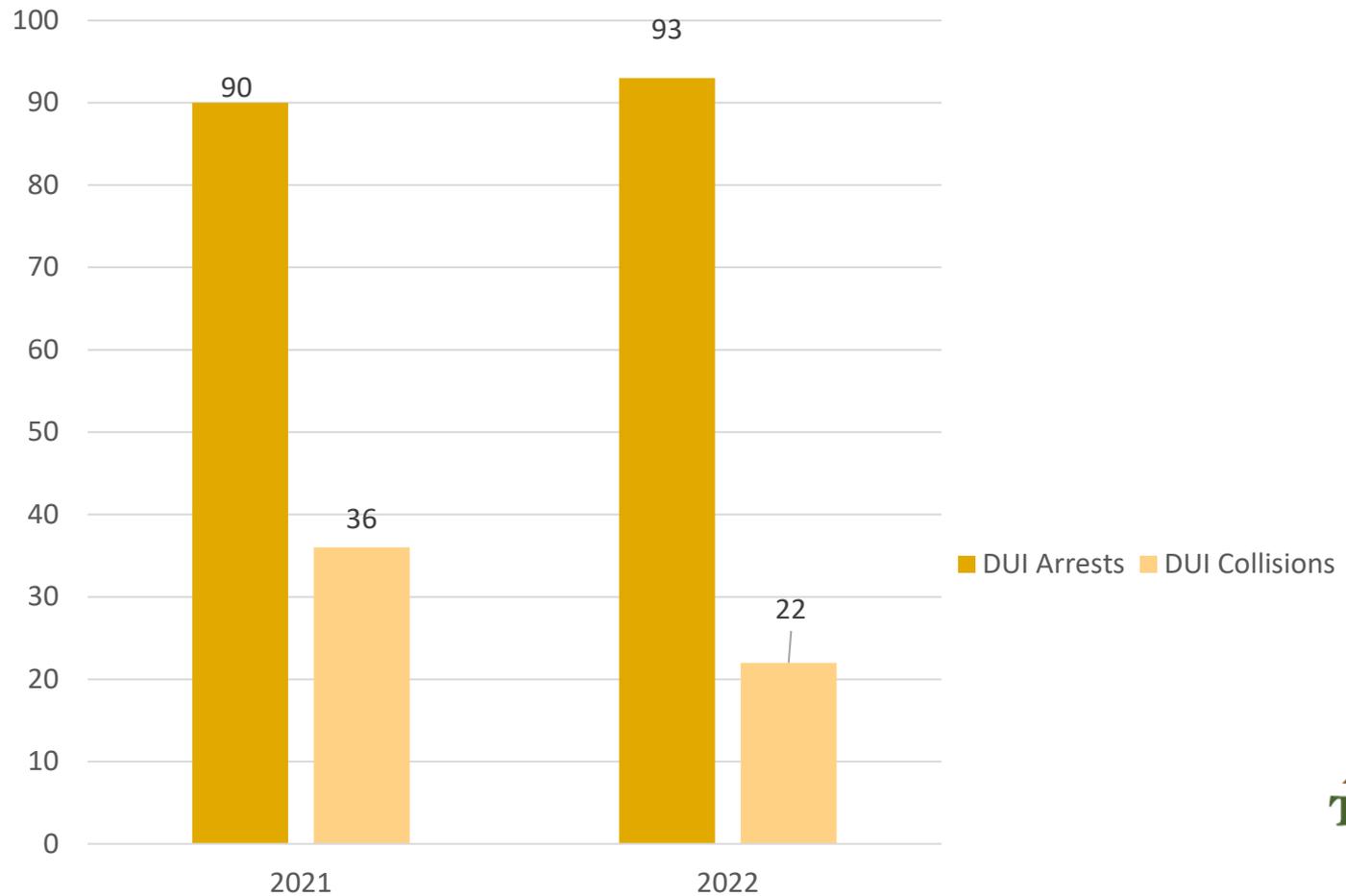
TOP COLLISION INTERSECTIONS	2022 TOTALS
Tracy BLVD / Clover RD	12
Grant Line RD/Naglee RD	12
3010 W. Grant Line RD	8
Grant Line RD/East ST	8
Tracy BLVD/Grant Line RD	8



# PRIMARY COLLISION FACTORS



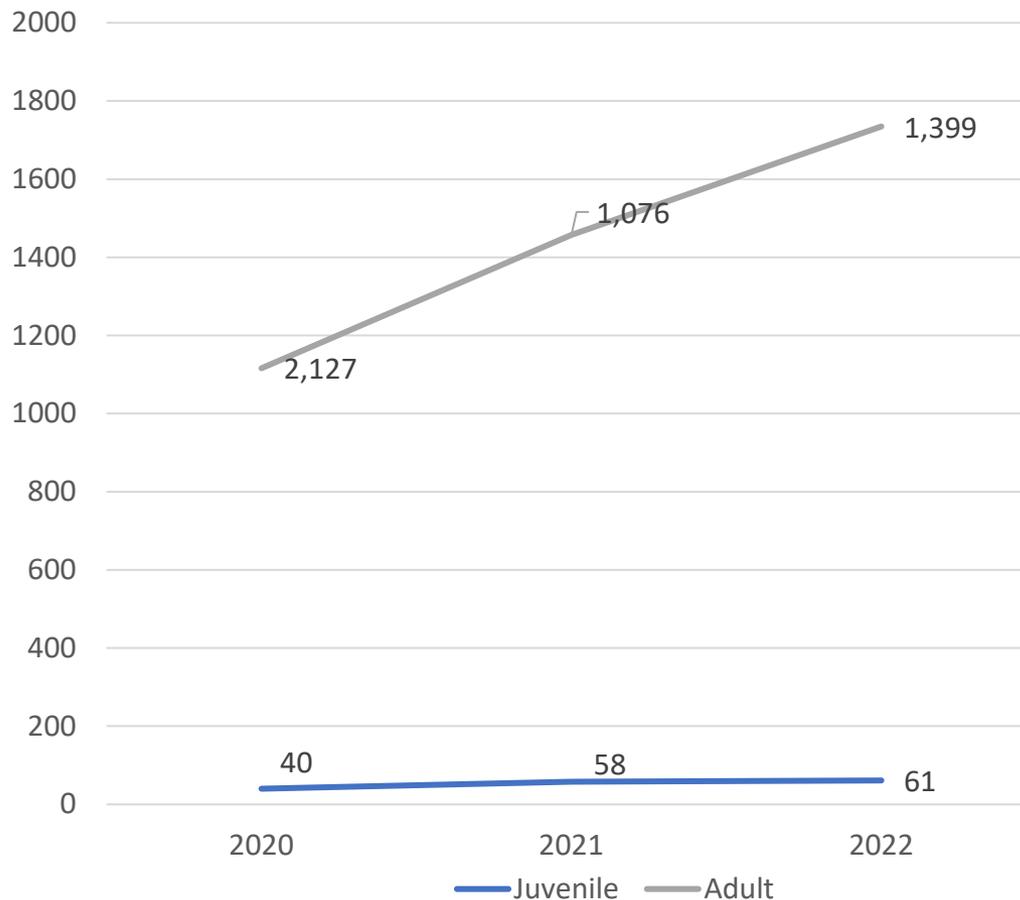
# DUI ARRESTS



# ADULT/JUVENILE ARRESTS

**Total Juvenile Arrests = 61**

**Total Adult Arrests = 1,674**



# ANIMAL SERVICES

## Totals for Cats/Dogs

### DOGS

TYPE	ADOPTIONS	EUTHANASIA	DIED	RESCUE/ TRANSFER	RETURNED TO OWNER	TOTAL
2021	260	21	1	44	174	470
2022	289	8	2	39	231	569

### CATS

TYPE	ADOPTIONS	EUTHANASIA	DIED	RESCUE/ TRANSFER	RETURNED TO OWNER	TOTAL
2021	176	45	10	103	7	341
2022	243	98	27	231	8	349



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# CODE ENFORCEMENT

## 2022 Accomplishments

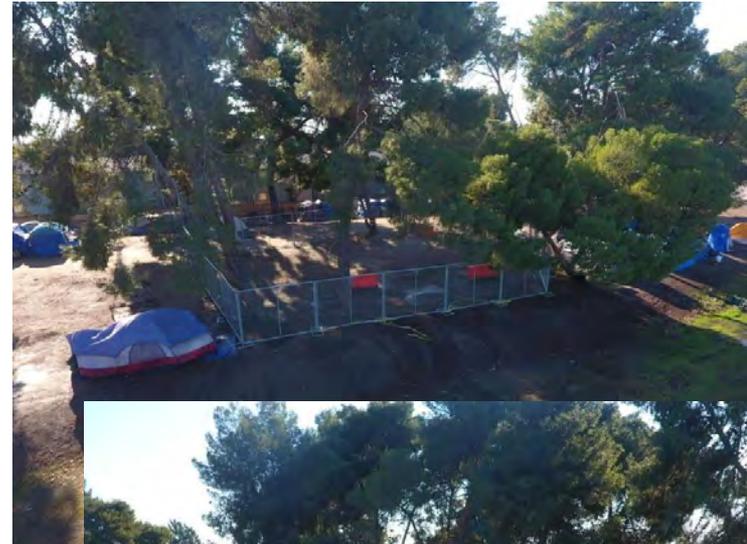
- Performed 215 Encampment Investigations
- Followed-up on building code violations discovered at Motel 6 that were found during a search warrant execution by the Special Investigations Unit
- Assisted with writing a new municipal code to help address the City's unsheltered population

# CODE ENFORCEMENT

**BEFORE**



**AFTER**



# PERSONNEL INVESTIGATIONS

## Professional Standards and Training Division

### PERSONNEL INVESTIGATIONS

Category	Exonerated	Not Sustained	Sustained	Unfounded	Admin. Closure	Pending	Total
Administrative Complaints	0	0	0	0	0	0	0
Citizen Complaints	0	0	0	3	0	1	4

- Total personnel Investigations: 4
- Percentage of complaints to Calls for Service: 0.0058%



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# USE OF FORCE

## Professional Standards and Training Division

### USE OF FORCE

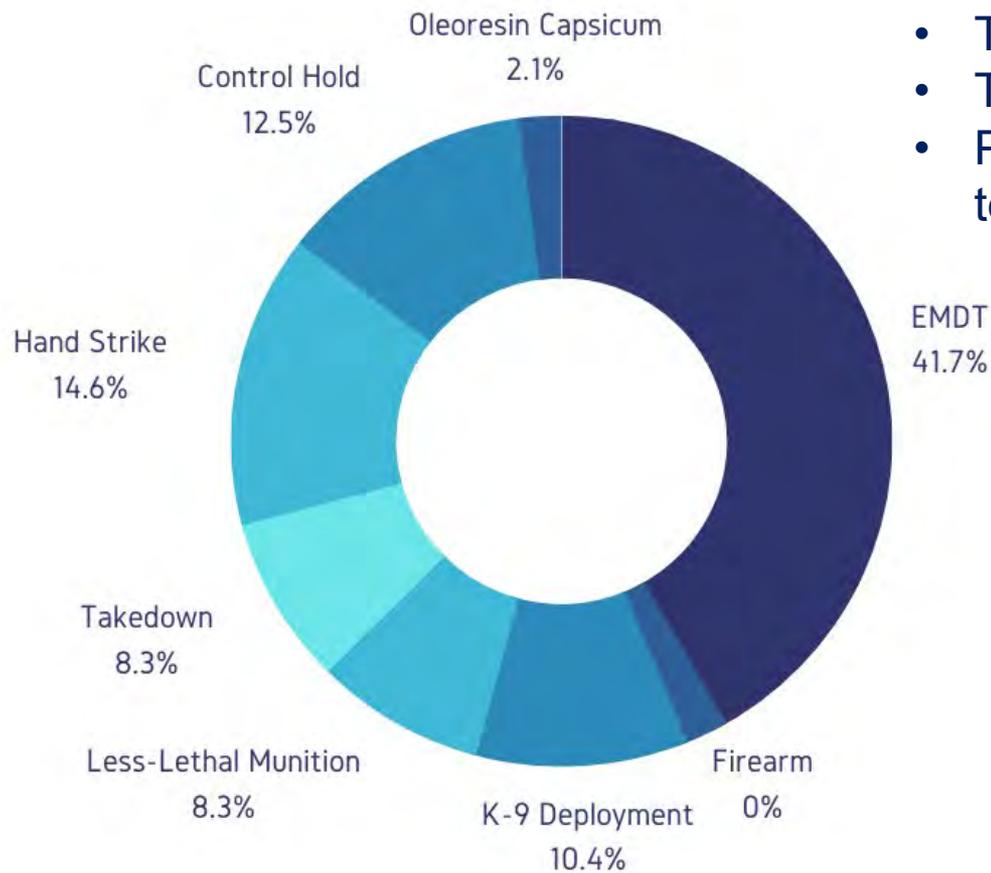
Suspect Characteristics		Reason for Contact		Race/Ethnicity	
Suspect Age	Incidents	Reason	Incidents	Race/Ethnicity	Incidents
0-20	4	Calls for Service	18	African-American	16
21-30	5	Self-Initiated Activity	7	Hispanic	17
31-40	8			White	2
41+	8			Other	20

- Total uses of force: 25
- Total applications of force: 49
- Percentage of Uses of Force to Calls for Service: 0.0362%



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# TYPES OF FORCE USED



- Total uses of force: 25
- Total applications of force: 49
- Percentage of Uses of Force to Calls for Service: 0.0362%

# 2022 TPD ACCOMPLISHMENTS

## BUREAU OF FIELD OPERATIONS

- Familiar Faces
- Whiskey Tango Throttle
- Operation Halo



# 2022 TPD ACCOMPLISHMENTS

## BUREAU OF INVESTIGATIONS

- Flock Safety Camera Implementation
- 329 Investigations Closed
- Provided Investigative Training to Patrol Officers

# 2022 TPD ACCOMPLISHMENTS

## BUREAU OF SUPPORT SERVICES

- 127,926 Calls, Resulting in 69,113 Calls for Service
- Grants Awarded:
- Federal Appropriations (Non-Grant) - \$255,000 for LPR Program
- California Animal Welfare - \$15,180
- UC Davis Koret (Animal Grant) - \$19,650

Agenda Item 3.C

RECOMMENDATION

**Staff recommends that the City Council receive the annual informational report for the Parks and Community Services Commission for Fiscal Year 2021/2022.**

EXECUTIVE SUMMARY

The Parks and Community Services Commission was formed by the City Council for the purpose of advising the Council on the planning and development of park and recreation facilities and delivery of recreation and community service programs. At the April 6, 2021, regular City Council meeting, the Council expressed the desire to receive an annual report. This report is an accounting of the Parks and Community Services Commission for FY 21/22 as well as projected goals for FY 22/23.

BACKGROUND AND LEGISLATIVE HISTORY

The Parks and Community Services Commission (Parks Commission) was formed with the purpose of providing citizen and community perspective and input and advising the Council on the planning and development of park and recreation facilities and delivery of recreation and community service programs. The Parks Commission also provides the Parks and Recreation Department and Community Development with review of park planning and design, the naming of parks and recreation facilities, and provides input and community perspective regarding recreational programs and services. In addition, the Commission reviews applications and makes recommendations to City Council for the Community Development Block Grant (CDBG) funding of service programs provided by non-governmental organizations (NGOs).

In FY 21/22, the Parks Commission had two primary focus areas as listed below. Under each area, there is an update on Commission activities.

1. COMMUNITY OUTREACH

- 1.A Ensure representation with the Tracy Friends for Parks, Recreation & Community Services Foundation
  - ❖ The Commission assigned a member of the Commission to participate regularly at the Foundation's meeting and report back monthly to the Commission.
- 1.B. Ensure representation with the Tracy Senior Association
  - ❖ The Commission assigned a member of the Commission to participate regularly at the Tracy Senior Association's meetings and report back monthly to the Commission.
- 1.C. Public Outreach at Community events twice per year
  - ❖ The Commission assigned members of the Commission to attend the following events:
    1. Farmers Market (twice per year)
    2. Block Parties (twice per year)
    3. Blues, Brews, & BBQ (September)
    4. Movies on the Plaza (twice per year)
    5. Youth Events (twice per year)
- 1.D. Public Outreach to Senior Community
  - ❖ Each year, the Commission conducts a Special Meeting in November at the Lolly Hansen Senior Center to discuss specific concerns and needs of the senior community. This meeting was held on November 3, 2021.

- 1.E. Increase communications with local school districts
  - ❖ E.1 - One TUSD School Board member participates as a Commissioner and provides monthly reports on the Parks Commission activities to Tracy Unified School District.
  - ❖ 1. E.2. - The Commission assigned a member to participate and attend the City/School Liaison meetings and report back to the Commission.
- 2. PROGRAM ENHANCEMENT
  - 2.A Sponsor and Support the Rollin' Rec Program
    - ❖ All Commissioners will attend 2 rollin' rec programs per year.

The Parks Commission adopted new goals for FY 22/23 on June 2, 2022.

**Focus Area: COMMUNITY OUTREACH**

- Ensure representation with the Tracy Friends for Parks, Recreation & Community Services Foundation (This liaison effort has produced funding for the first City dog park, other park improvements, and supports amenities at the Lolly Hansen Senior Center)
- Ensure representation with the Tracy Senior Association
- Public outreach at community events twice per year
- Public outreach to senior community
- Increase communications with local school districts

**Focus Area: PROGRAM ENHANCEMENT**

- Sponsor and support the revitalization of the Rollin' Rec Program

**Focus Area: PARK FACILITY & SPORTS FIELD SAFETY**

- Attend Meetings as needed related to Parks & Facility Concerns
- Attend Quarterly Homeless Advisory Meeting

In addition to these goals, the Parks Commission had the opportunity to support staff and better advise City Council in regard to City and Community needs. During FY 21-22 the Parks Commission was instrumental in making decisions for the following projects:

1. In July of 2021, The Parks Commission received a presentation and provided feedback on the Wayfinding and Signage for Phase 1E of Legacy Fields
2. In September of 2021, The Parks Commission approved the Sports Field Handbook Update and received a presentation and approved the conceptual master plan for the new Tracy Hills Linear Park.
3. In January of 2022, the Parks Commission approved the conceptual master plan for the new Tracy Hills Phase 1B Park as well as received and provided feedback to staff regarding the 2022/2023 CIP projects.
4. In February 2022, the Parks Commission reviewed and accepted the recommendation of the Community Development Block Grant (CDBG) Subcommittee's funding allocations and made the recommendation for approval to City Council.
  - In December of 2021, 2 Parks Commissioners were appointed to be part of the subcommittee to review and make funding allocation recommendations for the Community Block Grant Fund and Home Investment Program (CDBG) for FY 22/23.

- In total, 13 applications were awarded funds thru the CDBG program for use in projects that make for a viable community, with local programs and services that provide decent housing, a suitable living environment, and expand economic opportunities for low- and moderate-income individuals and families.
5. In March of 2022, the Parks Commission made the recommendation to City Council to name Tracy Hills Hillview Linear Park. The top (3) three names that were submitted were:

(1) Ray Morelos, (2) Dan Schack, and (3) Gene Birk.

At the council meeting on May 3, 2022, City Council approved Raymond P. Morelos, Jr. as the name for the new linear park in the Hillview Development.

6. In May of 2022, the Parks Commission reviewed and made the recommendation to City Council to adopt the Parks, Recreation, and Trails Master Plan. The Commission also approved the amended Facility handbook.
7. In June of 2022, the Parks Commission made the recommendation to City Council to name the Tracy Hills Phase 1B Park. The top (3) three names that were submitted for recommendation were:

(1) Gene Birk, (2) Daniel R. Schack, and (3) Walter Gouveia

At the council meeting on August 16, 2022, City Council approved Gene Birk Park as the name for the Tracy Hills Phase 1B Park.

### ANALYSIS

Not Applicable

### FISCAL IMPACT

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

### STRATEGIC PLAN

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

### ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council receive the annual informational report for the Parks and Community Services Commission for Fiscal Year 2021/2022.

Prepared by: Andrea Pedigo, Executive Assistant

Reviewed by: Jolene Jauregui, Recreation Services Manager  
Brian MacDonald, Parks and Recreation Director  
Karin Schnaider, Assistant City Manager

Approved by: Michael Rogers, City Manager

ATTACHMENT A - Powerpoint Presentation



# Parks & Community Services Commission

Annual Report FY 2021-2022

February 21, 2023

# Overview

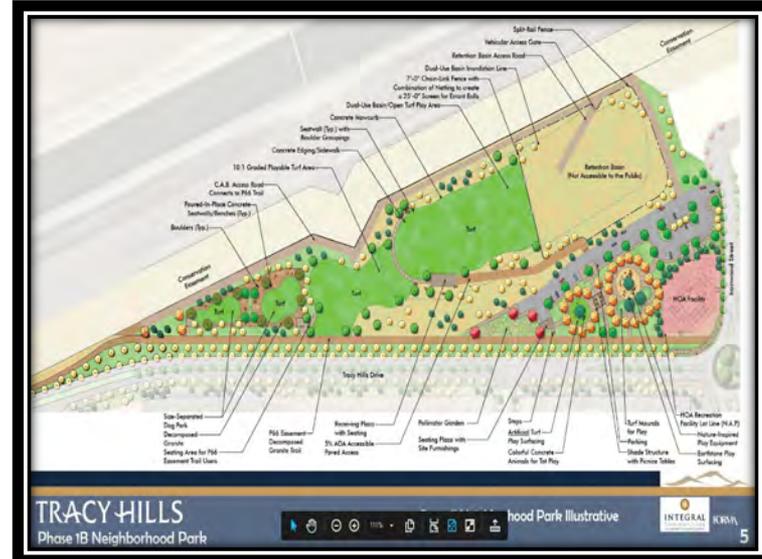
- ❖ 5 Member Council Appointed Commission
- ❖ Establish rules and regulations governing the conduct of recreation programs
- ❖ Protection of property, and activities of persons in all parks
- ❖ Hold public hearings on recreation programming and facility usage
- ❖ Advise the City Council about recreation, and facility master planning development



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# FY 2021-2022 Highlights Goals Completed

- ❖ Conceptual Plan for the Tracy Hills Hillview Linear Park
- ❖ Conceptual Plan for the Tracy Hills Phase 1B Park
- ❖ Supporting the Rollin' Rec program from April to June of 2022



# FY 2021-2022 Highlights Staff Support for City Projects

- ❖ Wayfinding and Signage for Phase 1E of Legacy Field
- ❖ Sports Field & Facility Handbooks
- ❖ Parks and Recreation Departmental Capital Improvement Program (CIP) for FY 22/23



Field Identification Markers



Entry Experience

# FY 2021-2022 Highlights Staff Support for City Projects

- ❖ Parks, Recreation, and Trails Master Plan
- ❖ Community Development Block Grant Fund (CDBG) and Home Investment Program for FY 22/23





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# Goals FY 2022/2023

## Community Outreach

- ❖ Ensure representation with the Tracy Friends for Parks, Recreation and Community Services Foundation
- ❖ Ensure representation with the Tracy Senior Association
- ❖ Public outreach at community events twice per year
- ❖ Public outreach to senior community
- ❖ Increase communications with local school districts

## Program Enhancement

- ❖ Continue to sponsor and support the revitalization of the Rollin' Rec Program

## Park Facility and Sports Field Safety

- ❖ Attend meeting as needed related to Parks & Facility Concerns
- ❖ Attend Quarterly Homeless Advisory Meeting



# Questions



## Agenda Item 3.D

RECOMMENDATION

**Staff recommends that the City Council receive an informational report regarding the annual report of the Transportation Advisory Commission.**

EXECUTIVE SUMMARY

The Transportation Advisory Commission was formed by the City Council in 2007 for the purpose of advising the Council on the planning and development of public transportation related improvements and delivery of various public transportation service programs. At the April 6, 2021, regular City Council meeting, the Council expressed the desire to receive an annual report from all of the City's Commissions. This report is an accounting of the Transportation Advisory Commission for Fiscal Year (FY) 21/22 as well as projected goals for FY 22/23.

BACKGROUND AND LEGISLATIVE HISTORY

The Transportation Advisory Commission (TAC) was formed in 2007 after Council expressed the need for a commission with a diverse member composition in order to advise the Council on various public transportation issues. The original commission was comprised of nine members with background in transit, aviation, rail, and bikeways. Since the TAC was formed, they have worked on setting their own goals to work on annually.

In FY 21/22, the TAC had four focus areas and eleven goals as listed below. Under each goal is the status on how successful the commissioners were in completing their objective.

**Focus Area: OUTREACH**

- Public Outreach at the Farmer's Market
  - A primary focus of the commission is to get feedback from the public on issues related to transportation. In order to achieve this, the commission decided that it would be beneficial to be out in the public where there are already crowds of people. The Farmer's Market was the best choice as a place where there are plenty of citizens weekly and the City staff already had a booth set up there periodically. Although the goal was to try and be at the Farmer's Market every month, the schedules of the commissioners did not always lend them to be available during the weeks that the City staff has a booth set up. The commission representatives were able to attend three Farmer's Markets during FY 21/22 providing information about the commission and other transportation items.
  - **GOAL STATUS: COMPLETE**
- Public Outreach at Block Party Events
  - Another way that the commission wanted to try and received feedback from the community was through the City's Block Party Events. Since City staff already had a booth set up for those events, the Transportation Commissioners would be able to easily have a location from which they could interact with the attendees, hand out information, and gather feedback. As was the same with the Farmer's Market, the schedules of the commissioners did not always allow them to be available at all of the Block Party events. The commission representatives were able to attend one of the Block Party events during FY 21/22.
  - **GOAL STATUS: COMPLETE**

- Participate in City Sponsored Airport Events
  - In October 2021, the Commission participated in the Tracy Municipal Airport's Halloween event. The commission representatives were able to have a booth at the event and engage with the public through handing out information on the commission as well as information regarding the airport and public transit. In addition, the Commission supported the City's hosting of the IAC West Open Championship, and aerobatics competition, at the Tracy Municipal Airport in June 2022.
  - **GOAL STATUS: COMPLETE**
- Participate in Bike Rodeo Event
  - In October 2021, the Commission participated in the Tracy Earth Project's California Clean Air Day event, which consisted of a focus on bicycle use and bicycle safety. The commission representatives were able to have a booth at the event and engage with the public through handing out helmets and bicycle safety information, information about the commission, and information regarding the airport and public transit.
  - **GOAL STATUS: COMPLETE**

**Focus Area: TRANSIT**

- Provide Input on Updated Short Range Transit Plan Implementation
  - The Short-Range Transit Plan was approved by the City Council in August of 2019. Due to COVID-19 many of the aspects of planning for the implementation of the plan had to be altered. The commission was, however, able to provide input on the implementation of the Tracer Plus on-demand service which began in August 2020 and expanded in August 2021.
  - **GOAL STATUS: COMPLETE**
- Provide Fare Policy Recommendation to City Council
  - This item was intended to bring a larger discussion about overall fare policy for the Tracer bus system. Due to COVID-19, many things have changed in the transit industry and will take some time to re-stabilize. In the meantime, the commission discussed and recommended providing free rides for students as a pilot program through a Caltrans grant. This grant allowed free rides for students for the 2021/2022 and 2022/2023 school year.
  - **GOAL STATUS: PARTIALLY COMPLETE**

**Focus Area: BIKEWAYS**

- Provide Input on Updated Bikeways Master Plan
  - The Bikeways Master Plan update is part of the larger Transportation Master Plan update. The commission participated in a public survey for the Bikeways Master Plan and helped facilitate that information to the public. Additionally, the commission participated in a public workshop to gather input on the Bikeways Master Plan.
  - **GOAL STATUS: COMPLETE**

**Focus Area: EDUCATION**

- Receive presentations on areas related to the purpose of the commission
  - The commission recognized the need to stay informed on various items related to the commission's purpose. A list of areas of interest were identified to receive presentations as availability allowed. Some of these presentations included Airport Budget, Tracy Airport Aerobatic Box, SJCOG Vamos Mobility App, Unmet Transit Needs. Future areas of interest will continue to be scheduled by staff to further the education of the commission.
  - **GOAL STATUS: ONGOING**

The TAC has already created and begun working on additional goals for FY 22/23. Their new goals as a commission for FY 22/23 are as follows:

**Focus Area: OUTREACH**

- Public Outreach at Farmer's Market
- Public Outreach at Block Party Events
- Participate in City Sponsored Airport Event
- Participate in Other Appropriate Community Events

**Focus Area: TRANSIT**

- Provide Input on Short Range Transit Plan Implementation
- Provide Fare Policy Recommendation to City Council

**Focus Area: AIRPORT**

- Provide Input on Updated Airport Master Plan

**Focus Area: EDUCATION**

- Receive presentations on areas related to the purpose of the commission

ANALYSIS

Not Applicable

FISCAL IMPACT

Staff costs related to support of the Transportation Advisory Commission are included in the Transit Fund and Airport Fund budget.

STRATEGIC PLAN

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

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council receive an informational report regarding the annual report of the Transportation Advisory Commission.

Prepared by: Ed Lovell, Transit Manager

Reviewed by: Brian MacDonald, Parks and Recreation Director

Karin Schnaider, Assistant City Manager

Approved by: Michael Rogers, City Manager

ATTACHMENT A: Powerpoint Presentation



# TRANSPORTATION ADVISORY COMMISSION

Annual Report

February 21, 2023

# OVERVIEW

- 5 member council appointed commission
- Focus on issues related to public transit, aviation, and bikeways



# PRIOR YEAR HIGHLIGHTS

## ➤ Public Outreach

- Farmer's Market, Block Parties
- Tracy Airport Halloween Event, IAC West Open Aerobatics Championship
- California Clean Air Day Bike Rodeo

## ➤ Transit

- Participated in public outreach and provided input on Tracer Plus service expansion
- Recommended continued free student rides through Caltrans grant.

# PRIOR YEAR HIGHLIGHTS

## ➤ Bikeways

- Provided input and recommendations to update the Bikeways Master Plan



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# CURRENT YEAR GOALS

- Continued Public Outreach
  - Farmer's Market, Block Parties, Airport Events, Other Community Events
  
- Transit
  - Provide recommendations on Short Range Transit Plan implementation and updates
  - Provide recommendations on fare policy to City Council



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# CURRENT YEAR GOALS

## ➤ Airport

- Provide input on updated Airport Master Plan

## ➤ Education

- Continue to receive presentations on areas related to the purpose of the commission



# QUESTIONS

